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Honouring of obligations and commitments by Moldova

Reply to Recommendation[1]: Recommendation 1810 (2007)
Committee of Ministers

1. The Committee of Ministers has taken note of Recommendation 1810 (2007) on the honouring of obligations and commitments by the Republic of Moldova and would like to thank the Assembly for the thorough analysis of the remaining challenges for Moldova's democratic development set out in the recommendation.

2. The Committee of Ministers notes with satisfaction the serious efforts made by Moldova to date in the fulfilment of its commitments. It calls on the Moldovan authorities to step up their efforts to complete the ongoing reforms in order to fulfil their remaining commitments to the Council of Europe and reiterates its readiness to further assist the Moldovan authorities to this end.

3. In this perspective, the Committee of Ministers calls on the Moldovan authorities to make full use of the Council of Europe's legal expertise by submitting to the Secretariat all relevant legislative texts in due time. Furthermore, it encourages the authorities to share the results of the Council of Europe's legal opinions with all relevant stakeholders, including different political forces and to communicate in a timely and accurate manner on the follow-up given to the experts' recommendations.

4. Concerning the co-operation programmes (points 2.2 and 2.3 of the recommendation), the Committee of Ministers is determined to reinforce its assistance programmes in the key areas of the Council of Europe's expertise. In this respect, the Committee of Ministers would like to refer to its decision taken at the 1019th meeting of the Ministers' Deputies (27-28 February 2008), following the discussion on the findings of the stocktaking report on co-operation programmes with Moldova carried out by the Secretariat of the Council of Europe in December 2007 (SG/Inf(2008)5). In this decision, the Committee of Ministers has identified the following priority areas for co-operation: pre-electoral assistance; compatibility of Moldovan legislation with Council of Europe standards; the functioning of the judicial system and the execution of judicial decisions; the fight against corruption and money laundering and the implementation of GRECO and MONEYVAL recommendations; the improvement of co-operation and dialogue between central authorities and local authorities and their associations; the harmonisation of the legislation of the Autonomous Territorial Unit of Gagauzia with the Moldovan Constitution and national legislation; the independence and neutrality of the regulatory bodies for the media; and the possible contribution to the implementation of confidence-building measures in the context of the Transnistrian settlement process, in particular through increased co-operation with civil society.

5. The Committee of Ministers would like to inform the Assembly that in addition to two joint Council of Europe/ European Commission programmes, which have been implemented in Moldova since 2006, five new joint Council of Europe/European Commission programmes related to Moldova were launched as of 1 January 2008 in the following areas: support to free and fair elections, media, civil society, Roma-related policies, and the strengthening of the ombudsman's office. The Committee of Ministers will continue to regularly review the results achieved under these programmes and attaches particular importance to the active involvement of the Moldovan authorities in securing their successful implementation.

1. Adopted by the Committee of Ministers on 11 June 2008, at the 1029th meeting of the Ministers' Deputies.

6. Concerning the functioning of democratic institutions The annual conference to assess the effectiveness of the programme of co-operation between the parliament and civil society, which was drawn up with the Council of Europe's assistance and adopted by the parliament in December 2005, was organised on 4 February this year. The Council of Europe could provide further support to strengthen this partnership, as well as specific support for the organisation and transparency of the parliamentary work, which was undermined by the interruption of the direct transmission of the parliamentary debates by TeleRadioMoldova.

The Council of Europe will provide pre-electoral assistance to the Moldovan authorities in view of the parliamentary elections to be held in spring 2009, which should address the major shortcomings such as constrained broadcast media coverage, inadequate training of persons responsible for election administration, education and awareness-raising of voters.

7. Concerning the independence of the judiciary and efficiency of justice

As a result of the joint trilateral efforts of the Council of Europe, the European Commission and the Moldovan authorities, aimed at enhancing the independence, impartiality and efficiency of the judiciary, the National Institute of Justice was officially inaugurated on 9 November 2007. Further assistance with a view to developing and strengthening the institutional capacity of this new establishment will be provided within the framework of the joint Council of Europe/European Commission programme on increased independence, transparency and efficiency of the justice system in the Republic of Moldova. The Council of Europe also stands ready to provide any necessary assistance with respect to expertise on key pieces of legislation in the judicial field and their proper implementation.

8. Concerning the reform of the general prosecutor's office

The Council of Europe is providing assistance in drafting the Law on the Public Prosecutor's Service and its experts have participated in several debates, which have been organised to discuss the main provisions of the draft legislation in this field. Further assistance to reform the general prosecutor's office could be provided both at the level of legislative expertise and with regard to the effective implementation of the related legislation.

9. With regard to the freedom and pluralism of the media

The Audiovisual Code, which was adopted in July 2006, took into account a number of recommendations provided by Council of Europe experts. The Council of Europe stands ready to provide a further assessment of the Audiovisual Code, both from the point of view of its provisions and their implementation. In addition, the Council of Europe could provide an assessment of the current legislation on defamation and its implementation, and also recommendations on how to improve the situation in this field. Further assistance with regard to the promotion and protection of the right to freedom of expression and access to information and the promotion of the diversity and quality of the local media will be provided within the framework of the new joint Council of Europe/European Commission programme.

10. With regard to strengthening local democracy

The Council of Europe has provided an expert opinion on important pieces of legislation, such as the draft law on the status of the Chişinău municipality and the draft law on local public finance, and has also encouraged the establishment of a forum for dialogue between different associations of local authorities. It stands ready to provide further assistance with regard to improving the capacities of newly elected local officials to perform their duties efficiently, and to promoting dialogue between the national and local authorities and their associations, including with Gagauzia.

11. With regard to fighting corruption and money laundering

Moldova has so far undergone two evaluations by the Group of States against Corruption (GRECO). The thirdround evaluation report of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) on Moldova was adopted in September 2007. Further efforts are needed in order to ensure full implementation of the recommendations contained in these reports. Within the framework of the joint Council of Europe/European Commission programme against corruption, money laundering and terrorist financing, further assistance will be provided in areas such as anti-corruption legislation, effective implementation of the national anti-corruption strategy and action plans, training of officials to reinforce internal controls within the public institutions concerned, promoting the role of civil society and media in the fight against corruption and reducing tolerance of corruption phenomena.

12. With regard to Moldova's participation in the Council of Europe Convention on Action against Trafficking in Human Beings (point 4 of the recommendation), the Committee of Ministers notes with satisfaction that the convention entered into force on 1 February 2008 and reiterates its readiness to provide continued assistance to the Moldovan authorities in their action to combat trafficking in human beings and organs.

13. Concerning co-operation with the European Union with a view to ensuring the best possible co-ordination and complementarity between Council of Europe requirements and those of the EU-Moldova Action Plan (point 5 of the recommendation), the Committee of Ministers would like to point out that regular consultations between the two organisations are conducted at different levels. Since September 2007, regular meetings between the Council of Europe, the European Commission, the Organization for Security and Co-operation in Europe (OSCE) and the Moldovan authorities were held at expert level. The first expert meeting to take stock of developments in the judicial field and the fight against corruption took place in Brussels on 18 September 2007, and the second one – to take stock of developments with regard to human rights and democracy issues in Moldova – was organised in Chişinău on 26 October 2007. Another expert meeting to discuss developments in co-operation in the areas of human rights and democracy is scheduled to take place in Chişinău at the end of May 2008.

14. Concerning the situation with regard to the Transnistrian conflict settlement (points 6, 7.1 and 7.2 of the recommendation)

The Committee of Ministers notes with satisfaction the renewed efforts to find a definitive settlement to the Transnistrian conflict and in particular welcomes the resumption of a dialogue between Chişinău and Tiraspol. The Committee of Ministers reiterates that the Council of Europe stands ready to contribute, in its areas of competence, to the implementation of confidence-building measures leading to a sustainable resolution of this continuing conflict. The Council of Europe envisages a new joint programme with the European Commission to support civil society in Transnistria, and is exploring the most efficient ways to contribute to initiatives in other areas. In particular, the European Commission for Democracy through Law (Venice Commission) stands ready to provide its expert advice on the proposals related to settlement of the Transnistrian issue and the reintegration of the region into the Moldovan state.

15. As regards the implementation of the commitments undertaken, in particular, at the summit of the OSCE in Istanbul in 1999, the Committee of Ministers is closely following the developments in this respect and hopes that the new impetus given by the renewed efforts to find a settlement formula will bring about solutions to other outstanding issues.