

# **Public Appeal of Civil Society Organizations on the Need to Ensure Transparency in the Verification of Holders of and Candidates to Public Positions**

The signatory organizations express their concern about the secrecy of information on the candidates to public positions in accordance with Law No 271 of 18 December 2008 on the Verification of Candidates to Public Positions.

In 2014, after signing the Association Agreement, Moldova assumed the responsibility to carry out the necessary reforms in order to align Moldova to the European standards. Thus, according to the RM-EU 2014-2016 Action Plan, Section 16 (Title III) on Preventing and Combating Organized Crime, Corruption and other Unlawful Activities, civil servants' integrity, combating corruption and implementing ethical and anti-corruption behavioral standards should have become one of the main pillars of the administrative system reform. In the absence of such reforms, the system is still affected by suspicious of corruption.

In this condition, the signatory organizations recall that, according to Law No 271 of 18 December 2008, all holders of and candidates to positions of "public dignity" or "management public positions" must be verified by the Intelligence and Security Service, to prevent and combat corruption within public authorities, to prevent the occupation of civil service positions by persons posing a threat to national security interests, to determine the degree of compliance by the

holders and candidates with the employment requirements and compliance with the restrictions set by law, to prevent, detect and exclude the risk factors, to determine the authenticity of the information provided by holders and candidates to public functions in the documents submitted for their employment, to implement the measures provided by law, aimed at excluding the facts that may constitute a threat to the national security interests.

In this context, we mention that the ISS opinions are classified and therefore are not made public, being available only to a narrow circle of people who have access to state secrets. Thus, for example, when electing judges, only 3 of the 9 members of the SCM have access to the classified opinions of the ISS, namely: The SCJ Chairman, Prosecutor General and the Minister of Justice. Thus, the other 6 members vote for candidates, not having full information about them, especially the classified ISS opinion.

At the same time, in case of appointing the future membership of CEC, in accordance with Article 19 (3) of the Electoral Code, the verification results based on Law 271 must be published by the authority that confirms the Commission members, i.e. the Parliament. We note that on 11 April 2016, the Parliamentary Legal, Appointments and Immunities Committee reviewed the draft resolution on the appointment of CEC members and then approved the list of candidates. The information was made public only on 13 April 2016 and on the same day, a number of civil society organizations published an appeal, requesting the verification of the candidates' compatibility with the criteria set by law. At the plenary session on 14 April 2016, the Parliament designated the candidates to the position of CEC member, initiating the verification process in accordance with Law No 271. According to Article 11 (1) of Law 271, ISS had to submit the opinion to Parliament within 30 days, the extension of the deadline is permitted if additional checks are needed. Until the date of

issuing the call, confirmation of the future CEC members was not set as an item on the Parliament's agenda, and it is unclear why the ISS opinions are not made public by the Parliament, and why the deadline for candidates verification was extended. However, despite the clear procedure, a repeated examination of draft No 153 of 11 April 2016 regarding the appointment of CEC members was included as an item on the Parliament's agenda of 26 May 2016, even if they have already been appointed and a new draft confirming into positions should to be examined, which should be accompanied by the opinions of ISS and Legal, Appointments and Immunities Commission.

Thus, the signatory organizations draw attention of the members of the Moldovan Parliament and ISS to the need of making the process for selecting candidates into public positions more transparent, and of ensuring a uniform legal framework to prevent and combat corruption, including at the institutional level. Moreover, the signatory organizations, based on the practical application of Law No 271 with regards to candidates to the judicial system, have reasonable doubts that the ISS opinions on the candidates to the position of CEC member can be classified in violation of the legal provisions.

In conclusion, the signatory organizations require to:

1. Publish the ISS opinions, drawn up in accordance with Law No 271 on the candidates to the position of CEC member, explaining the reasons behind the failure to submit the opinions within the 30 days' period provided by law and the examination of separate drafts on the confirmation of future CEC members;
2. For the uniform application of the law, publish the ISS opinions drawn up in accordance with Law No 271 on all candidates and persons appointed into position after 14 April 2015 (the date on which the amendments to Article 19 of the Electoral Code were published) which have to be verified by ISS under Law 271;

3. In case of persons who fall under Law No 271, appointed into position after 14 April 2015 without ISS verification, initiate immediately their verification under the mentioned law;
4. Initiate immediately the amendment of Law No 271 and other laws to ensure the mandatory publication of all ISS opinions on all categories of persons covered by this law.

For further information: Irina Corobcenco, Program Assistant, Promo-LEX Association, Tel: 069388065, e-mail: [irina.corobcenco@promolex.md](mailto:irina.corobcenco@promolex.md).

Signatory organizations:

1. Promo-LEX Association
2. IDIS Viitorul
3. Congress of Local Authorities from Moldova (CLAM)
4. East Europe Foundation
5. DIALOG-Pro Resource Center
6. Transparency International Moldova
7. Legal Resources Centre from Moldova (LRCM)
8. Institute for European Policies and Reforms (IEPR)
9. National Environmental Center
10. Partnership for Development Center (PDC)
11. Institute for Public Policy (IPP)
12. Center for Independent Journalism (CIJ)
13. Civic Coalition for Free and Fair Elections
14. Memoria Rehabilitation Center of Torture Victims,
15. Women's Association for Environment Protection and Sustainable Development (WAEPsD)
16. Ecological Movement from Moldova
17. Union of organisations of persons with disabilities from Moldova
18. Terra-1530
19. Foundation for Development (FAM)
20. Transparency and Civic Development Association
21. Alliance of Community Centers for Access to Information

and Training

22. National Youth Council of Moldova (CNTM)
23. Electronic Press Association (APEL)
24. Always Together Association
25. BIOS
26. Urban Development Institute
27. CONTACT Center
28. Small Business Association (SBA)
29. Association Piligrim-Demo
30. Professional and Business Women's Association of Moldova
31. The Association of Independent Press (API)
32. ADEPT
33. Anti-corruption Alliance of Moldova
34. Moldovan Institute for Human Rights (IDOM)

For further information: Irina Corobcenco, Program Assistant,  
Promo-LEX, Tel: 069388065,  
E-mail: [irina.corobcenco@promolex.md](mailto:irina.corobcenco@promolex.md)