Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1303 (2002)[1]

Functionning of democratic institutions in Moldova

Parliamentary Assembly

1. At its part session in April 2002, the Parliamentary Assembly reacted to the worrying events that were threatening stability in Moldova and expressed its concern in the face of the deterioration in that country's political climate. It also noted with satisfaction the proposals put forward by Moldova's political forces, including members of the parliamentary opposition, to end the crisis.

2. On 24 April 2002, the Assembly adopted Resolution 1280 on the functioning of democratic institutions in Moldova, in which it invited the Moldovan political forces to pursue a genuine and constructive dialogue and it requested the Moldovan authorities to adopt a number of measures, listed in paragraph 10 of the resolution, which they agreed to implement as a matter of political compromise.

3. The Assembly notes that the Christian Democratic People's Party (CDPP) ended its demonstrations on 29 April 2002, and welcomes the return to calm in the country.

4. The Assembly welcomes the fact that the Moldovan authorities:

have handed over a certificate of entry in the register of religious denominations to the Metropolitan Church of Bessarabia on 30 July 2002, in accordance with the undertaking they had made;

have maintained the moratorium on the reforms concerning the teaching and status of the Russian language, and changes to the history curriculum, which helped to preserve stability in Moldova;

have suspended the judicial proceedings against members of parliament from the CDPP, and have refrained from lifting their parliamentary immunity again.

5. The Assembly notes that international financial institutions have re-established their aid to Moldova.

6. Nevertheless, the Assembly expects the authorities to implement the decisions taken to the letter, without altering their content, and without breaching their commitments at a later date, particularly those regarding freedom of the media, freedom of religion, freedom of assembly, the rights of parliamentarians, the autonomy of local authorities and the independence of judicial institutions. It also expects the judicial proceedings mentioned in paragraph 4 iii not to be reopened.

7. In addition, the Assembly notes that the authorities have sought to meet the other undertakings made in April, by adopting on 26 July 2002 a new law on the national public broadcasting company Teleradio-Moldova, by amending on 26 July 2002 the 1994 Law on the Status of Members of Parliament, and by amending on 12 July 2002 the 1992 Law on Religious Organisations.

1. Assembly debate on 26 September 2002 (31st Sitting) (see Doc. 9571, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, rapporteurs: Mrs Durrieu et Mr Vahtre). Text adopted by the Assembly on 26 September 2002 (31st Sitting).

8. However, it is unable to consider that the authorities have fully satisfied their commitments as the content of these laws continues to draw comment and controversy. It invites the authorities to:

revise, during the autumn of 2002, the law on the national public broadcasting company Teleradio-Moldova, by genuinely involving civil society, associations representing the media and the political opposition in discussion, and by taking on board the recommendations made by the Council of Europe's experts. In particular, it requests that revision of the provisions on the composition, appointment and powers of the observers' council be the subject of the widest possible consultation;

guarantee clearly the principle of irrevocability of office for members of parliament in the legislation, and consequently re-amend the revised 1994 law, since this principle must be strictly interpreted and no exceptions can be allowed.

9. It notes that the Moldovan authorities are co-operating with the Council of Europe, as they had undertaken. In particular, they have submitted numerous legislative texts for expert appraisal, notably laws concerning local self-government and organisation of the judicial system. The Assembly urges the Moldovan authorities to pursue this co-operation, and in particular to apply the recommendations made by the Congress of Local and Regional Authorities of Europe in the field of local and regional self-government in Moldova.

10. The Assembly has expressed its relief concerning the reappearance of Vlad Cubreacov. It regrets that the investigation carried out by the authorities failed to produce results and demands that light be shed on this incredible case.

11. The Assembly declares its willingness to assist the Moldovan Parliament in revising its rules of procedure and to provide the desirable expert input.

12. It calls on the Moldovan authorities:

to undertake a broad consultation within society and to involve the opposition in a real way in parliamentary activity concerning any forthcoming draft constitutional reform that would amend in particular the structure of the state, the constitutional bodies or the organisation of the judicial system, irrespective of whether these reforms are linked to the current negotiations for settling the conflict in Transnistria;

to continue the criminal investigation concerning the case of Vlad Cubreacov's disappearance and to submit an official request for assistance to the Council of Europe concerning this investigation.

13. The Assembly warns the Moldovan authorities:

against any steps that might arbitrarily block the procedure initiated by the Braghis Alliance for the revision of the electoral law;

to refrain henceforth from taking any new measures or adopting any new legislation that contains provisions which are manifestly in contradiction with the standards of the Council of Europe and the principles of the European Convention on Human Rights, or in contradiction with Resolution 1280 (2002).