Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1465 (2005)[1]

Functioning of democratic institutions in Moldova

Parliamentary Assembly

1. Moldova has been a member of the Council of Europe for ten years and is still subject to a monitoring procedure. The country has advanced significantly on the path of democratic reforms but a number of important commitments have not yet been fulfilled. The pace of reforms has been slowed by the fact that Moldova, in addition to its democratic institutions, has been simultaneously building its national identity and dealing with a separatist regime and foreign troops stationed in the Transnistrian region of Moldova.

2. The Parliamentary Assembly considers that now is the right moment for Moldova to make decisive, comprehensive and irreversible progress with regard to the implementation of democratic standards and practices. Priority should be given to the improvement of the functioning of democratic institutions ; the independence and efficiency of the judiciary ; ensuring freedom and pluralism of the electronic media ; the strengthening of local democracy ; the raising of economic performance coupled with good social protection and the fight against corruption and trafficking in human beings and organs.

3. The currently stabilised political situation offers an opportunity to achieve these objectives, which the country cannot afford to miss. The ruling communist party has taken a resolutely pro-European stance since 2002 and now seems determined to speed up the process of European integration. Since the parliamentary elections in March 2005, the president has also had the support of part of the opposition, including the Popular Christian Democratic Party, on condition that he undertakes rapid legislative reforms. Furthermore, new prospects may be opening up for the settlement of the Transnistrian conflict. The regional context is also more favourable for greater convergence with European standards and values.

4. The newly elected Moldovan Parliament has taken the exceptional initiative of unanimously adopting, at its first plenary sitting, a declaration on political partnership to achieve the objectives of European integration. The political maturity and responsibility of Moldovan politicians in the eyes of their people and their country will also be measured by the yardstick of this spirit of co-operation and all the democratic reforms they are able to carry out.

5. The Assembly encourages the Moldovan leadership to accompany all the declarations in favour of democratic values and standards with real dialogue and transparency in relations with the opposition, at both national and local level. Political debate must take place in parliament, not in the courts or on the streets. The Assembly deplores the high incidence of criminal proceedings against opposition figures, whether in the capital or in the provinces.

6. Democratic reforms will not succeed in an atmosphere of conflict and without the support of the population. The Assembly welcomes the Moldovan Parliament's decision to broadcast its plenary sittings, thus making political debates public. However, genuine involvement of civil society requires a pluralist and dynamic media sector, particularly with regard to television. The conditions must also be created for a genuinely independent and professional public broadcasting service.

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1. Assembly debate on 4 October 2005 (27th Sitting) (see Doc. 10671, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs : Mrs Durrieu and Mr Kvakkestad). Text adopted by the Assembly on 4 October 2005 (27th Sitting).

7. The Assembly takes note of the first concrete results of the work of the new legislature. On 22 July, the parliament adopted a package of laws dealing with important aspects of the country's commitments to the Council of Europe, such as the functioning of the judiciary, electoral legislation or the reform of the Information and Security Service. The Assembly will be able to take position on these reforms after these laws have been assessed by the relevant Council of Europe expert bodies.

8. The Assembly welcomes the fresh boost the Moldovan authorities have given to economic growth. Moldova remains, however, one of the poorest countries in Europe. The endemic poverty of a large part of the population, low wages and poor social protection create fertile territory for corruption at all levels of public life. This poverty also sustains some of the most revolting and degrading criminal practices, such as trafficking in human beings and organs. Without rapid and real improvements in living standards, a disappointed Moldovan people are unlikely to feel a lasting commitment to the democratic reform process.

9. The Action Plan, signed between the European Union and Moldova in February 2005, has given the authorities strong motivation to move further towards European integration. The Assembly notes with satisfaction that the objectives set out in the EU-Moldova Action Plan make reference to the requirements of the Council of Europe and it resolves to ensure further co-ordination between the two institutions at the highest level.

10. The Assembly welcomes the resumption of negotiations following Ukraine's optimistic initiative of settling the Transnistrian conflict by giving priority to democratisation. It hopes that the current five-member format, involving Moldova, the Transnistrian region, the Russian Federation, Ukraine and the OSCE, and soon the European Union and the United States as observers, will be extended to include the Council of Europe as well. It emphasises the need for effective supervision of the border between Moldova and Ukraine, arms stocks and the production of armaments factories. Given their accumulated expertise, the Assembly wishes its rapporteurs to be associated with all these developments.

11. Any settlement of the Transnistrian conflict must be based on the inviolable principle of full respect for Moldova's territorial integrity and sovereignty. In accordance with the rule of law, any solution must accord with the popular will as expressed in fully free and democratic elections run by internationally recognised authorities.

12. The Assembly therefore invites the Moldovan authorities, with regard to the functioning of democratic institutions to :

12.1. revise immediately its rules of parliamentary procedure along the lines of the expertise provided by the Parliamentary Assembly, in further co-operation with the Assembly ; guarantee in legislation and regulations that members of parliament can carry out their duties in full without fear of losing their mandate or immunity for political reasons ;

12.2. revise the legislation on political parties in the light of European standards ;

12.3. ensure that all the recommendations of the European Commission for Democracy through Law (Venice Commission) and the OSCE/ODIHR on elections are immediately taken into consideration in electoral legislation and practice ;

12.4. to bring legislation and practice in the field of local democracy in line with the European Charter of Local Self-Government (ETS No. 122) :

12.4.1. by revising in particular legislation regarding the status of the municipality of Chisinau and local public finances, in co-operation with the Congress of Local and Regional Authorities of the Council of Europe ;

12.4.2. by guaranteeing that the elections for the office of mayor of Chisinau, scheduled for 27 November 2005, are organised in conformity with Council of Europe standards ;

12.4.3. by denouncing the principle of dismissal of the former mayor of Comrat by the Peoples' Assembly of Gagauzia and investigating the reasons for the high incidence of criminal court cases against leading figures of the opposition, both nationally and in the provinces.

13. The Assembly also asks the Moldovan authorities, with regard to the rule of law, to :

13.1. reform the judiciary in order to guarantee its independence and increase the effectiveness and professionalism of the courts :

13.1.1. by revising legislation in particular with regard to civil and criminal procedures, judicial organisation, the status of judges, the strengthening of the independence of the judiciary and the enforcement of judicial decisions ;

13.1.2. by revising the extensive competences of the General Prosecutor's Office ;

13.1.3. by undertaking institutional reform (the Ministry of Justice, the High Council of Justice, the Bar Association) ;

13.1.4. by improving the working environment of the judiciary ; by improving their training and working methods ; by eliminating corruption within the system and training magistrates up to the highest standards ;

13.2. ensure the successful implementation of the Anti-Corruption Strategy and Action Plan ;

13.3. ratify the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) and take all necessary measures at national and international level for a decisive crackdown on human and organ trafficking ;

13.4. continue to make efforts in order to obtain the release of the political prisoners Andrei Ivantoc and Tudor Petrov Popa, illegally imprisoned in Tiraspol, according to the final decision of the European Court of Human Rights of 7 July 2004 and the previous resolutions ResDH(2005)42 of 22 April 2005 and ResDH(2005)84 of 13 July 2005 of the Committee of Ministers.

14. The Assembly further urges the Moldovan authorities, with regard to the protection of human rights, to :

14.1. strengthen all the necessary guarantees and practical steps for respect of freedom of expression as defined in Article 10 of the European Convention on Human Rights and in line with the case law of the European Court of Human Rights, and in particular to :

14.1.1. revise legislation regarding public service broadcasting (both national and local) and the audiovisual sector in general ;

14.1.2. pursue the transformation of TeleRadioMoldova into a genuine public service broadcaster, as defined in Assembly Recommendation 1641 (2004) on public service broadcasting ;

14.1.3. revise the laws on defamation to ensure that any fines imposed are reasonable in quantum ;

14.2. continue the reform of the Moldovan security and law-enforcement agencies ; considerably improve conditions of detention to bring them fully in line with European standards and find appropriate solutions to the problem of overcrowding of detention centres ;

14.3. implement the recommendations given in the Second Opinion on Moldova by the Advisory Committee of the Framework Convention on National Minorities (ETS No. 157) ;

14.4. ensure the full respect of the fundamental rights of sexual minorities ;

14.5. develop a multicultural and multi-perspective approach to education, in particular with regard to the teaching of languages, history and geography.

15. The Assembly further calls on the Moldovan authorities to pursue their efforts in favour of strong and sustainable economic growth and to ensure that any economic achievements are to the benefit of the entire population. The Assembly refers in this respect to Recommendation 1605 (2003) on the economic development of Moldova : challenges and prospects.

16. The Assembly insists that the Moldovan authorities submit all new draft legislation in areas subject to monitoring to the Council of Europe for expertise and that they provide timely, regular and exhaustive information to the Assembly on what action is taken in response to these assessments.