

# Civil Society Organisations Calls for an international expertise of the Draft Law which Extends and Intensifies the Law Enforcement Bodies' Control over the Digital Space

Civil Society Organizations are deeply concerned about serious negative consequences for fundamental human rights, which could result following the adoption of the draft law promoted by the Ministry of Internal Affairs and [adopted by the Government on 30 March, 2016](#). The draft law provides extremely broad rights to the law enforcement bodies for an extended list of criminal offenses, to the detriment of the principles governing the protection of private life and the freedom of expression. Moreover, the entire burden of implementing legislative amendments rests on service providers, without having in place an analysis of costs and efficiency of measures to be undertaken, which could translate into significantly increased costs for on-line and Internet services.

Signatory organisations are well aware of the importance of preventing child sexual abuse and terrorism related offenses and do not question the need to improve the legal framework in these fields. However, the draft law goes far beyond its declared objectives and gives room for abuse. Thus, the social risk degree for which special investigative measures are provided vary for different types of offences, this risk being the highest in cases of sexual abuse offences against

children, terrorism and even cyber crimes in comparison with infringement of copyright and related rights. We believe that special investigative measures are to be separated by different types of offenses, including social risk degree they imply, it being much lower in case of offenses relating to copyright and related rights. The draft law establishes generalized rather than specific and targeted surveillance measures. It has an extremely broad applicability and does not establish guarantees for respect of human rights. The burden of implementation of the legislative amendments rests on service providers. There is no balance between interference with human rights and implementation costs, on the one side, and the effectiveness of such measures, on the other one. Additionally, some terms are not sufficiently accurate and create opportunities for abuse.

Civil Society Organizations are also concerned about other legislative initiatives related to intensifying the law enforcement bodies' control over digital space and verifying candidates for public offices. Such proposals refer to amendment of Law no. 271 of 18 December 2008 on verification of public officials and candidates for public offices, introduction of the Security mandate and reforming of Intelligence and Security Service. These laws also aim to access and store data of candidates or public officials, as well as to provide some unjustifiable powers, outside a criminal investigation process.

In conclusion, being aware of (1) the major risks of violating the fundamental human rights in case of adoption of the draft law in its current version, (2) the insufficient reasoning of the informative note, especially in so far as to the assessment of costs to implement the draft law, (3) the drawbacks of the draft law that could lead to authorities' abuses, and taking into account (4) [the lack of society's confidence in the law enforcement bodies](#), (5) [the undemocratic manner the Filip government was vested in](#), which, although

there were many other more important outstanding issues, adopted this draft law rejected by two previous Governments, (6) as well as the complexity of the draft law and its potentially major implications for the society as a whole,

THE SIGNATORIES TO THIS APPEAL REQUEST THE PARLIAMENT TO:

1. send the draft law for expertise to the Venice Commission in order to verify its compliance with the European standards;
2. seek assistance from development partners for an analysis of the European best practices of implementing the Council of Europe Convention on Cybercrime (Budapest, 2001) and the Council of Europe Convention for the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote, 2007);
3. widely consult the draft law with the civil society and promote initiatives that meet international standards and conduct an analysis of costs necessary to implement the draft law;
4. adjust the draft law to create an efficient legal framework to prevent and fight crimes against minors and terrorism on the one hand, and exclude from the draft law the criminal offenses for which application of special investigative measures that can seriously affect private life or freedom of expression is not justified, on the other hand.

[The Public Appeal can be downloaded here.](#)

Signatory organizations:

1. Legal Resources Centre from Moldova (LRCM),
2. Amnesty International Moldova,
3. Centre for Independent Journalism from Moldova (CIJM),
4. RISE Moldova,
5. Resources Centre DIALOG-Pro,
6. BIOS Association,

7. Foundation for Advancement of Moldova,
8. Association of Independent Press (API),
9. The Union of People with Disabilities from the Republic of Moldova,
10. Transparency International – Moldova,
11. Association Promo-LEX,
12. Association for Efficient and Responsible Governance,
13. East-European Foundation,
14. Terra-1530,
15. Institute for Public Policy (IPP),
16. National Environment Center,
17. The Independent Journalism Center (CJI),
18. Women’s Association for the Environment Protection and Sustainable Development,
19. The *Association of Professional and Business Women from Moldova*,
20. Resources Center “Tineri si Liberi”,
21. Small Business Association,
22. Institute for European Policies and Reforms (IPRE),
23. Association for Participatory Democracy (ADEPT),
24. Institute for Penal Reform (IRP),
25. Human Rights Embassy,
26. National Youth Council of Moldova,
27. Ecological Movement Moldova,
28. EcoContact.

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**April 7 – “justice” is born**

## ... . **monsters**

7 years after the largest acts of torture Mass in Moldova, Amnesty International Moldova with other NGOs, PromoLex, CRJM, RCTV "Memoria", CIDO, National Roma Centre, Hyde Park have organized a public condemning the deliberate impotence of all governments since 2009, to manage properly a case of torture legal.

Members of several NGOs participated in a marathon carrying a torch Anti-torture, the institutions responsible for condemning torturers who tortured hundreds of participants in anti-government protests on 7 April 2009.

The marathon started at the Superior Council of Magistracy, the body which monitors the work of judges and sanctions and has not been sufficiently diligent in applying punishments for judges who, in April 2009, judged files protesters in police stations, which is a flagrant violation Article 6 ECHR, the principle of a fair and impartial judiciary.

Anti-torture torch was carried from the Department for Combating Torture Prosecutor General's Office, which delayed the examination of cases of maltreatment in April 2009 events.

Marathon continued at the Ministry of Interior, IGP, which was to conduct internal investigations on abuses in 2009 and instead respect the letter of the law, he preferred to "forgive" and to "accept" officers implicated in acts of torture, inhuman and degrading treatment.

The next institution covered by participants in the marathon was GoM, headed in 2009 by Zinaida Greceanii, who was accused in 2010 of the Parliament, led by Mihai Ghimpu, it has not effectively managed the situation in April 2009 and Vladimir Voronin, President since , exceeded its constitutional powers /atr.2, f, g, i. No decision by parliament. 159 of 08.07.2010 /. Also, by the mentioned decision, the Parliament asked the

Prosecutor to verify the actions of people directly and indirectly involved in the events of April 2009.

Anti-torture Final Torch point was the Parliament. This though has signed a decree condemning the acts of torture and those who committed them and demanded punishment of the torturers was for 7 years, a clear proof of a state institution whose decisions are not worth anything.

Participants criticized governments from 2009 to the present inability and unwillingness to manage the worst case of torture in the history of the independent Republic of Moldova, despite all the promises.

The fact that there are people directly or indirectly involved in acts of torture in 2009, who escaped without any accusation that there are people who have been accused, investigated and probed by prosecutors in April 7th and are at liberty, the functions previously held, nay, some were advanced in the highest positions of state or escaped fines insignificant or suspended sentences – put big question marks as to the quality of criminal investigation and evidences put on the table of judges and to the quality judicial work.

Cristina Pereteatcu, executive director of Amnesty International Moldova: “The demonstrations in April 2009 was the last respite of civic activism in which people had hoped that the change depends on them and on us all and claim rights and is protected by the State. 5 years, those responsible for investigating cases of torture have mimicked the actions of investigation and humbly waited prescripție. Reacția expiry of law enforcement to torture has generated fear and disappointment in the existence of a state of law and reason given for maintenance in positions of those who gave the orders to torture the table. Ignorance and amnesia promoted so much interest in justice generated a loud dangerous phenomenon – Impunity! Who can really say how many of those who were involved in the April 2009 sitting today in Parliament or at

the helm of Ministries? The state owes us rehabilitate April 7, 2009 file with names and sentences execution! ”

Vadim Vieru, PromoLex. “Even if the government has paid significant amounts to torture victims under the ECHR decision in April, it has not made significant efforts to identify problems that led to the conviction and to propose solutions. Persons who have been convicted in connection with the events of April 2009, it was allowed to leave, while others have been paid. ”

Ludmila Popovici, Executive Director of RCTV memory: “After 7 years on 7 April 2009, we note with regret that with the wide recognition of the torture, we deal with impunity and discrimination victims. Authorities have not taken any concrete steps in respecting the right to rehabilitation, as required by article 14 of the Convention against Torture and General Comments 3 UN Committee against Torture (13/12/2012). Among mistreated civilians in April 2009, only 114 have been identified by the Government Commission and received minimum compensation, which does not cover damage far. All hope is to ECHR victims. ”

Traversing Nicholas, director, National Center Roma: “After the events of April 7 Moldova has lost the image and credibility internationally regarding respect for Human Rights. Moldova must comply with international standards to prevent torture, inhuman treatment and respect for Human Rights, to support the work of institutions in the area particularly the National Mechanism for Prevention of Torture, to ensure transparency in investigating those cases and attracting punish the guilty! ”

Ion Guzun, Lawyer, Legal Resources Centre: “7 years of impunity means that the institutions of law and justice have failed. I lost my confidence that judges, prosecutors, or members of the police, SIS and other responsible institutions will be liable for the unlawful acts. We will find out the

truth too late. Just like in totalitarian countries where truth is hidden and people are not brought to justice. Therefore, I believe that Moldova can not pretend to share values of European countries.

Information Centre on Human Rights: "The atrocities of 7 April 2009 torture and degrading treatments inumanesi that took place in April 2009 are still fresh in our memory. How torture were investigated and that the majority of perpetrators were not punished, on the contrary some are promoted to high positions in the legal system makes April 7, 2009 to remain a shameful stain on the history of Moldova. We demand that those involved in torture or who allowed torture of peaceful demonstrators and not investigated / prosecuted effectively cases of torture and ill-treatment be held accountable under the law in force and those who have suffered from illegal actions benefit from effective remedies. "

Hyde Park Association: "In April 2009 was our chance to change something in Moldova. If the folder violence in those days was managed so inefficient, we believe that drama can be repeated anytime. "

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## **Strategies, practices and tools for financing political parties in Moldova**

On 30 March 2016, the national debate was presented study Promo-LEX 'strategies, practices and tools for financing political parties in Moldova. "The document examines the current state party financing, assessing how practices and international recommendations on financing parties are applied

nationally and not least outlines a series of recommendations designed to contribute to improving the financing of political parties.

The study highlights three categories of problems currently existing in political parties beings. A first category of issues relates to the accounting and control system designed to protect the political arena illegal funding, dependence on a limited number of parties donors or over-spending. Thus, although there are limitations for donations or for the total amount of revenue that a party may obtain from private sources, Promo-LEX notes that they are set at very high levels.

In this regard, Promo-LEX recommends Parliament to revise the ceilings donations from individuals and legal entities at 20 and 40 respectively in average earnings, as it was originally established in 36 of the draft Law 04/09/2015 . Also, to prevent undue influence of political parties on the private sector, it is recommended lowering the limit for annual income of political parties from private sources and reducing the amount of membership fees and donations collected annually from 0.3% to 0, 2% of the revenues accruing to the state budget.

Other problems aim at providing transparency and control of political party funding. Promo-LEX found that annual financial reporting of political parties was very erratic so far. Of registered political parties, only 10 submitted their financial reports in 2013 and 18 in 2014. Although the law guarantees transparency of financing political parties are reluctant to disclose financial information. At the same time, penalties for non-compliance with the legal framework on transparency and financing of political parties are not harsh enough and can not serve as an effective deterrent.

To combat these weaknesses Promo-LEX recommends diversification and significant increase penalties for

breaching the provisions concerning financial transparency of political parties.

A third category of problems related to the limited capacity of political parties to ensure effective management, transparency and reporting of funds managed within the parties. Promo-LEX study reveals that in most cases the internal regulations and structure of the political parties do not meet legal requirements, financial management is over centralized.

Thus Promo-LEX recommends institutionalizing financial management structures and their decentralization, staff training political parties at central and local level on the existing legal party funding and effective financial management.

In drafting the Study Promo-LEX has conducted 14 interviews with representatives of the central party (between the parliamentary parties, only the Democratic Party declined the invitation Promo-LEX). Other 245 interviews were conducted with representatives of 21 regional branches of political partidelo and three interviews with other stakeholders. Data was collected qualitative and quantitative analysis of this subject by statutes of 43 political parties, 28 annual reports and 21 reports on campaign financing for parliamentary elections in 2014.

Electronic version of the study [here](#).

The study was developed by the Promo-LEX under the “Fight political corruption in Moldova by improving the legal framework on financing of political parties and civic supervision” implemented with the support of the Good Governance Fund of the British Embassy in Chisinau.

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# **Training “uniform procedures for prosecuting cases of human rights violations in Transnistria”**

Employees of the Ministry of Interior and the General Police Inspectorate participated in the training “uniform procedures for prosecuting cases of human rights violations in Transnistria”, organized by Promo-LEX in partnership with the General Inspectorate of Police.

Nicoleta Hriplivîi, the Promo-LEX lawyer discussed with training participants about international standards for implementing and promoting human rights in the secessionist areas that are outside the control of constitutional authorities.

About State’s positive obligations through the European Court of Human Rights in cases Transnistrian and domestic remedies for human rights in the Transnistrian region, he spoke to the participants, Marin Gurin, Acting Government Agent, Ministry of Justice.

Valentina Bradu, prosecutor in criminal justice section of the Judicial Department of the Prosecutor General presented methods of investigating criminal cases committed by government representatives from the region.

Subject European Court of Human Rights regarding the causes of the Transnistrian region and in particular the findings of the High Court in the case against Moldova and Russia Mozer was directed by Vadim Vieru, the Promo-LEX lawyer.

A total of 19 employees have received training Interior Ministry and the General Inspectorate of Police.

The event was organized with the financial support of Open Society Institute Budapest.

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# **Promo-LEX Analysis on the Date of Presidential Elections**

# election of the PRESIDENT



In 1991 and 1996, the citizens of the Republic of Moldova elected their President by direct suffrage.

The time interval between the election date establishment and the actual election date was:



In 2000, the Parliament amended the Constitution and other laws and since then, the President was elected by the MPs.

The time interval between the election date establishment and the actual election date was:

On 4 March 2016 the Constitutional Court declared unconstitutional the amendments made in 2000 on the election of the President and renewed the provisions of the Electoral Code on the election of the President by the direct vote of the citizens.

The Election Code, at the time of the amendment of the Constitution in 2000, by Article 98 provided that, if the office of President is vacant, elections shall be established within three months from the day the position became vacant.



The President Nicolae Timofti took the oath on 23 March 2012, the mandate being valid until 23 March 2016.



2016 23 March

Thus, according to the provisions of the 2000 edition of the Electoral Code, the deadline for the election of the President is 19 June 2016.



2016 19 June

Since 2000, the citizens of the Republic of Moldova continued to elect the MPs, mayors and local councilors by direct vote.

The time interval between the establishment of the Parliamentary and General local elections dates and the actual election dates was:



When Presidential elections would take place?

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# The Preliminary Recommendations of Promo-LEX on Improvements to the Regulations on Political Party Funding were Debated



On 3 March 2016 Promo-LEX Association presented the preliminary conclusions of its analysis of political party funding. They also debated the drafted recommendations proposed to improve the internal

financial management system of the Moldovan political parties. Representatives of political parties, authorities and the civil society had the possibility to express their opinions at the event. These debates were organized as a response to many of similar recommendations offered by representatives of political parties when interviewed by Promo-LEX.

According to the preliminary conclusions of Promo-LEX Association, most of the political parties avoid submitting the annual financial statements to the oversight and control authority. Besides, almost half of the political parties registered with the Ministry of Justice avoid aligning their statutory provisions to the legal requirements on regulating the size and payment manner of the membership fees.

Cornelia Călin, Promo-LEX analyst stated that: *“The review of the financial statements of political parties for 2013-2014*

*revealed the ongoing dependence of political parties on a single funding source. On the other hand, the registers of fees and donations is kept sporadically and cumulatively, not complying with the current regulations from the law on political party funding“*

The President of the Central Electoral Commission, Mr. Iurie Ciocan, reiterated the new provisions on political party funding stipulated in Law No 36, in particular the internal financial-economic records of parties, as well as the reporting of their financial activity and, last but not the least, the responsibilities towards CEC. Iurie Ciocan draw attention to the requirements for political parties to submit to CEC the annual financial statements until 31 March 2016 in the format provided in the new regulation.

The final findings and recommendations of Promo-LEX will be presented by the end of March.

The event was organized under “Fighting political corruption in the Republic of Moldova by improving political parties’ funding regulations and civic oversight” Project, implemented by Promo-LEX Association via the Good Governance Fund of the UK Embassy to Chisinau.

The responsibility for the provided information relies on Promo-LEX Association and it does not necessarily reflect the position and opinion of the British Embassy.

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# Promo-LEX Insists that Any Person's Right to an Efficient Investigation Must be Respected

The General Prosecutor's Office informed the victim's lawyer about the re-opening of the criminal investigation for the rape that took place in late 2014 in the town of Orhei. Thus, the institution accepted the lawyer's complaint that challenged the order to terminate the criminal prosecution.

In this context, Dumitru Sliusarenco Promo-LEX lawyer and representative of the victim, stated: "The sex crimes and the public debates on them are sensitive issues, in particular for the victims. Disclosure of information that is still under investigation and of details about the private life of the involved parties may damage severely both the investigation effectiveness, and the victim's situation."

Given the above-mentioned we call on mass media:

- to cover this topic in an fair and unbiased manner;
- to respect the right to private life and dignity according to the RM Code of the Journalists' Ethics;
- not to reveal personal data or any other information that could affect the investigation;
- to avoid gender-based discriminatory approaches, prejudices and stereotypes.

We remind that on 5 February 2016 Promo-LEX Association published a press release, which informed the public opinion about the faulty practice in conducting the investigation of sex crimes.

Promo-LEX underlines that the authorities neither investigate,

nor protect efficiently the victims. Frequently, when investigating sexual offences, the authorities (policemen, investigators, prosecutors) are influenced by gender-based prejudice and stereotypes, therefore their investigation is inefficient.

Legal aid is provided under the “Strengthening civil society organizations from Moldova, including the Transnistrian region, to combat discrimination through advocacy actions” Project, implemented by The Equal Rights Trust and Promo-LEX Association and financed by the European Union.

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## **Promo-LEX: In the Absence of an Ongoing and Comprehensive Human Rights Monitoring in the Transnistrian Region, the Situation will Worsen**



On 25 February 2016, the “Observance of Human Rights in the Transnistrian Region of the Republic of Moldova – Retrospective of 2015” was launched in a public event. Besides the presentation of the situation of human rights in the Transnistrian region during

2015, the report is to highlight the major violations of human rights in the Transnistrian region.

Ion Manole, the executive director of Promo-LEX, emphasized: "Although we do not have access to the Transnistrian region since April 2015, Promo-LEX Association continues its remote monitoring. The problems that we noticed during those 12 years of activity in the region are mainly the same as the ones we notice now and the role of human rights defenders is to lay the stress on them and suggest solutions in this respect. The process of safeguarding and protecting human rights in the Transnistrian region needs a greater involvement and openness from the constitutional authorities and international actors' side".

Promo-LEX continues to draw attention upon the issue of torture and the lack of investigation mechanisms for torture acts in the Transnistrian region. Although the local administration, seemingly, took some initiatives to ensure the examination of such complaints, however, the role of institutions in charge for the prevention of the abuse is limited. Due to lack of elements of offence, the local investigation bodies do not initiate proceedings and the mechanism of appeal against allegations of torture still lacks efficiency. The victims taken in police custody are obliged to prove the facts they complained about.

The situation of detention centers remains unchanged. The major problems encountered are the small number of skilled doctors in prisons and the reduced quantity of medicines.

During 2015, several cases of violation of the right to liberty and security of person were monitored. It is about militia men who kidnapped people from the territory controlled by constitutional authorities, under the pretext that they committed some crimes. Four such cases have been brought to the Promo-LEX Association's attention.

The violation of civil rights is alarming. The Decree on Combating Extremist Activity leads to negative effects on freedom of expression. We presented several cases of pressures on people sharing different views than those of the administration. The prerogatives of the decree to combat any initiatives, which, in our view, undermine region's security, have left their mark on Non-Government Organisations and human rights defenders' work, increasing the control upon their activity", Alexandru Zubco, Promo-LEX lawyer and author of the report, emphasized.

Mihail Cotorobai, the Ombudsperson, was present at the event and mentioned that the problem of human rights in the Transnistrian region is on the agenda of the institution he represents. "We welcome the publication of the Promo-LEX report and believe that such documents are a very good alternative for being informed about the situation of human rights in the Transnistrian region." The Office of the Ombudsperson will analyze in details the findings and recommendations and, subsequently, they will be included in the Report to be submitted to the Parliament", Mihail Cotorobai added.

Please find [here](#) the electronic version of the Report.

*The event was organized under the Project "Strengthening the Observance of Human Rights in the Transnistrian Region of the Republic of Moldova", implemented by Promo-LEX Association with the financial support of the National Endowment for Democracy (NED).*

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# The Russian Federation and the Republic of Moldova are Obligated to Take Prompt Actions to Guarantee a Legal Framework Compatible with the European Convention for the Transnistrian Region

On 23 February 2016, the Grand Chamber of the European Court of Human Rights made public the judgment on the case of *Mozer v. Moldova and Russia (no. 11138/10)*. The case was initiated by a Moldovan citizen of German ethnicity and represented before the Court by lawyers and legal experts from Promo-LEX Association.

The applicant complained to the Court that he was kidnapped by Transnistrian militia bodies on 24 November 2008. During a period of about one and half years, the applicant was detained in inhuman conditions in Transnistria and Hlinaia penitentiaries and was refused the health care. After a summary conviction he was released on 1 July 2010.

The Court unanimously decided that the applicant was under the jurisdiction of both countries: the Republic of Moldova and the Russian Federation.

The Court recognized by 16 votes for and one against that the Russian Federation was liable for violating the right to freedom and safety as a result of the prolonged detention of the applicant without a legal basis during 24 November 2008 – 1 July 2010. The Court also decided that the persistent

refusal to provide the applicant with health care and his detention in inhuman conditions in several Transnistrian penitentiaries were a violation of his right not to be tortured. The right to privacy and family life and the right to freedom of religion were also infringed as a result of the refusal to meet with the representatives of the cult the applicant belonged to.

The Russian Federation was indebted to pay material and non-material damages of EUR 25,000 to the applicant and EUR 4,000 in respect of costs for legal assistance. Two judges had separate opinion.

The judgment of the European Court of Human Rights may serve as reference and has a real importance taking into account the following findings.

### ***Liability of the Russian Federation***

Despite the fact that no evidence was submitted to prove that the applicant was arrested by the Russian state employees, the Court decided that conclusive evidence of effective control of the Russian Federation over the Transnistrian region for the period up to 1 July 2010 were presented. In this way, the violations committed by the officers of the so-called entity were blamed on Russian Federation, including the serious violation of the applicant's rights.

Following the analysis of how the law has evolved in the Republic of Moldova, the High Court found another finding of impact. The Court underlined that contrary to the constitutional law of the Republic of Moldova, which was surveyed and monitored by several international bodies, the so-called legislation that applies to the Transnistrian region has never been subject to a review. Thus, arrest and sentencing decisions taken by the so-called Courts on the basis of some local acts cannot be considered to be adopted under a judicial tradition compatible with international human

rights standards.

Moreover, based on this principle, the Court ruled that the so-called judges and other authorities, as representatives of an unknown legislation, could not order the arrest and conviction of the applicant in a legal way.

### ***Liability of the Republic of Moldova***

The Court also made reference to some particularly important issues. Paragraph 154 of the judgement provides that both the Prosecutor's Office and the Ombudsperson's Office have not intervened promptly in solving the problem of the applicant, invoking exceptions that are not relevant. However, the Court held further that the authorities responsible for the negotiation process made active public appeals and notifications to release the applicant. Moreover, the Court decided that the authorities of the Republic of Moldova also fulfilled other tasks that fall within the State's positive obligations, namely: declared void the judgments under which the applicant was convicted, initiated criminal prosecution on the illegal detention, established courts and institutions to protect the rights of the Transnistrian inhabitants etc. The Republic of Moldova avoided the conviction only due to these circumstances.

### ***Conclusions***

Promo-LEX Association appreciates the judgment of the European Court on the case of Mozer v. Moldova and Russia. This judgment is to determine the authorities and foreign partners to rethink some approaches that have been to the detriment of the population.

The conclusions presented in this judgment are sufficient to the Republic of Moldova to continue working for human rights observance in the Transnistrian region, even if the Russian authorities were held liable for all violations occurred in this case.

We consider that the transitional justice issue is a priority approach in the negotiations of conflict settlement. Tolerating the enforcement of a pseudo-legislation is inadmissible on the territory of the Republic of Moldova.

We request the constitutional authorities of the Republic of Moldova and the Russian Federation to start a social dialogue of reconciliation, able to convince the population from the left bank of Nistru River to accept the transitional justice.

Promo-LEX thanks its partners and especially RCTV Memoria, for contributing to improve the health of Boris Mozer and supporting the family.

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**Civil Society Makes  
Recommendations Aimed to  
Improve Regulatory Framework  
in the Non-Discrimination  
Field**



Three years after implementing the Law No 121 on Equality, the civil society and state institutions representatives discussed about

the enforcement of the legal framework in the non-discrimination field, as well as the achievements and shortcomings in combating discrimination and ensuring equality.

The discussions were held on 17 February 2016 in a round table, entitled “Law No 121 on Equality in the Republic of Moldova – 3 years after its implementation: achievements and difficulties”. The event was organized by Promo-LEX Association in partnership with the Council on Prevention and Elimination of Discrimination and Ensuring Equality.

“The efforts of civil society, as well as Council’s activity and decisions represent an important step taken in combating the discrimination in the Republic of Moldova. In spite of all these, a recent study carried out by IPP shows clearly that, unfortunately, in past years the discrimination has increased in Moldova – at least this is the way how population perceives the situation, and most commonly affected are people with mental and physical disabilities, poor people, HIV-positive people, Roma people, elderly and women”, Ion Manole, the Executive Director of Promo-LEX, emphasized.

The President of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality, Ian Feldman, spoke about the achievements of the institution that he represents, but also about the challenges that the Council is

encountering. According to the data submitted so far, the Council registered 348 complaints and issued 209 decisions. The most cases in which the Council found discrimination refer to the discrimination in access to public services and goods, discrimination at workplace, access to justice and violation of human dignity. The most frequently targeted criteria refer to disability, health condition and gender.

A number of representatives of Non-Government Organisations that are active in this field, such as the Centre for Legal Assistance for People with Disabilities, Gender Equality Platform, *GENDERDOC-M*, National Center for Roma People, Non-Discrimination Coalition, Center for the Rights of the Roma People from Moldova, Charity Centre for Refugees and Center for Health Development *AFI*, submitted data on the achievements and shortcomings in combating discrimination in different fields, enforcement of the legal framework, interpretations of the Constitutional Court in the equality field, specific aspects on the examination of discrimination cases, national case-law, etc.

In the end, Non-Discrimination Coalition, Center for Legal Assistance from Moldova, Promo-LEX Association and Council on Prevention and Elimination of Discrimination and Ensuring Equality came with a number of suggestions and recommendations to improve in-field regulatory framework. The most frequently mentioned recommendations refer to the Council's empowerment to apply sanctions; extension of the prescription term for administrative offence liability for discrimination acts; Council's empowerment to inform the Constitutional Court about the constitutionality of some regulatory provisions related to equality and non-discrimination; State's regulation of the decisions issued by the Council, provision of non-pecuniary damages for discrimination acts and other.

Mrs. Cristina Melnic, Head of the General Legal Division of the Ministry of Justice, welcomed the debates during the event and the recommendations suggested by civil society. Mrs.

Melnic also mentioned that, at present, the Ministry of Justice works on the amendment of several in-field regulatory acts.

*The event was organized in partnership with the Council on Prevention and Elimination of Discrimination and Ensuring Equality under the Project "Strengthening civil society organizations from Moldova, including the Transnistrian region, to combat discrimination through advocacy actions". This Project is funded by the European Union and is co-financed by Soros Foundation-Moldova.*

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