

Promo-LEX launches its Observation Mission for the General Local Elections and the New Parliamentary Elections of October 20, 2019

On August 15, the Promo-LEX Association launched its Observation Mission (OM) for the new General Local and Parliamentary Elections of October 20, 2019, making public its first Report on the monitoring of the inter-election period, as well as the pre-election period between 18 June – 14 August 2019.



The Promo-LEX election observation methodology has been developed on the basis of international standards in the field

and involves both long-term and short-term observation. Thus, in this Observation Mission, Promo-LEX will present 5 intermediate election observation reports and a final report. Additionally, on the Election Day, the Association will issue press releases on the conduct of the elections, results of parallel vote-counting in the municipalities of Chisinau, Balti and Comrat and the evaluation of correctness of electoral processes on the election day based on a representative sample.



The first Promo-LEX OM Report contains the main findings and trends identified in the pre-election/ election period of October 20, 2019 elections.

Although the pre-election period was marked by uncertainties with regard to the date of the general local elections, the principle of stability of electoral law, was basically respected. However, the Promo-LEX OM considers that the approval in the final reading and the possible entry into force of the draft law no. 36 of 29.03.2019 for the modification of some legislative acts at the beginning of the electoral period may create uncertainties and difficulties in organizing and conducting the local elections.

Promo-LEX OM also points out some important issues that remain unsettled in the context of local elections: the lack of a

legal mechanism to prevent the “artificial migration of voters”, voting of citizens that do not have a permanent place of residence or domicile, electoral bodies’ compliance with the provisions of Electoral Code in the context of issuing absentee voting certificates to voters, etc.

Furthermore, in legal terms, independent candidates are treated unequally, as compared to those designated by political parties and electoral blocks, as only they are required to collect signatures on subscription lists.

It is a priority for the Promo-LEX Observation Mission to monitor the financing of electoral campaign. In this regard, Promo-LEX will compare the expenses electoral competitors report to the CEC and the lower electoral bodies with the activities and expenses estimated following the civic observation.

Likewise, the OM will also monitor the use of hate speech by participants in the elections. Based on the monitored sources of information, the Association identifies cases of hate speech, the subjects that resort to hate speech in their electoral messages and those affected by this type of discrimination.

We remind the reader that the purpose of the Observation Mission is to inform the public about the conduct of the campaign, as well as to increase the citizens’ confidence in the electoral processes, to contribute to ensuring free and fair elections, carried out in accordance with international standards and national legislation. Promo-LEX remains the only non-governmental organization in the country that carries out an immense monitoring effort, delegating over 700 observers to settlements in the country, as well as to some PSs established abroad.

The full version of Report No. 1 can be accessed [here](#).

The Observation Mission of October 20, 2019 General Local

Elections is carried out by the Promo-LEX Association with the financial support of the United States Agency for International Development (USAID) through the Democracy, Transparency and Accountability Program.

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PUBLIC APPEAL on the need to accelerate the procedure of appointment and approval of new members of the Central Electoral Commission (CEC) by the Parliament, as well as to elect the authority's management by CEC members

To the Parliament of the Republic of Moldova

To the Central Electoral Commission

PUBLIC APPEAL

on the need to accelerate the procedure of appointment and approval of new members of the Central Electoral Commission (CEC) by the Parliament, as well as to elect the authority's management by CEC members

Promo-LEX Association,

draws the Parliament's attention to the need to appoint and approve new CEC members on an urgent basis in accordance with the legal terms established in the Electoral Code,

highlights that, in the context of the General Local Elections scheduled for 20 October 2019, delays in the organization and conduct of elections may lead to both risks and uncertainties that may affect the quality and integrity of the electoral process,

believes that the CEC (members of the Commission and officers of the authority) should be provided with favorable working conditions, because the internal functionality and execution of authority's powers in the absence of a management body is very uncertain.

The Central Electoral Commission is a body specialized in election field, which is responsible for the organization and conduct of elections in the Republic of Moldova. The functionality of the Commission is crucial to the quality and integrity of the electoral process and the credibility of its results. According to the existing statutory provisions, the Commission consists of nine members, one of which is proposed by the President of the Republic of Moldova, and the other eight by the Parliament with the proportional representation of the majority and the opposition.

During the period from 28 June–4 July 2019 three members of

the Commission – Iurie Ciocan, Alina Russu and Rodica Ciubotaru resigned from their posts as CEC members. It should be noted that Alina Russu held the post of the head, while Rodica Ciubotaru held the post of the deputy head of the CEC. In this way, the Commission remained unmanaged, which strongly affects the functionality of the institution, including from the point of view of quality of the administer of the financial means allocated to the Commission from the state budget.[\[1\]](#). On 5 July 2019 the Parliament of the Republic of Moldova approved the draft decrees on the termination of powers of the CEC member in respect of the aforementioned persons.

In this regard, we emphasize that according to article 20 para. (5) of the Electoral Code, **in case of early termination of the powers of a CEC member (in our case, the Parliament), within 10 days, the authority thereof shall propose**, while the Parliament shall approve the candidature of the new member of the Commission for the remaining term of office of his/her predecessor. In the event that all 3 members who have resigned have been appointed by Parliament, the legislature is the body that is to appoint new members of the Commission **before 15 July 2019, inclusive**. Bearing in mind that the President of the Republic of Moldova, referred to the Parliament for revision the law no. 56 of 18.06.2019 on amendments and additions to the article 20 of the Electoral Code no. 1381-XIII of 21 November 1997, and determination of the possibility of revision of the mechanism of appointment and resignation of members of the Central Electoral Commission, as well as their mandate within the institution thereof, consideration of these issues by the legislative forum is imperative. In this regard, Promo-LEX Association **is putting forward proposals to amend the electoral legislation**, which are listed [in the Annex hereto](#).

Proposals to the deputies of the Parliament of the Republic of Moldova, in the draft law No. 36, by organizations that are

members of the Coalition for Free and Fair Elections.

Simultaneously, by the cumulative interpretation of paragraphs (1) and (4) of the art. 17 of the Electoral Code, in the case of a vacancy for the post of the head and deputy head of CEC, **the members of the Commission should elect the new leadership within 15 days from the formation of the vacancy thereof** (from the date) of approval by the Parliament of the resignation of CEC members, in other words **until 20th of July inclusive**. Despite the fact that the Parliament has not yet approved the new members, we believe that the choice of a new leadership is absolutely necessary at this stage. We recall that the General Local Elections in Moldova will be held on 20 October 2019. Keeping in mind that the Parliament's Decree on the appointment of the election date comes into force on 1 August 2019, it is extremely necessary to ensure the full functionality of the electoral body.

In the light of the above, Promo-LEX Association calls on the:

Parliament of the Republic of Moldova

- *to appoint new CEC members within the legal period until 15 July 2019 and approve their candidature as soon as possible;*
- *to initiate public consultation on the improvement of the mechanism of creation of the CEC.*

Central Electoral Commission

- *to elect until 20 July 2019, the authority's new leadership to ensure the internal functionality of the institution and the effective performance of current duties;*
- *to put forward proposals to improve the legislation on the activities of the electoral system of the Republic of Moldova.*



[\[1\]](#) See art. 30 and 31 of the Regulation of the Central Electoral Commission.

Promo-LEX: Instanța de judecată a decis că statul trebuie să achite 446 630 mii lei pentru condamnare ilegală. Suma nu corespunde prejudiciului moral și material suportat de

reclamant

Asociația Promo-LEX afirmă că instanțele de judecată continuă să decidă acordarea prejudiciilor mici în legătură cu fapte de condamnare ilegală. Sumele acordate în temeiul Legii nr. 1545 nu corespund cu jurisprudența CtEDO și nu reprezintă sume comparabile decise de Curte pentru violări similare.

La 9 iulie 2019, Judecătoria mun. Chișinău, sediul Centru a admis parțial cererea de chemare în judecată depusă de Savin Igor v. Ministerul Justiției al Republicii Moldova. Procuratura Generală, Administrația Națională a Penitenciarelor, intervenient accesoriu Inspekția Financiară cu privire la încasarea prejudiciului moral și material, obligarea pârâtului de a prezenta scuze publice, încasarea cheltuielilor de judecată.

Instanța de judecată a decis de a încasa din contul bugetului de stat, prin intermediul Ministerului Justiției în beneficiul lui Savin Igor prejudiciul material în mărime de 277 453,76 lei a sumei de 89 176,96 lei cauzată de evoluția indicelui prețurilor de consum (rata inflației), în total suma de 366 630,71 lei și a prejudiciului moral în mărime de 80.000 lei.

Asociația reamintește că prin Decizia Colegiului Penal al Curții Supreme de Justiție din 8 august 2017, reclamantul a fost achitat și a fost dispusă eliberarea imediată al acestuia din detenție.

Anterior, reclamantul a fost supus ilegal acțiunilor de urmărire penală și condamnat ilegal. Reclamantul s-a aflat în detenție ilegală, în rezultatul acțiunilor ilegale ale organului de urmărire penală și al instanțelor de judecată pe o durată de 485 de zile (60 de zile în arest și 425 în detenție, prin executarea pedepsei cu închisoarea stabilită prin sentința judecătoreiei Cahul din 24 iunie 2016). Starea de dizabilitate s-a înrăutățit pe durata detenției în sistemul penitenciar național. Raporturile sale de muncă au fost suspendate ilegal și practic familia reclamantului, formată inclusiv din copii minori a rămas fără întreținere.

În cauza Mătășaru și Savițchi (Hot. din 2 noiembrie 2010, plângerea nr. 38281/08 §§ 75), CtEDO a examinat eficiența remediei introdus prin Legea nr. 1545, (privind modul de reparare a prejudiciului cauzat prin acțiunile ilicite ale organelor de urmărire penală, ale procuraturii și ale instanțelor judecătorești) dacă compensațiile morale reduse acordate pentru violarea CEDO fac inefficient remediu introdus prin Legea 1545. CtEDO a conchis că nu are probe suficiente pentru a constata că remediu este inefficient, însă a menționat că ea va examina în viitor cu atenție evoluția practicii judecătorești și ar putea să-și schimbe practica dacă în mod sistematic compensațiile acordate vor fi vădit incompatibile cu cele acordate de CtEDO .

În acest caz, reiterăm că compensațiile acordate reclamantului sunt vădit incompatibile cu sumele acordate de CtEDO pentru violări similare. Amintim instanțelor de judecată că acestea nu au rolul de protector al bugetului de stat atunci când trebuie să pună pe balanță și aprecieze cuantumul prejudiciului cauzat părților de către agenții statului în cazuri grave de încălcare a drepturilor omului.

Reamintim că CtEDO a stabilit clar în jurisprudența sa că scopul satisfacției echitabile este de a repara prejudiciul cauzat reclamantului ca urmare a evenimentelor contrare CEDO (Scozzari și Giunta c. Italiei, 13 iulie 2000, para. 248-250). Atunci când acordă satisfacția echitabilă, CtEDO aplică regula restitutio in integrum. CtEDO cere ca compensațiile cu titlu de prejudiciu moral acordate la nivel național pentru violarea CEDO să fie comparabile cu cele acordate de CtEDO în cauze comparabile (a se vedea hot. Ciorap nr. 2 c. Moldovei, 2010). Reclamantul va ataca cu apel hotărârea primei instanțe potrivit procedurii prevăzute de Lege.

În acest caz, actele care au dus la condamnarea ilegală a reclamantului au fost emise de următorii subiecți: Procuratura Anticorupție (Valeriu Sîrbu, Procuror), Judecătoria Cahul (Ion Cotea, judecător de instrucție, Valentina Suruceanu, judecător), Curtea de Apel Cahul (Tatiana Dimitriadi, Evghenii Dvurecenschii, Nina Veleva, judecători).

Decizia de achitare a fost pronunțată de judecătorii Curții Supreme de Justiție Petru Ursache, Petru Moraru, Ghenadie Nicolaev, Nadejda Toma și Vladimir Timofti.

Reclamantul este reprezentat de Avocatul Asociației Promo-LEX, Vadim Vieru.

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Promo-LEX Association launched the “Civic monitoring of the Police reform in Moldova” Project

The Republic of Moldova needs profound reforms in the activity of internal affairs bodies and police bodies as institutions mandated to protect the rights of the people. Starting from this premise, Promo-LEX Association has officially released today, July 1st, the **“Civic monitoring of the Police reform in Moldova”** Project, implemented with the financial support of the European Union.

The project is based on the supervisory role of civil society organizations during the implementation of reforms, as well as on the right of citizens to participate in the decision-making process. Thus, through its monitoring actions, in the next three years, Promo-LEX Association will contribute to strengthening the accountability, efficiency and transparency of the Police reform in the Republic of Moldova.



The event was attended by representatives of the Ministry of Internal Affairs and the General Police Inspectorate, national and international experts, as well as H.E. Mr. Peter Michalko, Ambassador of the European Union Delegation to Moldova.

“As in other parts of the world, the citizens of the Republic of Moldova have the right to a professional and modern police service that meets human rights standards and agrees to operate in a transparent manner. Two years ago, the European Union started its support program for police reform in Moldova. This project launched today together with Promo-LEX Association is indeed proof that we are determined to continue on this path, and, therefore, in close cooperation with the delegation of the European Union, Promo-LEX will monitor the work carried out under the program for police reform. The actions will include monitoring major public procurement procedures that track the way the taxpayers’ money is spent”. said H.E. Mr. Peter Michalko, Ambassador of the European Union Delegation to Moldova.

The event included the presentation of the objectives and activities of the project, the methodology for monitoring the Police Development Strategy for 2016-2020, as well as the agreement on the delivery of EU budgetary support for the implementation of the police reform strategy.

Promo-LEX's Executive Director, Ion Manole, stressed the importance of actions taken at local level: " ... one of the most important actions in this project is the technical and financial assistance of civil society organizations, including local NGOs and media institutions, to implement various initiatives at local level, to monitor and inform society about the objectives and results obtained from the police reform, thus contributing to the increase of citizens' trust in the police.. "

The project primarily focuses on the work of the Ministry of Internal Affairs and the General Police Inspectorate, which need not only direct financial support for the implementation of the Police Development Strategy for 2016-2020, but also a neutral external opinion on the implementation of this reform and the results achieved in respect thereof.



Minister of Internal Affairs, Andrei Năstase, present at the event, said that: “This project will certainly be an important pillar for the democratic control of civil society over the police reform process. The monitoring thereof should bring about those changes the police needs in relation to the citizen, through the achievement of the main goals of accountability, efficiency and transparency, not just in words, but also in reality.”

It is important to note that Promo-LEX Association has relevant experience in monitoring various reforms carried out in the country, previously also monitoring the Justice Sector Reform. As is always the case, the main beneficiaries of the project are citizens, who will obtain objective information about the police activity and the progress of the reform, and who will have the opportunity to contribute or influence this reform by participating in the activities foreseen in this project.

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Promo - LEX

Promovarea democrației și a drepturilor omului

Proiectul

Monitorizarea civică a reformei Poliției în Republica Moldova

Civil society warns Council of Europe that the time is not right to lift sanctions against Russia

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At its June part-Session, the Parliamentary Assembly of the Council of Europe (further PACE) will vote on lifting the sanctions imposed on Russia after the illegal annexation of Crimea. The fact that the vote is taking place at all represents a significant and worrying change of Council of Europe (further CoE) policy towards Russia, as until this year the CoE adopted a principled stance on the necessity for all member states to adhere strictly to safeguarding the principles of rule of law, human rights and fundamental freedoms set out in the European Convention on Human Rights (ECHR) and the CoE statute.

However, in May 2019 a joint declaration issued after the CoE Committee of Ministers meeting in Helsinki stated that while CoE member states must accept CoE principles and values "all member States shall be entitled to participate on an equal basis". In June, Ms Petra De Sutter, CoE Rapporteur of the Committee on Rules of Procedure, Immunities and Institutional Affairs, recommended a derogation allowing CoE member states which are not represented by a delegation at the Assembly to appoint representatives to attend. She also recommended clarifying which sanctions should be applicable to members that had been excluded from participating in the activities of the CoE Assembly.¹

Since its establishment in 1949 the CoE has been a driving force for human rights and democratic values, and when Russia applied for CoE membership in 1995 PACE noted² Russia's stated willingness to respect these values urged it "to settle international as well as internal disputes by peaceful means, rejecting any forms of threats of force against its neighbours".³

Russia's ratification of the ECHR in 1998 had a marked impact on legal standards in the areas of justice, human rights and minority rights in the country. However, from the mid 2000s the ECHR system failed to ensure that Russia addressed systemic violations committed on its territory that had been identified by the European Court of Human Rights (further ECtHR). Such breaches included: human rights violations by the security forces (including in Chechnya); effectiveness of investigations; illegal detention; secret surveillance; freedom of assembly etc.

Russia also committed violations against the citizens of neighbouring states, most notably Ukraine, Georgia and Moldova, including:

- the mass expulsion of thousands of ethnic Georgians from Russia in 2006 after the diplomatic row between Russia and Georgia;
- condoning killings, torture and enforced expulsion of ethnic Georgians from South Ossetia during the armed conflict between Russia and Georgia in 2008 in which hundreds of civilians died and over 22,000 ethnic Georgians were permanently displaced;
- Illegal annexation of Crimea in 2014 which led to mass human rights violations. Russia's aggression in the east of Ukraine which led to killings, torture, enforced disappearances and enforced displacement in the conflict in eastern Ukraine. The civilian death toll now exceeds 3,300 persons and over 1.5 million Ukrainians have been displaced;

1 See the text of the report here: <http://assembly.coe.int/nw/xml/XRef/Xref-DocDetails-EN.asp?fileid=27725&lang=2>

2 Opinion 193 (1996) Application by Russia for membership of Council of Europe

3 Paras. 10.7, 10.8, and 10.24, of the Opinion 193

Promo-LEX: lack of transparency in the activity of level II local public administrations

The Promo-LEX Association presented today, June 19, the **Monitoring Report no. 4 on the Transparency of the Activity of Level II Local Public Administrations and ATU Gagauzia**, based on the findings reported by the monitors, who surveyed the activity of the actors involved in the decision-making process.



The monitoring process aimed at studying compliance with the legal provisions and identifying the level of decisional transparency of the LPA II, giving an impetus to the civic activism and offering assistance to the LPA in order to increase transparency.

Social networks continue to be the most in-demand

According to the report, on-line communication channels continue to be most popular with citizens, who want to be informed about the activity of the LPA II, recording a continuous increase compared to the previous first half of 2018, specifically for social networks (+4.94%). Citizens put the emphasis on on-line sources of information available on the webpage and social networks, showing a ratio of 79.89%. In the case of LPAs, we point out a decrease in the use of the sources of information on social networks (-25.71%) and focusing on sources of information available on the authority's webpage and information panel, on average of 95.71%.

Promo-LEX found that the level II LPA webpages, compared to previous periods, recorded a slight increase in the compliance of their content in terms of decision-making transparency, while the number of LPAs that have published the *synthesis of recommendations* has increased. The best results on the compliance of the content of LPA webpages in terms of decision-making transparency has been recorded by the authorities of the Straseni, Riscani, Criuleni districts and the municipality of Balti. The LPAs from Taraclia, Briceni, Donduseni, Rezina and Ialoveni districts are at the opposite extreme, showing the weakest results.

Impediments in the decision-making and public consultation processes

Over the monitoring period, it was found that the number of people involved in public hearings and debates, compared to the previous period, had increased on average by +31.35%, compared to the first half of 2018. Regrettably, further impediments are found in the decision-making and public consultation processes, for some categories of population, such as mothers with children and people with special needs. However, there is progress in ensuring the Level II LPA headquarters with a specially arranged room for mothers with children, compared to the first half of 2018, when none of the

local public authorities had such rooms, in this regard excelling Leova and Cantemir LPAs. In addition, the accessibility of Level II LPA buildings increased due to the fact that they have been equipped with access ramps.

Promo-LEX Association finds regresses as regards the relations between Level II LPAs and applicants for official information, as the number of cases of providing answers in violation of legal deadlines, compared to the first half of 2018, increased from 6 (17.14%) to 9 (25.71%) cases.

Meetings organized with topics included as a matter of urgency on the agenda

Following the monitoring of the transparency of the process of preparing and conducting the meetings of the deliberative authorities of level II LPAs, Promo-LEX found that the legislation in the field is largely complied with. However, in Balti, Briceni, Leova and Cantemir, level II LPAs did not comply with the legal provisions regarding the organization of meetings with topics included as a matter of urgency on the agenda, because the public was not informed about the need to include and adopt any urgent decisions.

After the entry into force of the provisions on the obligation to include decisions in the State Register of Local Acts, starting with October 28, 2018, Promo-LEX Association found that the district council secretaries complied with these provisions. However, the 5-day deadline for including the decisions into the Register has not been met by all level II LPAs.

Government portal of public offices remains to be poorly used by authorities

Promo-LEX Association finds a moderately positive state of affairs with regard to the *transparency of public office contests*. The LPA authorities, who indicated the organization of contests, largely followed the advertising conditions by

placing the notice and their requirements on the webpage and in the media. However, placing notices about the organization of contests on the government portal of public offices, www.cariere.gov.md, still remains to be poorly used by the authorities, especially since it is a mandatory source of publication of advertisements, according to legal provisions.

Low transparency of procurement process

It is alarming that the official webpages of LPAs ensure a low level of transparency in the procurement process, this summing up to the publication of Procurement Plans (32 out of 35 LPAs). Simultaneously, level II LPAs do not publish on their official webpages the reports on public procurement of small value (only 12 of the 35 LPAs have published these reports) and, respectively, the quarterly/half-yearly and annual reports on monitoring the performance of procurement procedure contracts (14 of 35 LPAs). However, compared to previous periods, Promo-LEX Association found an increase in the number of Level II LPAs that complied with the legal provisions.

During 2018, Promo-LEX Association found a reduced involvement of citizens in the process of drafting the local budgets. Only 44 (45.36 %) of the 97 respondents among citizens said they participated in the public consultation of the ATU draft budget for the current year. According to Promo-LEX, although it is growing compared to last year, it has still an insignificant result, especially given that not only non-profit and media associations are part of the stakeholders, but also economic agents.

Monitoring the transparency of decision-making process in level II LPAs is a continuous activity, carried out by the Promo-LEX monitors during 2017, 2018 and 2019. Every six months, Promo-LEX will publish Monitoring Reports on the Transparency of level II LPAs and ATU Gagauzia.

The full report can be accessed [here](#).

The initiative to monitor the transparency of the activity of the level II LPA authorities and that of ATU Gagauzia is funded by the United States Agency for International Development (USAID) in the framework of the Program for Democracy, Transparency and Responsibility (August 2016 – July 2019). The opinions expressed in the public reports of Promo-LEX belong to the authors and do not necessarily reflect the views of the funders.

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Case of Canter și Magaleas v. Moldova and Russia (Application no. 7529/10)

Judgment

Strasbourg / June 18, 2019

Final / 18/6/2019

Text of the judgment is available on the official page of [ECtHR](#) or in the document below.

[CASE OF CANTER AND MAGALEAS v. THE REPUBLIC OF MOLDOVA AND RUSSIA](#)

Declaration National Platform of the Civil Society Forum of the Eastern Partnership Regarding the situation in the Republic of Moldova

TAKING INTO ACCOUNT the recent political events in the Republic of Moldova;

CONSIDERING the judgments and decisions of the Constitutional Court of 7, 8 and 9 June 2019,

CONSIDERING the Parliament's decisions of 8 and 9 June 2019;

CONSIDERING the major differences between the parliamentary fractions of the Democratic Party of Moldova (PDM) on the one hand, and the Socialists Party of the Republic of Moldova (PSRM), the Political Party Platform Dignity and Truth (PPDA) and the Party Action and Solidarity (PAS), the last two forming the Bloc ACUM, on the other hand;

QUALIFYING as necessary and positive the declarations of the political forces of the Republic of Moldova of 8 June 2019 on maintaining the public order;

POINTING OUT the need for respecting by all political forces, as well as the Constitutional Court and the judicial system, of the legislation, the democratic principles and the rule of law;

UNDERLYING the role of the Constitutional Court as a guardian of the respect of the Constitution and its role to contribute

to a proper functioning of the public authorities, separation of powers, checks and balances among these, resolution of political disputes and not their amplification;

RECALLING the Eastern Partnership membership status of the Republic of Moldova and the documents signed with development partners;

BEARING IN MIND the important role of the civil society from Moldova in consolidating the rule of law, sustainable social and economic development of the country, as well as the role of the National Platform of the Civil Society Forum of the Eastern Partnership;

CONDEMNING the manifest deviations from the text and spirit of the Constitution and the procedure of the Constitutional Court in the recent days;

The National Platform of the Civil Society Forum of the Eastern Partnership declares:

We are struck by the manner in which the Constitutional Court acted on 7, 8 and 9 June 2019. The Constitutional Court has interpreted the 3 month period from which the President of the country can dissolve the Parliament as being equal to 90 days, although any period expressed in months, according to the general legal rule, represents a calendar month. De facto, by this interpretation, the term during which the Parliament can vote laws and appoint a Government, was reduced from 9 June to 7 June 2019. The decision of the Constitutional Court was issued at the end of the working day of 7 June 2019, which is, according to the Court, the day on which the term has expired. The Constitutional Court [was requested](#) to decide on this matter back on 22 May 2019, as a matter of priority.

In addition, the Court has interpreted the right of the President of the country to dissolve the Parliament as an obligation, without analyzing if the other conditions imposed by the Constitution (consultation of parliamentary fractions)

for dissolving the Parliament had been met. On 8 June 2019, the Constitutional Court issued two judgments declaring unconstitutional the Parliament's decisions on electing the Parliament's Speaker and nominating the Prime-Minister. The judgements were issued in less than an hour from the moment the Parliament's decisions were adopted, which were not yet signed and published. No independent judge can annul an act/document without having seen it. Moreover, the judgments of the Constitutional Court of 8 June 2018 were adopted without hearings and without consultation of the authorities, requirements imposed by the Code of Constitutional Jurisdiction.

On 9 June 2019, at the PDM request from 8 June 2019, the Constitutional Court has suspended the President of the country Igor Dodon from his function, attributing the right to dissolve the Parliament to the ex-Prime Minister, the deputy-president of the PDM, Pavel Filip. This judgment was adopted before 10:30am, in the absence of the authorities and the authors of the request, in a hearing that lasted less than 5 minutes. The hearing was not announced in advance, no information was available about the submitted request. The Constitutional Court has suspended the activity of the President of the country, even if an official request to dissolve the Parliament had not been submitted. Previously, the President Igor Dodon has announced the convening of the parliamentary fractions for 10 June 2019 to discuss the dissolving the Parliament.

The Constitutional Court activity of 7, 8 and 9 June 2019 confirms that it has compromised its constitutional role, acting exclusively in the interest of one political party. [17 NGOs, have expressed their concern about the Constitutional Court in December 2018](#), when three persons (50% of the Court) affiliated to PDM were appointed in a non-transparent manner.

In this context, the National Platform of the Civil Society Forum of the Eastern Partnership:

1. Encourages the Constitutional Court to urgently revise its decisions adopted on 7, 8 and 9 June 2019 and to return to legality. In order to reestablish the trust in the Constitutional Court and stabilize the situation in the country, we encourage all constitutional judges to resign;
2. Calls on all political forces in Moldova to respect the constitutional provisions and act using strictly legal instruments, without destabilizing the socio-political situation;
3. Requests the state institutions and all public officials to respect and act only according to the legal provisions and respect their legal attributions, not to allow interferences or any illegal meddling with their activity;
4. Calls on all citizens of the Republic of Moldova to act calmly, to renounce at hate speech and instigation of violence, while those willing to protest, to do so only peacefully;
5. Recognizes as legitimate the activity of the Republic of Moldova's Parliament of 10th legislature, including since 8 June 2019, which has a full mandate regarding the validation of the results of the next parliamentary elections;
6. Requests all public central and local authorities' leaders, public officials and state employees to recognize the legitimacy of the Parliament of 10th legislature, of the Government sworn in on 8 June 2019 and collaborate with the authorities legally constituted of the Republic of Moldova for ensuring good governance, deescalating the situation and respecting the will of the people expressed at parliamentary elections of 24 February 2019;
7. Requests the international development partners of Moldova to recognize the legitimacy of the Parliament of 10th legislature, of the Government sworn in on 8 June

2019 and collaborate with the authorities legally constituted of the Republic of Moldova for reestablishing the political dialogue, deescalating the situation and respecting the will of the people of Moldova expressed at parliamentary elections of 24 February 2019.

**The National Platform of the Civil Society Forum of the Eastern Partnership includes 86 active NGOs from the Republic of Moldova, from areas like good governance, human rights, economic development, environment, energy, youth and social policies, syndicates and employers' unions etc.*

[Declaration National Platform of the Civil Society Forum of the Eastern Partnership Regarding the situation in the Republic of Moldova](#)

Findings of Promo-LEX in relation to the activities carried out by CEC and CICDE, as well as the financing of political parties in 2018

Promo-LEX Association presented today, June 6, 2019, the annual reports on “Financing of political parties in the Republic of Moldova. Review of 2018” and “Implementation of strategic plans of the Central Electoral Commission and of the Center for Continuous Electoral Training. Review of 2018”. The

event was attended by representatives of political parties, state institutions, civil society, etc.



Financing of political parties in the Republic of Moldova, 2018

The analysis of the evolution of the legislation on political parties, as well as on the elections conducted by Promo-LEX in 2018 shows that two significant improvements were made in the legislation related to cash donations and financial support to female politicians. However, according to the Association, the political financing system in Moldova is still vulnerable.

Although the Association found some progresses in parties' reporting on financial management in 2018 – 96% compliance with the legal provisions, the access is still limited in terms of the completeness of financial information, including because of the imperfection of the financial reporting model proposed by the CEC.

The internal audit reports of parties that had over 1 million

MDL of incomes reveals cursory conclusions and recommendations that are largely without substance. Moreover, many of these reports reveal a lack of clarity as to the **type of internal audit** required from political parties by the mandated authority. The Association regrets that the concerned institutions have not formulated terms of reference since the adoption of the law so that they can be used by the political parties in question.

Cornelia Călin, analyst of political parties' finances, said: "As a result of the monitoring, we identified non-reporting of expenditures by 13 political parties amounting to **17,591,922 MDL**, the category of expenses for public events being the least transparent one. The findings estimated at least **9,935,568 MDL** to be unreported."





The report reiterates and contains new recommendations addressed to the legislative body, electoral authorities, political parties and other stakeholders. The most important recommendations include:

To amend the Law 294/2017 by removing the provision that prohibits the financing of electoral campaigns and of political parties by Moldovan citizens who are temporarily abroad;

To exempt travels abroad from the ban of financing or providing free services or providing material support in any form whatsoever, directly and/or indirectly, to political parties by other states and international organizations, when the representatives of political parties are invited to attend meetings held outside the country, and the travel expenses are borne by the organizers.

To align the format of Reports on parties' finance management with the format of Reports on the financing of electoral campaigns.

To clarify the requirements of internal audit by regulating them in the CEC Regulation on the financing of political parties or by drawing up instructions to guide the political parties to carry out internal audits.



In the second report **“Implementation of Strategic Plans of the Central Electoral Commission and of the Center for Continuous Electoral Training”**, the Promo-LEX Association assessed the activities of CEC and CICDE throughout 2018 from the perspective of their Strategic Plans (SP) and annual plans.

According to Promo-LEX’s view, formulated on the basis of the analysis of relevant documents, out of 31 planned activities the CEC managed to fully perform 68% and partially perform 26%, while 6% of activities were not implemented.

According to Promo-LEX analyst Mariana Focșa, the best results were achieved by the CEC in terms of improving the legal and related framework. To this end, CEC presented to the Parliament a number of proposals to amend the Electoral Code and to continuously improve the electoral management and build institutional capacities, where the CEC managed to achieve amendments to the legislation on the reward system for electoral officials.

On the other hand, worse results were achieved in the development and implementation of the modules of SIAS "Elections", where the electoral authority failed to implement the module intended for monitoring and checking the financial reports of political parties, as well as to ensure transparency in the funding of political parties and electoral campaigns in order to implement the electronic mechanisms of monitoring the finances of political parties.

In the case of CICDE, the evaluators consider that the institution fully performed 47% and partially performed 40% of activities in 2018. 13% of activities were not implemented.

The best results were achieved by the institution in respect of the implementation of actions related to the delivery of diverse and innovative training services in the field of participatory democracy, performed at national and international level, while on the other hand, CICDE was not successful in maintaining and expanding a team of qualified trainers as planned.

As a result of evaluation of the activities carried out by the CEC and CICDE in 2018, Promo-LEX has drawn up a number of recommendations, including:

For the Central Electoral Commission

- To also use the monitoring reports developed by civil society when checking the financing of political parties.
- To regulate the process of using SIAS modules "Elections" at the elections.
- To implement tools of communication, collaboration and awareness raising of the diaspora on the elections.
- To regulate the process of compulsory licensing of electoral officials.

For the Center for Continuous Electoral Training

- In cooperation with the CEC, to regulate the process of compulsory licensing of electoral officials.
- To identify and implement mechanisms to motivate and retain trainers.

The annual reports on “**Financing of political parties in the Republic of Moldova. Review of 2018**” and “**Implementation of Strategic Plans of the Central Electoral Commission and of the Center for Continuous Electoral Training. Review of 2018**” are conducted through the “**Democracy, Transparency and Responsibility**” program funded by the United States Agency for International Development (USAID).

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Promo-LEX submitted the monitoring reports on parliamentary oversight and meritocracy in the civil service during 2018

Today, 31 May 2019, Promo-LEX Association published the annual reports on “**Monitoring Parliamentary Oversight in the Republic of Moldova in 2018**” and “**Monitoring the Appointment to/Termination of Public Positions in 2018**”. The event was attended by members of Parliament, representatives of government institutions, embassies and civil society.



The purpose of the event is to inform decision-makers, opinion leaders and the general public on Parliament's performance in terms of parliamentary oversight, as well as on how the law is obeyed when it comes to appointment to/termination of public positions in 2018.

Based on what was discussed in the report on parliamentary oversight, according to author Adrian Fetescu, some essential findings are being required:

- for the exercise of genuine parliamentary control, Parliament, its working bodies and MPs do not fully use the constitutional levers.
- the lack of legal framework on sanctioning government members for non-compliance with the obligation to answer questions and interpellations of MPs generates a sense of impunity.
- the degree of implementation of the recommendations developed as a result of public hearings cannot be

pursued by Parliament and parliamentary committees due to the lack of a regulatory framework and monitoring mechanism.

- the lack of legal framework meant to hold accountable the decision makers that provide the MPs and Inquiry Committees with inaccurate, incomplete or erroneous information makes it impossible for them to carry out their mandate properly.



With respect to the second study that was presented during the event, the expert Mariana Kalughin highlighted the most important findings related to the employment to/termination of public positions in 2018:

- the legal provisions do not cover all situations and are not sufficiently clear and applicable. Some of the problems noted in previous reports have been overcome through legislative amendments.
- Contest Committees were set up or the necessary powers were delegated to existing entities, but they functioned on a limited basis or in an inefficient way.
- the legal provisions are enforced, to a limited extent

though. The qualifier mentioned in the study is assigned because of the unavailability of information, the authorities' refusal to provide information or because the information provided is incomplete and confusing.

- the principles of legality, independence, integrity, transparency are guaranteed to a limited extent. The qualifier mentioned in this study is assigned because of the failure to guarantee the principles of independence and transparency.

During the event, the experts and participants have set out their vision on the public position regarding the observance of the law requirements on the subject of employment and dismissals. Reports developed by experts contracted by Promo-LEX Association include recommendations addressed to the Parliament, the President and the Government of the Republic of Moldova.

The reports had been developed by independent experts contracted by Promo-LEX Association – Mr. Adrian Fetescu developed the report on “Monitoring Parliamentary Oversight in the Republic of Moldova in 2018” and Mrs. Mariana Kalughin developed the report on “Monitoring the Appointment to/Termination of Public Positions in 2018”. Promo-LEX Association has produced similar reports for the period 2016 – 2017, which may be accessed [HERE](#).

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