Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1280 (2002)[1]

Functioning of democratic institutions in Moldova

Parliamentary Assembly

1. The Parliamentary Assembly expresses grave concern about the events which have been occurring in Moldova since January 2002 and its anxiety about the continuous worsening and radicalisation of the political climate there, which is a threat to the country's stability.

2. Demonstrations organised by the Christian Democratic People's Party (CDPP) have been going on now in the town centre of Chisinau for more than three-and-a-half months. After a period of confusion, these demonstrations, which the governmental authorities and the courts have branded illegal, have been met with manifestly disproportionate sanctions. The Assembly considers that the lifting of the parliamentary immunity of the CDPP leaders is of rather doubtful propriety in a democracy.

3. The Assembly acknowledges and welcomes the fact that the authorities have not used force against the demonstrators and have seen fit to halt the process of certain reforms. It notes, however, that the organisers held to have acted illegally and several participants in the demonstrations have been prosecuted and convicted by the courts, and others put under pressure, as has reportedly happened to minors.

4. The Assembly recalls that in a democracy every citizen and every elected representative have both rights and duties, beginning with the obligation to abide by the law. The political opposition has rights. They must be consolidated and honoured. The Assembly also recalls that legislation must be in conformity with the Council of Europe's standards and principles.

5. The Assembly is profoundly disturbed by the disappearance of Vlad Cubreacov, a member of the Parliamentary Assembly since 1996, and calls upon the Moldovan authorities to conduct a speedy, transparent and full investigation into this case, and to keep Mr Cubreacov's family, parliament and the Council of Europe regularly informed of the progress of investigations.

6. The absence of progress in the investigations which have now been under way for a month may cast doubt on the declared intention to elucidate the case as quickly as possible. The credibility of the government, and even of the President, is at stake.

7. The Assembly notes that the scale of the protest movement by journalists and staff of Teleradio Moldova underlines the need to carry out reforms quickly, so as to fully guarantee freedom of expression and promote a public broadcasting service. It urges the authorities to end the practice of censorship of television programmes and to afford all opposition political parties, both inside and outside parliament, generous access to discussion programmes. It asks the Moldovan Government and Parliament to embark without delay on work to transform Teleradio Moldova into an independent public corporation.

8. It is concerned about the worsening of the domestic situation in Gagauzia and the deterioration of institutional relations between Comrat and Chisinau. It warns the authorities on both sides of the risk of a new hotbed of instability in Moldova. Any escalation must be avoided.

9. Having noted the absence of real dialogue between the ruling party and the political opposition, the Assembly also notes the strong opposition from civil society.

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1. Assembly debate on 24 April 2002 (l2th Sitting) (see Doc. 9418, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteurs: Mrs Durrieu and Mr Vahtre). Text adopted by the Assembly on 24 April 2002 (12th Sitting).

10. The Assembly expects the Moldovan political forces to pursue genuine, constructive dialogue and to agree on a compromise which should include the following elements:

moratorium simultaneously covering the cessation by the CDPP of its demonstrations, so that political dialogue may be initiated, and the suspension of criminal proceedings against Iurie Rosca and Stefan Secareanu, it being understood that the Moldovan authorities should refrain from further lifting the immunity of parliamentarians;

an extension of the existing moratorium on the reforms concerning the teaching and status of the Russian language, and changes to the history curriculum;

the revision of the 1994 Act on the Status of Members of Parliament, regarding the provisions governing the lifting of immunity and removal from office;

the revision of radio and television legislation and amendment of the status of Teleradio Moldova to make it an independent public corporation: an immediate start of work by the relevant parliamentary committee; the possible resumption of consideration of the draft legislation examined by the previous legislature; and assistance of Council of Europe experts in defining the public service status of the Moldovan radio and television corporation. This work should be completed by the end of the current parliamentary session, on 31 July 2002;

the execution of the judgment of the European Court of Human Rights in the Metropolitan Church of Bessarabia case: immediate registration of the Church through the adoption of a government decision by 24 April 2002; definition of implementation arrangements under Council of Europe supervision. The deadline for completion of application measures is also 31 July 2002;

Council of Europe assistance concerning the disappearance of Vlad Cubreacov and judicial co-operation from member states and their specialist investigation bodies;

the revision of parliament's rules of procedure in order to widen the opposition's rights;

the organisation of a round table between all the political parties, not only those represented in parliament, with the assistance of the Council of Europe.

11. The Assembly calls upon the Moldovan Government and Parliament to take the above measures without delay.

12. Moreover, it invites Moldovan political forces to urgently discuss solving the present crisis and, if needed put the solution to a referendum, by using the constitutional powers of citizens (Article 141 of the Moldovan Constitution – "popular initiative") or the president (Article 88 of the Moldovan Constitution – "plebiscite").

13. The Assembly acknowledges that encouraging efforts to start dialogue have been made very recently, and welcomes the adoption on first reading of a bill including a number of measures to improve safeguards for the parliamentary opposition.

14. The Assembly calls upon the Moldovan authorities to co-operate fully with the Council of Europe and its bodies, and in particular:

to take into account and apply the recommendations of the Congress of Local and Regional Authorities of Europe for improving local self-government in Moldova;

to submit for Council of Europe expert appraisal the future bills for the reform of broadcasting and transform the state company Teleradio Moldova into an independent public service corporation;

to revise the 1994 Act on the Status of Members of Parliament taking account of recommendations made by the experts of the Council of Europe;

to give effective priority to the action plan for legal and judicial reform;

to undertake no reform concerning the judicial system, the status of the judiciary, the High Judicial Council or the Constitutional Court without having previously obtained and taken into account the recommendations of the Council of Europe's experts.

15. The Assembly calls upon the member states of the Council of Europe to afford Moldova increased assistance, in particular:

by contributing to the country's economic recovery and the struggle declared by the President of the Republic against corruption and arms trafficking from Transnistria and all other kinds of trafficking – in women, children, human organs, and so on – either from or through Moldovan territory. Such trafficking is run by powerful and increasingly numerous mafia networks, which must be dismantled;

by asking the countries directly concerned by Moldova's problems to contribute to the stabilisation of the democratic process in this country whilst respecting Moldova's integrity and sovereignty.

16. The Assembly calls on the member states of the Council of Europe to monitor closely Moldova's economic and social development and to help it regain the confidence of international financial institutions (International Monetary Fund and the World Bank). It invites the latter to review their positions and to grant Moldova the aid it needs to consolidate the economic upturn and improve the social situation of the vast majority of the Moldovan population.