



FUNDAMENTAL RIGHTS  
AND THE RULE OF LAW

# **Report on the visit to Moldova** **Authorities' observations on the report**

17 April 2024



European Economic  
and Social Committee

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# Fundamental Rights and the Rule of Law

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Three EESC members took part in the visit to Moldova. The delegation met with several representatives of civil society, more specifically civil society organisations (CSOs), the social partners, the media and the legal professions. The aim of this report is to faithfully reflect and reproduce the views of civil society.

### 1. Fundamental rights of social partners

According to participants, **freedom of association** was well respected in Moldova. Three enterprises or three workers were able to form an association or trade union. Employers found it simple and quick to register associations, and they explained that several employers' organisations existed. In the past, trade unions had to pay over EUR 60 for registration tax, CSOs nothing at all, and employers EUR 4. However, last year the government agreed that trade unions and employers' organisations would no longer have to pay such a tax.

There was one national **trade union** confederation. Participants explained that, during communist times, there had been 'yellow' unions with parallel structures, which had now merged. According to participants there are 24 branch centres and an estimated 290 000 trade union members, which represented roughly 40% of all employees. There was a very large number of trade unions at primary level, as branch level unions had not merged, and the threshold to create unions was low. Post-communist privatisation had led to de-unionisation. However, an effort to restore trade unions in companies with foreign capital had yielded some positive results. The EU directive on minimum wages, with its target of 80% coverage for collective agreements, had helped underpin an organising drive.

Participants indicated that the **employers' organisation** had 32 members, covering about 40% of all companies. The participants emphasised that both strong trade unions and employers' organisations were essential for a viable social dialogue. According to some participants, there was a need to modify the trade union and employer legislation.

There was a full legal framework for **social dialogue**, which was mainly tripartite and followed International Labour Organization (ILO) standards. However, there was a need to promote bipartite social dialogue. A tripartite commission is chaired by the Ministry of Labour and Social Protection and suggestions had been made for a rotating chairmanship. This commission, which did not include CSOs, met on a monthly basis to discuss draft legislation relevant to the labour market and other important topics for the social partners. Although social partners had the right to comment on legislation, they

lacked capacity to do so, thus the Eastern Partnership Platform, which included both social partners and CSOs, had signed a motion on setting up such a body, which could hopefully improve this capacity.

National collective conventions (**bargaining agreements**) exist in addition to legislation. Social partners were working on a collective agreement on a minimum salary as Moldova had one of the lowest minimum salaries in Europe as well as one of the lowest average salaries. According to participants, a large number of collective bargaining agreements existed, but both social partners agreed that social dialogue could still improve.

Participants explained that the **informal economy** was a problem. They estimated that the size of this economy amounted to billions of Leu. The main sectors affected by the informal economy were agriculture, hotels, restaurants and catering, and services. Participants estimated that only about half of those working in the agricultural sector had legal contracts. Participants mentioned the need to reinforce labour inspection to combat the informal economy. Lack of labour inspection had at one time been reported to the ILO, and subsequently inspections had been established. However, according to participants, the state labour inspectorate was understaffed and could not carry out enough inspections. Participants mentioned that companies with trade unions experienced fewer problems and accidents. In comparison, workers in the informal economy lacked protection. Participants explained that employer organisations had a zero-tolerance policy towards the informal economy, because it led to unfair competition. They were advocating for perpetrators to be given substantial penalties and companies which had engaged in illegal conduct to be barred from participating in public tenders.

Social partners explained that they had some cooperation with counterparts in the **Transnistrian region of the Republic of Moldova**, but it was difficult because they felt that these counterparts were being influenced, which caused delays in decision-making. Participants believed that the companies in this region survived because they had trade relations with the EU and the rest of Moldova. Previously, salaries were higher in this region, but now it was the opposite, which had led some Transnistrian workers to come to work west of the Nistru River.

## **2. Freedom of association and freedom of assembly, and the right to non-discrimination**

Participants were satisfied with the **legal framework on freedom of assembly** and believed that it had been implemented well, although some specific issues could arise every now and then. With regard to freedom of association, participants explained that it was easy to register an association, but changes could be expensive, if expert assistance was needed, for example to change the bylaws of an association.

Participants mentioned that the **'National Program on ensuring respect for human rights'** did not include a chapter on LGBTIQ+ rights, despite CSOs insisting on this. According to participants, LGBTIQ+ people were one of the most discriminated groups, with more than half of all cases linked to this community. Participants believed that political will existed to address this situation, but not necessarily at local level.

According to participants, the **rights of women and LGBTIQ+ people** were intertwined, in as far as tradition and patriarchy were deeply rooted and influenced the labour market and political participation. More needed to be done in education to change this. Participants recognised that a lot had been done in terms of legislation, but also that implementation was still lacking. According to participants, about a quarter of women were victims of domestic violence, a situation which had worsened during the lockdown period. Domestic violence was illegal under the law, but better protection mechanisms were needed for women to feel safe to report such violence. CSOs provided assistance to survivors of violence in the capital. However, at regional level support was underdeveloped, as it was difficult to get funding for regional activities.

Participants explained that there was a big difference in living conditions across the country, which bred lack of trust, lack of communication, and lack of access to information amongst various sections of the population. **Hate speech** was an issue, and participants underlined that freedom of expression did not give the right to spread hatred. Participants recommended more information and education to change attitudes towards inclusion, as well as better funding of CSOs working with discrimination. Training and education for public officials was also needed, so that a human-rights-based approach could be applied when policies, budgets, and services are developed and implemented.

Participants from youth organisations explained that one of the main objectives of their organisations was to improve **youth participation** in decision-making. They found it regrettable that little to no means were provided for the young. They estimated that about one third of young people were not involved in the labour market or in education, and they called on the government to make it a strategic objective to address these issues. In 2023, a national youth strategy was adopted to increase youth engagement. According to participants, the strategy was good on paper, but implementation was always the problem. Participants acknowledged positive developments in recent years, such as the creation in 2020 of an agency for young people. Participants explained that the agency was lacking funding, and that salaries were unattractive, leading to under-staffing and difficulty in implementing programmes.

According to participants, **immigration** was not much of an issue, as the socio-economic situation of the country made it unattractive to migrate to Moldova. On the contrary, there was an exodus of young people and people with higher education, which had major demographic consequences and resulted in a high number of job vacancies. Attempts had been made to attract workers from India, Bangladesh, and Sri Lanka. Participants mentioned that there had been cases of labour migrants from Bangladesh being criminally exploited. Moldova used to be a country of origin for trafficking of human beings, but had become a country of destination too, so changes on how to approach trafficking were needed.

According to participants, legislation concerning the situation of international-protection seekers was in line with international standards and the 'EU acquis', but actual access to protection could be improved. For instance, participants explained that international-protection seekers with special needs were not identified or registered, so their needs were not taken into account. Before the war in Ukraine, most international-protection seekers would come from Turkey, Syria and Bangladesh, although in low overall numbers. Participants believed that Russians entering Moldova were mainly fleeing to avoid being drafted into the army, and that they rarely obtained international protection in Moldova. Participants mentioned that there were a number of displaced persons from Ukraine, and it remained a challenge to give them decent conditions, while access to social rights was also a problem. The Moldovan government stressed that asylum-seekers had access to compulsory education and received temporary IDs, which gave them the right to work. Additionally, families with children and unaccompanied minors benefited from all of the social assistance measures.

Some CSOs were supporting Ukrainian women financially to enable them to work or run businesses in Moldova. However, temporary protection meant that it was not sure what would happen when the war was over, and thus they had limited possibilities to have a business registered in their name and thrive financially. CSOs worked well with the general **migration directorate**, and were consulted. The directorate had undergone a big transformation. Personnel often had an enforcement background, thus their mindset had to shift from preventing migration to a more integration-oriented one, for which staff had to be retrained. The border inspectorate was opposed to retraining according to participants.

Participants estimated that a number of **stateless persons** lived in Moldova. This group included undocumented persons, i.e. mostly persons from the Transnistrian region of the Republic of Moldova who used Soviet era papers. These people benefited from the right to work, but not social security and healthcare. The authorities informed the delegation that nowadays the number of persons using Soviet-era documents was at a minimum and decreasing and that over 357 000 inhabitants of the Transnistrian region were citizens of the Republic of Moldova (over 90% of the total).

### **3. Freedom of expression and media freedom**

According to participants, the **media freedom** situation was better than it was 10-15 years ago. The physical safety of investigative reporters was much better, as was access to information. However, the situation was unstable as journalists often left the profession due to low pay or safety issues. A big part of the media were politically dependent and owned by oligarchs. According to participants, journalists working in such media had to be silent on some subjects, but were better paid. On the other hand, salaries of those reporting on corruption or human rights' violations were low, and the independent media were not viable and struggling to get money from advertising. Journalists were well protected by labour laws which made it difficult to fire employees in general, including journalists.

Overall, journalists received fewer **threats** than before. However, they faced online attacks every day, not just aggressive messages, but also threats. According to participants, digital threats mostly came from entities controlled by Russians or Moldovan politicians linked to Russia. Media platforms did not control or sanction the profiles behind such actions – for example, participants had not had good experiences dealing with Meta in the context of such threats. Participants said there had been attempts to report online death threats to the police, but the police did not take threats against journalists seriously. Journalists had left investigative journalism, as they could get better jobs elsewhere.

There had also been cases where politicians had sued journalists, but the situation with Strategic lawsuits against public participation (**SLAPPs**) had improved. Previously, a court would immediately take action against a journalist against whom a politician had filed a suit. Despite a more balanced approach by the courts, journalists were still afraid of action by potentially corrupt judges. Some cases could take up to six years. Participants felt that the government was trying to address the issue of SLAPPS, and that the main problem remained lack of journalists.

Participants found it regrettable that the **public broadcaster** did not make programmes on human rights issues or based on investigative journalism. Media outlets were afraid of losing advertising revenue if they reported on corruption, as had happened before. According to participants, corruption was perpetrated by both foreign and domestic companies, but not all companies were corrupt.

Participants explained that media outlets tried to provide **news in Russian**, but not to a sufficient level. The state had been slow in responding to the possibility of malign influence being exerted on the Russian speaking minority. Russian media had been criticising the West for years, while not accepting criticism of Russia. According to participants, the Moldovan government had moved to limit disinformation, but disinformation was rife on social media. Russian operators did not create content, but mostly commented on existing Western reporting to influence views.

Participants believed that **disinformation** was a big problem in Moldova, supported by significant Russian money. Only a few media outlets and CSOs were trying to counter disinformation, but it was difficult. According to participants, Russia was using the war in the Ukraine to destabilise the situation in Moldova. Following the outbreak of the war in Ukraine, some media outlets had been administratively shut down, using the executive's emergency powers, rather than on the basis of court rulings. CSOs believed that this had set dangerous precedents for future governments.

### **4. The rule of law**

Participants underlined how the tense **geopolitical and security situation** affected Moldova. They believed that Chişinău could be the next target for the Russian army should Odessa fall. Due to the geopolitical situation, the authorities had declared a state of emergency which had resulted in administrative decisions being taken without parliamentary oversight or CSOs being consulted.

In recent years, there had been important developments with regards to transparency, access to information, and increasing CSO participation, which were amongst the government's priorities. A new *Law on Access to Information of Public Interest* had entered into force at the start of 2024. CSOs had been invited to comment, but many of their proposals and demands had not been incorporated into the law, such as their proposal for an independent enforcement information commissioner. The situation concerning access to information was better than before, but participants explained that they hoped for a more proactive approach to this right, notably concerning budget and public procurement. Furthermore, they were concerned about whether public institutions were ready to implement the law given the lack of resources. The day before the visit, some CSOs had held a meeting with the government to discuss the change of institutional approach that was needed to help implement this law.

Participants felt that the legislation on **public consultations** was not applied consistently, in the absence of good enforcement mechanisms. Since 2023, the parliament had adopted several measures to improve CSO participation in decision-making, including by creating a platform for CSO participation. However, the platform did still not work in practice. Many proposals in the same vein were positive, for instance the annual publication of the legislative programme, as a basis to facilitate CSO participation. Participants also reported that, for the first time, a conference would be organised on how to improve cooperation between the parliament and civil society. CSOs had participated in the preparations, but they also expressed their hope for more say in the conclusions.

Other positive developments concerned support for capacity-building for, and **sustainability** of, CSOs. However, participants believed that many improvements were still needed, and that several years would be needed to be able to assess potential improvements to how CSOs were consulted. Some CSOs called for wider possibilities to lower taxes on legal persons to enable them to donate more to charity, which could help improve the financing of CSOs.

Participants felt that **justice** was slow and inefficient in Moldova. They also believed that reform of the judiciary was needed as a precondition to better attract foreign investment. The European Court of Human Rights had found that justice was too slow in a number of cases against Moldova. For instance, no in-depth investigation had been carried out into the death of one person in a demonstration in 2009. Participants considered that it was not attractive for young legal professionals to become judges in Chişinău owing to the low salaries and the high workload. In other regions, they believed that it was easier to become a judge. Participants felt that the chief justice had good intentions, but did not have the capacity to carry out planned reforms on her own, and the government did not facilitate her work. There had been rumours in the past that some magistrates' positions had been 'sold', but now this seemed to no longer be the case. Participants also believed that some prosecutors were unwilling to play by the rules and do an effective job, so the system could not be reformed overnight.

The current government wanted changes to be made very quickly. Although well-intentioned, participants felt it had also created unfortunate precedents. Participants asserted the importance they attached to respecting the procedures, so as to avoid creating precedents which ill-intended governments could refer to in the future.

Participants underlined that **corruption** was a central concern on Moldova's path to EU membership. In their view, it remained a fundamental problem and there was a lack of effective action. Participants believed that most oligarchs had left the country for Russia, the UK, Israel, or Turkey, making it difficult to claw money back. A participant mentioned that some political party members had been banned from standing in the last local elections owing to them being involved in financial irregularities. However, the court ruling had been used to ban some who had not been involved in such irregularities.

Another problem mentioned by participants was **prison conditions**. Prisons were in poor condition. However, the authorities were reluctant to spend money on new prisons, as the idea was not popular

amongst the population. The ministry of health was not responsible for the medical facilities in prisons, which created less favourable conditions for prisoners.

Participants contended that the de facto **administration in the Transnistrian region of the Republic of Moldova** committed human rights abuses on a systematic basis. People were arrested in that region and accused of being spies. There had been a case of somebody flying the Ukrainian flag who was accused by the authorities of extremism. Participants believed that no independent CSOs existed in the region. They also explained that the Transnistrian region of the Republic of Moldova was dependent on Russian funds, and this allowed Russia to use the region to destabilise the rest of Moldova.



**Authorities' observations on the report on the  
visit to Moldova  
17 April 2024**

## Observations from the Moldovan authorities on the report of the Fundamental Rights and Rule of Law Group on its visit to the Republic of Moldova on 17 April 2024

*Observations on specific issues:*

### 1. Fundamental rights of social partners

**Freedom of association.** In July 2023, the Parliament approved a law exempting both trade unions and employers' unions from paying registration fees. These measures aim to encourage social dialogue at all levels by facilitating trade unionisation.

The Program regarding the management of the **migration flow, asylum and the integration of foreigners** for the years 2022-2025, approved by Government Decision No. 808/2022 includes the specific objective: 1.6. Strengthening the mechanism to prevent and combat the illegal stay of foreigners, as well as their removal until 2025. One of the activities included for its implementation is 1.6.3. Monitoring the activity of employment economic agents in the labour field, in order to combat illegal migration/pseudo-legalization of foreigners in the Republic of Moldova, conducted jointly by the General Inspectorate for Migration and Ministry of Labour and Social Protection.

Regarding **Employers' organisation**, 19 out of 32 members are federations, employers' and professional associations, as well as 13 enterprises, which represent the key sectors of the national economy. In total, the National Confederation of Employers from the Republic of Moldova represents approximately 3000 enterprises.

Regarding the bipartite **social dialogue**, we would like to mention that the given proposals are at the examination stage. The meetings of the National Commission are convened as often as needed, according to the work plan, but not less than once a month. The National Commission for Consultations and Collective Negotiations systematically holds meetings that play a crucial role in shaping and implementing public policies in the Republic of Moldova, as a result of which: public policy changes are made to address the new economic, social and political realities; normative acts are drawn up and amended to support the effective implementation of public policies.

According to the **informal economy**, depending on the economic sector, in 2023, the largest part of the informally employed population (out of total informal employment) is registered in agriculture - 60.6%, construction - 20.6%, followed by trade and hospitality - 5.8%. Also, from November 2023, reorganized State Labour Inspectorate launched the campaign to detect undeclared work "Trecem pe Alb", as a result of which 1000 people were identified without a legal employment contract, out of these, 53% were legalized.

Regarding the cooperation with counterparts in **Transnistria region**, in this case, a useful addition to the opinions inserted in the report could be the official data communicated by the Bureau for Reintegration Policies, showing that over 70% of the exports and 56% of the imports of the economic agents from the Transnistrian region are from/with the EU, which convincingly illustrates the statements of the respondents.<sup>1</sup> Moreover, an absolute majority of the economic agents from the Transnistrian region are registered with the Moldovan authorities.<sup>2</sup>

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<sup>1</sup> A new record - over 70% of exports and 56% of imports belonging to economic agents from the Transnistrian region went to the European Union.[online]:<https://gov.md/en/content/new-record-over-70-exports-and-56-imports-belonging-economic-agents-transnistrian-region>

<sup>2</sup> Two thousand three hundred seventy-one economic agents from the Transnistrian region registered and placed on a register with the Public Services Agency in 2023. [online]: <https://gov.md/en/content/two-thousand-three-hundred-seventy-one-economic-agents-transnistrian-region-registered-and>

## **2. Freedom of association and freedom of assembly, and the right to non-discrimination**

Related to the **freedom of association and freedom of assembly**, it can be noted that the *Programme on civil society organizations development for 2024-2027* was approved in November 2023 with the aim of improving the mechanisms of state cooperation with civil society organisations, developing platforms for communication and coordination of decisions, developing and diversifying sources of funding for civil society organisations and enhancing the capacities of the voluntary sector.

On the topic of **discrimination and hate speech**, the Government would like to add that the *National Program on Ensuring Respect for Human Rights for 2024-2027*, approved by Government Decision no. 164/2024, includes, under General Objective 8: Inherent human dignity, fair and non-discriminatory treatment ensured, a series of actions aimed at (i) improving the regulatory framework and increasing the capacity of law enforcement bodies and the justice sector to prevent and combat incitement to discrimination, hate speech and hate crime; (ii) developing internal mechanisms for monitoring, evaluation and collection of disaggregated data by law enforcement bodies on cases of incitement to discrimination, hate speech and hate crimes. The Ministry of Justice, the Ministry of Internal Affairs and the Prosecutor General's Office are responsible for the fulfilment of the above-mentioned actions, which are expected to be accomplished in the period 2024-2027.

**Women rights** are protected separately from the rights of the **LGBTQ+ community** and are especially seen through the phenomenon of domestic violence, sex assaults and other facts concerned in the Istanbul Convention. In 2016, the second mechanism of protection was applied, specifically the emergency restraining order (ERO), introduced by Law No. 196/2016 regarding the amendment and completion of certain normative acts, both Article 2 and Chapter 3 of Law No. 45/2007 on the prevention and combating of domestic violence were completed. In this way, since 2016 in Republic of Moldova are two active protective mechanisms for the protection of domestic violence victims: the protection order, which assures the protection of the victim for 90 days, with the option to extend it, and the emergency restraining order, which aims to immediately protect the victim, at the scene of the felony, by removing the aggressor from the common household and the interdiction to contact the victim, especially to secure the safety of the victim and avoid further escalation of the situation.

In addition, according to the Criminal Procedure Code, article 19, paragraph (1) letter b<sup>1</sup>) and article 28 paragraph (1<sup>1</sup>) from Law nr.198/2007 regarding legal assistance guaranteed by the state, the victims of domestic violence or sexual assault, at the time of reporting, have the right of emergency legal assistance. Regarding special services for domestic violence victims, they are offered through the national system of reference and by NGOs available in the administrative unit. It is true that at the moment, in several administrative units, there is a lack of specific personal, but multidisciplinary teams work in every administrative structure, so that the basic needs of the victims are analysed and assured. As well, regarding the development of special services, in Republic of Moldova the following acts were adopted: Government Decision No.708/2019, Government Decision No.223/2023, Government Decision no. 173/2023.

Regarding the prevention and tackling the phenomenon of violence towards women and domestic violence, a national action plan was approved, with the aim to implement the national Program regarding the prevention and tackling violence towards women and domestic violence for 2023-2027, approved by Government Decision no. 332/2023. The plan consists of specific actions and activities, including the development of specialized services and consolidation of protection mechanisms.

Following the ratification of the Istanbul Convention, that entered into force on 1 May 2022, the Government is committed to aligning the normative framework and practices in the field of preventing and combating violence against women and domestic violence.

The Ministry of Labour and Social Protection, in its capacity as the central specialised body empowered to develop and promote policies to prevent and combat domestic violence, social support for victims and perpetrators, has developed the second strategic document National Programme for Preventing and Combating Violence against Women and Domestic Violence for the years 2023-2027, approved by Government Decision No. 332/2023.

In the context of ensuring equality and justice between women and men, girls and boys, the Ministry of Labour and Social Protection has developed the Programme for the Promotion and Ensuring of Gender Equality in the Republic of Moldova for the years 2023-2027, approved by Government Decision No. 203/2023.

The National Agency for Preventing and Combating Violence against Women and Domestic Violence was also established as a central administrative body subordinated to the Government, whose organisational and operational framework was approved by Government Decision No. 926/2023. The Agency was given the mandate to coordinate the implementation of national legislation in line with the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence and the National Programme for Preventing and Combating Violence against Women and Domestic Violence for 2023-2027.

In addition, Government Resolution No. 256/2023 introduced amendments to Law No. 45/2007 on the Prevention and Combating of Domestic Violence, which provides for the establishment of the position of a specialist in the field of prevention and combating of domestic violence and rehabilitation of victims of crime within the territorial social assistance agencies and territorial social assistance structures as of 1 January 2024. The main tasks of these specialists are to provide methodological support for the implementation of policies and programmes in the field of prevention of domestic violence and rehabilitation of victims of crime; to ensure the functioning of social services for victims of domestic violence and rehabilitation of victims of crime; to coordinate the implementation of the referral mechanism and to coordinate intersectoral cooperation in the field of assistance to the subjects of domestic violence; cooperate with community actors to ensure a multidisciplinary approach in the process of identification; assistance and follow-up of specific situations in the field of domestic violence and rehabilitation of victims of crime; provide the necessary assistance to victims of domestic violence and victims of crime, etc.

In order to establish adequate and easily accessible referral services for victims of sexual violence, to ensure appropriate medical and forensic examination and counselling for victims, the first Regional Integrated Service for Victims of Sexual Violence was launched in 2023.

The pilot Regional Integrated Service for Victims of Sexual Violence in mun. Ungheni is based on the Government Decision No. 508/2023 and aims to ensure, during the pilot phase, a complex and prompt intervention focused on the needs of the victim of sexual violence, in order to prevent re-victimisation and/or re-traumatisation of the victim in the process of providing assistance. The service is based at the Ungheni District Hospital and serves victims of sexual violence from six districts: Ungheni, Făleşti, Sângerei, Călărași, Nisporeni and Telenești.

Government Decision No. 173/2023 established the Family Justice Centre of the Ministry of the Interior and approved the framework regulation on the activity of the Police Family Justice Centre and the minimum quality standards. The Family Justice Centre provides immediate and multidisciplinary intervention in cases of domestic violence and sexual violence, mainly for adult victims, focusing on forensic examination services, psychological crisis support, risk assessment, referral to specialised services, emergency shelter for up to 24 hours, hearing with audio-video recording and under special conditions, etc.

Eleven units for survivors of gender-based violence have been established in hospital emergency departments, strategically located in 11 medical facilities throughout the country. Their aim is to provide immediate assistance to survivors of violence in a friendly and confidential environment in order to prevent revictimisation and ensure access to services in accordance with the Standardised Clinical Protocol for the Clinical Management of Rape Cases in force at national level.

The units for victims of gender-based violence operate on a 24/7 basis and are designed as specialized spaces for gynecological examinations and the provision of necessary medical care and psychological counselling, strategically integrated within the Emergency Department of medical institutions. Thus, these units are strategically positioned to provide vital interdisciplinary care and interaction/referral to other services as needed.

There are 10 specialised services (financed from the state budget) for the support and protection of victims of domestic violence, which provide shelters for victims of crime and serve a wide range of victim profiles, such as

mother-child couples, migrant women, women with disabilities, Roma women, women victims of sexual violence. We note that shelter services, including all counselling services, are free of charge to victims. In the same context, we note that assistance, information, psychological and legal counselling services are also provided by civil society organisations.

Regarding **non-discrimination** aspects, the project “*Consolidation of diversity and equality in the Republic of Moldova*”, supported by the Kingdom of the Netherlands and the Action Plan of the Council of Europe for Republic of Moldova 2021-2024, within the General Police Inspectorate was created a network of 24 trainers in the field of criminality motivated by bias, equality and non-discrimination. Between 2022-2024, about 2200 police officers benefited from these trainings.

Regarding the **immigration**, the statement is unclear considering the stable annual increase of documented persons with a right of residence and the number of displaced persons from Ukraine present in the country for more than 90 days. The Republic of Moldova has become a more attractive country for immigrants as a result of the liberalization of the visa regime (2014), the signing of the Republic of Moldova-European Union Association Agreement, and the country being declared a candidate for EU accession (2022).

This is deduced through the analysis of the comparative migration stock of foreigners documented with identity documents. As of December 31, 2023, there are 20,763 foreigners residing in the Republic of Moldova compared to 2022 when there were 19,560 (according to statistical data from the General Inspectorate for Migration).

The National Action Plan for the accession of the Republic of Moldova to the European Union for the years 2024-2027, approved through the Government Decision no. 820/2023 provided for elaboration of the draft decision of the Government regarding modification of the normative framework regarding asylum (Law no.270/2008). The draft was published for public consultations. We inform you that, in the current version of Law No. 270/2008 on asylum in the Republic of Moldova (<https://cancelaria.gov.md/sites/default/files/document/attachments/nu-554-mai-2024.pdf>), individuals with personal needs include unaccompanied minors, victims of torture or violence, and individuals with mental disorders.

Currently, the Ministry of Internal Affairs has initiated a project to amend Law No. 270/2008 on asylum in the Republic of Moldova (registered under the unique number 554/MAI/2024), proposing to expand the categories of persons with special needs in the field of asylum. These categories would include unaccompanied minors, single-parent families with children, families with three or more dependent children, persons with disabilities, pregnant women, victims of human trafficking, individuals with intellectual and mental health issues, as well as those who have been subjected to torture, rape, or other severe forms of psychological, mental, or sexual violence, and individuals who have reached retirement age.

Regarding **asylum seekers** and their access to social rights, according to the regulatory framework, we inform you that this category of individuals is access to compulsory education under the same conditions as citizens of the Republic of Moldova. They are issued a temporary identity document free of charge, which allows them the right to work under the same conditions as citizens of the Republic of Moldova. Additionally, families with children and unaccompanied minors benefit from all granted social assistance measures. The rights of asylum seekers are provided in Article 28 of Law No. 270/2008 on asylum in the Republic of Moldova. Additionally, the National Development Plan for the years 2025-2027, approved by Government Decision No. 361/2024, includes the action to implement a phased integration mechanism for foreigners, including displaced persons (Action No. 89), through the project "*Strengthening Institutional Capacities for the Phased Integration of Foreigners and Displaced Persons through Socioeconomic, Health, and Education Inclusion.*"

Once Ukrainian persons obtain refugee status or humanitarian protection, individuals can stay in the territory of the Republic of Moldova and engage in any activity under the same conditions as Moldovan citizens. The rights and conditions are stipulated in Law No. 200/2010 on the regime of foreigners and Law No. 270/2008 on asylum in the Republic of Moldova.

For individuals who have received temporary protection, their status as beneficiaries of temporary protection will be revoked once the situation for which temporary protection is granted ceases. However, the provisions of Law No. 200/2010 on the regime of foreigners in the Republic of Moldova offer the possibility to obtain a temporary residence permit either for investment purposes or for work purposes, as provided in Article 31 of the mentioned law. Therefore, the argument regarding the limitation of opportunities and uncertainty about the conditions of stay for this category of people after the end of the war is not justified.

The General Inspectorate for Migration is the administrative authority subordinate to the Ministry of Internal Affairs, which ensures the implementation of state policies in the fields of migration, asylum, **statelessness**, and integration of foreigners, as well as the legislation relevant to these fields. The activities relating to migrants' presence in the country relates to 1. the admission and regulation of the stay of foreigners on the territory of the Republic of Moldova; 2. preventing and fighting the illegal stay of foreigners on the territory of the Republic of Moldova; 3. asylum and statelessness; 4. integration of foreigners; 5. readmission of persons with illegal stay based on the readmission agreements signed by the Republic of Moldova with other states 6. recording of foreigners entering/leaving the Republic of Moldova through the Transnistrian segment; 7. analysis of migration processes in the country, ensuring the coordination of activities in the areas managed with the competent public authorities. Additionally, the Inspectorate coordinates the integration process through the country, managing also integration centers for foreigners in the North, Center, South. The staff on permanent basis is trained with the involvement implementing partners like UNHCR, IOM, ODIHR, ICMPS, EU etc. and also civil society representatives. More than this the trainings are conducted under a mixed format with the participation of LEA and NGOs.

### **3. Freedom of expression and media freedom**

**Disinformation** is a key element of Russia's hybrid warfare strategy against Moldova. Fake news is continually disseminated through social networks and Kremlin- controlled media. These disinformation campaigns, spread via social media and pro-Russian online platforms, attempt to convince the public that Moldova is being drawn into the conflict by Ukraine, the European Union, or NATO. The main goals of these efforts are to polarize society, create panic, and undermine confidence in the pro-European government. Examples include spreading false information about imminent economic crises, fabricated security threats, and unfounded accusations against pro-Western political leaders. Evaluating the exacerbation of hybrid and irregular warfare, Moldova's pivotal moment was the end of 2023 when a series of state's responses came into play: 1. *Law 242/31.07.2023* establishing the Center for Strategic Communication & Countering Disinformation (CSCCD); 2. *Parliament Decision 391/15.12.2023*, approving the National Security Strategy; 3. *Parliament Decision 416/22.12.2023*, approving the Concept for strategic communication, countering disinformation and Foreign Information Manipulation and Interference (FIMI); 4. *Parliament Decision 417/22.12.2023*, approving the structure and the personnel of Center for Strategic Communication & Countering Disinformation. These legal acts are the cornerstone of developing the whole of society approach in response to disinformation and FIMI prioritizing strategic communication on national interests aiming at strengthening informational resilience of the society and institutions.

The *Center for Strategic Communication and Countering Disinformation (CSCCD)* represents a unique model within the European context. Established as a new public institution within the security architecture of the Republic of Moldova, it operates under the oversight of the Parliament. According to the Law No. 242/2023 governing its establishment, the Center is entrusted with a *dual mandate*: strategic communication AND FIMI threats, which pose significant threats to national interests.

This approach is detailed in the *Concept for Strategic Communication and Countering Disinformation for the years 2024-2028*. It presents a programmatic vision of how strategic communication and efforts to counter disinformation, information manipulation, and foreign interference will contribute to fulfilling the Center's mission, all within the framework of the National Security Strategy of the Republic of Moldova. The Concept establishes a unique framework for organizing and implementing strategic communication based on the 'whole of society approach' which mobilizes all relevant actors, particularly the academic community, civil society,

media organizations, and the business sector. The entire vision is articulated around the integration of the following themes as central pillars of both strategic communication and actions to counter disinformation, information manipulation and foreign interference: (1) European integration; (2) Social cohesion; (3) Economic resilience; (4) Strengthening the defense sector; (5) Strengthening national security in a regional context.

#### **4. The rule of law**

Regarding **access to information**, it should be noted that, in order to monitor the implementation of the Law no 148/2023 on access to information of public interest, entered into force on 8 January 2024, the template of the Register of Requests for Communication of Information of Public Interest and the instructions for its completion was approved by Government Decision No. 1027/2023. According to GD No. 1027/2023, public authorities (central, local, autonomous), public institutions, state and municipal enterprises shall designate a department or a person responsible for registering the requests of information and keeping the register.

In line with the Article 30 of the Law no. 148/2023, the monitoring and control of the implementation of the Law shall be carried out by: Ombudsman, State Chancellery and other public authorities. The State Chancellery is responsible for preparing and publishing the report on the examination and resolution of requests for the communication of information of public interest by public authorities. The first report will be prepared and published on the website of the State Chancellery in March 2025. The responsibilities of the Office of the Ombudsman fall under the general attributions established in [Law No. 52/2014](#) on the People's Advocate (Ombudsman).

To strengthen the capacities of information providers, the online training course for public officials "Access to information of public interest", available on the LearnIN platform of the Institute of Public Administration of the State University of Moldova, was updated. By the end of June 2024, five training sessions had been held, attended by 1540 civil servants from central and local public authorities.

In addition, in period November 2023-March 2024, with the support of the Council of Europe Office in Chisinau, 11 training sessions were organised for central public authorities and for public institutions subordinated to them, with a total of around 325 people trained, and a [practical guide](#) on Law no. 148/2023 was drafted, published on the State Chancellery's official website in sent by email to all information providers monitored by the Stat Chancellery.

The progress on the implementation of the Law no. 148/2023 is available in the minutes of the Open Government Steering Committee meeting of 16 April 2024: <https://cancelaria.gov.md/node/9139>. In addition, as a result of the above-mentioned meeting, an ad-hoc working group responsible for the implementation of Commitment no. 1 of the Open Government Action Plan for 2023-2025 was established. The working group consists of representatives of public authorities and civil society.

On the concern regarding **public consultations**, it should be add that in June 2023, the Framework regulation on the organization of the work of the permanent consultative platform within the central public administration authority was approved (Annex 2 to Government Decision No 967/2016). The creation of the consultative platforms (PCPs) under the central public authorities, through their operating rules, requires the mandatory involvement of representatives of the associative sector in the process of consulting draft decisions. Increasing the participation of the general public in decision-making processes and enhancing dialogue with civil society are the main goals of this normative act.

According to the Government Report on Ensuring Transparency in Decision-Making by Central Public Administration Authorities for 2023, 16 out of 23 central public administration authorities (ministries and authorities subordinated to the Government), mentioned about the functioning of about 42 permanent consultative platforms (councils, commissions, working groups, etc.). In line with the framework regulation mentioned above, 8 out of 14 ministries have established the permanent consultative platform of the authority, where draft



decisions/regulatory acts and policy documents with public interest impact will be discussed, with the participation of representatives of civil society, academia, social partners and other stakeholders.

By the Order of the Secretary General of the Government no. 43/2024, the Public Consultation Network "TeConsult" was established with the aim of improving the quality of the decision-making process by facilitating the active involvement of citizens in the elaboration and consultation of draft legislation, public policies and governmental decisions. The network is an inter-institutional group of 32 civil servants, specialized in public consultation procedures, which will be responsible for ensuring transparency, dialogue, information and active participation of civil society in the decision-making process within the public authority.

On the topic of **sustainability of CSOs**, it can be noticed that the Government adopted the *Framework Regulation on the non-reimbursable financing mechanism for projects of non-commercial organizations* (Government Decision No 656/2022), which created a common and stable framework for funding civil society organizations from the public budget through cooperation between central and local public administrations and non-commercial organizations. In 2023, through the non-reimbursable financing mechanism, contracts for financing the projects of civil society organizations in the amount of 64.1 million lei were concluded, compared to 41.1 million lei in 2022.

In accordance with the Action Plan of the Programme on civil society organizations development for 2024-2027, a study on the diversification of CSO funding sources and the functionality of the 2% mechanism is planned to be carried out in collaboration with civil society partners in 2024. The study will assess the state of play and come up with recommendations for improving the legal framework and CSO practices related to fund diversification and financial sustainability.

The current government wanted changes to be made very quickly. Although well-intentioned, participants felt it had also created unfortunate precedents. Participants asserted the importance they attached to respecting the procedures, so as to avoid creating precedents which ill-intended governments could refer to in the future.

Regarding the assertion that **judges' salaries** are low, we would like to inform you that, as of 1 January 2023, judges' salaries have been increased by approximately 70%. Moreover, concerning the statement that it is "not attractive" to work as a judge at the Chişinău Court due to the high workload, we would like to note that currently, there are no vacant positions within this court, following the appointment of 5 new judges in 2024 and the transfer of 3 others. Similarly, we believe that the statement that judicial procedures are examined extremely slowly should be reconsidered. According to CEPEJ data, the duration of proceedings in the Republic of Moldova is at the European average.

Between 2017 and 2020, with support from the European Union, 15 **temporary detention centres** were renovated to international standards based on recommendations from the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Since 2017, the police fleet has been modernized with the acquisition and reuse of 37 transport units to ensure compliance with guarantees for persons deprived of their liberty during transportation. Medical examinations of detainees are conducted upon entry and exit from temporary detention centres, with the completion of medical records and injury reports that include a body diagram.

To advance the implementation of the new penitentiary construction project in Chisinau, the design was redesigned to reduce capacity and construction costs. In September 2023, the redesign was completed, reducing the penitentiary's capacity from 1536 places to 1050, which will lead to a decrease in project implementation costs by approximately 13 million euros. At the same time, on June 27, 2024, the Parliament ratified Amendment No. 2 to the Framework Loan Agreement between the Republic of Moldova and the Council of Europe Development Bank for the implementation of the penitentiary construction project in Chisinau, according to which the project implementation deadline was extended to December 2027, and implementation will be ensured through the outsourcing of construction and supervision works to a foreign entity specialized in such processes.



Similarly, in order to improve the conditions in which children are held in detention, an important achievement was the transfer of juvenile offenders from Penitentiary No. 13 to Penitentiary No. 10 (for minors). Significant measures have also been taken to ensure the accreditation of all medical units in penitentiary institutions and their adequate equipment with medical devices and inventory during the period 2023-present.

Regarding de facto **administration in the Transnistrian Region**, while the comment correctly enumerates some of the challenges to human rights in the Transnistrian region, it is worth adding that the Moldovan authorities constantly raise this issue with the international partners<sup>3</sup> and are making efforts to determine the Tiraspol structures to free illegally detained citizens<sup>4</sup>, which, at times, are successful, as showed in the case of Pleșcanov V, who has been released from illegal detention in May 2024<sup>5</sup>.

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<sup>3</sup> The alarming state of human rights in the Transnistrian region was discussed with the Head of the Department for the Execution of the Judgments of the ECHR[online]: <https://gov.md/en/content/alarming-state-human-rights-transnistrian-region-was-discussed-head-department-execution>

<sup>4</sup> Comment of the Bureau for Reintegration Policies following new signals on the increase of human rights violations in the Transnistrian region[online]: <https://gov.md/en/content/comment-bureau-reintegration-policies-following-new-signals-increase-human-rights-violations>

<sup>5</sup> Comment of the Bureau for Reintegration Policies on the release of the citizen of the Republic of Moldova Victor Peșcanov from illegal detention.[online]: <https://gov.md/en/content/comment-bureau-reintegration-policies-release-citizen-republic-moldova-victor-plescanov>



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