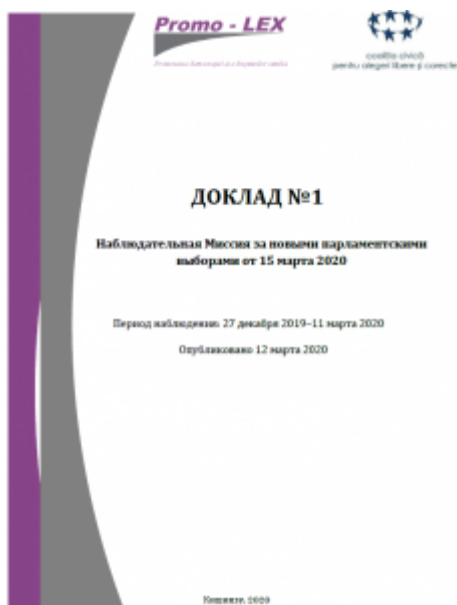
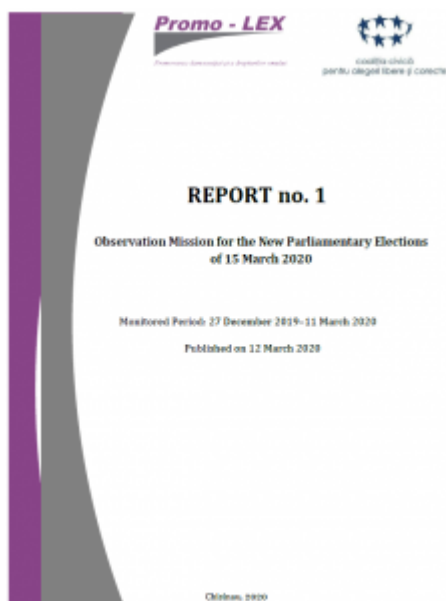


REPORT no. 1 | Observation Mission for the New Parliamentary Elections of 15 March 2020



OPINIE Promo-LEX privind fundamentarea economico- financiară a proiectului de lege ferenda care prevede asigurarea caracterului permanent al mandatului de membru/ă a Comisiei Electorale Centrale (CEC)

Context

La data de 11 iulie 2019, Asociația Promo-LEX, a prezentat un Apel public privind necesitatea urgentării procedurilor de desemnare și confirmare de către Parlament a noilor membri ai CEC, precum și de alegere de către membrii CEC a conducerii autorității.[\[1\]](#)

În cadrul aceluși Apel, a fost prezentat, inclusiv, un proiect de *lege ferenda* (a se vedea Anexa nr. 1) asupra legii nr. 56 din 18.06.2019 cu privire la modificarea și completarea articolului 20 Cod electoral nr. 1381-XIII din 21 noiembrie 1997. Proiectul elaborat de Asociația Promo-LEX propune o nouă viziune asupra mecanismului de constituire și activitate a autorității electorale. Proiectul recomandă, ca toți membrii CEC să activeze permanent, o nouă metodă de desemnare a membrilor CEC, precum și o nouă componentă numerică a membrilor autorității.

Prin proiectul de *lege ferenda*, s-a propus ca toți membrii CEC să activeze permanent, precum și a fost sugerată diminuarea numărului de membri CEC de la 9 – la 7. În acest scop, pentru

a elimina monopolul partidelor parlamentare la desemnarea membrilor CEC și a garanta reprezentativitatea tuturor puterilor statului în componența CEC, s-a propus un nou mecanism de desemnare. Astfel Promo-LEX propune ca un membru să fie desemnat de către Președintele Republicii Moldova, câte doi membri – desemnați de Parlament, Guvern și Consiliul Superior al Magistraturii. Membrii desemnați de Parlament trebuie să reprezinte atât majoritatea cât și opoziția. Un membru desemnat de Guvern trebuie să reprezinte organizații ale societății civile, iar un membru desemnat de Consiliul Superior al Magistraturii trebuie să reprezinte mediul academic.

Amintim că potrivit legislației în vigoare, CEC este constituită din 9 membri: un membru este desemnat de către Președintele Republicii Moldova, ceilalți 8 membri sunt desemnați de către Parlament, cu respectarea reprezentării proporționale a majorității și a opoziției. Permanent activează doar președintele, vicepreședintele și secretarul CEC. Mandatul componenței actuale a Comisiei expiră în 2021.

Prezenta Opinie, are drept scop completarea precedentelor demersuri ale Promo-LEX pe subiectul modificării legislației în vederea permanentizării statutului de membru a CEC, accentul fiind plasat pe fundamentarea economico-financiară a proiectului de *lege ferenda* propus de Promo-LEX.

Opinia integrală, în limba română, poate fi accesată [aici.](#)



OPINIE PROMO-LEX

privind fundamentarea economico-financiară a proiectului de lege ferenda care prevede asigurarea caracterului permanent al mandatului de membru/ă a Comisiei Electorale Centrale



Promo - LEX

Promovarea democrației și a drepturilor omului

THE PROMO-LEX OPINION in the context of the Police Reform and the Community Police Activity on the rationality and the opportunity to restore the work of the district police officer in every locality

Summary

The Prime Minister of the Republic of Moldova, Ion Chicu, came up with the initiative to restore the institute of district police officers in every locality, but the “2011–2012 police reform eliminated this institute”. Also, the Prime Minister came up with the proposal to substantially increase the salary of district police officers as well as to provide them with the necessary equipment.

Moreover, this issue was also included on the agenda of the Supreme Security Council, after which Igor Dodon, the President of the Republic of Moldova, underlined the fact that the Government of the Republic of Moldova looks into the possibility to increase the number of district police officers for the purposes of prevention of crimes and offences.

The Promo-LEX Association, as institution for monitoring the Police Reform thereof, considered it necessary to react to these initiatives with a view to preventing any possible activities, which it regards as contrary to the police modernization vector, rolled out in a consistent fashion by the Ministry of Internal Affairs (MIA) throughout the past years. In this context, Promo-LEX notes that during the period from 2016 to 2019 (the Police Development Strategy implementation period) the number of police precincts was reduced from 205 to 173, their infrastructure being outdated. Of the total number, 45% required major repairs or even physical relocation, whilst 41% required cosmetic repairs.

In addition to the strategic documents approved in 2016, which are expected to be finalised at the end of this year, during the period from 2016 to 2019 both the GPI and the MIA, as well as the Government of the Republic of Moldova have approved legal acts by which the authorities implicitly validated the optimization of the work of police precincts under the single management of a head of the police precinct according to the principle of specialization, "the activity of employees in the serviced administrative territories by attaching them to a certain locality (police post), this being an obsolete practice, which no longer corresponds to the present evolution of the society".

The Promo-LEX Association states that all subsequent actions targeting both the community police and the work of district police officers, such as modernisation and renovation of police precincts, providing both the police precincts and district police officers with official vehicles as well as other equipment necessary for the conduct of their service activity, approval of the legal framework on the work of district police officers have been carried out in accordance with the aforementioned principle as well as on the basis of strategic documents adopted by public authorities.

Given that financial, human, material resources have been

invested therein by state institutions as well as by donors, the Promo-LEX Association finds that the initiative of restoring both the police precincts and the work of the district police officer in every locality is capable of changing and diverting the course of the implementation of the Community Police Activity, leading to the non-capitalization and waste of the financial resources allocated in the last years as well as wiping out the efforts already made for the police reform. A collateral effect of the failure to implement the Police Reform could also be the decrease of the credibility of citizens as well as external development partners towards the central public authorities of the Republic of Moldova.

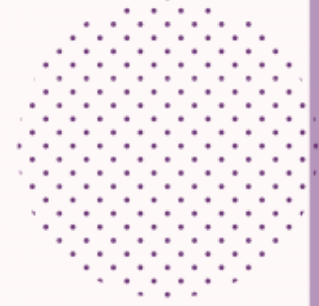
Furthermore, we reveal that during the last four years, 8%-15% of the posts in the GPI remained vacant, while for the period from 2019 to 2020 moratoriums have been instituted or extended on 15% of the maximum number of employees in the MIA. In this context, we believe that both the Executive, and the Supreme Security Council should have also considered the impact of failure to fill the vacancies for a continuous period of at least two years and take responsibility for the effects thereof on the good administration of the areas in management. Moreover, we consider it irresponsible for the government to set up and extend the moratorium when it intends to carry out reforms, with commitments to development partners.

On the same lines, we welcome the initiative to substantially increase the salary of the district police officers as well as to provide them with the necessary equipment, but the same financial and material benefits must be offered to all police employees, not just to a certain specialization. However, as long as moratoriums are being established by the State Policy on vacant positions and no efforts are made to fill them, the efforts to increase the salary and provide the district police officers with the necessary equipment will not have the effect of providing quality services and prompt response to citizens'

referrals.

Promo-LEX concludes that restoring the work of the district police officer in every locality can only be achieved following the fulfillment of the commitments made in good faith under the strategic documents adopted by the central public authorities. Only afterwards, after a thorough analysis of the existing state, of the efforts made in view of the reform, of the investments already made and the costs that will be incurred, it may be decided to consolidate the community police institution or, as the case may be, to restore the institute of the district police officer in every locality or develop any other police services. However, drawing on the powers of the MIA and the GPI to periodically adjust the police structures in relation to the trends of the criminal phenomenon, we tend to believe that the generic statements of the country leadership on appointing one district police officer in every locality, mean, in fact, the recognition of the error when adopting the moratorium for the recruitment of about 2684 persons within the apparatus of the MIA and all its subordinate institutions as well as the urgent need to fill, especially the number of district officers.

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



THE PROMO-LEX OPINION

in the context of the Police Reform and the
Community Police Activity on the rationality and
the opportunity to restore the work of the district
police officer in every locality

Promo - LEX

Promovarea democrației și a dreptății omului

Руководство „Использование ситуационного тестирования в случаях стратегической литигации дискриминационных споров”

PORADNA
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Использование ситуационного
тестирования в случаях стратегической
литигации дискриминационных споров

TRANSITION
Transition Promotion Program

Руководство “Как провести ситуационное тестирование”

РУКОВОДСТВО – КАК ПРОВЕСТИ СИТУАЦИОННОЕ ТЕСТИРОВАНИЕ

I. Определение

Ситуационное тестирование - это специфический метод получения доказательств, при котором создается ситуация, в которой люди, принадлежащие к ненавистной социальной группе, умышленно подвергаются дискриминационным действиям так, чтобы тот, кто провоцирует дискриминацию, не подозревал, что за его действиями ведется наблюдение. То есть, ситуационное тестирование представляет собой специально спродюцированную ситуацию, тем не менее, при нем не должно иметь место нарушение законов или подстрекательство к их нарушению.

Формы:

a) ситуационное тестирование с компаратором – это создание сравнительной ситуации, когда сначала об услуге просят тестируемые (представитель ненавистной социальной группы/населения), а затем об услуге просят компаратор (представитель большинства) – предлагаемая цель тестирования: тестирующему будет оказано неравное или на основании внешне нейтрального критерия, компаратору услуга будет оказана. Компаратор впоследствии выполняет функцию свидетеля.

b) ситуационное тестирование без компаратора – об услуге просят только тестируемый (представитель ненавистной социальной группы), заранее можно предположить, что после выявления характеристик тестируемого исполнителю услуги откажут в предоставлении услуги по дискриминационным причинам.

Может использоваться, главным образом, в ситуации общественного дискриминационного действия исполнителем услуги (например, риэлторское агентство систематически отказывается сдавать квартиры в аренду гражданам, отназ происходит на основании санитарно-эпидемиологической целиной диагностики).

REPORT | Hate Speech and Incitement to Discrimination in the public space and media in the Republic of Moldova 2019/2



REPORT no. 2 | Civic Monitoring of Police Reform in the Republic of Moldova



FINAL REPORT | Observation Mission for the General Local

Elections and New Parliamentary Elections of 20 October (3 November) 2019



STATEMENT | Position of the Civic Coalition for Free and Fair Elections on the general local election of October 20 – November 3, 2019



The Civic Coalition for Free and Fair Elections considers that the general local elections of October 20 – November 3, 2019, were generally free and partially fair. This opinion is based on the assessment of the adherence to the principles of free and fair elections by all election stakeholders and on the following findings regarding the pre-election period, the election period and election days:

Changes in the rules of the game during the elections. The amendments to the Electoral Code became public several days before the start of the electoral period for the general local elections, contrary to good practices in electoral matters. These amendments brought confusion to both voters and electoral officials, especially due to the fact that on October 20, different rules for two different electoral exercises were applied, with parallel regulation of the same legal relations.

Limitation of the freedom of voter information as a result of the restricted access to information on elections. Despite numerous formal inquiries from civil society, there were difficulties in accessing information about the lists of candidates for local councils. Citing personal data

protection, election management bodies denied access to the information about the profiles of the candidates for local councilors.

Hindered work of election management bodies. The electoral process was marked by a series of delays in the issuing of directions and decisions by the election management bodies to ensure a smooth pace of the elections. Moreover, the election management bodies failed to ensure the requisite transparency about filed complaints, warning reports and their resolution status.

Inconsistent candidate registration practice. Legal violations were found in the preparation of the lists of candidates, with at least 2000 lists of candidates (over 1/3 of the total number) being registered by district electoral councils while not complying with the legally required gender quota and/or the provisions regarding the candidate placement on the lists.

Refusal to register certain electoral contenders. The signatures of the supporters of one candidate were invalidated as a penalty when it was found that they were on the same subscription list with supporters from another locality, although the Electoral Code does not specify a clear consequence for such situations. This penalty, included exclusively in the CEC's Regulations, resulted in the refusal to register Ruslan Codreanu as independent candidate for general mayor of Chisinau. In this case, the courts also interpreted differently the conditions for the verification and validation of subscription lists and the grounds for invalidating the collected signatures.

Contenders' dodging the accurate reporting of their expenses. Electoral contenders keep dodging the full reporting of their expenses for travelling, office rentals and utilities as well as expenses for delegating/posting staff members, including those for paying the fees and per diems of observers and volunteers involved in the electoral campaign.

CEC's failure to perform background checks on the election contenders' financial reports. We noted the lack of checks on the election contenders' income sources by the CEC. There is also no control on the collection and accounting of funds received from primary donors (political organizations), be it in the form of cash registering equipment or payment receipts.

Use of administrative resources during the electoral period. There have been numerous reports of the use of administrative resources by the political parties running in the elections. Some notable cases included the inappropriate involvement of high-ranking officials in the promotion of certain electoral contenders, campaign meetings held in the premises and with the employees of government institutions during business hours, and the taking of credit by certain parties for services and works carried out with public money.

Issues and errors in the State Register of Voters (SRV) and voter lists. The ever-increasing number of voters in the SRV against the background of a negative natural population growth in Moldova maintains the concern about the quality of the management of the State Population Register and implicitly the SRV. We found the following issues with the quality of voter lists: the misassignment of voters to polling stations from other localities, the misassignment of voters to other polling stations from the same locality, the inclusion of deceased persons in the lists, the absence of voters in the main lists, and address errors. Moreover, there were cases of artificial migration of voters.

Impartial media. Most big media outlets covered the electoral campaign in a biased manner, discriminating and differentiating between the electoral contenders. Several candidates enjoyed massive and exclusively positive coverage on certain monitored TV channels, while their political opponents received negative coverage. The Broadcasting Council failed to act promptly to fight disinformation.

Women are still underrepresented. The introduction of gender quotas and the requirements for women placement determined political parties to nominate more female candidates for councilor positions. Regrettably, however, the share of female candidates for mayor has not increased significantly, getting only 5% higher over the past three electoral cycles. Although the legal framework imposes a 40% gender quota and sets out the rule of including minimum three same-gender candidates for every ten candidates in the lists for councilors, there were multiple situations where these rules were ignored.

Underrepresentation of Roma people. The representation of Roma people among candidates for local councilors remains low. Even lower is the representation of this vulnerable group in the lists of candidates for mayor. The electoral contenders' platforms mostly disregard the problems of Roma people.

Discrimination of people with disabilities. People with disabilities faced obstacles in physical and informational accessibility. Over 60% of the polling stations were inaccessible. The accessibility audit on 150 web pages of central and local public authorities, political parties, and electoral contenders found only two web pages accessible for persons with disabilities. During the electoral campaign, none of the residential institutions or other community-based centers hosted campaign meetings with and for persons with mental disabilities.

Obstruction of the work of national observers. In their work, national observers encountered obstacles from at least three categories of electoral participants: from members of electoral management bodies (the limitation of access to voter lists, the limitation of access to subscription lists, the limitation of access to complaints, and the limitation of access to financial reports of independent candidates), from representatives of public entities, and from electoral contenders.

REPORT | Russian Military Presence in Armenia, Moldova and Ukraine and its Impact on Human Rights Situation

