

Parliamentary Assembly Assemblée parlementaire



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Functioning of democratic institutions in Moldova [Recommendation 1721 \(2005\)](#)

Reply from the Committee of Ministers
adopted at the 964th meeting of the Ministers' Deputies (10 May 2006)

1. The Committee of Ministers has taken note of [Recommendation 1721 \(2005\)](#) of the Parliamentary Assembly on the functioning of democratic institutions in Moldova. It has communicated this text to the governments of member states. It has also forwarded the text, for possible comments, to the Council of Europe Development Bank, which discussed it at its Board Meeting of 9 December 2005.
2. The Committee of Ministers thanks the Assembly for the thorough analysis of the remaining challenges for Moldova's further democratic development set out in the recommendation, as well as in [Resolution 1465 \(2005\)](#) and the report ([Doc. 10671](#)) on the functioning of democratic institutions in Moldova.
3. With regard to the assistance activities (point 2.1 of the recommendation), the Committee of Ministers is fully prepared to maintain and possibly increase co-operation in support of Moldova's democratic reform process. In this respect, the Committee of Ministers also refers to the findings of the co-operation stock-taking mission carried out by the Council of Europe Secretariat in Chisinau from 27 to 30 September 2005 (see document SG/Inf(2005)20 rev.).
4. The reform process is at present mainly supported by Council of Europe/European Commission Joint Programmes, in particular in the priority areas mentioned in the recommendation. The Committee of Ministers attaches particular importance to these programmes and counts on the active involvement of the Moldovan authorities to secure their successful implementation, in the interest of the consolidation of democracy and the rule of law and enhanced human rights protection in Moldova. It will review the results achieved in due course.
5. Concerning the functioning of democratic institutions

Since 2003, the Council of Europe has been funding the European Institute for Political Studies in Chisinau in the framework of its support programme for Schools of Political Studies. The school aims to acquaint young Moldovan political and opinion leaders with European standards in the fields of democracy, the rule of law and human rights, as well as with best practices with regard to the functioning of democratic institutions.

6. Concerning the independence and efficiency of the judiciary

Improving the independence and the functioning of the Moldovan judiciary is the main objective of the EC/Council of Europe Joint Programme, which includes the provision of legal expertise, activities to improve the execution of judgments and access to justice, as well as activities concerning the fight against corruption within the judiciary. The setting-up of a National Training Institute for the Judiciary is also foreseen in the framework of this programme.

7. With regard to the freedom and pluralism of the electronic media

Securing freedom and pluralism of the media in Moldova is another fundamental objective on which progress remains to be made. Following the activities which it has already carried out for this purpose, the Council of Europe could provide expertise in the framework of the on-going debate on the complete transformation of TeleRadio Moldova into a genuine public service broadcaster. This goes also with regard to the provision of assistance to the establishment and implementation of an overall legal framework for the domestic electronic media corresponding to the standards of modern European democracy.

8. With regard to strengthening local democracy

The Council of Europe-Moldova Action Plan on local government reform includes the provision of assistance to improve the relevant legislation with a view to ensuring its full compliance with the principles of the European Charter of Local Self-Government. Action in this field also encompasses the improved dialogue between central and local authorities and support for the development of the National Training Strategy for local self-government officials and staff. The issues raised in Congress Recommendation 179 (2005) on the basis of the 4th monitoring report on local democracy in Moldova adopted in November 2005, will be considered in the context of further co-operation programmes with Moldova.

9. With regard to better social protection accompanying strong economic performance, a specific section of the current EC/Council of Europe Joint Programme aimed at vulnerable groups affected by the socio-economic situation in Moldova will be implemented by the end of 2006.

10. With regard to fighting corruption

The Council of Europe has contributed to the preparation of the National Anti-Corruption Strategy and the relevant Action Plan, adopted by the Moldovan authorities in December 2004. Throughout 2005, specific technical assistance has been provided to ensure the implementation of the new anti-corruption policy. An assessment of compliance by Moldova with the recommendations made by GRECO after the first round of evaluation took place in December 2005.

11. With regard to the fight against trafficking in human beings and organs

Moldova has been instrumental in the drafting of the Council of Europe Convention on action against trafficking in human beings and has already signed it. The Council of Europe already assists in aligning national legislation and procedures with the standards contained in the Convention, in order to prevent and combat trafficking in an efficient manner. According to the Working Schedule of Legislative Action transmitted by the Speaker of the Parliament to the Office of the Special Representative of the Secretary General in Moldova (cf. para 13), its ratification is foreseen for December 2005. On 20 October 2005, the Moldovan Parliament adopted the Law against trafficking in human beings at its final reading. In addition, a risk analysis exploring the links between corruption and trafficking in human beings is being carried out under the PACO Moldova 2005 programme.

12. As to the new assistance programmes (point 2.2 of the recommendation), the Committee of Ministers would like to point out that the preparation of an Action Plan for co-operation with Moldova is under way.

13. With regard to expertise of legislation (point 3.1 of the recommendation), the Committee of Ministers recalls that since the adoption of the "Targeted Co-operation Programme" for Moldova in July 2002, the Moldovan authorities have repeatedly declared their readiness to submit all relevant draft legislation to Council of Europe expertise before adoption by parliament. However, the insufficient information on the follow-up given to legal expertises is constantly raised with all relevant Moldovan interlocutors with a view to increasing transparency and allowing for an assessment of the results of the co-operation programmes.

In this context, on 21 November 2005, the Speaker of the Moldovan Parliament, Mr Lupu, submitted to the Secretary General a number of laws adopted in July 2005 for expertise (Law on Court of Accounts, Electoral Code, Code of Criminal Procedure, Law on Intelligence and Security Service, Law on the Parliament's Rules of Procedure) as well as a number of laws on the

judiciary and the status of judges. In his reply, the Secretary General suggested a course of action with various Council of Europe expert analyses to be prepared during the first quarter of 2006.

The Committee of Ministers would also like to point out that on 24 November 2005, the Speaker of the Parliament transmitted to the Secretary General of the Council of Europe the parliamentary working schedule for further legislative action.

The Committee of Ministers also took note of the creation of a national co-ordination mechanism and of the drafting of a comprehensive report by the Moldovan Ministry of Justice on the implementation of the 64 legislative expertises provided by the Council of Europe so far. The report should be submitted to the Council of Europe Secretariat in the near future.

The forthcoming appointment of a resident Council of Europe legal expert to the Moldovan Ministry of Justice is expected to contribute to increased efficiency with regard to the follow-up to legal expertises.

14. Regarding the Council of Europe support for economic and social reforms in Moldova (point 4 of the recommendation), the Committee of Ministers would like to recall its reply of January 2004 to Parliamentary Assembly [Recommendation 1605 \(2003\)](#) on "Economic development of Moldova: challenges and prospects". The comments of the Council of Europe Development Bank (CEB) on the present recommendation, adopted at its Board meeting on 9 December 2005, are appended to this reply.

15. With regard to the co-ordination of activities between the Council of Europe and the European Union (point 6 of the recommendation), the Committee of Ministers would like to recall that contacts are maintained at all levels between the European Commission and the Council of Europe to ensure co-ordination and complementarity between the Council of Europe requirements and those of the EU-Moldova Action Plan. In this context, the Committee of Ministers recalls that in the guidelines on relations between the Council of Europe and the European Union adopted at the Warsaw Summit, the Heads of State and Government underlined that the two institutions "should increase their common efforts towards enhanced pan-European relations, including further co-operation in the countries participating in the European Union's Neighbourhood Policy".

16. Concerning the situation in the Transnistrian region of Moldova (point 7.1 and 7.2 of the recommendation), the Committee of Ministers supports measures aimed at fostering democracy, human rights and the rule of law in the region, in line with Council of Europe standards, and at creating conditions for a negotiated and sustainable settlement which would ensure full respect for the values of the Council of Europe, while respecting also the sovereignty and territorial integrity of the Republic of Moldova. Initiatives to this end are welcomed. The Committee reiterates that the Council of Europe stands ready to play a constructive role including in the possible monitoring of democratic elections in the Transnistrian region of Moldova. In particular, the Commission for Democracy through Law (Venice Commission) is ready, within the competence of the Council of Europe and on the basis of a decision of the Committee of Ministers, to contribute to the settlement of the Transnistrian issue that is consistent with all relevant fundamental European standards.

17. With regard to the case of "Ilaşcu and others against Moldova and the Russian Federation", the Committee of Ministers has expressed serious concern that steps taken to date have not been sufficient to fully implement the judgment in the "Ilaşcu" case, which concerns the applicants' continuing detention in the territory of the "Moldovan Republic of Transnistria". In this connection, the Committee of Ministers would like to recall that in April and July 2005 respectively, it adopted two interim resolutions concerning the decisions of the European Court of Human Rights in the "Ilaşcu" case which have not yet been executed. In its second interim resolution, the Committee of Ministers insisted that the Russian authorities take all the necessary steps to put an end to the arbitrary detention of the applicants still imprisoned and secure their immediate release, while encouraging the Moldovan authorities to continue their efforts in this connection. As indicated in the same resolution, the Committee of Ministers will continue to examine this case at each of its meetings, until the applicants have been released. More recently, on 1 March 2006, the Committee of Ministers adopted a third interim resolution in which it insisted, in particular, that the results required by the Court's judgment be attained without any further delay.

Appendix to the reply

Comments by the Council of Europe Development Bank (CEB), adopted at its Board meeting on 9 December 2005

The Governing Board has taken note of paragraph 4 of Parliamentary Assembly [Recommendation 1721 \(2005\)](#), drawing attention to the fact that the Assembly expects "that the Committee of Ministers, through its member states, the Council of Europe Development Bank and in active co-operation with the European Union Neighbourhood Policy, will further support economic and social reform in Moldova to the benefit of the entire population".

In this connection, it recalls that at its 228th meeting (Paris, 20 November 2003), the Council of Europe Development Bank (CEB) approved one project in favour of Moldova for the financing of a Safe Blood Transfusion Project, aimed at improving the supply and quality of blood and blood products (for the benefit of approximately 33,000 patients each year). This project, in addition, benefits from a specific interest rate subsidy from the Selective Trust Account.

The CEB, at its 232nd meeting (Budapest, 14 June 2004), further approved an exceptional Donation for the creation of a "Temporary Mother and Child Placement Centre" for children in precarious situations. This centre is to serve as a new model for the prevention of abandonment and institutionalisation of young children.

The CEB maintains regular contacts with the Moldovan authorities and stands ready to contribute to the financing of investment projects to enhance social cohesion that Moldova might wish to present.