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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW
OF THE COUNCIL OF EUROPE
(VENICE COMMISSION)

REPUBLIC OF MOLDOVA

AMICUS CURIAE BRIEF

ON

**THE STATUS OF, AND THE MEASURES CONCERNING,
SUCCESSOR PARTIES OF POLITICAL PARTIES
DECLARED UNCONSTITUTIONAL**

**Adopted by the Venice Commission
at its 146th Plenary Session
(Venice, 6-7 March 2026)**

On the basis of comments by

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Table of Contents

I.	Introduction	3
II.	Background	3
A.	Political context	3
B.	Scope and structure of the <i>amicus curiae</i> brief	4
C.	National legal framework	5
III.	Analysis	5
A.	Question 1 and 2 (on the dissolution of a political party and the limitation of its activities as a precautionary measure)	5
1.	The dissolution of a political party which succeeded one political party declared unconstitutional	6
2.	The limitation of the activity of a political party as a precautionary measure	12
B.	Question 3 (on procedural safeguards)	15
IV.	Conclusion	16

I. Introduction

1. By letter of 12 September 2025, Ms Domnica Manole, President of the Constitutional Court of the Republic of Moldova, requested an *amicus curiae* brief of the Venice Commission of the Council of Europe. The request refers to certain provisions of the Law No. 294 of 21 December 2007 on Political Parties (hereinafter, the Law on Political Parties), last amended in 2025, concerning successor political parties of political parties declared unconstitutional, as well as on the dissolution of such parties and the limitation of their activity as a precautionary measure ([CDL-REF\(2025\)047](#)).

2. Ms Cartabia, Mr Darmanović, and Mr Tuori acted as rapporteurs for this *amicus curiae* brief.

3. This *amicus curiae* brief was prepared in reliance on the English translation of the law. The translations may not accurately reflect the original version on all points.

4. In parallel with the *amicus curiae*, the Commission had also received from the Speaker of the Parliament of the Republic of Moldova a request for an opinion on Law 100/2025, which concerned related matters. On 9 and 10 December respectively, the President of the Constitutional Court and the Vice-President of the Parliament asked the Commission to discuss and adopt the Opinion and the *amicus curiae* at the same time. The Venice Commission granted these requests and accordingly decided to postpone the adoption of the *amicus curiae* brief to the March 2026 Plenary Session.

5. This *amicus curiae* brief was drafted on the basis of comments by the rapporteurs. It was approved by the Council for Democratic Elections at its 86th meeting (Venice, 5 March 2026) and examined at the Joint meeting of the Sub-Commissions on Democratic Institutions and Fundamental Rights on the same day. It was adopted by the Venice Commission at its 146th Plenary Session (Venice, 6-7 March 2026).

II. Background

A. Political context

6. The Republic of Moldova held its last local elections on 5 November 2023, presidential elections on 20 October and 3 November 2024 (the first round together with a constitutional referendum), and parliamentary elections on 28 September 2025. The 2023 local elections were marked by numerous and credible reports of electoral corruption, illegal campaign and party financing and interference of foreign and/or criminal groups with a view to distorting the will of voters.¹ The campaign for the constitutional referendum and the presidential elections were marked by an unprecedented scale of foreign interference and disinformation, predominantly on behalf of the Russian Federation.² The parliamentary elections were also marked by a complex and well-coordinated network of hybrid attacks, notably involving illicit financing, cyber-attacks, and disinformation campaigns.³

¹ The Congress of Local and Regional Authorities, [Recommendation 509 \(2024\)1](#), Local elections in the Republic of Moldova (5 November 2023), para. 5a.

² Parliamentary Assembly of the Council of Europe (PACE), [Observation of the presidential election \(20 October and 3 November 2024\) and constitutional referendum \(20 October 2024\) in the Republic of Moldova](#), Doc. 16074, 22 November 2024, paras 47, 49, 58, and 89. See also the [Statement of Preliminary Findings and Conclusions](#) jointly issued by the European Parliament, the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR), the Parliamentary Assembly of the OSCE (OSCEPA), and the PACE.

³ PACE, [Observation of the parliamentary elections in Republic of Moldova \(28 September 2025\)](#), Doc. 16296, 20 November 2025, para. 81 *et seq.* See also the [Statement of Preliminary Findings and Conclusions](#) jointly issued by the European Parliament, the OSCE/ODIHR, the OSCEPA, and the PACE.

7. The Republic of Moldova's comprehensive efforts to curb electoral corruption following the 2024 presidential elections and republican referendum culminated in the adoption of Law No. 100/2025 on 13 June 2025. This law amends multiple legal acts to strengthen the framework against electoral malfeasance.

8. Law No. 100/2025 introduces amendments to the Law on Political Parties, which concern *inter alia* the prohibition of successor political parties of a political party declared unconstitutional and procedures for their dissolution; the introduction of new procedures for the limitation of a political party's activity; as well as the limitation of a political party's activity as a precautionary measure during court proceedings.

9. On 2 September the political parties *Renastere*, *Chance*, *Alternative*, *Salvation Force of Moldova*, and *Victory Party* challenged the constitutionality of certain legal provisions of Law No. 100/2025 amending the Law on Political Parties related to the definition of successor parties of political parties declared unconstitutional and the application of temporary measures limiting their activity.

10. In the context of examining an exception of unconstitutionality raised by the Political Party *Alternative Force and Salvation of Moldova*, on 12 September 2025 the President of the Constitutional Court of the Republic of Moldova requested an *amicus curiae* brief of the Venice Commission on the amendments to the Law on Political Parties, in relation to the three following issues:

- Are the criteria set out in Article 3, paragraphs (1)–(1³) of the Law for determining the status of a successor political party objective criteria from the perspective of the right to be elected and the freedom of persons to associate in political parties?
- Are the limitation of the activity of the political party, as a precautionary measure, and the dissolution of the party for the fact that it represents a successor party of a political party declared unconstitutional, justified measures from the perspective of the right to be elected and the freedom of persons to associate in political parties?
- Do the contested norms contain sufficient procedural guarantees capable of preventing arbitrariness?

B. Scope and structure of the *amicus curiae* brief

11. This *amicus curiae* brief will answer to the questions raised by the President of the Constitutional Court based on the established European and international standards. The aim is to provide the Constitutional Court with material on the applicable standards to facilitate its own consideration under the Constitution of the Republic of Moldova. The intention is therefore not to take a stand on the challenge of constitutionality to the above-mentioned provisions by the concerned political party, nor on any related cases, nor to decide whether this party should be considered a successor of a political party declared unconstitutional nor whether its activities should be limited as a precautionary measure. The *amicus curiae* brief will not provide an exhaustive examination of the amendments introduced by Law No. 100/2025 either. The Venice Commission has been requested to provide an Opinion on this Law ([CDL-AD\(2026\)007](#)).

12. As the first two questions concerns restrictions of the rights enshrined in Article 11 and Article 3 of Protocol 1 to the Convention for the Protection of Fundamental Rights and Freedoms (European Convention on Human Rights, ECHR or the Convention) as well as in Articles 22 and 25(b) of the International Covenant on Civil and Political Rights (ICCPR), question 1 more specifically referring to the requirement that restrictions to these rights should be defined by law, they will be examined together. Question 3 will be answered separately.

C. National legal framework

13. The grounds for declaring a political party unconstitutional are set out in Article 41(4) of the Constitution of the Republic of Moldova, which provides that “[p]arties and other socio-political organisations, whose objectives or activities are the engagement in fighting against political pluralism, the principles of the rule of law, sovereignty, independence and territorial integrity of the Republic of Moldova are declared unconstitutional.” According to Article 135(1)(h), the Constitutional Court decides over matters dealing with the constitutionality of a party.

14. According to Article 4 of the Constitution, the human rights provisions in the Constitution shall be interpreted and enforced in accordance with international conventions to which the Republic of Moldova is a party such as the ECHR and the ICCPR.

15. As stated above, the Law on Political Parties sets out in that “political parties that, through their statute, program and/or activity, militate against the sovereignty, territorial integrity of the country, democratic values and the rule of law of the Republic of Moldova, use, to achieve their goals, illegal or violent means incompatible with the fundamental principles of democracy, are prohibited” (Article 3(1)).

16. Article 102(2) of the 2023 Electoral Code, last amended in 2025, sets the list of circumstances that can lead to the de-registration of electoral competitors (letter e) and removal of political parties (letter f). In turn, Article 102(5) foresees the circumstances in which the de-registration of electoral subjects applies. Pursuant to letter (f) of this Article, the Central Electoral Commission or, where appropriate, the District Electoral Council, may, *ex officio* or upon request, request the removal of political parties pursuant to Law No. 294/2007 on political parties.

III. Analysis

A. Question 1 and 2 (on the dissolution of a political party and the limitation of its activities as a precautionary measure)

17. Question 1 enquires whether the criteria set out in Article 3, paragraphs (1)–(1³) of the Law for determining the status of a successor political party are objective criteria from the perspective of the right to be elected and the freedom of persons to associate in political parties. In turn, question 2 enquires whether the limitation of the activity of the political party, as a precautionary measure, and the dissolution of the party for the fact that it represents a successor party of a political party declared unconstitutional are justified measures restricting the right to be elected and the freedom of persons to associate in political parties.

18. The first question therefore deals with whether these criteria are “objective.” This question implies that the prohibition of successor parties should be assessed, first of all, against the background of Article 11 ECHR and Article 22 ICCPR on freedom of association and Article 3 of Protocol 1 to the ECHR and Article 25(b) ICCPR on the right to free elections (The last-mentioned article is particularly relevant for local and presidential elections which are not covered by Article 3 of Protocol 1). Restrictions to the activities of political parties need *inter alia* to be prescribed by law.

19. The expression “prescribed by law” requires firstly that the impugned measure should have a basis in domestic law. It also refers to the quality of the law in question, requiring that it be accessible to the persons concerned and foreseeable as to its effects. These requirements operate as a corollary of legal certainty, itself a core element of the Rule of Law.⁴ For domestic

⁴ Venice Commission, [CDL-AD\(2025\)002](#), Updated Rule of Law Checklist, Benchmark B.

law to meet these requirements, it must afford a measure of legal protection against arbitrary interferences by public authorities with the rights guaranteed by the Convention and the ICCPR. The law must indicate with sufficient clarity the scope of any such discretion and the manner of its exercise.⁵ The first question will be examined under this perspective. Therefore, question 1 is closely linked to question 2, as the former addresses one of the necessary elements for a justified restriction. For these reasons, these two questions will be answered together, and question 1 will be assessed within the broader examination of whether the dissolution of a political party and the limitation of its activity as a precautionary measure for the fact that it represents a successor party of a political party declared unconstitutional are justified measures from the perspective of the right to be elected and the freedom of persons to associate in political parties..

20. The limitation of the activity of political parties and their suspension under Moldovan law are regulated in Articles 21 and 22 of the Law on Political Parties. Under Article 21(1), the activity of a political party can be limited if its actions cause serious damage to political pluralism or fundamental democratic principles. Additional grounds for limiting a party's activity are now detailed in a new paragraph (1¹), namely: that the party has not submitted the report on financial management or has not presented the information necessary for the supervision and control of the financing of the political party, or that it has not presented the data from the register of party members, within the terms and in the form established by the Central Electoral Commission or the Public Services Agency. The consequences of limiting a political party's activities are described in Article 21(5). *Inter alia*, political parties whose activities have been limited are prohibited from participating in elections and referendums. These measures must therefore be examined under Article 11(2) ECHR and Article 22 ICCPR, as concerns the dissolution of a political party, in addition to Article 3 of Protocol 1 to the ECHR and Article 25(b) ICCPR, as concerns the limitation of their activity as a precautionary measure.

21. Under Article 22(2), the Ministry of Justice can request the dissolution of a political party in the cases where it operates based on its statute and program with amendments and additions that have not been registered in the manner established by law, when the party's activity is carried out through illegal means or by committing acts of violence, and when a political party is the successor of a political party declared unconstitutional. Dissolution can also be requested when a party whose activity has been limited pursuant to Article 21 commits actions similar to those for which the party's activity was limited, if this behaviour takes place within one year since the decision to limit its activity (Articles 21(7) and 22(2)(b)).

1. The dissolution of a political party which succeeded one political party declared unconstitutional and its compatibility with Article 11 ECHR (and Article 22 of the ICCPR)

22. Dissolution or suspension of political parties is one of the most severe restrictions in a democratic society. The limitation of political parties' activities and the dissolution of political parties have a restrictive impact on the rights protected by Article 11 ECHR and Article 22 of the ICCPR. Whereas limitations are not prohibited, they must comply with the conditions set forth in Article 11(2) of the Convention and Article 22(2) of the ICCPR: be prescribed by the law, pursue one or more legitimate aims, and be necessary in a democratic society.⁶

23. As noted above, the requirement that restrictions to Article 11 ECHR and Article 22 ICCPR must be prescribed by law also concerns the quality of such law. The Venice Commission considers that criteria are objective if they lead to assess a party's successor status on legal

⁵ ECtHR, *N.F. v. Italy*, no. 37119/97, 12 December 2001, paras 26 and 29 and ECtHR, *Maestri v. Italy* [GC], no. 39748/98, 17 February 2004, para. 30.

⁶ The Venice Commission and the ODIHR elaborated extensively on restrictions to Article 11 ECHR, and more specifically on the international standards on declaring a party unconstitutional and the actions which could lead to the declaration of a political party unconstitutional. See in particular Venice Commission, [CDL-AD\(2022\)051](#), *Amicus curiae* brief on declaring a political party unconstitutional.

grounds, establish adequate constraints to discretion of the proceeding authority and does not leave space for a decision of a political nature. Objective criteria are therefore paramount to fulfilling the principle of legal certainty. In this regard, foreseeability means not only that the law must be proclaimed in advance of implementation, as is the case in point, but must also be formulated with sufficient precision and clarity to enable legal subjects to regulate their conduct in conformity with it.⁷ Any restrictions on the fundamental rights of associations such as political parties “must be clear, easy to comprehend, and uniformly applicable to ensure that all individual members and political parties are able to understand them and anticipate what the consequences will be in case they breach these rules.”⁸

24. Article 3(1²) of the Law on Political Parties provides a list of circumstances that “shall be taken into account” for the determination of the status of a successor political party of a political party declared unconstitutional. The list enumerates seven circumstances that include continuity of persons, other facts and circumstances (such as ideology, statutes, structures, activities, financial means, material, logistical or media resources). The list ends with an open clause allowing to take into account “any other relevant circumstances ... that allow the court to establish the continuity or succession of the political party declared unconstitutional” and requires that these aspects are compared to the elements that were at the basis of the declaration of unconstitutionality of the previous party (Art. 3(1²)(7)).

25. Additionally, Article 3(1³) also prescribes time limits. In this regard, the previous provisions shall apply only five and four years from the date of the Constitutional Court's decision declaring the political party unconstitutional when they are based, respectively, on the political party leadership's role or active participation in the actions or in the decision-making that led to the declaration of unconstitutionality of the respective political party or on the absence of a public dissociation from those respective decisions or acts. For the reminder of circumstances (i.e., for personal close ties and repeated collaboration with the political party declared unconstitutional, the promotion of its ideology, statutes, structures, the image of joint activity, etc.) the time limit is set at three years from the commission of the act or the occurrence of the respective circumstances.

26. The Venice Commission finds that these criteria are objective. This answers question 1. However, whether these criteria are compatible with the right to be elected and with the freedom of individuals to associate in political parties, particularly from the perspective of foreseeability, will depend heavily on how they are applied in practice. If the law is interpreted as allowing the classification of a party as a “successor” based on any single criterion, without requiring a substantial nexus or functional continuity, the criteria may become too broad and subject to arbitrary application. This may dissuade new parties from forming or from accepting former members of dissolved parties, undermining political pluralism. There is also a risk of being used arbitrarily against legitimate parties. On the other hand, if the criteria are too strict and mechanistic, the criteria may be rendered ineffective in fulfilling the law's objective, with the result that political parties declared unconstitutional could re-establish themselves and distort the genuine democratic debate.

27. In its case-law, the European Court of Human Rights (ECtHR or the Court) has analysed whether the national judicial authorities had weighted all the evidences in a reasonable manner to conclude that there was continuity between a dissolved party and a new electoral group. In *Etxeberria and Others v. Spain*, the Court found that the Spanish legislation set forth a list of criteria in order to decide whether the alleged continuity existed, to which the Spanish Supreme

⁷ Venice Commission, [CDL-AD\(2016\)007](#), Rule of Law Checklist, para. 58. See also ECtHR, *The Sunday Times v. the United Kingdom* (No. 1), no. 6538/74, 26 April 1979, para. 49.

⁸ ECtHR, *Cumhuriyet Halk Partisi v. Turkey*, no. 19920/13, 26 April 2016, para. 106. According to the Court, “it is impossible to attain absolute precision in the framing of laws” (see, for example, ECtHR, *Ezeli v. France*, 26 April 1991, Series A no. 202, para. 45). See also Venice Commission and OSCE/ODIHR, [CDL-AD\(2020\)032](#) Joint Guidelines on Political Party Regulation. Second Edition, para. 48.

Court had also added other criteria that could be taken into account to determine whether there was continuity, and considered that the “various factors had to be weighed together in such a way that it was possible to determine, in a reasonable, nonarbitrary manner, whether the electoral group can be considered a successor to parties declared illegal.”⁹ In the Spanish case, some of the members of the new electoral group had also been candidates of the dissolved political party and certain leaders had even made statements to the media affirming that the organisation declared illegal had continued to exist.

28. This precedent can be read as suggesting that determining the continuity of two political actors requires a careful assessment of multiple factual circumstances and should be conducted on a case-by-case basis. For this contextual and fact-based assessment, a number of concurrent indicators should be taken into account. Therefore, the Venice Commission considers that the criteria set out in Article 3(1)–(1³) of the Law are objective criteria to determine the status of a successor political party as long as the list of the circumstances provided by the Moldovan legislation is interpreted holistically. On the one hand, it is not enough that one of the listed circumstances occurs to prove the continuity. On the other hand, neither is it necessary that all the circumstances concur to provide evidence of continuity. Depending on the context, some of the criteria may be fulfilled, others not.

29. Particular attention should also be paid to the last of the criteria listed in Article 3(1²)(7), which provides an open-ended clause allowing to take into account “any other relevant circumstances”, insofar as these illustrate continuity with the political party declared unconstitutional. In the Venice Commission’s view, the list is open-ended because in some cases other, unforeseeable elements can be relevant. Not all relevant circumstances can be envisaged in advance by the legislator. In conformity with the case-law of the ECtHR, and as noted by the Venice Commission and ODIHR, “[t]o ensure that restrictions are not unduly applied and that remedies of review are effective [...], legislation must be carefully constructed to be neither too detailed nor too vague.”¹⁰ This open-ended clause may therefore also be considered as “objective criteria”, insofar as the discretionary power that remains necessarily in the hands of the judicial authority entitled to assess the “continuity” between two political parties or actors is adequately justified in the reasoning of the decision.

30. In sum, and as concerns the requirement that restrictions must be prescribed by law, the Venice Commission concludes that the criteria set out in Article 3(1)–(1³) of the Law on Political Parties for determining the status of a successor political party are *objective criteria*. Furthermore, they are also foreseeable as to its effects and therefore fulfil the requirement of legality as long as they are interpreted as symptomatic elements or indicators of continuity. Other elements, even if not listed in the law, can also be taken into account. However, the assessment should be holistic and contextual, strictly related to the specific situation, and supported by adequate, reasoned justification in the decision.

31. The second aspect that needs to be assessed is whether the restriction pursues a legitimate aim. Any interference with the right to freedom of association must pursue at least one of the legitimate aims set out in paragraph 2 of Article 11: national security or public safety, the prevention of disorder or crime, the protection of health or morals, and the protection of the rights

⁹ ECtHR, *Etxebarria and Others v. Spain*, nos. 35579/03 and 3 others, 30 June 2009, para. 22. The Court adopted an equivalent approach in ECtHR, *Herri Batasuna and Batasuna v. Spain*, nos. 25803/04 and 25817/04, 30 June 2009, see para. 85 *et seq.* See also ECtHR, *Refah Partisi (the Welfare Party) and Others v. Turkey* [GC], nos. 41340/98, 41342/98, 41343/98 and 41344/98, 13 February 2003, para. 117 *et seq.*

¹⁰ Venice Commission and OSCE/ODIHR, [CDL-AD\(2020\)032](#), *op. cit.*, para. 48. See also, Venice Commission and OSCE/ODIHR, [CDL-AD\(2014\)046](#), Joint Guidelines on Freedom of Association, paras. 20 *et seq.*

and freedoms of others. Exceptions to freedom of association must be narrowly interpreted, such that their enumeration is strictly exhaustive, and their definition is necessarily restrictive.¹¹

32. Overall, any restriction to the right of association under Article 11(2) ECHR and Article 22(2) ICCPR must be balanced with democratic pluralism. Democratic legitimacy requires that even unpopular or controversial political forces have some space. However, and while Article 10 guarantees that even ideas diverging from those of a democratic system could be expressed in public debate provided that they do not give rise to hate speech or incite others to violence, Article 11 does not prevent the States from taking measures to ensure that an association does not pursue policy goals that are contrary to the values of pluralist democracy and in breach of the rights and freedoms guaranteed by the Convention.¹² Given the background of alleged foreign interference and illicit political structures, the Republic of Moldova is pursuing a legitimate aim under Articles 11(2) ECHR and 22(2) ICCPR: preventing the re-emergence of parties that were declared unconstitutional, which may threaten democratic processes, possibly be vehicles for illicit financing, foreign interference, or vote buying, thereby contributing to the legitimate aim of protecting national security and the rights and freedoms of others.

33. Thirdly, any restriction to Article 11(2) must be necessary in a democratic society. The notion of necessity includes two conditions: a) any interference must correspond to a “pressing social need”, and b) the interference must be proportionate to the legitimate aim pursued.

34. It is for the national authorities to assess whether there is a “pressing social need” to impose particular restrictions. However, any interference must be proportionate to the legitimate aim pursued. This requires national authorities to choose the least restrictive option available, and to use more severe measures only when milder ones cannot effectively achieve the intended aim. The degree of interference cannot be considered in the abstract, and must be assessed in the particular context of the case. Temporary measures may be appropriate, as they are less drastic than the dissolution of an organisation and allow time for investigations or court proceedings to determine matters such as successor status. The most severe measures, including the dissolution of an entire political party, should be taken only in the most serious circumstances.¹³ Furthermore, dissolution should be applied only as a measure of last resort. In order to satisfy the proportionality principle in cases of dissolution, the authorities must show that there are no other means of achieving the same aims that would interfere less seriously with the right to freedom of association.¹⁴

35. The Moldovan legislation envisages a step-by-step procedure with a view to address irregularities in the activity of a party which may first lead to temporary limitations of their activity: only if, following a requirement of the Ministry of Justice to take measures to cease the actions or inactions referred to in Article 21(1) and (11) and to inform the Ministry about the measures taken and about the elimination of the respective violations, the governing body of a political party has not fulfilled it within 30 days, the Ministry can request that the activity of the political party is suspended, for up to 6 months. Whereas the recently adopted amendments now allow the Ministry of Justice to apply directly to the Court without prior warning, this possibility is limited to those cases in which the actions or inactions under Article 21(1) and (11) threaten sovereignty,

¹¹ ECtHR, *Sidiropoulos and Others v. Greece*, no. 26695/95, 10 July 1998, para. 38, Reports 1998-IV. Article 22 ICCPR provides a similar list of aims, namely: “national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.”

¹² ECtHR, *Zehra Foundation and Others v. Turkey*, no. 51595/07, 10 July 2018, paras 55–56.

¹³ ECtHR, *Herri Batasuna and Batasuna v. Spain*, nos. 25803/04 and 25817/04, 30 June 2009; ECtHR, *Linkov v. the Czech Republic*, no. 10504/03, 7 December 2006.

¹⁴ ECtHR, *Adana TAYAD v. Turkey*, no. 59835/10, 21 July 2020, para. 36; ECtHR, *Association Rhino and Others v. Switzerland*, no. 48848/07, 11 October 2011, para. 65; ECtHR, *Magyar Keresztény Mennonita Egyház and Others v. Hungary*, nos. 70945/11, 23611/12, 26998/12, 41150/12, 41155/12, 41463/12, 41553/12, 54977/12 and 56581/12, 8 April 2014, para. 96; ECtHR, *Internationale Humanitäre Hilfsorganisation e. V. v. Germany*, no. 11214/19, 10 October 2023, paras 95–97.

security or public order, accompanied by a list of aggravating factors (paragraph (3¹) a)–f)), namely:

- “a) actions to undermine electoral processes;
- b) disinformation campaigns, incitement to hatred, propaganda of military aggression, messages with extremist content, with terrorist content or that otherwise pose a threat to national security;
- c) acts of large-scale corruption of voters;
- d) illegal financing or illegal provision of services or material values to the political party or its electoral competitors;
- e) actions to launder money or introduce into the country, systematically and illegally, financial means for current or electoral activities of the political party;
- f) actions to plan, coordinate, support violent actions.”

36. In this context, the Venice Commission finds that the measures foreseen in the examined provisions do not conflict *per se* with Articles 10, 11, and 17 ECHR.

37. However, and this is the issue at stake here, Article 22(2)(f) prescribes dissolution of a so-called successor party as the *sole* measure/sanction for such parties. Dissolution can therefore follow if the court finds that a party continues or resumes the activities of a party declared unconstitutional. As concerns successor parties, therefore, the issue is first whether the declaration of a party as unconstitutional *ipso iure* extends to a party which can be considered to be its successor and, second, whether in those cases dissolution is the only adequate measure/sanction.

38. Limitations to freedom of association, especially when they amount to the dissolution of an organisation, must comply with the above-mentioned requirements (para 21 *et seq*), including the principle of proportionality. Mere “continuity” with a previously unconstitutional party is not sufficient unless the unconstitutional nature of the previous party concerned core anti-democratic conduct and the new party is demonstrably continuing that anti-democratic program or methods. As political parties may be declared unconstitutional for different reasons, it cannot be presumed that such a declaration always concerns this type of conduct. Even where domestic law provides multiple grounds for dissolution, such grounds must, in light of the proportionality standard under Article 11 ECHR, ultimately relate to core anti-democratic conduct; otherwise, dissolution would constitute a disproportionate interference.

39. In the above-mentioned case of *Etxeberria and Others v. Spain*, the Court agreed that “the dissolution of the political parties [Batasuna and Herri Batasuna] would have been pointless if they had been able to continue their activities *de facto* through the electoral groupings at issue.”¹⁵ Accordingly, it found that the contested restriction, in this case on Article 3 of Protocol 1 given the nature of the electoral groupings, pursued aims compatible with the principle of the rule of law and the general objectives of the Convention, namely in particular the protection of the democratic order. Furthermore, in analysing whether the dissolution of both parties had been in breach of Article 11 ECHR, it concurred with the Spanish Supreme Court’s premise that the two parties constituted “a single entity.”¹⁶ Therefore, the dissolution of a political party under such circumstances would fall under the scope of justified interferences to Article 11.

40. Likewise, the ECtHR has acknowledged that state parties to the Convention are entitled to take preventive measures to protect democracy vis-à-vis both political parties and non-party entities.¹⁷ They cannot be required to wait until a political party has seized power and begun to take concrete steps to implement a policy incompatible with the standards of the Convention.

¹⁵ ECtHR, *Etxeberria and Others v. Spain*, nos. 35579/03 and 3 others, 30 June 2009, para. 52.

¹⁶ ECtHR, *Herri Batasuna and Batasuna v. Spain*, nos. 25803/04 and 25817/04, 30 June 2009, para. 84.

¹⁷ ECtHR, *Refah Partisi (the Welfare Party) and Others v. Turkey* [GC], nos. 41340/98, 41342/98, 41343/98 and 41344/98, 13 February 2003; ECtHR, *Herri Batasuna and Batasuna v. Spain*, nos. 25803/04 and 25817/04, 30 June 2009.

Where the danger of that policy has been sufficiently established and is imminent, a State may reasonably forestall the execution of such a policy before an attempt is made to implement it through concrete steps that might prejudice civil peace and the country's democratic regime. An overall examination of whether the prohibition or dissolution of a political party for posing a threat to pluralism and democratic value is justified "must concentrate on the following points: (i) whether there was plausible evidence that the risk to democracy, supposing it had been proved to exist, was sufficiently imminent; (ii) whether the act and speeches of the leaders and members of the political party concerned were imputable to the party as a whole; and (iii) whether the acts and speeches imputable to the political party formed a whole which gave a clear picture of a model of society conceived and advocated by the party which was incompatible with the concept of 'a democratic society'".¹⁸

41. The Venice Commission also notes that restrictions to political parties in the circumstances under examination can be closely connected to the prohibition on using the Convention to excessively limit or destroy the rights guaranteed by it, enshrined in its Article 17. In fact, Article 3(1') of the Moldovan Law on Political Parties states that it is considered a "*fraudulent exercise of the right to political association* [...] to continue or resume, as a successor political party, the activity of a political party declared unconstitutional" [emphasis added]. The wording of the cited provision of the Moldovan Law on Political Parties implies that the *rationale* that permits the dissolution of a political party because it is a successor of a political party declared unconstitutional would be the abuse of the freedom of association.

42. Article 17 ECHR is meant to give the member States and the European system an instrument to protect democracy from the activity of political actors that take advantage of the democratic principles to destroy democracy and its premises.¹⁹ As noted by the Court, "[n]o one must be authorised to rely on the Convention's provisions in order to weaken or destroy the ideals and values of a democratic society."²⁰ This provision is therefore linked to the concept of "democracy capable of defending itself"²¹: in prohibiting the "abuse of rights", Article 17 is geared to providing democracies with the means of combating acts and activities which destroy or unduly restrict fundamental rights and freedoms, whether those acts or activities are carried out by a "State", a "group" or an "individual".²²

43. Although the jurisprudence of the European Court is very cautious and strict, and resorts to Article 17 only in evident and exceptional cases, the Court has applied this provision mainly in relation to "political rights", including freedom of speech (Article 10) and freedom of association (Article 11), which is the case at stake.²³ In this regard, the Court has found that associations

¹⁸ ECtHR, *Refah Partisi (the Welfare Party) and Others v. Turkey* [GC], nos. 41340/98, 41342/98, 41343/98 and 41344/98, 13 February 2003, para. 104; ECtHR, *Partidul Comunistilor (Nepecești) and Ungureanu v. Romania*, no. 46626/99, 3 February 2005, para. 46.

¹⁹ ECtHR, *W.P. and Others v. Poland (dec.)*, no. 42264/98, 2 September 2004; ECtHR, *Paksas v. Lithuania* [GC], no. 34932/04, 6 January 2011, para. 87; ECtHR, *Ayoub and Others v. France*, nos. 77400/14, 34532/15 and 34550/15, 8 October 2020, para. 92.

²⁰ ECtHR, *Refah Partisi (the Welfare Party) and Others v. Turkey* [GC], nos. 41340/98, 41342/98, 41343/98 and 41344/98, 13 February 2003, para. 99.

²¹ ECtHR, *Vogt v. Germany*, no. 17851/91, 26 September 1995, paras 51 and 59, Series A no. 323 (Grand Chamber); ECtHR, *Ždanoka v. Latvia* [GC], no. 58278/00, 16 March 2006, para. 100; ECtHR, *Erdel v. Germany* (dec.), no. 30067/04, 13 February 2007.; ECtHR, *Perinçek v. Switzerland* [GC], no. 27510/08, 15 October 2015, para 242; ECtHR, *Ayoub and Others v. France*, nos. 77400/14, 34532/15 and 34550/15, 8 October 2020, para. 138.

²² ECtHR, *Bîrsan v. Romania (dec.)*, no. 79917/13, 2 February 2016.

²³ The European Commission of Human Rights used Article 17 to declare ineligible the application lodged in *German Communist Party (KPD) v. Germany*, no. 250/57, Commission decision of 20 July 1957. Furthermore, it is considered that the Court implicitly drew inspiration from Article 17 when finding that acts, which were aimed at the destruction of democracy, incited violence or sought to spread, incite or justify hatred based on intolerance, did not enjoy the protection afforded by the relevant substantive provisions of the Convention (in the case of Article 11, see e.g., ECtHR, *Herri Batasuna and Batasuna v. Spain*, 25803/04 and 25817/04, 30 June 2009 and ECtHR, *Refah Partisi (the Welfare Party) and Others v. Turkey* [GC], nos. 41340/98, 41342/98, 41343/98 and 41344/98, 13 February 2003).

which engage in activities contrary to the values of the Convention cannot benefit from the protection of Article 11 by reason of Article 17.²⁴ Therefore, and in conjunction with the examination of the restrictions of the rights enshrined in Articles 11 ECHR and 22 ICCPR, the case of political parties or other electoral actors continuing the activity of a dissolved political party seems to also fit well within the cases of abuse of rights.

44. A separate question arises as to whether the dissolution of a political party is the *sole* measure available to the State when dealing with a party regarded as the successor of a political party declared unconstitutional. In the opinion of the Venice Commission, providing for the dissolution of a political party as the necessary consequence of determining its successor status is at odds with the principle of proportionality, which requires that such serious measures as the dissolution of a political party be adopted only when there are no other means of achieving the same aims that would interfere less seriously with the right to freedom of association.²⁵ The fact that the examined provisions empower the Central Court of Appeal to impose limitations as an alternative to dissolution when the violations are not sufficiently serious (Article 22(23)) confirms that a range of legal consequences is possible. Dissolution may therefore be a permissible measure, but it must not constitute the only one and be applied only as a measure of last resort.

45. As a conclusion to question 2, therefore, the Venice Commission finds that restrictions on successor political parties of parties declared unconstitutional are possible and in line with European and international standards. However, such restrictions must still observe the principle of proportionality. Dissolution is possible in certain cases, but foreseeing the dissolution as the only measure against such parties may be at odds with international standards. Dissolution should be a measure of last resort, preceded by other less restrictive measures that should be envisaged in the Law as well.

2. The limitation of the activity of a political party as a precautionary measure and its compatibility with Article 11 and Article 3 of Protocol 1 to the ECHR (and Articles 22 and 25(b) ICCPR)

46. The provisions on precautionary measures, also added to the Law on Political Parties in the summer of 2025, require a separate assessment. Pursuant to Articles 21(3²)–(3⁴), 21(5¹), and 22(2¹), the activities of political parties – be they successor parties of parties declared unconstitutional or not – can also be limited, as a precautionary measure, during the examination of the case, until the ruling on the merits.

47. These restrictions should also be assessed against the above-mentioned scope for justified restrictions to Article 11 ECHR and Article 22 ICCPR, but seem particularly relevant as they also limit the “passive” aspect of the rights enshrined in Article 3 of Protocol 1 to the ECHR and Article 25(b) ICCPR (the last-mentioned article is particularly relevant for local and presidential elections which are not covered by Article 3 of Protocol 1). Limitations imposed on political parties’ impact not just the party but also its members’ electoral rights, as well as citizens at large: if a party’s activities are limited or the party is dissolved, its members might be deprived of a vehicle to run in elections and, in turn, citizens may be deprived of the full range of political choices.

²⁴ See for example ECtHR, *Ayoub and Others v. France*, nos. 77400/14, 34532/15 and 34550/15, 8 October 2020.

²⁵ ECtHR, *Adana TAYAD v. Turkey*, no. 59835/10, 21 July 2020, para. 36; ECtHR, *Association Rhino and Others v. Switzerland*, no. 48848/07, 11 October 2011, para. 65; ECtHR, *Magyar Keresztény Mennonita Egyház and Others v. Hungary*, nos. 70945/11, 23611/12, 26998/12, 41150/12, 41155/12, 41463/12, 41553/12, 54977/12 and 56581/12, 8 April 2014, para. 96; ECtHR, *Internationale Humanitäre Hilfsorganisation e. V. v. Germany*, no. 11214/19, 10 October 2023, paras 95–97.

48. Similarly to those in Articles 11 ECHR and 22 ICCPR, however, the rights enshrined in Article 3 of Protocol 1 and Article 25(b) ICCPR are not absolute. The Court has recently summarised its case-law under Article 3 of Protocol 1 as follows²⁶:

“216. The rights guaranteed by Article 3 of Protocol No. 1 to the Convention are not absolute (*Etxeberria et autres c. Espagne*, nos [35579/03](#) et 3 autres, § 48, 30 juin 2009). There is room for “implied limitations”, and the Contracting States must be given a wide margin of appreciation in this sphere (*Mathieu-Mohin et Clerfayt*, précité, § 52, *Podkolzina c. Lettonie*, no [46726/99](#), § 33, CEDH 2002-II, *Sadak et autres*, précité, § 31, et *Kavakçı*, précité, § 40). However, it is for the Court to rule in the last resort on compliance with the requirements of Article 3 of Protocol No. 1; in this respect, it must satisfy itself that the restrictions imposed on the exercise of the rights arising from that Article do not reduce them to such an extent as to impair their very substance and deprive them of their effectiveness, that they pursue a legitimate aim, and that the means employed are not disproportionate (*Mathieu-Mohin et Clerfayt*, précité, § 52).

217. The concept of “implied limitations” means that traditional tests of “necessity” or “pressing social need”, which the Court applies when examining cases under Articles 8 to 11 of the Convention, are not applicable in the cases concerning Article 3 of Protocol No. 1. Rather, the Court seeks, first, to determine whether there has been arbitrary treatment or a lack of proportionality. It then examines whether the limitation amounted to an unjustified interference with the free expression of the opinion of the people (*Mathieu-Mohin et Clerfayt*, cited above, § 52, et *Ždanoka*, cited above, § 115). Furthermore, as regards defining the scope of the review it exercises over restrictive measures, the Court has held that the right to stand for legislative elections may be subject to stricter requirements than the right to vote. Indeed, whereas the criterion relating to the ‘active’ aspect of Article 3 of Protocol No. 1 ordinarily entails a broader assessment of the proportionality of statutory provisions depriving a person or a group of persons of the right to vote, the approach adopted by the Court concerning the ‘passive’ aspect of that provision is essentially limited to verifying the absence of arbitrariness in the domestic procedures leading to the deprivation of an individual’s eligibility (*Melnitchenko c. Ukraine*, no [17707/02](#), § 57, CEDH 2004-X).”

49. The above-mentioned cases, and in particular *Etxeberria and Others v. Spain*, show that the protection of the democratic order is one of the aims compatible with the principle of the rule of law and the general objectives of the Convention. However, in order to be compatible with the Convention, a restriction of the passive element of Article 3 of Protocol 1 must in the first place be legal: in particular it must be prescribed by law.²⁷ The assessment above already satisfies that any potential restriction to the rights enshrined in Article 11 and Article 3 of Protocol 1 (and Articles 22 and 25(b) ICCPR) pursuant to the examined amendments, including precautionary ones, meet this requirement (see paras 22-29).

50. In addition, any rejection of a candidature must also be proportionate to the serious aim of the protection of the democratic order.²⁸ In the specific context of the Republic of Moldova, the aim pursued by precautionary measures that limit electoral rights and freedom of association also appears legitimate (see paras 30-31).

²⁶ ECtHR, *Sanchez i Picanyol et autres v. Spain*, nos. 25608/20, 27250/20 and 46481/20, 6 November 2025. The Venice Commission and the ODIHR dealt with restrictions to Article 3 of Protocol 1 to the ECHR as part of their amicus curiae brief to the Constitutional Court of the Republic of Moldova on the ineligibility of persons connected to political parties declared unconstitutional. See Venice Commission and ODIHR, [CDL-AD\(2023\)049](#), Joint amicus curiae brief of the Venice Commission and ODIHR on the ineligibility of persons connected to political parties declared unconstitutional.

²⁷ ECtHR, *Dicle and Sadak v. Turkey*, no. 48621/07, 16 June 2015

²⁸ ECtHR, *Paksas v. Lithuania* [GC], no. 34932/04, 6 January 2011.

51. The possibility to adopt such restrictions as a precautionary measure seems however to differ in the procedures that seek the limitation of a political party's activity with those that seek its dissolution. On the one hand, Article 21(3²), as amended in 2025, provides that such a precautionary measure may be imposed during limitation proceedings only where there exists a real and imminent danger of irremediable consequences for democratic values and the rule of law. In contrast, Article 22(2¹) allows the Ministry of Justice to request such a precautionary limitation in dissolution proceedings when the dissolution of the political party is based on three circumstances: a political party whose activities have been limited commits actions similar to those for which the party's activity was limited within one year from the date of the limitation; the party's activity is carried out through illegal means or by committing acts of violence; or when the party's activity falls under the scope of the so-called successor parties.

52. From the outset, the Venice Commission observes that there is a possibility to impose precautionary measures that restrict the activities of a political party where the final measure sought also entails restrictions on that party's activities. It is the opinion of the Venice Commission that, as a rule, precautionary measures which interfere so profoundly in electoral rights and freedom of association should only be possible in a procedure of dissolution. Precautionary limitation in proceedings aimed solely at limiting a party's activities are not excluded, but should be confined to narrowly defined and truly exceptional circumstances, for example where elections are imminent. In line with the principle of proportionality, it would seem reasonable that any precautionary limitation is imposed only where there exists a real and imminent danger of irremediable consequences for democratic values and the Rule of Law. Unless precautionary limitations are absolutely necessary, such measures should be preceded by less drastic ones, such as a warning or a fine.

53. In the opinion of the Venice Commission, the possibility of limiting the activity of a political party as a precautionary measure, solely on the basis that it is considered a potential successor of a party that has been declared unconstitutional, and which consequently prevents its members from standing for election, creates an excessively high risk that no effective remedy will be available if the party is ultimately not regarded as falling within that category. In such circumstances, the absence of any effective *ex post* remedy is practically inevitable, since once elections have taken place, their outcome cannot realistically be undone except by re-running them. Such a situation could amount to a breach of Article 3 of Protocol 1 to the ECHR, insofar as no effective remedies could be afforded to the affected parties and/or to their candidates. The fact that, pursuant to Article 21(8) of the Law on Political Parties, the activity of a party may not be limited for minor violations nor during an electoral campaign in which it participates, except in cases where the limitation of the activity results from serious violations of the law, as provided for in Articles 3 and 21(3¹), reflects a legislative recognition that such measures must be used only in cases of particular gravity. This is consistent with the proportional approach required where *ex post* remedies would be practically incapable of redressing the effects of an exclusion from an electoral process. The Venice Commission therefore finds that the limitation of a political party's activity as a precautionary measure should only be foreseen either in dissolution proceedings or in proceedings seeking the limitation of a political party's activities, as long as they are confined to narrowly defined and truly exceptional circumstances. It is for the courts to decide if those circumstances are met in each particular case. As noted above, any court decisions imposing precautionary measures must be supported by adequate, reasoned justification demonstrating that the circumstances of the case warrant such a measure.

54. It can thus be concluded that precautionary limitations on the activities of political parties are not, in themselves, contrary to European and international standards. Nevertheless, they may be justified only either in dissolution proceedings or in proceedings seeking the limitation of a political party's activity if they are confined to narrowly defined and truly exceptional circumstances. Therefore, the Venice Commission recommends that precautionary measures of such scope be either firmly grounded in, or procedurally connected to, such cases and that any decision

imposing them be supported by adequate, reasoned justification demonstrating their strict necessity.

B. Question 3 (on procedural safeguards)

55. Decisions on limiting a political party's activities or on their dissolution do not concern civil rights in the sense of Article 6 ECHR. However, both in the case-law of the ECtHR and in Venice Commission standards and Opinions, the importance of procedural guarantees, both *ex ante* and *ex post*, has been repeatedly stressed. According to the case-law of the Court, Article 3 of Protocol 1 contains certain positive obligations of a procedural character, in particular requiring the existence of a domestic system for the effective examination of individual complaints and appeals in matters concerning electoral rights. The existence of such a system is one of the essential guarantees of elections run in conformity with international standards.²⁹

56. Pursuant to the Law on Political Parties, and with the exception of the direct procedures under Article 21(3¹), a limitation remains preceded by a prior request to the party to address any irregularities within up to 30 days (Article 21(2)), with the application by the Ministry to the court to be filed within 5 days after expiry (Article 21(3)). The decision to limit the activity of a political party or to dissolve it is made by the Central Court of Appeal. The Court of Appeal decides within two months (Articles 21(3), 22(2²)). Pursuant to Articles 21(4) and 22(2²) of the Law on Political Parties, the court decision is immediately enforceable, although it may be appealed within 10 days. Decisions on limitation of the activity must be notified within 24 hours to parties and enforcement authorities, who must report back (Article 21(5²)).

57. With regard to the procedure for precautionary measures, Article 21(3³) of the Law on Political Parties provides for the principle of *audiatur et altera pars*. Article 21(3⁴) provides for a separate right of appeal against precautionary measures to the Supreme Court, which shall examine such appeals within five days.

58. Therefore, the provisions under examination contain procedural guarantees which appear capable of preventing arbitrariness, insofar as they are applied in a manner that respects the threshold of seriousness as described in paras 51-52 above and take into account the limited availability of effective *ex post* remedies in the electoral context. The deadlines prescribed are also consistent with the recommendation of the Venice Commission that judicial procedures concerning electoral matters should be simple, free from excessive formalism, and subject to short time limits, typically between three and five days.³⁰

59. Notwithstanding these guarantees, several important issues remain. For example, it is not clear why the applicant's right to a hearing involving both parties is only expressly foreseen for the procedure for precautionary measures. Likewise, it is not fully clear how the burden of proof is allocated, nor what standard or type of evidence is required to demonstrate a "substantial connection" or similarity between a party declared unconstitutional and an alleged successor party. The absence of a clear standard poses the risk of inconsistent or overly discretionary application. Furthermore, it is not clear whether appeals against such measures have suspensive effect. The Venice Commission therefore recommends that equivalent procedural safeguards should be foreseen for all procedures related to the limitation of a political party's activity or its suspension as well as on precautionary measures. Specific safeguards should be foreseen as

²⁹ See ECtHR, *Mugemangango v. Belgium* [GC], no. 310/15, 10 July 2020; ECtHR, *Guðmundur Gunnarsson and Magnús Davíð Norðdahl v. Iceland*, nos. 24159/22 and 25751/22, 16 April 2024. The Venice Commission and the ODIHR also dealt with procedural guarantees in their amicus curiae brief to the Constitutional Court of the Republic of Moldova on the ineligibility of persons connected to political parties declared unconstitutional. See Venice Commission and ODIHR, [CDL-AD\(2023\)049](#), Joint amicus curiae brief of the Venice Commission and ODIHR on the ineligibility of persons connected to political parties declared unconstitutional. See also Venice Commission, [CDL-AD\(2023\)031](#), para. 53 *et seq*; Venice Commission, [CDL-AD\(2023\)048](#), para. 53 *et seq*.

³⁰ Venice Commission, [CDL-AD\(2002\)023rev2-cor](#), Code of Good Practice in Electoral Matters: Guidelines and Explanatory Report, guideline II.3.3.g.

concerns burden of proof, and appeals should not have suspensive effect only in duly justified cases.

IV. Conclusion

60. By letter of 12 September 2025, Ms Domnica Manole, President of the Constitutional Court of the Republic of Moldova, requested an *amicus curiae* brief of the Venice Commission of the Council of Europe. The request refers to certain provisions of the Law No. 294 of 21 December 2007 on Political Parties (hereinafter, the Law on Political Parties), last amended in 2025, concerning successor political parties to political parties declared unconstitutional, as well as measures to limit the activities and dissolve such parties, as well as on the limitation of a political party's activities as a precautionary measure.

61. The Venice Commission recalls that the dissolution of a political party should be taken only in the most serious circumstances and as a measure of last resort. According to European and international standards, any restrictions to the right of freedom of association enshrined under Article 11 ECHR and Article 22 ICCPR must be prescribed by the law, pursue a legitimate aim, and necessary in a democratic society. Whereas States enjoy a wider margin of appreciation when it comes to restrictions of electoral rights enshrined in Article 3 Protocol 1 to ECHR and Article 25(b) ICCPR as compared to limitations on the right of association, such restrictions must not be arbitrary, cannot lack proportionality, and should not amount to an unjustified interference with the free expression of the opinion of the people. At any rate, limiting a political party's activities must be balanced with democratic pluralism. Democratic legitimacy requires that even unpopular or controversial political forces have some space, unless they clearly violate fundamental constitutional order.

62. In reply to the questions put by the Constitutional Court of the Republic of Moldova, the Venice Commission has reached the following conclusions:

Questions 1: Are the criteria set out in Article 3, paragraphs (1)–(1³) of the Law for determining the status of a successor political party objective criteria from the perspective of the right to be elected and the freedom of persons to associate in political parties?

63. The criteria set out in Article 3(1)–(1³) to determine the status of a successor political party are objective criteria [paras 23-26]. However, when using such criteria to determine whether a political party continues the activities of a party declared unconstitutional, the assessment should be holistic and contextual, and strictly related to the specific situation. Other elements, even if not listed in the law, can also be taken into account, provided that the decision is supported by adequate, reasoned justification.

Question 2: Are the limitation of the activity of the political party, as a precautionary measure, and the dissolution of the party for the fact that it represents a successor party of a political party declared unconstitutional, justified measures from the perspective of the right to be elected and the freedom of persons to associate in political parties?

64. The Venice Commission finds that the measures in this question can be justified under European and international standards as they are defined by law, pursue a legitimate aim, and are necessary in a democratic society [para. 22 *et seq*]. In view of the case-law of the ECtHR, the dissolution of a political party if it is found to continue or resume the activities of a party declared unconstitutional could also be justified under Article 11(2) ECHR and Article 22 ICCPR.

65. The Venice Commission considers however that finding a political party as successor of a political party declared unconstitutional should not necessarily result in the dissolution of such party, and that other means of achieving the same aims that interfere less seriously with the right

to freedom of association should be foreseen. Likewise, it considers that the activities of a political party may be limited as a precautionary measure, but this possibility should be foreseen only for dissolution proceedings or in proceedings that seek the limitation of a political party's activity provided they are confined to narrowly defined and truly exceptional circumstances. Furthermore, less drastic measures should be envisaged that would precede the limitation as a precautionary measure. In any event, any decision imposing precautionary limitations must be supported by adequate, reasoned justification demonstrating their strict necessity.

Question 3: Do the contested norms contain sufficient procedural guarantees capable of preventing arbitrariness?

66. The Venice Commission finds that the procedural guarantees in the contested norms appear capable of preventing arbitrariness [para. 55 *et seq*]. The deadlines prescribed are also consistent with European and international standards. However, the Venice Commission is of the view that potential concerns related to the applicant's right to a hearing involving both parties, to how the burden of proof is allocated, and to whether appeals have suspensive effect should be clarified.

67. The Venice Commission remains at the disposal of the Constitutional Court of the Republic of Moldova for further assistance in this matter.