



Resolution 1572 (2007)¹

Honouring of obligations and commitments by Moldova

Parliamentary Assembly

1. Moldova has been a member of the Council of Europe since 1995 and is still subject to a monitoring procedure. The country has advanced significantly on the path to democratic reforms during the period that followed the preparation of the last report by the Monitoring Committee and adopted a number of important measures to strengthen its democratic institutions and honour its commitments to the Council of Europe.
2. To date, Moldova has signed and ratified 63 Council of Europe conventions. The Parliamentary Assembly notes with satisfaction the fact that Moldova was one of the first member states to sign and ratify the Council of Europe Convention on Action against Trafficking in Human Beings (CETS No. 197) and encourages the authorities to implement its provisions without delay.
3. The Assembly appreciates the efforts of the Moldovan authorities and considers that now is the time to complete the decisive reforms being carried out in order to implement essential democratic practices. It welcomes the action taken to improve the functioning of democratic institutions, to increase the independence and efficiency of the judiciary, to ensure freedom and pluralism of the media, to strengthen local democracy, to improve economic performance, and to fight against corruption and trafficking in human beings and organs.
4. The Assembly notes the relative political stability which was established in Moldova after the 2005 parliamentary elections. In the two years since then, the majority and the opposition have undertaken key reform projects relating in particular to European integration and enhancement of democratic reforms, thus confirming the ability of the main political forces to respond to internal and external challenges.
5. During this period of relative political stability, the Moldovan Parliament, in accordance with the recommendations laid down in Assembly [Resolution 1465 \(2005\)](#) on the functioning of democratic institutions in Moldova, passed a great number of laws, according to an ambitious legislative timetable. The key laws adopted cover important areas of functioning of democratic institutions that fall within the competence of the Council of Europe.
6. The Assembly welcomes the fresh boost the Moldovan authorities have given to economic growth. The last mission of the International Monetary Fund (March 2007) and the representatives of many countries and international organisations took stock of the positive achievements in terms of economic development and social reform. The Paris Club restructured the Moldovan debt and the foreign partners decided on 12 December 2006 to provide Moldova with a consolidated aid of about US\$1 200 million. The key macroeconomic indicators are on a rising trend: compared to 2000, the gross domestic product (GDP) has increased by 46.4% with an annual growth rate ranging from 4% to 7.8%, the GDP per capita has increased by a factor of 1.6, and foreign exchange reserves of the Moldovan National Bank have tripled. Given this promising dynamic, the Assembly hopes that the Moldovan authorities will make full use of the economic growth to modernise the country.
7. The implementation of the Action Plan signed between the European Union (EU) and Moldova is progressing and has already led to concrete results: an EU Special Representative for Moldova has been appointed; an office of the European Commission's Delegation in Moldova has been established; the

1. Assembly debate on 2 October 2007 (31st Sitting) (see Doc. [Doc. 11374](#), 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 Vareikis). Text adopted by the Assembly on 2 October 2007 (31st Sitting).



European Union and the United States were included as observers in the negotiations on the Transnistrian conflict; the EU Border Assistance Mission to Moldova and Ukraine (EUBAM) was established in June 2005; Moldova joined the Central European Free Trade Agreement (CEFTA) in 2006.

8. The Assembly takes note with satisfaction of the impressive results of the parliament's work, including the adoption of a package of laws dealing with the country's commitments to the Council of Europe, such as the revision of the parliamentary rules of procedure in compliance with the recommendations of the Council of Europe, the strengthening of the independence of judges and the autonomy of the judiciary, the improvement of electoral legislation, the further reform of the security services, the reform of the broadcasting sector and the strengthening of local self-government.

9. The Assembly believes that the creation of a solid and coherent legislative framework is an important step forward on the road to democratic reform. However, implementation of adopted laws is equally important. The Assembly therefore encourages the Moldovan authorities to take the necessary steps to make the new legal framework fully operational by adopting all normative acts required for its implementation and by developing the capacity of institutions and staff to apply the new legislation.

10. Moreover, the Assembly notes that some of the laws adopted can be further improved by taking into account Council of Europe standards and the recommendations of its experts. This applies in particular to the legislation on the judiciary, the general prosecutor's office, political parties and local self-government.

11. The Assembly closely followed the local elections held on 3 and 17 June 2007. It notes that the election was generally considered to be well administered and that the voters were given a real choice. It is concerned, however, by the fact that some aspects of the electoral process still fall short of European standards for democratic elections. In particular, the international observation mission noted intimidation and pressure on candidates, lack of pluralism in media coverage of the electoral campaign and inability of the media to provide diverse information. The Assembly also observes an inappropriate application of some election procedures, the undermining of the secrecy of vote, and a complicated procedure for the consideration of complaints, which resulted in a delay in publishing the results of the vote. These problems are recurrent in Moldovan electoral practice and cannot be tolerated in a Council of Europe member state aspiring to build a pluralist democratic society based on the rule of law.

12. On the other hand, the Assembly notes that these elections have contributed to the increase of political diversity at local level. Coalitions will be formed in many first and second level local authorities. The Assembly calls upon the various political forces to work together in a spirit of constructive partnership. Collaboration on joint projects and open debate around new alternatives should be preferred to confrontation and obstructionism.

13. The Assembly deplores the fact that the negotiations on the settlement of the Transnistrian conflict held within the "5+2" format have been stalled. It requests the mediators (Russian Federation, Ukraine and the Organization for Security and Co-operation Europe (OSCE)), the parties concerned (Moldova and the separatist region of Transnistria), and the observers (European Union and United States) to spare no efforts to resume the search for a solution, despite the obstruction by the Tiraspol separatist leadership. The Assembly reiterates the call it already expressed in [Recommendation 1721 \(2005\)](#) on the functioning of democratic institutions in Moldova, namely to recognise and ensure participation of the Council of Europe in the ongoing consultations on a possible settlement of the conflict, as the necessary guarantee that they take account of the fundamental principles defended by the Organisation.

14. The Assembly welcomes the establishment, in 2005, of the EUBAM. This body should contribute to the improvement of the fight against corruption and trafficking, the restoring of the rule of law and public order on the border between the two countries, and should bring Transnistrian businesses back into the Moldovan legal and economic order.

15. The Assembly reiterates its conviction that the settlement of the Transnistrian conflict must be based on the inviolable principle of full respect for Moldova's territorial integrity and sovereignty. Any proposed settlement option should be carefully examined and discussed with all national and international stakeholders and in particular the majority and opposition politicians of Moldova as well as international mediators and observers. Full use should be made of the available expertise on comparative constitutional law developed in particular by the European Commission for Democracy through Law (Venice Commission).

16. In the light of the above considerations, the Assembly invites the Moldovan authorities, with regard to the functioning of democratic institutions, to:
- 16.1. complete the legislative timetable based on Assembly [Resolution 1465 \(2005\)](#), ensuring that all the legal acts thereof are now passed and that all the recommendations of Council of Europe experts are fully taken into consideration, and in particular to:
 - 16.1.1. adopt the law on political parties, taking full account of recommendations by Council of Europe and OSCE experts;
 - 16.1.2. adopt the law on the concept of education, taking into account the recommendations of Council of Europe experts;
 - 16.2. further strengthen local self-government and, in particular, to:
 - 16.2.1. work with Council of Europe experts to bring the legislation governing local government finance into line with the standards of the European Charter of Local Self-Government (ETS No. 122) by, in particular, increasing local authorities' own revenues, introducing a direct and transparent system of payment of transfers and building an objective, stable, predictable and fair equalisation system;
 - 16.2.2. work with the local authority associations and the Council of Europe's Centre of Expertise for Local Government Reform to develop the knowledge of local elected representatives and staff and their ability to implement new legislation by launching innovative capacity-building programmes;
 - 16.2.3. work with the Council of Europe to harmonise the legislation of the Autonomous Territorial Unit of Gagauzia with the Moldovan Constitution and the national legislation;
 - 16.3. study the implications of the implementation of new legislation adopted in accordance with the timetable and, where appropriate, launch strategies and/or action plans aiming at ensuring the effective implementation of new legislation, including the adoption of all necessary by-laws and regulations, harmonisation of the existing legislation with newly adopted acts, as well as all other accompanying measures aiming at building the capacity of officials to work with new laws;
 - 16.4. carefully study and take into account the conclusions of the international observers of the local elections of June 2007 with a view to eliminating all shortcomings with respect to European standards for democratic elections in order to conduct totally free, fair, and democratic parliamentary elections in 2009.
17. The Assembly also asks the Moldovan authorities, with regard to respect for the principle of the rule of law, to:
- 17.1. further reform the judiciary in order to guarantee its independence and increase the effectiveness and professionalism of the courts, in particular, to:
 - 17.1.1. further strengthen the independence of the judges by modifying the system of appointment of judges and increasing the powers of the Superior Council of Magistrates;
 - 17.1.2. significantly increase the number of judges with a view to ensure that court proceedings respect the reasonable time requirement laid down in Article 6 of the European Convention of Human Rights (ETS No. 5);
 - 17.1.3. increase the effectiveness and professionalism of judges by reinforcing their initial and in-service training through the National Institute of Justice;
 - 17.1.4. implement the strategy on consolidation of the judicial system and the action plan for 2007-2008 in full co-operation with the Council of Europe;
 - 17.1.5. improve the working environment of the judges by providing courtrooms and court premises and by their technical and material endowment (recording equipment, computers and software, computerised access to databases);
 - 17.2. further reform the General Prosecutor's Office by revising its extensive powers in line with the standards enshrined in Recommendation Rec(2000)19 of the Committee of Ministers of the Council of Europe on the role of public prosecution in the criminal justice system and in Assembly [Recommendation 1604 \(2003\)](#) on the role of the public prosecutor's office in a democratic society governed by the rule of law;

- 17.3. monitor the implementation of the Anti-Corruption Strategy and Action Plan and, in particular, introduce effective mechanisms and procedures for fighting corruption in public institutions;
 - 17.4. continue to implement effective measures aiming at preventing money laundering and countering criminal financing, in line with international standards.
18. The Assembly urges the Moldovan authorities, with regard to the protection of human rights, to:
- 18.1. strengthen all the necessary guarantees to ensure the 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 ensure proper implementation of the new broadcasting legislation to promote freedom and pluralism of the mass media within the framework of a genuine public broadcasting service, as defined in Assembly [Recommendation 1641 \(2004\)](#) on public service broadcasting;
 - 18.2. continue the reform of the security services; 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;
 - 18.3. implement without delay the plans to transfer responsibility for pre-trial detention from the Ministry of Internal Affairs to the Ministry of Justice in order to ensure the separation between investigatory and custodial functions and to ensure that detainees who are remanded in custody are not returned to the custody of the Ministry of Internal Affairs for questioning or for other investigative work;
 - 18.4. ensure that all allegations of police ill-treatment or torture are subject to prompt, thorough, independent and impartial investigations and subsequent prosecution where appropriate;
 - 18.5. implement fully and without delay all recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and to establish a national preventative mechanism that satisfies the requirements of the Optional Protocol of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which has been ratified by Moldova;
 - 18.6. ensure full respect of the fundamental rights of all minorities, including sexual minorities;
 - 18.7. develop a multicultural and multiperspective approach to education, including in the field of languages of national minorities, through the promotion of studies in these languages and the improvement in the study of the state language in schools, and by adopting the law on the concept of education.
19. The Assembly also invites the Moldovan authorities to pursue their actions in favour of strong and sustainable economic growth and to ensure that economic achievements are to the benefit of the entire population.
20. The Assembly appreciates the efforts made by the Moldovan authorities in order to assess the degree of implementation of the recommendations made by Council of Europe experts. However, all new draft legislation in areas relating to the commitments to the Council of Europe must be submitted to expertise and discussed with Council of Europe experts prior to adoption.
21. The Assembly encourages the Moldovan authorities to complete the ongoing reforms in order to fully achieve the fulfilment of their commitments to the Council of Europe. This condition is required to close the monitoring procedure and launch a post-monitoring dialogue in the foreseeable future.