

## **The Constitution of the Republic of Moldova**

WE, the plenipotentiary representatives of the people of the Republic of Moldova, members of Parliament,

STARTING from the age-old aspirations of our people to live in a sovereign country, and fulfilling those aspirations in proclaiming the independence of the Republic of Moldova,

CONSIDERING that while growing into a nation the Moldovan people has given strong evidence of historical and ethnic continuity in its statehood,

STRIVING to satisfy the interests of those of its citizens that, while being of a different ethnic origin, are, together with the Moldovans, forming the Moldovan people,

JUDGING the rule of law, the civic peace, democracy, human dignity, the rights and freedoms of man, the free development of human personality, justice and political pluralism to be supreme political values,

BEING AWARE of our responsibility and duties towards the past, present and future generations,

REASSERTING OUT devotion to overall human values, and our wish to live in peace and harmony with all the peoples of this world, in accordance with the unanimously acknowledged principles and norms of international law, we herewith adopt for our country this Constitution, and proclaim it to be the SUPREME LAW OF OUR SOCIETY AND STATE.

### **TITLE I GENERAL PRINCIPLES**

#### The State of the Republic of Moldova

- (1) The Republic of Moldova is a sovereign, independent, unitary and indivisible state.
- (2) The form of government of the State is the republic.
- (3) Governed by the rule of law, the Republic of Moldova is a democratic State in which the dignity of people, their rights and freedoms, the open development of human personality, justice and political pluralism represent supreme values, that shall be guaranteed.

#### Article I Sovereignty and State Power

- (1) National sovereignty resides with the people of the Republic of Moldova, who shall exercise it directly and through its representative bodies in the ways provided for by Constitution.
- (2) No private individual, national segment of population, social grouping, political party or public organization may exercise state power (?) in their own behalf. The usurpation of state power constitutes the gravest crime against the people.

### Article 3. The Territory.

- (1) The territory of the Republic of Moldova is inalienable.
- (2) The frontiers of the country are sanctioned by an organic Law under the observance of unanimously recognized principles and norms of international law.

### Article 4. Human Rights and Freedoms

- (1) Constitutional provisions for human rights and freedoms shall be understood and implemented in accordance with the Universal Declaration of Human Rights, and with other conventions and treaties endorsed by the Republic of Moldova.
- (2) Wherever disagreements appear between conventions and treaties signed by the Republic of Moldova and her own national laws, priority shall be given to international regulations.

### Article 5. Democracy and Political Pluralism.

- (1) Democracy in the Republic of Moldova is exercised under conditions of political pluralism, which is incompatible with dictatorship or totalitarianism.
- (2) No ideology may be pronounced as an official ideology of the State.

### Article 6. Separation and Cooperation of Powers

The Legislative, the Executive and the Judicial Powers are separate and cooperate in the exercise of their prerogatives in accordance with the provisions of the Constitution.

### Article 7. The Constitution as the Supreme Law

The Constitution of the Republic of Moldova is the supreme law of the country. No laws or other legal acts and regulations in contradiction with the provisions of the Constitution may have any legal power.

### Article 8. Observance of International Law and International Treaties

The Constitution of the Republic of Moldova is the supreme law of the country. No laws or other legal acts and regulations in contradiction with the provisions of the Constitution may have any legal power.

### Article 8 Observance of International Law and International Treaties.

- (1) The Republic of Moldova pledges to respect the Charter of the United Nations and the treaties to which she is a party, to observe with her relations to other states the unanimously recognized principles and norms of international law.
- (2) The coming into force of an international treaty containing provisions contrary to the Constitution shall be preceded by a revision of the latter.

## Article 9. The Fundamental Principles Regarding Property

- (1) Property can be public or private, and it can consist of material and intellectual goods.
- (2) No property may be used to encroach upon or damage the right to liberty and dignity of people.
- (3) The national economy is based on the interaction of market forces, also on free economic initiative and fair competition.

## Article 10. The Unity of the Nation and the Right to National Identity

- (1) The national unity of the Republic of Moldova constitutes the foundation of the State. The Republic of Moldova is the common and indivisible motherland of all her citizens.
- (2) The State recognizes and guarantees all its citizens the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity.

## Article 11. The Republic of Moldova as a Neutral State

- (1) The Republic of Moldova proclaims her permanent neutrality.
- (2) The Republic of Moldova will not admit the stationing of any foreign military troops on its territory.

## Article 12 National Symbols

- (1) The Republic of Moldova has her own flag, coat of arms and anthem.
- (2) The State flag of the Republic of Moldova is a tricolour. The colours are arranged vertically in the following order from the flagpole: blue, yellow, red. The coat of arms is printed on the central yellow stripe of the tricolour.
- (3) Moldova's coat of arms consists of a shield divided horizontally into two parts: the upper part is red, and the lower part is blue with a superimposed auroch's head showing between its horns an eight-pointed star. On its right the auroch's head is flanked by a five-pedalled rose, and on its left by a slightly rotated crescent. All heraldic elements present on the shield are of golden (yellow) colour. The shield is laid on the breast of a natural eagle holding in its beak a golden cross, in its right claw a green olive-tree branch and in its left claw a golden sceptre.
- (4) Moldova's State anthem shall be established by organic law.
- (5) The flag, the coat of arms and the anthem are State symbols of the Republic of Moldova, and are protected by law as such.

## Article 13. The National Language, Use of Other Languages

- (1) The national language of the Republic of Moldova is Moldovan, and its writing is based on the Latin alphabet
- (2) The Moldovan State acknowledges and protects the right to preserve, develop and use the Russian language and other languages spoken within the national territory of the country
- (3) The State will encourage and promote studies of foreign languages enjoying widespread international usage.

(4) The use of languages in the territory of the Republic of Moldova will be established by organic law.

#### Article 14. The Capital

The city of Chishinau is the capital of the Republic of Moldova.

## **TITLE II FUNDAMENTAL RIGHTS, FREEDOMS AND DUTIES**

### **CHAPTER I GENERAL PROVISIONS**

#### Article 15. Universality

The Constitution in conjunction with other laws grants the citizens of the Republic of Moldova their rights and freedoms and also lays down their duties upon them.

#### Article 16. Equality of Rights

- (1) It is the foremost duty of the State to respect and protect the human person.
- (2) All citizens of the Republic of Moldova are equal before the law and the public authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property or social origin.

#### Article 17. Citizenship of the Republic of Moldova

- (1) The citizenship of the Republic of Moldova can be acquired, retained or lost only under the conditions provided for by the organic law.
- (2) No one may be deprived arbitrarily of his/her citizenship or the right to change it.
- (3) No citizen of the Republic of Moldova can be extradited or expelled from his/her country.
- (4) Foreign or stateless citizens may be extradited only in compliance with an international agreement or under conditions of reciprocity in consequence of a decision of a court of law.

#### Article 18. Citizenship Restrictions and State Protection for Its Nationals

- (1) Except in those cases where international accords adhered to by the Republic of Moldova have different provisions, no citizen of the Republic of Moldova may be simultaneously a citizen of another country.
- (2) The citizens of the Republic of Moldova shall enjoy the protection of their State both at home and abroad.

#### Article 19. Rights and Duties of Aliens and Stateless Persons

(1) Except in cases where the law has different rulings aliens and stateless persons shall enjoy the same rights and shall have the same duties as the citizens of the Republic of Moldova.

(2) The right to asylum shall be granted and denied by rule of law in compliance with those international treaties the Republic of Moldova is a party to.

#### Article 20. Free Access to Justice.

(1) Every citizen has the right to obtain effective protection from competent courts of Jurisdiction against actions infringing on his/her legitimate rights, freedoms and interests.

(2) No law may restrict the access to justice.

#### Article 21. Presumption of Innocence

Any person accused to have committed an offense shall be presumed innocent until found guilty on legal grounds, brought forward in a public trial in the course of which all guarantees for necessary defense will have been taken.

#### Article 22. Non-retroactivity of Law

No one may be sentenced for actions or omissions which did not constitute an offense at the time they were committed. Also, no punishment may be given that is harsher than that applicable at the time when the offense was committed.

#### Article 23. The Right to Know One's Rights and Duties

(1) Every one has the right to an acknowledged legal status.

(2) The State ensures the right of everybody to know his/her rights and duties. For that purpose the State shall publish all its laws and regulations and make them accessible to everybody.

## CHAPTER II

### FUNDAMENTAL RIGHTS AND FREEDOMS

#### Article 24. The Right to Life and Physical and Mental Integrity

(1) The State guarantees everybody the right to life, and to physical and mental integrity.

(2) No one may be subjected to torture or to cruel, inhuman or degrading punishment or treatment.

(3) Until its final prohibition, capital punishment may be applied only if it is based on a sentence passed in a court of justice, as foreseen by law.

#### Article 25. Individual Freedom and Personal Security

(1) Individual freedom and personal security are declared to be inviolable.

(2) Searching, detaining in custody or arresting a person shall be permitted only if based on the

authority of law.

(3) The period of detention in custody may not exceed 24 hours.

(4) Persons may be arrested only under warrant issued by a magistrate for a maximum time limit of 30 days. The arrested may contest the legality of the warrant and lay a complaint before a court judge who is bound to reply by way of a motivated decision. The time limit of detention may be extended to 6 months and in exceptional cases, if approved by decision of Parliament, to 12 months.

(5) The person detained in custody or arrested shall be informed without delay of the reasons for his detention or arrest, as well as of the charges made against him/her, which may take place only in the presence of a lawyer, either chosen by the defendant or appointed ex officio.

(6) If the reasons for detention in custody or arrest have ceased to exist, the release of the person concerned must follow without delay.

#### Article 26. Right of Defense

(1) The right of defense is guaranteed.

(2) Everybody has the right to respond independently by appropriate legitimate means to an infringement of his/her rights and freedoms.

(3) Throughout the trial the parties have the right to be assisted by a lawyer, either chosen or appointed ex officio.

(4) Any interference with the activity of those carrying out the defense within legally established confines shall be punished by authority of law.

#### Article 27. The Right to Free Movement

(1) The right to move freely within the boundaries of one's native country is guaranteed.

(2) Every citizen of the Republic of Moldova is guaranteed the right to choose his place of residence anywhere within the national territory, to travel in and out of the country, also to emigrate at will.

#### Article 28. Private and Family Life.

The State shall respect and protect private and family life.

#### Article 29. Inviolability of Domicile

(1) The domicile is inviolable. No one may enter upon or stay on the premises of a domicile without the owner's consent.

(2) The law shall allow for derogation from the provisions of paragraph (1) under the following circumstances:

(a) for executing an arrest warrant or a decision of a court of law;

(b) for forestalling imminent danger threatening of the life, physical integrity or the property of a person;

(c) for preventing the spread of an epidemic disease.

(3) Searches and questioning in a domicile may be ordered and carried out only in accordance with the rule of law.

(4) Except for cases where an obvious offence has been committed, night searches are forbidden.

#### Article 30. Privacy of Correspondence.

The State shall ensure the privacy of letters, telegrams, other postal dispatches, of telephone conversations and of using other legal means of communication.

#### Article 31. Freedom of Conscience.

(1) The freedom of conscience is guaranteed, and its manifestations should be in a spirit of tolerance and mutual respect.

(2) The freedom of religious worship is guaranteed and religious bodies are free to organize themselves according to their own statutes under the rule of law.

(3) In their mutual relationships religious cults are forbidden to use, express or incite to hatred or enmity.

(4) Religious cults are autonomous vis-à-vis the State and shall enjoy the latter's support, including that aimed at providing religious assistance in the army, in hospitals, prisons, homes for the elderly and orphanages.

#### Article 32. Freedom of Opinion and Expression

(1) All citizens are guaranteed the freedom of opinion as well as the freedom of publicly expressing their thoughts and opinions by way of word, image or any other means possible.

(2) The freedom of expression may not harm the honor, dignity or the rights of other people to have and express their own opinions or judgments.

(3) The law shall forbid and prosecute all actions aimed at denying and slandering the State or the people. Likewise shall be forbidden and prosecuted the investigations to sedition, war, aggression, ethnic, racial or religious hatred, the incitement to discrimination, territorial separatism, public violence, or other actions threatening constitutional order.

#### Article 33. Freedom to Create

(1) The freedom to create scientific and artistic works is guaranteed. Creative work may not be submitted to censorship.

(2) The law shall protect the rights of citizens to their intellectual property, and to the material and moral interests related to various forms of intellectual creation.

(3) The State shall support the preservation, development and propagation of national and world achievements in culture and science.

#### Article 34. The Right of Access to Information

(1) Having access to any information of public interest is everybody's right, that may not be curtailed.

(2) According with their established level of competence, public authorities shall ensure that citizens are correctly informed both on public affairs and matters of personal interest.

- (3) The right of access to information may not prejudice either the measures taken to protect the citizens or the national security.
- (4) The State and private media are obliged to ensure that correct information reaches public opinion.
- (5) The public media shall not be submitted to censorship.

#### Article 35. The Right of Access to Education

- (1) The right of access to education is put into effect through the compulsory comprehensive public school system, lyceum (public secondary school) and vocational education, as well as the higher education system, and other forms of instruction and training.
- (2) The State will enforce under the law the right of each person to choose his/her language in which teaching will be effected.
- (3) In all forms of educational institutions the study of the country's official language will be ensured.
- (4) State public education is free.
- (5) All educational institutions, including those that are not financed by the state, shall be established and function under the rule of law.
- (6) Higher education institutions have the right to be autonomous.
- (7) The access to lyceum, vocational and higher education is equally open to all and is based on personal merit.
- (8) The State ensures under the law the freedom of religious education. The State ensures a lay education.
- (9) The priority right of choosing an appropriate educational background for children lies with the parents.

#### Article 36. The Right of Health Security

- (1) The right of health security is guaranteed.
- (2) The State shall provide a minimum health insurance, that is free.
- (3) Organic laws will establish the structure of the national health security system and the means necessary for protecting individual physical and mental health.

#### Article 37. The Right to Live in a Healthy Environment

- (1) Every human being has the right to live in an environment that is ecologically safe for life and health, to obtain healthy food products and harmless household appliances.
- (2) The State guarantees every citizen the right of free access to truthful information regarding the state of the natural environment, the living and working conditions, and the quality of food products and household appliances.
- (3) Non-disclosure or falsification of information regarding factors detrimental to human health constitute offenses punishable by law.
- (4) Private individuals and legal entities shall be held responsible before the law for any damages they may cause to personal health and property due to an ecological offense.

## Article 38. The Right of Voting and Being Elected

- (1) The foundation of State power is the will of the people made known through free elections held at regular intervals and based on universal, equal, direct, and free suffrage.
- (2) Except for the persons banned from voting by law, all the citizens of the Republic of Moldova having attained the age of 18 on or by the voting day inclusively have the right to vote.
- (3) The right of being elected is granted to all citizens of the Republic of Moldova enjoying the right of voting.

## Article 39. The Right of Administering

- (1) The citizens of the Republic of Moldova have the right of participating in the administration of public affairs, either directly or through their representatives.
- (2) The access to a public office or position is guaranteed by law to all citizens of the Republic of Moldova.

## Article 40. The Freedom of Assembly

All meetings, demonstrations, rallies, processions or any other assemblies are free, and they may be organized and take place only peacefully and without the use of weapons.

## Article 41. The Freedom of Political Association

- (1) All citizens are free to associate in parties and other social and political organizations. These organizations contribute to the definition and expression of public political will, and under the rule of law take part in the electing process.
- (2) All parties and other social/political organizations are equal before the law.
- (3) The State shall ensure the protection of the rights and legitimate interests of parties and other social/political organizations.
- (4) Parties and social/political organizations are declared unconstitutional if by their aims or activities they are engaged in fighting against political pluralism, the principles of the rule of law, the sovereignty and independence or territorial integrity of the Republic of Moldova.
- (5) Secret associations are forbidden.
- (6) The activity of parties consisting of foreign nationals is forbidden.
- (7) The organic law shall establish those public offices whose holders may not join political parties.

## Article 42. The Right of Establishing and Joining Trades-Unions

- (1) Any employee has the right to establish and join a trades-union in order to defend his/her interests.
- (2) Trades-unions are founded and carry on their activities in accordance with their statutes under the law. They make their contribution to the defense of employees professional, economic and social interests.

#### Article 43. The Right of Working and of Access to Work

- (1) Every person has the right to freely choose his/her work, and to benefit from equitable and satisfactory working conditions, as well as to be protected against unemployment.
- (2) All employees have the right of work protection. In this respect the protective measures will bear upon work security and hygiene, working conditions for women and young people, the introduction of minimum wages across the national economy, the weekly period of rest, the paid holidays, difficult working conditions, as well as other specific situations.
- (3) The length of the working week shall not exceed 40 hours.
- (4) The right of collective bargaining is guaranteed, and so is the legal enforceability of collective agreements.

#### Article 44. Prohibition of Forced Labor

- (1) Forced labor is prohibited.
- (2) Not to be regarded as forced labor are the following:
  - (a) Military-like duty or the activities designed to replace it, carried out by those who under the law are exempted from compulsory military service;
  - (b) work done by a convicted person under normal conditions, in custody or on conditional release;
  - (c) services such as required to deal with calamities or other dangers or as considered under the law to be a part of normal obligations of civilians.

#### Article 45. The Right of Striking

- (1) The right to strike is acknowledged. Strikes may be started only if aimed at defending the economic, social and professional interests of employees.
- (2) The law will establish the conditions requested in the exercise of this right, as well as the responsibility involved in the illegal start of strikes.

#### Article 46. The Right of Private Property and Its Protection

- (1) The right to possess private property and the debts incurred by the State are guaranteed.
- (2) No one may be expropriated except for reasons dictated by public necessity, as established by law and against just and appropriate compensation made in advance.
- (3) No assets legally acquired may be confiscated. The effective presumption is that of legal acquirement.
- (4) Goods destined for, used or resulted from crimes or offenses may be confiscated only as established by law.
- (5) The right of private property carries with it the duty to observe the roles regarding the protection of the environment, the maintenance of good neighborly relations and the observance of all the other duties that have to be fulfilled by owners of private property under the law.
- (6) The right to inherit private property is guaranteed.

#### Article 47. The Right of Receiving Social Assistance and Protection

(1) The State is obliged to take action aimed at ensuring that every person has a decent standard of living, whereby good health and welfare based on available food, clothing, shelter, medical care, and social services are secured for that person and his/her family.

(2) All citizens have the right to be insured against such adversities as: unemployment, disease, disability, widowhood, old age or other situations where, due to causes beyond one's control one loses the source or means of obtaining the necessities of life.

#### Article 48. Family

(1) The family is the natural and fundamental constituent of society and as such has the right to be protected by the State and by society.

(2) The family is founded on the freely consented marriage of husband and wife, on the spouses equality of rights and on the duty of parents to ensure their children's upbringing and education.

(3) The law shall establish under which conditions a marriage may be concluded, terminated or annulled.

(4) Children have a duty to look after their parents and help them in need.

#### Article 49. Protection of Family and Orphaned Children

(1) By economic and other actions the State shall support the formation and development of families, and the fulfillment of their duties.

(2) The State shall protect the motherhood, the children and the young and promote the development of the institutions required to put that protection into effect.

(3) All efforts aimed at maintaining, bringing up and educating orphaned children and those children deprived of parental care constitute the responsibility of the State and of society. The state promotes and supports charitable activities for the benefit of these children.

#### Article 50. Protection of Mothers, Children and Young People

(1) Mothers and children have the right of receiving special protection and care. All children, including those born out of wedlock, shall enjoy the benefits of the same social assistance.

(2) Children and young people enjoy a special form of assistance in the enforcement of their rights.

(3) The State shall grant the required allowances for children and the aid needed for the care of sick or disabled children. The law shall provide for other forms of social assistance for children and the young.

(4) Both the exploitation of minors and their misuse in activities endangering their health, moral conduct, life or normal development are forbidden.

(5) It is the duty of the public authorities to establish the conditions enabling the young people to take part freely in the social, economic, cultural and sporting life of the country.

#### Article 51. Protection of Disabled Persons

(1) The disabled persons shall enjoy a special form of protection from the whole of society. The

State shall ensure that normal conditions exist for medical treatment and rehabilitation, education, training and social integration of disabled persons.

(2) Except for those cases that are provided for under the law nobody may be submitted to forced medical treatment.

#### Article 52. Right of Petitioning

(1) All citizens have the right to apply to public authority by way of petitions formulated in behalf of the applicants.

(2) Legally established organizations may petition exclusively in behalf of the associations or bodies they represent.

#### Article 53. Rights of Persons Aggrieved by Public Authority

(1) Any person, whose rights have been trespassed upon in any way by public authority through an administrative ruling or lack of timely legal reply to an application, is entitled to obtain acknowledgement of those rights, the cancellation of the ruling and payment of damages.

(2) The State is under patrimonial liability as foreseen by the law for any prejudice or injury caused in lawsuits through errors of the police or the judiciary.

#### Article 54. Restricting the Exercise of Certain Rights or Freedoms

(1) The exercise of certain rights or freedoms may be restricted only under the law and only as required in cases like: the defense of national security, of public order, health or morals, of citizens rights and freedoms, the carrying of the investigations in criminal cases, preventing the consequences of a natural calamity or of a technological disasters.

(2) The restrictions enforced must be in proportion to the situation that caused it, and may not affect the existence of that right or liberty.

### **TITLE III PUBLIC AUTHORITIES**

#### CHAPTER IV.

#### PARLIAMENT

#### FIRST SECTION.

#### Structure and Functioning

#### Article 60. Parliament as the Supreme Representative Body and Legislative Authority.

(1) Parliament is the supreme representative body of the people and the sole legislative authority of the State in the Republic of Moldova.

(2) Parliament consists of 101 members.

#### Article 61. Parliament Elections

- (1) The members of Parliament are elected by voting based on universal, equal, direct, secret and freely expressed suffrage.
- (2) The organic law shall establish the way of organizing and holding elections.
- (3) The election of Parliament members will be started not later than 3 months from the end of the previous mandate or from the dissolution of the previous Parliament.

#### Article 62. Validation of Members Mandates

On proposal submitted by the Central Electoral Board the Constitutional Court will decide upon the validation or invalidation of a Parliament member's mandate, whenever electoral legislation has been transgressed.

#### Article 63. Mandate Duration

- (1) The members of Parliament are elected for a 4-year term, which may be extended by organic law, and in the event of war or a national disaster.
- (2) Parliament shall be convened in session by the President of the Republic of Moldova within at most 30 days from election day.
- (3) The mandate of the current Parliament may be extended until the structure of the new Parliament has been completed and the latter can meet in full session. During this period no amendments may be brought to the Constitution and no organic law may be adopted, changed or abrogated.
- (4) The legislative projects and proposals contained in the agenda of the previous Parliament will be carried over onto the agenda of the new Parliament.

#### Article 64. Internal Structure

- (1) The structure, organization and functioning of Parliament are established by internal regulations. The Parliament approves the national budget and, with it, its own financial resources.
- (2) The President of Parliament is elected by secret ballot based on the majority of votes cast by members for a term of office equal to that of Parliament. The Parliament may revoke the President at any time by secret ballot based on a two-thirds majority of votes cast by members.
- (3) On consultations with parliamentary factions the President of Parliament calls for the election of Parliament's Vice-Presidents.

#### Article 65.

- (1) Parliament's sessions are public.
- (2) The Parliament may decide to hold certain sessions behind closed doors.

#### Article 66. Basic Powers

The following are Parliament's basic powers:

- a) To pass laws, decisions and motions;
- b) To declare the holding of referendums;
- c) To provide legislative interpretations and ensure the legislative unity of regulations throughout the country;
- d) To approve the main directions of the state's internal and external policy;
- e) To approve the state's military doctrine;
- f) To exercise parliamentary control over executive power in the ways and within the limits provided for by the Constitution;
- g) To ratify, denounce, suspend and abrogate the action of the international treaties concluded by the Republic of Moldova;
- h) To approve and control the national budget;
- i) To supervise and control the allocation of State loans, the aid of an economic or other nature granted to foreign countries, the conclusion of agreements concerning State loans or credits obtained from foreign sources;
- j) To elect and nominate State officials as foreseen by law;
- k) To approve the orders, medals and awards of the Republic of Moldova;
- l) To declare partial or general mobilization of the armed forces;
- m) To declare the states of national emergency, martial law, and war;
- n) To initiate investigations and hearings concerning any matters touching upon the interests of society;
- o) To suspend the activity of local institutions of public administration under the law;
- p) To pass bills of amnesty;
- r) To exercise other powers, as provided for by the Constitution and the Law.

#### Article 67. Parliament Sessions

- (1) Parliament meets in two ordinary sessions per year. The first parliamentary session starts in February and may not go beyond the end of July. The second parliamentary session starts in September and may not go beyond the end of December.
- (2) Parliament may also meet in extraordinary or special meetings at the specific request of the President of the Republic of Moldova, of the President of Parliament or of a third of the members.

### SECOND SECTION

#### The Status of Parliament Members

#### Article 68. Representational Mandate

- (1) In the exercise of their power the members of Parliament are in the service of the people.
- (2) Imperative mandates shall be null and void.

#### Article 69. Mandate of Parliament members

- (1) The members of Parliament shall enter upon the exercise of their mandate under condition of

prior validation.

(2) The powers ascribed to any member of Parliament cease with the lawful assembly of the newly-elected Parliament, on resignation on the part of that member, on mandate suspension, also in cases of incompatibility or death.

#### Article 70. Incompatibilities and Immunities

(1) The quality and rights ascribed to members of Parliament are incompatible with the holding of another remunerated position.

(2) Other possible incompatibilities shall be established by organic law.

(3) Except in cases of flagrant infringement of law members of Parliament may not be detained for questioning, put under arrest, searched or put on trial without Parliament's assent, after prior hearing of the member in question.

#### Article 71. Independence of Opinion

Members of Parliament may not be prosecuted or tried by law for their votes or opinions expressed in the exercise of their mandate.

### THIRD SECTION

#### Legislation and Acts of Parliament

#### Article 72. Classification of Laws

(1) Parliament is endowed with the powers to pass constitutional, organic and ordinary laws.

(2) Constitutional laws are aimed at revising the Constitution.

(3) The purpose of the organic laws is to direct and control:

- a) the working of the electoral system;
- b) the organization and carrying out of referendums;
- c) the organization and functioning of Parliament;
- d) the organization and functioning of Government;
- e) the organization and functioning of the Constitutional Court, the Higher Magistrates Council, the judiciary and courts of administrative judicature;
- f) the organization of local administration, of the national territory, and the general functioning of local autonomy;
- g) the organization and functioning of political parties;
- h) the manner of selecting exclusive economic zones;
- i) the legal status of private property and inheritance;
- j) the general implementation of the working relations and social protection, and the functioning of trades-unions;
- k) the general organization of the educational system;
- l) the general status of religious worship;
- m) the states of national emergency, martial law and war,
- n) the criminal offenses, the punishments requested, and the ways of executing the latter,
- o) the granting of amnesty and pardon;

- p) other provinces where the Constitution provides for the necessity of passing organic laws;
  - r) other provinces where Parliament recommends the passing of organic laws.
- (4) Basically, social relations are the province of ordinary law, excepting those for whose regulation constitutional and organic laws have been appointed.

#### Article 73. Legislative Initiative

The right to initiate legislation belongs to members of Parliament, the President of the Republic of Moldova and the Government.

#### Article 74. The Passing of Laws and Resolutions

- (1) Organic laws shall be passed by majority vote based on at least two ballots.
- (2) Ordinary laws and resolutions shall be passed by the majority of the votes cast by the members present in session.
- (3) The laws passed shall be submitted to the President of the Republic of Moldova for promulgation.

#### Article 75. The Referendum

- (1) Problems of utmost gravity or urgency confronting the Moldovan society or State shall be resolved by referendum.
- (2) The decisions passed in consequence of the results produced by the republican referendum have supreme judicial power.

#### Article 76. The Coming into Force of Laws

Laws shall be published in the “Monitorul Oficial” of the Republic of Moldova and shall come into force either on its publication date or on the date mentioned in its original text. Unless published, the law is non-existent.

### CHAPTER V THE PRESIDENT OF THE REPUBLIC OF MOLDOVA

#### Article 77. The President of the Republic of Moldova - the Head of the State

- (1) The President of the Republic of Moldova is the head of the State.
- (2) The President of the Republic of Moldova represents the State and is the guarantor of national sovereignty, independence, of the unity and territorial integrity of the nation.

#### Article 78. The Election of the President

- (1) The President of the Republic of Moldova is elected by freely- expressed, universal, equal, direct, and secret suffrage.
- (2) Any citizen of the Republic of Moldova over 35 years of age that has been living in the country for at least 10 years and speaks the State language can run for the office of President of the Republic of Moldova. The appropriate organic law shall determine the manner of selecting the candidates aspiring to this office.
- (3) The candidate obtaining at least half the votes cast in the presidential election shall be proclaimed as the new President
- (4) If after the first ballot no candidate will have obtained the above- mentioned majority of votes, a second ballot shall be held to choose from the first-placed two candidates, in the order of the number of votes cast for them in the first ballot. On condition that the number of the votes cast for him be bigger than the number of the votes cast against him, the candidate obtaining most of the votes cast in the second ballot shall be proclaimed as the new President.
- (5) The office of the President of the Republic of Moldova may be held by the same person for not more than two consecutive terms.

#### Article 79. Mandate Validation and Taking of the Oath

- (1) The Constitutional Court will validate the result of the presidential election.
- (2) Within 45 days from the date when elections were completed the successful presidential candidate shall take the following oath before Parliament and the Constitutional Court  
“I solemnly swear to devote ail my personal strength and abilities to the advancement and prosperity of the Republic of Moldova, to always abide by the Constitution and the laws of the country, to defend democracy, the fundamental rights and freedoms of the Republic of Moldova if incompatible man, and the sovereignty, independence, unity and territorial integrity of Moldova”

#### Article 80. Term of Office

- (1) The President of the Republic of Moldova takes office on the oath- taking day and his term has a duration of 4 years.
- (2) The President of the Republic of Moldova exercises his mandate until the next President is sworn in.
- (3) By organic law the mandate of the President of the Republic of Moldova may be prolonged in the event of war or catastrophe.

#### Article 81. Incompatibilities and Immunities

- (1) The office of the President of the Republic of Moldova is incompatible with holding another remunerated position.
- (2) The President of the Republic of Moldova will enjoy immunity from civil action for any personal opinions expressed while in the execution of his mandate.
- (3) Based on the majority of at least two thirds of the votes cast by its members, Parliament may decide to indict the President of the Republic of Moldova if the latter commits an offense. In such a case it is the Supreme Court of Justice which has the competence to sue under the rule of

law, and the President will be removed from office on the very day that the court sentence convicting him has been passed as definitive.

#### Article 82. Nomination of Government

(1) On consultation with the parliamentary majority, the President of the Republic of Moldova will designate a candidate for the office of Prime Minister and will make use of the vote of confidence given him by Parliament to nominate the Government.

(2) In cases of cabinet reshuffling or vacancies the President may, on proposals submitted to him by the Prime Minister, revoke and denominate certain members of Government.

#### Article 83. Participation in Government Meetings. Consultation with the Government

(1) The President of the Republic of Moldova can take part in Government meetings, in which case he will preside over them.

(2) The President of the Republic of Moldova can consult the Government on matters of special importance and urgency.

#### Article 84. Messages

(1) The President of the Republic of Moldova can take part in Parliament's proceedings and debates.

(2) The President of the Republic of Moldova will address Parliament messages concerning the main issues of national interest.

#### Article 85. Dissolution of Parliament

(1) In cases where an impossibility has been reached to form the Government or a situation has been encountered whereby the passing of new legislation has been deadlocked for 3 consecutive months, the President of the Republic of Moldova, on consultations with parliamentary groups, may dissolve Parliament.

(2) If within 45 days from a first presidential request for a vote of confidence to form a new government a second such request been aim rejected by Parliament, the President may dissolve the Parliament.

(3) The Parliament may be dissolved only once in the course of a year.

(4) The Parliament may not be dissolved either during the Presidents last 6 months of office or during a state of emergency martial law or war.

#### Article 86. Powers Regarding Foreign Policy

(1) The President of the Republic of Moldova is empowered to enter official discussions, take part in negotiations, conclude in the name of the Republic of Moldova the international treaties resulting there from, and submit those treaties to Parliament for ratification.

(2) On specific proposals submitted to him by Government, the President of the Republic of Moldova can accredit and revoke the Republic of Moldova's diplomatic representatives, as well as approve the establishment, disestablishment, and ranking of diplomatic missions abroad.

(3) The President of the Republic of Moldova receives letters of accreditation or revocation of foreign diplomatic envoys to Moldova.

#### Article 87. Powers Regarding National Defense

(1) The President of the Republic of Moldova is the Commander-in- Chief of the armed forces.

(2) On prior approval from Parliament the President of the Republic of Moldova can declare partial or general mobilization armed forces.

(3) In the event of armed aggression against the country, the President of the Republic of Moldova takes the steps required to repel aggression, and to declare a state of war, and informs Parliament without delay on the situation. If Parliament is not in session, the President convenes by right the Parliament within 24 hours from the time when the aggression was launched.

(4) In order to ensure national security and public order the President of the Republic of Moldova can under the rule of law also take other steps.

#### Article 88. Other Powers

The President of the Republic of Moldova is also empowered to:

- a) Award medals and titles of honor,
- b) Award such supreme military ranks as provided for by the law;
- c) Find solutions to problems concerning the rights of citizenship of the Republic of Moldova and grant political asylum;
- d) Appoint public officials under the law;
- e) Grant individual pardon or amnesty;
- f) Request the citizens of the Republic of Moldova to express their will by way of referendum on matters of national interest;
- g) Award diplomatic ranks;
- h) Award higher ranks to officials holding positions with Magistrates' Courts and Civil Courts, and to other civil servants the law;
- i) suspend those Acts of Government that run against existing legislation until a final decision has been passed by the Constitutional Court;
- j) Exercise other powers as foreseen by the law.

#### Article 89. Suspension from Office

(1) In the event where the President of the Republic of Moldova commits grave offenses infringing upon constitutional provisions, he may be suspended from office by Parliament if a two - thirds of the members cast their votes in support of suspension (?).

(2) The motion requesting the suspension from office may be initiated by at least one third of the members, and it must be brought to the knowledge of the President without delay. The President may give explanations on the actions for which he is being censured before Parliament.

(3) If the motion requesting suspension from office meets with approval, a national referendum shall be organized within 30 days for removing the President from office.

#### Article 90. Vacancy of Office

- (1) The office of the President of the Republic of Moldova may become vacant in consequence of expiry of the presidential mandate of resignation from office, removal from office, definite impossibility of executing his duties, or death.
- (2) The request to remove the President of the Republic of Moldova from office will be brought forward in Parliament, which will pass a decision on that request.
- (3) Within 3 months from the date when the presidential office was announced as vacant elections for a new President will be held in accordance with the law.

#### Article 91. Interim Office

When the office of the President of the Republic of Moldova becomes vacant or the President has been suspended from office, or finds himself in the temporary impossibility of discharging his duties, the responsibility of the office shall devolve ad interim on the President of Parliament or the Prime-Minister, in that priority order.

#### Article 92 Responsibility of Interim President

Should the person acting as interim President of the Republic of Moldova commit grave offences infringing upon constitutional provisions article 89 paragraph (1) and article 91 will apply.

#### Article 93. Promulgation of Laws

- (1) The President of the Republic of Moldova promulgates the laws.
- (2) The President of the Republic of Moldova has the right, whenever he objects to a given law, to submit it within at most two weeks to Parliament for re-examination. Should Parliament stick to its previously passed decision, and then the President must promulgate the law.

#### Article 94. Presidential Acts

- (1) In the exercise of his powers the President of the Republic of Moldova issues decrees whose execution is compulsory throughout the entire territory of the state. These decrees shall be published in the "Monitorul Oficial" of the Republic of Moldova.
- (2) Those decrees issued by the President that fall under the provisions of article 86 paragraph (2) and article 87 paragraph (1) (2), (3) and (4) must be countersigned by the Prime Minister also.

#### Article 95. Budget of Presidential Institution. Compensation and Other Rights

- (1) The budget of the presidential institution shall be submitted to Parliament for approval and shall be included in the budget.
- (2) The law will determine the level of compensation and the other rights the President is entitled to.

## CHAPTER VI THE GOVERNMENT

## Article 96. The Role of Government

- (1) It is the role of Government to carry out the domestic and foreign policy of the State and to apply general control over the work of public administration.
- (2) A specific programme of activities approved by Parliament will constitute the guidelines, which Government will use in the exercise of its powers.

## Article 97. Structure of Government.

The Government consists of a Prime Minister, a first vice-prime-minister, Vice Prime Minister of ministers and other members, as determined by organic law.

## Article 98. Investiture

- (1) The President of the Republic of Moldova designates a candidate for the office of Prime Minister.
- (2) Within 15 days from its designation, the candidate for the office of Prime Minister will request a vote of confidence for Parliament regarding his whole programme and the entire list of Government members.
- (3) Parliament will debate in joint session upon both the programme and the list of Government members and will grant Government the requested vote of confidence based on majority vote.
- (4) Government enters into the execution of its powers on the very day when its members take the oath before the President Republic of Moldova.

## Article 99. Incompatibilities

- (1) The office of government member is incompatible with the holding of another remunerated position.
- (2) Other incompatibilities will be specified by organic law.

## Article 100. Termination of Government Membership

The office of a Government member ends in cases of resignation, removal from office, incompatibility or death.

## Article 101. The Prime-Minister

- (1) The Prime-Minister leads the Government and coordinates the activity of its members, while respecting the powers delegated to them. He keeps informed the President of the Republic of Moldova on matters of special importance.
- (2) Whenever the Prime-Minister finds himself in one of the situations described under article 100 or in the impossibility of discharging his duties the President of the Republic of Moldova shall designate another Government member as an interim Prime-Minister to fulfill the duties of the latter until the formation of a new Government Should the Prime-Minister resume his activity

within the Government structure in the interim period, then the temporary character of his inability to fulfill his duties also ceases.

(3) A resignation on the part of the Prime Minister leads to the resignation of the whole Government

#### Article 101 Acts of Government

(1) The Government issues decisions and orders that are published in the "Monitorul Oficial" of the Republic of Moldova.

(2) The decisions and orders are issued by way of legal execution and are signed by the Prime-Minister.

(3) Under the rule of law certain orders may be countersigned by the ministers bearing the responsibility to put them into effect

#### Article 103. Termination of Mandate

(1) The Government is empowered to exercise its mandate up to the date that has been officially sanctioned for the holding parliamentary elections.

(2) In cases where Parliament has passed a vote of no confidence in the current Government, or the Prime Minister has been removed from office, or as provided for by paragraph (1) above, the Government shall only control the administration of the public affairs until the new Government has been sworn in.

### CHAPTER VII

#### THE PARLIAMENT - GOVERNMENT INTERRELATIONSHIP

#### Article 104. Reporting to Parliament

(1) The Government is responsible before Parliament, its committees and its individual members for supplying them with all information and documents that may be requested.

(2) No access of Government members to parliamentary proceedings is ensured, and their presence may be obligatory if so requested.

#### Article 105. Questioning and interpellation

(1) Both the Government as a whole and each one of its members are obliged to reply to the questions and interpellations raised by Parliament members

(2) Parliament may pass a motion to substantiate its position vis-à-vis the issue that has caused an interpellation.

#### Article 106. Motion of No Confidence

(1) If initiated by at least a quarter of the members present in session and based on their majority vote) Parliament may carry a motion of no confidence in the Government

(2) The initiative to carry a motion of no confidence in the Government will be examined within 3 days from the date when it was brought before Parliament.

## CHAPTER VIII PUBLIC ADMINISTRATION

### Article 107. Specialized Central Public Administration

(1) Ministries constitute the state's specialized agencies. They put into practice under the law the Government's policy, decisions and orders, exercise control over their areas of competence and are answerable for their activities.

(2) In order to manage, coordinate and control the national economy, as well as other areas outside the direct responsibility of ministries, other administrative authorities may be set up in accordance with the law.

### Article 108. The Armed Forces

(1) The armed forces are subordinated solely to the will of the nation, and their purpose is to safeguard the sovereignty, independence, unity and territorial integrity of the country, as well as the constitutional democracy.

(2) The structure of the national defence system will be determined by organic law.

### Article 109. Basic Principles of Local Public Administration

(1) Public administration as manifested in the administrative/territorial units is based on the principles of local autonomy, of decentralization of public services, of the eligibility of local public administration authorities and of consulting the citizenry on local problems of special interest.

(2) The concept of autonomy encompasses both the organization and functioning of local public administration, as well as the management of the communities represented by that administration.

(3) The enforcement of the principles described above may not detract from the unitary character of the State.

### Article 110. Administrative/Territorial Organization

From the administrative point of view the territory of the Republic of Moldova is structured in districts, towns and villages. Certain towns may under the law be declared municipalities.

### Article 111. Special Autonomy Statutes

(1) The places on the left bank of the Nistru river, as well as certain other places in the south of the Republic of Moldova may be granted special forms of autonomy according to special statutory provisions of organic law.

(2) The organic laws establishing special statutes for the places mentioned under paragraph (1) above may be amended if three fifths of the Parliament members support such amendments.

### Article 112. Village and Town Authorities

- (1) At village and town level the public administration authorities through which local autonomy is executed are represented by the elected local councils and mayors.
- (2) The local councils and the mayors operate under the law as autonomous administrative authorities and are assigned the task of solving public affairs in villages and towns.
- (3) The ways of electing local councils and mayors, as well as their powers and competences shall be established by law.

#### Article 113. District Councils

- (1) The district council coordinates the activity of the village and town councils to achieve public service at district level.
- (2) The district council will be elected and will work in accordance with the law.
- (3) The interrelationships of public authorities are based on the principles of autonomy, legality and cooperation in solving common problems.

### CHAPTER IX JUDICIAL AUTHORITY

#### FIRST SECTION. Courts of Law

#### Article 114. Administration of Justice

Justice shall be administered in the name of the law by courts of law only.

#### Article 115. Courts of Law

- (1) Justice shall be administered by the Supreme Court of Justice, the Court of Appeal, by tribunals and the courts of law.
- (2) To hear certain categories of cases special courts may be set up under the law.
- (3) It is forbidden to set up courts of exception.
- (4) The structure of the courts of law, their areas of competence and the corresponding judicial procedures shall be established by organic law.

#### Article 116. Status of Judges

- (1) Judges sitting in the courts of law are independent, impartial and irremovable under the law.
- (2) The judges sitting in the courts of law are appointed by the President of the Republic of Moldova following a proposal submitted to him by the Higher Magistrates Council. Those judges who have passed the judicature entry test are appointed in their positions at first for a 5-year term, and subsequently for a 10-year term. After 15 years judges will be appointed for a term of office which expires with their reaching the age limit.
- (3) Both the President and the members of the Supreme Court of Justice shall be appointed by Parliament following a proposal submitted by the Higher Magistrates Council. They must

provide evidence of work experience in courts of law that is not less than 15 years long.

(4) Judges may be promoted or transferred at their own consent only.

(5) Judges may be punished as provided for under the rule of law.

(6) The office of judge is incompatible with holding any other public or private remunerated position, except in the area of teaching or scientific research.

#### Article 117. Public Character of Legal Proceedings

Legal hearings in all courts of law are public. Cases may be heard behind closed doors only as stipulated by law under compliance with all established legal procedures.

#### Article 118. Language Used in Hearings and Right to Use an Interpreter

(1) Legal cases will be heard in the Moldovan language.

(2) Those persons who do not know or are unable to speak Moldovan have the right to take knowledge of all documents and items on file and to talk to the court through an interpreter.

(3) In accordance with the law legal hearings may also be conducted in a language that is found to be acceptable by the majority of the persons participating in the hearing.

#### Article 119. Appealing

The parties involved in a case and the state authorities may appeal against sentences pronounced in courts of law in accordance with the law.

#### Article 120. Compulsory Character of Sentences and of Other Final Legal Rulings

It is compulsory to abide by the sentences and the other final legal rulings pronounced in courts of law and to cooperate with the latter at their specific request during trials, the execution of sentences and other final rulings of justice.

#### Article 121. The Budget of the Courts of Law, Compensation and Other Rights

(1) The budget of the courts of law is approved by Parliament and is included in the national budget.

(2) The compensations and other rights of judges are established by law.

(3) The courts of law have control over the police forces placed at their disposal.

### SECOND SECTION

#### The Higher Magistrates' Council

#### Article 122. Composition

(1) The Higher Magistrates' Council is composed of 11 magistrates whose mandate is valid for 5 years.

(2) The following belong by right to the Higher Magistrates' Court the Minister of Justice, the President of the Supreme Court of Justice, the President of the Court of Appeal, the President of

the Court of Business Audit, the Prosecutor General.

(3) Furthermore, the reunited colleges of the Supreme Court of Justice select by secret ballot three more magistrates, and another three are selected by Parliament from amongst accredited university professors.

#### Article 123. Powers

The Higher Magistrates Council in accordance with regulations established in the organization of the judiciary performs the appointments, transfers, promotions of judges, as well as the disciplinary actions against them.

### THIRD SECTION

#### The Public Prosecution Office

#### Article 124. Powers and Structure

(1) The Prosecutor General and the public prosecutors under him exercise control over the exact and uniform enaction of laws by public administration authorities, by juridical and physical entities and their associations, while defending legal order, the rights and freedoms of citizens and supporting the enforcement of justice under the law.

(2) The public prosecution system is composed of the General Prosecution Office, territorial prosecution offices and specialized prosecution offices.

(3) The structure, powers and activities of the prosecution offices are established by law.

#### Article 125. Mandate of Public Prosecutors

(1) The Prosecutor General is appointed by Parliament following a proposal submitted to the latter by its President.

(2) The other public prosecutors are subordinated to the Prosecutor General, and appointed by him.

(3) The public prosecutors receive their mandate for a period of 5 years.

(4) The office of public prosecutor is incompatible with holding any other remunerated position, be it public or private, except in teaching or scientific research.

(5) In exercising their powers public prosecutors may submit before the law only.

## **TITLE IV**

### **NATIONAL ECONOMY AND PUBLIC FINANCE**

#### Article 126. The Economy

(1) The economy of the Republic of Moldova is a socially-orientated market economy based on the coexistence of freely competing private and public properties.

(2) The State must ensure:

- a) the regulation of economic activity, and the administration of the public property belonging to the State under the law;
- b) the freedom of trading and of entrepreneurial activity, the protection of loyal competition, the setting up of an appropriate framework for developing all factors capable of stimulating production;
- c) the protection of the national interests involved in economic, financial and currency exchange activities;
- d) the promotion of national scientific research;
- e) the national exploitation of the soil and of other natural resources, in harmony with the national interests;
- f) the restoration and protection of the environment, and the maintenance of ecological balance;
- g) the increase in the number of the people employed, the establishment of conditions adequate for improving the quality of life;
- h) the inviolability of investments made by physical and juridical entities, including those from abroad.

#### Article 127. Property

- (1) The State protects property.
- (2) The State guarantees everybody the right to possess property in any such form as requested by the owner, as long as that form of property does not conflict with the interests of society.
- (3) Public property belongs to the State or to the administrative/territorial units.
- (4) All underground resources, the air space, the waters and forests used for the benefit of the public at large, the natural resources of given economic regions and of the continental shelf, the communication ways, as well as other assets stipulated by law, constitute the exclusive province of public property.

#### Article 128. Property of Aliens and Stateless Persons

- (1) In the Republic of Moldova the property of other states, of international organizations, of foreign citizens and of stateless persons is protected by law.
- (2) The law determines the manner and conditions under which the right of property can be exercised by physical and juridical entities of foreign extraction, and by stateless persons throughout the territory of the Republic of Moldova.

#### Article 129. External Economic Activities

- (1) Parliament approves the main directions of external economic activities, the principles guiding the utilization of foreign loans and credits.
- (2) The Government ensures the protection of national interests involved in external economic activities, and depending on the demands of national interest ensures either a free-trade policy or a protectionist one.

#### Article 130. Financial System and Crediting

- (1) The law specifies the formation, administration, utilization and control of the State's financial

resources, of the administrative/territorial units, and of public institutions.

(2) The national currency of the Republic of Moldova is the Moldovan leu (pl. lei).

(3) The National Bank of the Republic of Moldova has the exclusive right of mintage. The minting of a money issue can be effected by act of Parliament only.

#### Article 131. National Public Budget

(1) The national public budget is made up of the national budget, the national social security budget, and the local budgets of districts, towns and villages.

(2) The government issues an annual draft of the national budget, and of the social security budget, which it submits separately to Parliament for approval. Supplementary budgets formed in addition to the national budget shall also be submitted to Parliament for approval.

(3) If the national budget and the national social security budget have not been approved by at least 3 days before expiry of the current budget exercise, both the national and the national social security budgets continue to apply until the new budgets have been approved.

(4) The budgets of districts, towns and villages shall be issued, approved and executed in accordance with the law.

(5) No budget expenditure may be approved without prior identification of a corresponding source of funding for it.

#### Article 132. Fiscal System

(1) All taxes, duties, and other revenue of the national budget, including the national social security budget, also the district, town and village budgets shall be established under the law by the representative agencies, as required.

(2) Any other types of taxation are forbidden.

#### Article 133. Court of Audit

(1) The Court of Audit controls the ways of creating, administering and utilizing public financial resources.

(2) The Court of Audit is composed of 7 members.

(3) The President of the Court of Audit is appointed for a 5-year term by Parliament on proposal submitted by the President of Parliament.

(4) The Court of Audit submits annually to Parliament a report on the administration and utilization of public financial resources.

(5) The Court of Audits other powers, as well as its structure and functioning, will be established by organic law.

## **TITLE V CONSTITUTIONAL COURT**

#### Article 134. Statute

- (1) The Constitutional court is the sole authority of constitutional judicature in the Republic of Moldova.
- (2) The Constitutional Court is independent of any other public authority and obeys only the Constitution.
- (3) The Constitutional Court guarantees the supremacy of the Constitution, enforces the practical implementation of the principle residing the separation of the State powers into the legislative, executive and judicial powers, and guarantees the responsibility of State towards the citizen, and also of the citizen towards the state.

#### Article 135. Powers

- (1) The Constitutional Court:
  - a) enforces on notification constitutionality control over laws, regulations and orders of Parliament, Presidential decrees, decisions and orders of Government, as well as international treaties endorsed by the Republic of Moldova;
  - b) explains and clarifies the Constitution;
  - c) formulates its position on initiatives aiming at revising the Constitution;
  - d) confirms the results of republican referendums;
  - e) confirms the results of parliamentary and presidential elections in the Republic of Moldova;
  - f) ascertains the circumstances justifying the dissolution of Parliament, the suspension from office of the President of the Republic of Moldova or the interim office of the President of the Republic of Moldova;
  - g) solves exceptional cases of non-constitutionality of judicial acts, as signalled by the Supreme Court of Justice;
  - h) decides over matters dealing with the constitutionality of parties.
- (2) The Constitutional Court carries out its activities on initiatives started by the legal entities mentioned in the law regarding the Constitutional Court.

#### Article 136. Structure

- (1) The Constitutional Court is composed of 6 judges, who are appointed for a 6-year mandate.
- (2) The Parliament, the President of the Republic of Moldova and the Higher Magistrates Council appoint 2 judges each.
- (3) The judges of the Constitutional Court elect its president by secret ballot.

#### Article 137. Independence

For the duration of their mandate the judges of the Constitutional Court are irremovable, independent, and obey only the Constitution.

#### Article 138. Appointment Qualifications

The judges of the Constitutional Court must possess outstanding judicial knowledge, high professional competence and long time (at least 15 years) experience in judicature positions, in

law education or scientific research.

#### Article 139. Incompatibilities

The office of Constitutional Court judge is incompatible with holding any other remunerated public or private position, except in education and research.

#### Article 140. Decisions of the Constitutional Court

(1) Laws and other regulations or parts thereof become null and void from the moment that the Constitutional Court passes the appropriate decisions to that effect.

(2) The decisions of the Constitutional Court are final and cannot be appealed against.

### **TITLE VI REVISING THE CONSTITUTION**

#### Article 141. Initiatives for Constitutional Revision

(1) A revision of the Constitution may be initiated by:

- a) a number of at least 200,000 voting citizens of the Republic of Moldova. The citizens initiating a revision of the Constitution must cover with the number of their listed residencies at least a half of the nation's districts and municipalities, and in their turn each of those districts and municipalities must be represented by at least 5,000 registered signers in support of the said initiative;
- b) no less than a third of the members of Parliament;
- c) the President of the Republic of Moldova;
- d) the Government.

(2) Constitutional law projects shall be submitted to Parliament on condition that the Constitutional Court issues the appropriate recommendation supported by at least 4 judges.

#### Article 142. Limits of Revision

(1) The provisions regarding the sovereignty, independence and unity of the state, as well as those regarding the permanent neutrality of the State may be revised only by referendum based on a majority vote of registered voting citizens.

(2) No revision shall be allowed if it results in the suppression of the fundamental rights and freedoms of citizens, or of the guarantees of those rights and freedoms.

(3) The Constitution may not be revised under a state of national emergency, martial law or war.

#### Article 143. the Law on Constitutional Revision

(1) Parliament has the right to pass a law for revising the Constitution after no less than 6 months from the date when the revising initiative was submitted. This law has to be passed on a two-thirds majority.

(2) If within one year from the date when the revising initiative was submitted Parliament has not passed the appropriate constitutional law, the initiative shall be considered null and void.

## **TITLE VII FINAL AND TRANSITORY PROVISIONS**

### Article I.

(1) This Constitution shall be endorsed by Parliament and the President of the Republic of Moldova shall promulgate it within 3 days from that endorsement.

(2) The Constitution of the Republic of Moldova comes into force on 27th August 1994. On that same date the Constitution of the Republic of Moldova of 15th April 1978, including all its subsequent revisions and amendments, shall be abrogated in its entirety.

### Article II.

(1) The laws and other regulations retain their force only to the extent to which they do not transgress on the Constitution.

(2) Within one year from the coming into force of the present Constitution the permanent parliamentary committees, and the Government shall examine the compliance of legislation with the Constitution, and submit adequate proposals in that respect to Parliament.

### Article III.

(1) All state institutions in existence as of the date marking the coming into force of this Constitution retain their functionality until new institutions will be established.

(2) Parliament is made up of 104 members elected by freely expressed, universal, equal, direct and secret suffrage within the framework of political and party pluralism in accordance with the law passed on 14th October 1993. As such, Parliament remains in operation until its mandate expires, except in those cases provided for by this Constitution.

(3) The President of the Republic of Moldova is elected by freely expressed, universal, equal, direct and secret suffrage within the framework of political and party pluralism for a 5-year term, as provided for by the law of the 18th September 1991 concerning presidential elections in the Republic of Moldova. As such, the President remains in office until his mandate expires, except in those cases provided for by this Constitution.

(4) Government is invested by Parliament, and retains its powers until the expiry of its mandate, except in those cases provided for by the Constitution.

(5) Local authorities of state power and national administration remain in operation until the expiration of their mandate, except in those cases provided for by this Constitution.

(6) Judges who on the coming into force of this Constitution have been employed in courts of justice for not less than 15 years come under the protection of the principle of irremovability in accordance with article 116 paragraph (1) by presidential decree, on proposal submitted by the Minister of Justice and the President of the Supreme Court of Justice.

(7) Within 2 years from the coming into force of this Constitution, the system of the courts of

jurisdiction will be reorganized by law in accordance with article 115.

#### Article IV.

The provisions of article 25 paragraph (4) regarding the terms of detention in custody, will have no bearing until 1st January 1995 on those persons who have committed major offences under article 7 paragraph (1) of Criminal Law.

#### Article V.

(1) Within 6 months from the coming into force of this Constitution a Constitutional Court and a Court of Audit shall be established.

(2) For the first formation of the Constitutional Court the judges representing the Higher Magistrates' Council are appointed by the general assembly of the people's judges and the members of the Supreme Court of Justice.

#### Article VI.

Until the establishment of the Constitutional court all cases stipulated under article 135 of this Constitution may be solved on Parliament's initiative by the Supreme Court of Justice.

#### Article VII.

(1) The law of 1st September 1989 regarding the use of languages spoken throughout the territory of the Republic of Moldova stays in force to the extent that it does not trespass on this Constitution.

(2) The above-named law may be amended over the 7 years ensuing from the date when this Constitution has come into force, if it has been passed by a two-thirds majority.

#### Article VIII.

(1) Title VII, Final and Transitory Provisions is considered to be an integral part of this Constitution and has the purpose of solving those problems that are linked with its coming into force.