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LAW OF THE REPUBLIC OF MOLDOVA ON PARTIES AND OTHER SOCIO-POLITICAL ORGANIZATIONS

(17 September 1991; Modified and completed 19 October 1993; Modified and completed 30 September 1998)

The right of association is an inalienable part of human and citizen rights proclaimed by the Universal Declaration of Human Rights and are consecrated and guaranteed by the Constitution of the Republic of Moldova. This Law establishes the conditions and principles for creating, organizing, and dissolving a party or other socio-political organization.

I. General Principles

Article 1: The notion of party and the notion of socio-political organization

According to this Law, parties and other socio-political organizations are free will associations of citizens, based on community of ideas, ideals, and goals which contribute to the fulfillment of the political will of a part of the population by legally earning state power and participation in its enforcement.

The notion of socio-political organization also refers to leagues, fronts, unions, and political mass movements.

This Law does not regulate the activity of other citizens' independent organizations which are based on professional, and cultural affinities and which do not aspire to participate in the foundation of state of state.

Article 2: The right of association in parties and other socio-political organizations

The citizens of the Republic of Moldova have the right to associate by free will in parties and other socio-political organizations.

Only citizens of the Republic of Moldova who are at least 18 years of age can be elected as members of a party or socio-political organization.

A member of one party cannot be simultaneously member of another party.

Parties and other socio-political organizations have the right to associate in political unions, blocs, federations, and associations.

Article 3: The status of the member of a party or socio-political organization

The status of a member of a party or socio-political organization is specified by the respective organization.

Article 4: The basic ideas of the parties' and socio-political organizations' activities

Parties and other socio-political organizations perform activities with respect to the Constitution of the Republic of Moldova, to this Law, and to other laws, and function according to their statute, registered in the established way.

The ruling bodies of the parties and other socio-political organizations must be situated in the territory of the Republic of Moldova.

Parties and socio-political organizations from abroad, or their subdivisions may not be created or function on the territory of the Republic of Moldova.

It is forbidden to be created and to be active paramilitary parties or other socio-political organizations which oppose to political pluralism, principles of rule of law and have as their goal to remove or change by force, or by other unconstitutional means, the state order; attempt to undermine the sovereignty and the territorial integrity of the Republic of Moldova, instigate war, social disorder, inter-ethnic conflicts, religious conflicts; propagate war and authoritarian and totalitarian methods of rule, and abridge natural human rights, set up activities that contravene the Constitution of the Republic of Moldova and the general accepted norms of international law.

Article 5: The statute of parties or other socio-political organizations

The statute must contain the following data:

1. The name of the party or socio-political organization.
2. The goals and the way to accomplish them.
3. Party or other socio-political organization statute shall be registered if:
 - includes at least 5,000 members residing in at least half of second level administrative-territorial units, but no less than 150 in each of the said administrative-territorial units.
 - has a program and elected steering bodies.
4. The rights and obligations of the members of the parties and socio-political organizations.
5. The way to form and the competence of the ruling committee of the party or socio-political organization and the terms of their empowerments.
6. The way to adopt, modify, and complete the statute.
7. The sources for the financial support and other assets.
8. Conditions in which a party or socio-political organization can be created, reorganized, or dissolved.

The statute should not infringe the laws of the Republic of Moldova.

Only in the case that the party or socio-political organizations consists of at least 300 members, has a program and a leading committee, its statute can be registered.

Article 6: The name of the party or socio-political organization

The name, abbreviation and symbol of the party or socio-political organizations must be different from others registered in the Republic of Moldova,

In the case that the name of the party or socio-political organization is changed, then the party or socio-political organization should be registered again, as this Law specifies.

Article 7: Guarantees on activity

The state ensures that the rights and legitimate interests of parties or other socio-political organizations are observed with respect to the Constitution of the Republic of Moldova. Also, the state guarantees that the same juridical terms are ensured for the accomplishment of the tasks present in their statute.

The interference of state bodies and officials in the activity of parties or other socio-political organizations and also the interference of the parties or other socio-political organizations in the activities of state bodies or officials are forbidden, except the cases stipulated by law.

It is forbidden to oppress and to deny the rights of a citizen because of his affiliation with a party or socio-political organization.

Any request to confirm the affiliation with a party or socio-political organization in an official document is not legal.

The activity of the party or socio-political organization must be sustained out of its own financial resources.

Parties and other socio-political organizations shall promote principles of equality of men and women in the decision making bodies.

The person who violates these conditions is held responsible according to the law.

Article 8: Restrictions on political activity

Soldiers, persons who work in the Department of Internal Affairs, or in the State Security Department or in the Customs Office, judges, prosecutors, state inspectors, as well as those working for the official press, radio and television, are not allowed to join any party or any socio-political organization.

Members of parties or other socio-political organizations who are recruited, as established by the law, into military service, appointed in the prosecution bodies, Internal Affairs bodies, State Security bodies, as well as in the State Inspecting bodies, have to suspend their affiliation during the period they serve in these institutions.

A person who has suspended his affiliation to a party or socio-political organization cannot be elected as a member of the ruling bodies of the party or socio-political organization, and cannot perform any duties for the party or socio-political organization.

Article 9: The de-ideologization of the education system

In the Republic of Moldova, the education system is not ideologically oriented. It is forbidden to disseminate and propagate political ideas of a party or socio-political organization in any kind of school.

Article 10: Financial support for parties or other socio-political organizations

The financing of parties and other socio-political organizations and the transfer of property to them shall be prohibited for:

foreign states, foreign Individuals and legal entities, and Individuals without citizenship;

state organs, state enterprises, organizations and institutions with the exception of financing in accordance with the present legislation of elections for the representative organs of state power,

joint-ventures in which more than 20% of the capital is foreign or owned by a foreign state or founder;

all unregistered civic associations;

any anonymous persons.

Parties and socio-political organizations are not allowed to receive financial support from foreign countries, foreign citizens or juridical persons from abroad.

Parties and socio-political organizations shall be funded only via the accounts in the banks operating on the territory of the Republic of Moldova.

Article 11: Solving the affairs of the party or other socio-political organization

Problems regarding the interest of a party or socio-political organization are solved, according to the legislation, by state and economical organizations, with the participation or coordination of the respective parties or socio-political organizations.

Article 12: The principle of creating a party or a socio-political organization

The foundation of a party or a socio-political organization is based on The territorial principle.

The creation and activity of the organizational units of parties and socio-political organizations at places of work is forbidden.

The state or state official cannot initiate The foundation of a party or socio-political organizations.

II. The registration of the parties and other socio-political organizations

Article 13: Registration of the statute

Parties and other socio-political organizations have the right to achieve their purposes declared in the statute only after their registration.

The registration application is submitted to the Ministry of Justice together with the following:

statute and program of the party or socio-political organization;

act on set up and party or socio-political organization members list, compiled based on applications approved by the leader of political party or socio-political organization, which will include: name and surname, year of birth, residence, ID number, workplace, and signature of the relevant party or socio-political organization member;

documents indicating headquarters of the party or socio-political organization;

evidence of bank account.

One month after the submission of statute, program the Justice Ministry shall register the statute or if it fails to meet the requirements of this Law shall refuse the registration.

The Justice Ministry's decision regarding the refusal to register the statute can be contested by the respective organization at the Supreme Court within ten days. The decision of the Supreme Court is final.

Modifications and completions of statutes of parties and socio-political organizations will be registered as the initial registration provides. The president or a representative of the executive body of a party or socio-political organization must be a witness to the statute's registration formalities.

At the moment of registration, the parties or other socio-political organizations become juridical persons.

The Justice Ministry holds the Register of parties and socio-political organizations.

The Government regulates the registration of the statutes of parties and socio-political organizations through a Regulation which it approves.

Article 14: The symbol of a party or socio-political organization

The parties and socio-political organizations can have an emblem or a flag as a symbol, which must not reproduce the state symbols and shall be officially registered in the established way for the registration of the statute. The symbol must not serve purposes which are mentioned in Article 4 of the present Law.

III. The activity of parties and other socio-political organizations

Article 15: The rights of parties and other socio-political organizations

The rights of parties and socio-political organizations are established by this law and also by their statutes.

For the fulfillment of the purposes mentioned by their statute or by their programs, parties and socio-political organizations have the right:

to freely circulate information about their activity;

to participate (independently, as a part of a bloc or a union with other parties and organizations), in elections for the representative state bodies of all ranks and in the formation of state administrative bodies;

to found and own its own mass-media means, and to have editorial activity, according to the legislation in force.

to use free of charge, during the election campaign, the state mass-media, in accordance with the republican laws regarding the elections.

to exert other empowerments provided by the present Law, or by other pieces of legislation.

Article 16: The property of parties and of other socio-political associations

Parties and other socio-political organizations may have assets such as buildings, equipment, publishing houses, printing houses, modes of transportation, as well as other material goods necessary exclusively for the realization of the purposes provided for by their statutes.

The right of parties and other socio-political organizations to own property is regulated by law.

Parties and other socio-political organizations have tile right to benefit from their buildings and other goods, according to the borrowing or lease agreements concluded with other persons.

Parties and other socio-political organizations may not own: land, industrial enterprises or associations and production cooperatives, and cannot carry on economic or commercial activities, except cases mentioned in Article 17.

It is prohibited for parties and other socio-political organizations to possess and deposit or keep weaponry, explosives and other materials which may present a danger (including ecological) to the life and health of citizens.

Article 17: Financial support for parties and other socio-political organizations

The finances of parties and other socio-political organizations may be formed from registration and membership fees, profits received from the activity of mass media, sale of socio-political literature, sale of other propaganda and agitation materials manufactured with their own symbols, from conducting festivals, exhibitions, lectures, other measures, from the voluntary contributions, donations by physical and legal entities, except for cases indicated in the first part of Article 10, and also from other sources not prohibited by law.

Article 18: The use of income

According to the legislation, and exclusively in order to accomplish the purposes mentioned by its statute, a party or socio-political organization may set up enterprises or administrative organizations, which have the right to be juridical persons.

Income received from the activities of parties and other socio-political organizations may not be distributed among their members and should be used solely for the achievement of prescribed goals.

Members of parties and other socio-political organizations are not entitled to income and property of parties and socio-political organizations and are not liable for their debts.

The use of the benefits for charitable activities is allowed independently of the provisions of the statute.

The parties and socio-political organizations shall publish an annual report about their income, expenditures, sources, and prior to February 1 of the following year, shall submit to the financial authorities a declaration about their financial activity for that year.

Article 19: The right to circulate information

The parties and other socio-political organizations have the right to make public, in written, verbal, or any other form, information about their activities, to propagate their ideas, purposes, and programs. They also have the right to establish their own mass-media means, except radio and television, and to use state mass-media, according to the legislation in force.

Article 20: The right to hold rallies

The parties and other socio-political organizations have the right to demonstrate and to call for meetings or demonstrations, as established by law.

IV. Control of the activities of parties and other socio-political organizations

Article 21: Supervision and control of the activities of parties and other socio-political organizations

According to the fiscal legislation, the financial authorities exert control over the sources of income of parties and other socio-political organizations, and also over tax-payment.

Ministry of Justice shall oversee the way parties and other socio-political organizations observe the norms of the regulations. Its representatives may be present during any events conducted by parties and other socio-political organizations and may ask for required documentation and clarifications.

Supervision of the compliance by parties and other socio-political organizations with the legislation shall be conducted by the organs of the public prosecutor.

Article 22: The responsibility of the parties and other socio-political organizations

If a party or a socio-political organization incurs material prejudices by its illegal action the interests of the state, citizens, organizations, or other parties or socio-political organizations, then that party or socio-political organization must compensate the damaged parties for their losses, out of its own sources, in accordance with the law.

V. On suspending and dissolving the activities of a party or other socio-political organization

Article 23: The suspension of the activities of a party or other socio-political organization

The Justice Ministry will suspend the activity of a party or socio-political organization in the case that it has infringed the Constitution or the present Law.

In this case, the Justice Ministry will inform in writing the riding body of the respective party about the violation of the law that has been committed and will establish the term for removing it.

During the electoral campaign, only the Supreme Court can suspend the activity of a party or socio-political organization.

As long as a party or socio-political organization is suspended, it is not allowed to use mass-media, to make agitation, propaganda, to conduct banking operations, or other operations concerning property or to participate in elections.

After removing the violation, the party or socio-political organization will inform the Justice Ministry, which, in a period of five days, shall authorize the party or socio-political organization to resume its activity.

A party or socio-political organization can be suspended for at most six months. The activities of a party or socio-political organization may be suspended for one year if the violation is not removed or if, within a year of the date of suspension, the law is infringed again.

Article 24: The cessation of the activity of a party or socio-political organization

The activity of a party or socio-political organization will cease in these cases:

the party or socio-political organization dissolves itself, according to the statute;

the party or socio-political organization is dissolved by decision of the Supreme Court.

Article 25: Punitive dissolution

In the case that a party or socio-political organization infringes the Constitution or the present Law again within one year after it has been suspended, as an answer to the request of the Justice Ministry, the Supreme Court may suspend the activity of that party or socio-political organization.

The State Prosecutor has the right to ask for the suspension of the activity or the dissolution of any party or socio-political organization, arguing his request before the Supreme Court.

Article 26: Appeals

A party or socio-political organization can appeal against the decision by which its statute was not registered or by which it was suspended or dissolved. The appeal will be sent to tile Supreme Court, which shall examine it within five days.

VI. Final Provisions

Article 27: The right to have international connections

According to their statutes and to the provisions of this Law, parties and other socio-political organizations have the right to enter into international associations, to have direct links and international connections, and to sign agreements.

Article 28: Application of the norms of international treaties

In the case that an international treaty signed by the Republic of Moldova has norms which diverge from this Law, then the norms of the treaty are to be applied.

President of the Republic of Moldova Mircea Snegur
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