

Opinion of the Promo-LEX Association: The return to the military rank titles within the Ministry of Internal Affairs is devoid of logic and usefulness, and could reverse the police reform path

On 25 March 2021, Promo-LEX Association reached out to the Parliamentary Committee for National Security, Defence and Public Order, asking to consider its findings, conclusions and recommendations regarding the draft Law No 511 of 10.12.2020, which provides for the return to military ranks within the Ministry of Internal Affairs.

Following the analysis of the draft law, Promo-LEX believes that assigning military ranks to a civilian police entity is devoid of logic and usefulness. According to the European Code of Police Ethics and the explanatory memorandum, the police, when performing their duties, shall be under the responsibility of civilian authorities.

At the same time, note that 'demilitarisation' of the police and delimitation of the police officer status from other categories of servants was one of the goals set up in the Concept Paper on the Reform of the Ministry of Internal Affairs. Although the formal aspect of 'demilitarisation' was solved by granting the status of a civil servant to the personnel with special status in the MIA, nevertheless, other measures were to be carried out to ensure the effective,

lasting transformation of the Police activity. Thus, the civilian police model implies understanding and assuming the fact that order and security are a public service for the benefit of the community.

The issue of demilitarisation is mentioned in several strategic documents, including in the Police Development Strategy for 2016-2020. It is noteworthy that the implementation of this Strategy was possible thanks to the generous support provided by the development partners of the Republic of Moldova, particularly the budget support for the Police Reform granted by the European Union in the amount of about EUR 51 million. Given that the authorities of the Republic of Moldova demonstrate a lack of consistency in the measures promoted in this area and that the practical usefulness of the draft Law voted in the first reading is questionable, we draw the attention of the Parliament of the Republic of Moldova, the Ministry of Internal Affairs and the Presidency to the risk of losing the confidence of development partners and the financial support granted for the implementation of real reforms in this area.

In addition to the arguments presented above, Promo-LEX Association points out that, although one of the stated purposes of the draft Law is to eliminate confusion and uncertainty about special ranks, as well as the need to correlate them with the special ranks of other public institutions, by returning to the old special ranks corresponding to the military ones, in fact, more confusions and ambiguities will be created, especially in relation to the special ranks of the sub-officers. Thus, we believe that the confusions invoked by the draft Law's authors are a natural consequence of any process of reform or reorganisation. Respectively, by promoting the current titles of special ranks applied in the MIA and by communicating actively with people about the reform itself and its advantages, the problem identified by the authors of this draft Law could be solved.

In conclusion, after analysing the draft Law No 511 of 10.12.2020 the Promo-LEX Association finds that its approval in the second reading would be detrimental to the system of the Ministry of Internal Affairs. Promo-LEX Association recommends the authors to withdraw the draft Law from further examination, or, as the case may be, that the Parliament of the Republic of Moldova rejects it in the second reading. If this draft Law is passed in the second reading, we recommend the President of the Republic of Moldova, pursuant to the Article 93(2) of the Constitution of the Republic of Moldova, not to promulgate this law and send it for review to the Parliament.

Find the Promo-LEX Association opinion below:



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