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**Council of Europe Action Plan to support democratic reforms in the
Republic of Moldova 2013-2016
Final Report**

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EXECUTIVE SUMMARY

The Council of Europe Action Plan to support democratic reforms in the Republic of Moldova 2013-2016 was adopted by the Committee of Ministers during its 1185th meeting on 19-20 November 2013 and it was launched by the Deputy Secretary General and the Moldovan Deputy Prime Minister, Minister of Foreign Affairs and European Integration on 14 March 2014 in Chisinau. The present report covers the period from the adoption of the Action Plan in November 2013 until August 2016 and presents an overview of co-operation, major achievements and programming outlook in each of the priority areas.

The Action Plan supports the country in fulfilling its obligations as a Council of Europe member state and aims to assist in development of democratic society with respect for human rights and the rule of law. The Action Plan priorities took into account conclusions of reports, resolutions and recommendations, notably of the Committee of Ministers, Parliamentary Assembly, the Congress of Local and Regional Authorities, the Venice Commission of the Council of Europe, European Commission for the Efficiency of Justice, European Commission against Racism and Intolerance, Group of States against Corruption, Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism . It also took into account the national reforms agenda.

The overall budget of the Action Plan was €18.2 million. Funding amounting to more than €9.3million (51% of the total budget) has been secured. The European Union has allocated approximately €4 million to the Republic of Moldova through Joint Programmes with the Council of Europe with possible additional support of €2.5 million under consideration. Over €4.4 million of voluntary contributions came from 11 member states – Austria, Denmark, Human Rights Trust Fund (Finland, Germany, Netherlands, Norway, Switzerland and United Kingdom), Norway, Liechtenstein, Romania and Sweden.

The joint Council of Europe and national partners' efforts have resulted in the revision of legal frameworks, including amendments to the electoral code and new anti-corruption legislation, increased capacity of civil society to monitor election process, reform of the Public Prosecutor Service, enhanced institutional capacity of the Moldovan Bar Association, revision of the Criminal Procedure Code as well as legal framework to improve efficiency and independence of the judicial system, dissemination of best practices in local democracy among municipalities in the country, and reinforced people-to-people contacts on both banks of the river Nistru/Dniestr.

The reforms in the Republic of Moldova are under way but recurring political crises have been slowing down their effective implementation. The processes of consolidation of democratic institutions in the Republic of Moldova are multifaceted, as in other countries, and challenges to complete the reforms remain: lack of institutional capacity and funds to implement reforms in certain areas, lack of public trust in judicial, law enforcement and political institutions.

The Council of Europe stands ready to continue accompanying to the Moldovan authorities to ensure the effective implementation of existing legal framework and to further develop capacities of national institutions to bring country's legislation and practice closer to the European standards to better protect human rights, rule of law and democracy.

The 3-year Action Plan will conclude in December 2016. The Council of Europe and Moldovan authorities are currently exchanging views on priorities for further co-operation within the framework of a new Action Plan 2017-2020.

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LIST OF ACRONYMS AND ABBREVIATIONS

Action Plan	CoE Action Plan to support democratic reforms in the Republic of Moldova 2013-2016
ATU	Autonomous Territorial Unit of Gagauzia
CBM	Confidence Building Measures
CCA	Co-ordinating Council of the Audiovisual
CEB	Council of Europe Development Bank
CEC	Central Election Commission
CCET	Centre of Continuous Electoral Training
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
CoE	Council of Europe
Congress	CoE Congress of Local and Regional Authorities
CPT	Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DEC	District Election Commission
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EDC/HRE	Education for Democratic Citizenship/ Human Rights Education
EU	European Union
GR-DEM	Rapporteur Group on Democracy
GRECO	Group of States against Corruption
LFB	Local Finance Benchmarking
MBA	Moldovan Bar Association
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NHRAP	National Human Rights Action Plans
NDS	National Decentralisation Strategy
NPM	National Preventive Mechanism
NGO	Non-governmental Organisation
NIJ	National Institute for Justice
OB	Ordinary budget
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organisation for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the CoE
PEC	Precinct Election Commission
PCF	EU/CoE Eastern Partnership Programmatic Co-operation Framework
PPS	Public Prosecution Service of the Republic of Moldova
SRV	State Register of Voters
UN	United Nations
UNDP	United Nations Development Programme
Venice Commission	European Commission for Democracy through Law
VC	Voluntary contributions

INTRODUCTION

The report presents the results of the Council of Europe Action Plan to support democratic reforms in the Republic of Moldova 2013-2016 (Action Plan) between November 2013 and August 2016. The Action Plan was adopted by the Committee of Ministers (CM) during its 1185th meeting of 19-20 November 2013 following extensive consultations between the Council of Europe (CoE) and the Moldovan authorities. The main objective of the Action Plan was to support the country in fulfilling its obligations as a CoE member state in the fields of democracy, rule of law and human rights. The Action Plan is based on the findings of CoE monitoring mechanisms and bodies and takes into account lessons learned during previous co-operation with a view to ensuring coherent and sustainable CoE assistance to the reform process in the Republic of Moldova.

The Action Plan implementation includes needs assessments, legislative expertise, capacity building, training, awareness-raising and peer-to-peer reviews in areas such as: the functioning of democratic institutions and good governance; justice sector reform, with special attention to the reform of the Public Prosecutor's Service and the efficiency of the judiciary; the promotion and protection of human rights, including through the strengthening of national human right institutions; freedom of expression and pluralism of the media; and local democracy and decentralisation; as well as confidence-building among communities on both banks of the river Dniester/Nistru.

The three-year Action Plan will conclude in December 2016. At their 1246th meeting (3 February 2016), the Ministers' Deputies took note of a progress review report on its implementation. The reform process to adopt legislation and enhance effectiveness of institutions to meet the requirements of a democratic society is a long term process requiring commitment to implement new legislation and put in action institutional frameworks. Therefore, the CoE and Moldovan authorities discuss co-operation within the framework of a new Action Plan for the period 2017-2020.

OVERALL ASSESSMENT AND MAIN ACHIEVEMENTS

The Action Plan consisted of 25 projects (including regional projects) of a total budget of over €18 million. As of August 2016, there were eight country-specific projects implemented by the Directorate General of Human Rights and Rule of Law, the Directorate General of Democracy, and the Congress of Local and Regional Authorities of Europe (Congress). From 2013 to 2016, seven projects were completed. Two projects (on combating corruption and media freedom) are at an advanced stage of negotiations with the European Union (EU) and Moldovan authorities.

The main achievements of the Action Plan are as follows:

- Amendments to the Electoral Code of April 2016 introduced the monitoring of gender balance in electoral campaigns for parliamentary and local elections and a 40% gender quota on electoral lists in these elections;
- Major changes were approved in Parliament in April 2015 to the package of laws pertaining to campaign finance including the Election Code, the Laws on Political Parties, on Administrative Offences and on the Court of Accounts and the Criminal Code thanks to continuous advocacy by the civil society organisations involved in the CoE activities;
- The civil society representatives trained on election observation by the CoE are able to cover all polling stations nationwide since the 2014 parliamentary elections;
- The new Organic Law on the Public Prosecution Service (PPS), adopted on 25 February 2016, entered into force on 1 August 2016 and is a significant step to ensure a professional and politically independent prosecution service;
- Procedural guarantees required under the European Convention on Human Rights (ECHR) and case law of the European Court of Human Rights (ECtHR) in criminal procedures have been consolidated in the draft Law to amend the Criminal Procedure Code;
- The laws on the judicial system, the status of judges and their disciplinary liability were amended, contributing to the efficiency and independence of the judicial system.
- The Moldovan Bar Association (MBA) finalised the draft Code of Ethics, incorporating a number of CoE recommendations, published its first annual activity report and signed a co-operation memorandum with the Ministry of Justice;

- The dissemination of best practices in local democracy in over 300 municipalities strengthened links between them; and
- The confidence building measures (CBM) of the CoE contributed to increased people-to-people contacts on both banks of the river Nistru/Dniestr, specifically among media and civil society representatives. Such contacts help to create an environment conducive to building confidence.

MODALITIES FOR IMPLEMENTATION AND CO-ORDINATION

A joint Steering Committee to assess implementation of the Action Plan was established by the CoE and Moldovan authorities. The first committee meeting took place in June 2015 in Chisinau and a second meeting to assess implementation of the Action Plan and define future priorities for co-operation was held on 12 September 2016. The authorities and the CoE are committed to continue co-operation, focusing specifically on implementation of the new legislation and building capacity of the national stakeholders to co-ordinate reform process and introduce best European practices at national level.

The projects implemented by the CoE are closely co-ordinated with the Moldovan government and international partners, notably the Delegation of the European Union, development agencies of the CoE member states and the United Nations (UN).

From 2015, the Republic of Moldova benefits from participation in the EU/CoE Programmatic Co-operation Framework for Eastern Partnership Countries 2015–2017(PCF) which covers following areas:

- Protecting and Promoting Human Rights;
- Ensuring Justice;
- Combating Threats to the Rule of Law;
- Addressing Challenges of the Information Society; and
- Promoting Democratic Governance.

The CoE Office in Chisinau holds bi-monthly follow up meetings with EU Delegation programming staff where all project activities under the PCF are reviewed and co-ordination and complementarity with EU projects ensured. The CoE, the EU and Moldovan authorities are preparing a launch of a comprehensive anti-corruption programme as well as a project on media freedom.

Regular meetings between the CoE and the UN System programming staff are held to ensure co-ordination and synergy, and avoid the overlapping of activities. Whenever appropriate, joint activities are undertaken (e.g. a presentation of reports on corruption risks assessments and an assessment of the Republic of Moldova's Human Rights Action Plans 2004-2008 and 2011-2014 were jointly carried out last year by the CoE and the UNDP).

Co-operation between the CoE and the Moldovan authorities takes into account the activities of other international organisations (EU, UN, OSCE, etc.) and partner States to ensure synergy and complementarity, and to avoid overlapping.

The CoE Office participates in a Working Group on Gagauzia, together with other international organisations and bilateral representatives, which monitors events related to the Autonomous Territorial Unit of Gagauzia (ATU) and assists the Government of the Republic of Moldova and the Gagauz institutions.

The CoE Office consults regularly with international partners on all matters related to the overall situation in the country and developments that may affect the implementation of the Action Plan.

The CoE programmes strive to ensure gender equality during all phases and in all areas of the Action Plan. Gender mainstreaming is applied in accordance to the CoE rules, which favour the under-represented gender.

The CoE is aware of the importance of civil society, which constitutes a key element of the democratic process and therefore encourages its involvement in the development and implementation of co-operation programmes, projects and activities.

FUNDING AND PARTNERS

In line with the CoE resource mobilisation strategy, fundraising efforts under the co-ordination of the Office of the Directorate General of Programmes have been concentrated on the Action Plan as a whole. The overall budget of the Action Plan is approximately €18.2 million. Funding amounting to more than €9.3 million (51% of the total budget) has been secured.

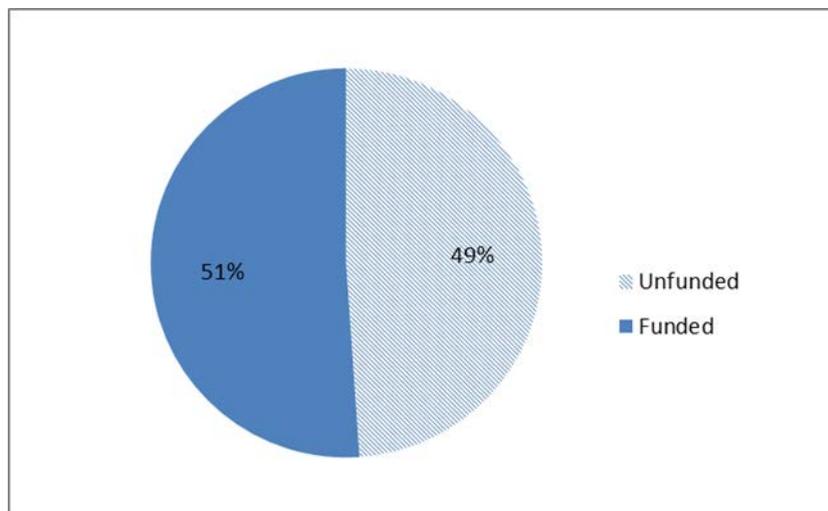
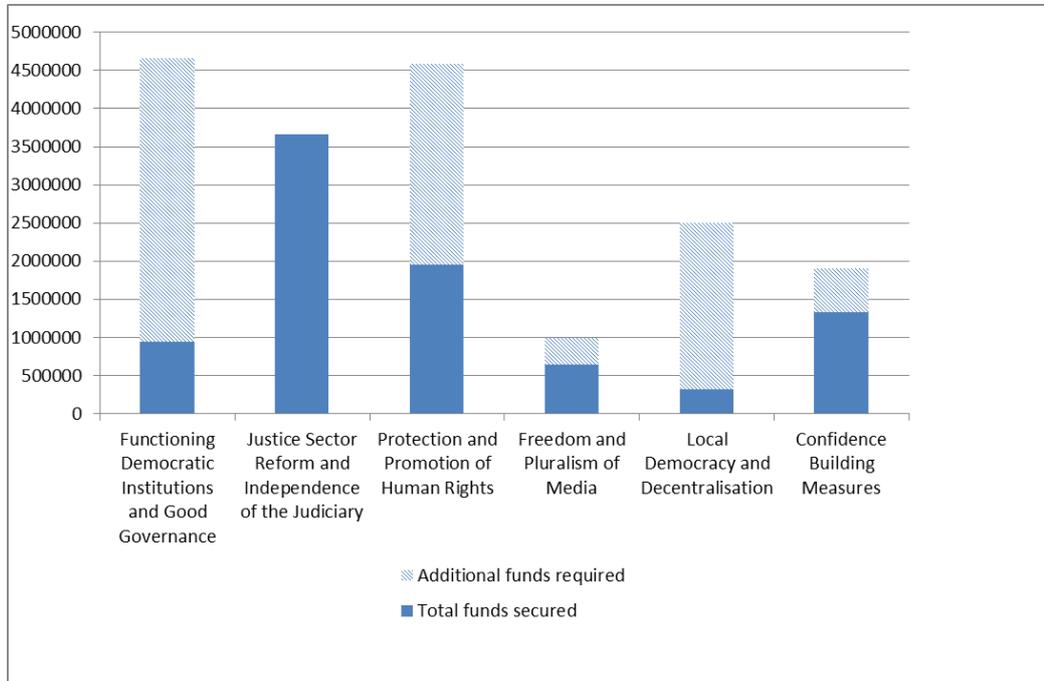


Figure 1: Funding per sector of the CoE Action Plan to support democratic reforms in the Republic of Moldova 2013-2016 as of August 2016

The EU has allocated approximately €4 million to the Republic of Moldova through Joint Programmes with the CoE with possible additional support of €2.5 million under consideration.

Voluntary contributions (VC) coming from 11 member states – Austria, Denmark, Human Rights Trust Fund (Finland, Germany, Netherlands, Norway, Switzerland and United Kingdom), Norway, Liechtenstein Romania and Sweden – totalling over €4.4 million are supporting projects on elections, criminal justice reform, domestic application of the ECHR and the Revised European Social Charter, implementation of the pilot judgments on detention, as well as CBM for the Transnistrian region of the Republic of Moldova. Denmark, the leading bilateral donor, is providing funding of €2 million.

In 2013 and 2014, the CoE Development Bank (CEB) approved two loans and a grant in favour of the Republic of Moldova for a total amount of €50 million to part-finance the development and construction of the new penitentiary institution to be built in Chisinau as well as the investments undertaken by micro, small and medium-sized enterprises.

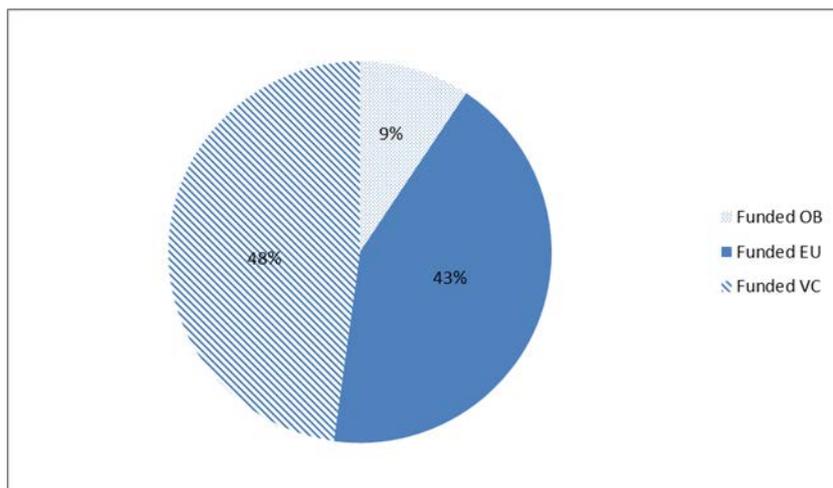


Figure 2. Sources of funding for the CoE Action Plan to support democratic reforms in the Republic of Moldova 2013-2016 as of August 2016

LESSONS LEARNED

The lessons learned during implementation of the Action Plan include:

- The human rights-based approach to co-operation, which uses the CoE standards and principle both as means and goals of technical assistance, can significantly contribute to the realisation of those rights;
- The implementation of the CoE recommendations would further benefit from enhancement of the national stakeholders capacity to co-ordinate revision of the legislation and practices provided by the CoE at the request of the national authorities;
- National capacity to plan and co-ordinate implementation of reforms and provide an effective oversight of funding requires further enhancement;
- Long-term technical assistance in conducting comprehensive reforms requires long-term funding perspective and effective co-ordination mechanisms between national and international partners. Action Plan level funding also provides certain flexibility in terms of allocating funds where they are most needed; and
- Internal political turmoil in the country has impacted on the ability of certain activities to ensure sustainable change. An essential pre-condition for any successful reform is to ensure long-term sustained cross-party commitment to the overall objectives of the reforms.

PROGRAMMING OUTLOOK

In close co-ordination with international partners, notably the EU, the CoE shall assist the country in implementation of genuine reforms aiming to modernise governance at all levels, fight corruption, strengthen independence of the justice system, prevent ill-treatment and impunity, protect the rights of persons belonging to minorities, promote social cohesion, improve media freedom, build confidence between people on both banks of the river Nistru/Dniestr. To achieve these goals the CoE's activities will focus on:

- Increasing trust in the electoral system, enhancing transparency and accountability of the political process shall be one of the main focuses of co-operation with the state institutions, political parties and civil society in the country;
- Enhancing institutional and legal frameworks as effective implementation of the CoE recommendations related to fighting corruption and money laundering shall be one of the major priorities for co-operation with Moldovan and international partners;
- Increasing effectiveness, accountability and transparency of the justice system including the courts, the prosecution service and law enforcement;
- Developing and implementing the new National Human Rights Action Plan to protect fundamental human rights, prevent ill-treatment and impunity, enhance protection of persons belonging to minorities and establish an effective National Preventive Mechanism (NPM);
- Improving the regulatory framework related to media pluralism in line with the CoE standards;
- Supporting the initiatives in the field of public ethics and transparency, to promote ethical governance and accountability at central and local all levels. Another focus shall be to enhance the level of citizen participation in decision-making; and
- Promoting effective decentralisation of public administration and reinforced local governance. The co-operation shall focus on capacity-building and legal assistance at central and local levels to support Local Finance Benchmarking, inter-municipal co-operation and amalgamation of municipalities in the context of broader territorial reform.

Following consultations with national authorities and the ATU stakeholders, a series of activities were prepared in order to increase the capacity of the legal departments of the People's Assembly and of the Executive Committee of the ATU to prepare opinions on the draft laws that are submitted to them for consultation and to prepare legislative initiatives. The co-operation in this field shall continue.

The CoE shall continue to support the ongoing dialogue between professionals, civil society, media, prison staff, local authorities and human rights actors from both banks of the river Nistru/Dniestr and shall strive to respond to growing requests. The fields identified for co-operation are media; human rights of persons with disabilities and social human rights of young adults from socially and economically disadvantaged backgrounds; criminal justice; CBM on human rights in places of detention and psychiatric institutions.

SECTOR REVIEW

1. FUNCTIONING OF DEMOCRATIC INSTITUTIONS AND GOOD GOVERNANCE

Background

In this field, the CoE and the Republic of Moldova aimed at ensuring compliance of constitutional and electoral frameworks with European standards as well as at reinforcing existing national mechanisms to fight corruption and money laundering. The activities in 2013-2016 mostly focused on providing legislative expertise as well as on enhancing capacity of national institutions, notably those responsible for elections.

The major factors which influenced the CoE interventions in this sector in 2013-2016 include:

- Amendments to the electoral code adopted by the Parliament on 23 June 2016, which reintroduced direct presidential elections. Extraordinary presidential elections will take place on 30 October 2016;
- The draft strategy of the Public Administration Reform presented by the Government in May 2016;
- Ratification of the Association Agreement with the EU in 2015 built on shared priorities of the Republic of Moldova and the EU member states based on respect for human rights, rule of law and democracy;
- The delay in adoption of the new anti-corruption policy instrument since the previous National Anti-corruption Strategy 2011-2015 validity ended in 2015;
- Amendments to the Electoral code in April 2014 which allowed for an increase in the thresholds for political parties to obtain seats in Parliament, the implementation of a centralised State Register of Voters (SRV) and the discontinuation of the use of ex-Soviet passports;
- The prominence of the anti-corruption agenda featured in the electoral campaign for the parliamentary elections in November 2014; and
- Anti-corruption legislation relating to the field of the judiciary passed by the Moldovan Parliament in December 2013.

Although the Republic of Moldova made progress in development of democratic institutions, there are still challenges to be addressed: the implementation of legislation is impeded by recurring political crisis, a lack of funding and the insufficient capacity of authorities in certain areas to effectively perform key functions (such as policy development and co-ordination, optimisation of regulations and oversight of budgetary controls).

In the field of elections, a lack of transparency of political party funding, need for enhancing internal democratic functioning of political parties, lack of trust in the electoral process as well as underrepresentation of women in the political process are among the major issues faced by the Republic of Moldova.

Many of the CoE's Group of States against Corruption (GRECO) recommendations contained in the March 2013 Compliance Report on the Republic of Moldova are still relevant and they provide a sound roadmap for the country on anti-corruption reforms. The Republic of Moldova has created most of the elements of a solid anti-corruption architecture, including institutions responsible for reducing the level of corruption. The implementation of reforms is underway. However, they have been hampered by a lack of political will and indirect influence of state officials over the National Anti-Corruption Centre, the Office of the Prosecutor General, the courts and the National Integrity Commission. The co-operation between state institutions in charge of the fight against corruption and the civil society, which has formally been in place for some time, needs new impetus.

Published in July 2016, the 4th GRECO Evaluation Round Report on prevention of corruption in respect of members of Parliament, judges and prosecutors calls corruption “one of the major issues in the Republic of Moldova”. Weak capacities and lack of independence are cited as problems which affect the functioning of major institutions in charge of fighting corruption. Although positive measures have been taken to enhance transparency of the parliamentary work, they remain inconsistently applied. A code of conduct for parliamentarians needs to be adopted. Awareness of the ethics and integrity rules needs to be heightened among judges and prosecutors. The monitoring and enforcement regime for integrity and conflict of interest prevention among members of Parliament, judges and prosecutors require significant strengthening.

Sector impact and main achievements

During the implementation of the Action Plan several amendments were made to the Electoral Code in particular:

- The Electoral Code was amended in April 2014, before the parliamentary elections on 30 November 2014. These amendments allowed for an increase in the thresholds for political parties to enter parliament, the implementation of a centralised SRV and the discontinuation of the use of ex-Soviet passports;
- Major changes were approved in Parliament in April 2015 to the package of laws pertaining to campaign finance including the Election Code, the Laws on Political Parties, on Administrative Offences, on the Court of Accounts and the Criminal Code before local elections of 14 June 2015. They introduced enhanced oversight of campaign finance and comprehensive reporting requirements as well as criteria for spending limits for political parties and candidates. Other amendments provided more specific sanctions for violations of the Election Code, and elaborated criminal liability for certain acts such as vote-buying;
- Amendments to the Electoral Code of April 2016 introduced the monitoring of the gender balance in electoral campaign for parliamentary and local elections and a 40% gender quota on electoral lists in these elections. The amendments also introduced refusal by the electoral authority to register party lists that do not comply with the quota requirement; and
- On 23 June 2016, the Parliament of the Republic of Moldova adopted the amendments to the Electoral Code relating to the reintroduction of direct presidential elections. The draft law is generally in accordance with international obligations and standards, and, if properly implemented, should enable presidential elections to take place in conformity with them.

The co-operation in electoral matters targeted the Centre for Continuous Electoral Training (CCET) in order to increase its capacities to conduct quality trainings for electoral administration and other stakeholders. After more than two years of intense activity and more than 41,000 trained electoral stakeholders, the Centre managed to deliver satisfactory training programmes in quantitative and qualitative terms for parliamentary and local elections. However, in 2014 the requirement for staff of election bodies to be certified by the Central Election Commission (CEC) following mandatory training of the District Election Commission (DEC) and Precinct Election Commission (PEC) members was abandoned thus weakening the Centre. This may have had an impact on the results of the electoral process as there is supposedly a direct link between the low quality of the counting records of polling stations during 2015 local elections and the training of DEC and PEC members.

During 2015, the assistance of the CoE to the communication strategy allowed the CCET to develop a communication strategy for 2015-2018 providing a conceptual and structured framework for communication with mass-media, key stakeholders, including the civil society, local public administration and trainers.

The quality of anti-corruption action plans, and their monitoring mechanisms was improved, as well as the quality of draft laws. A large audience of public officials and civil society representatives is aware and trained on good practices of designing and implementing anti-corruption policies. The regional exchange among Eastern Partnership countries, understanding, and co-operation of state experts and civil society representatives working on anti-corruption reforms is enhanced. These outcomes create an enabling environment conducive to the achievement of the goals of the anti-corruption policies. Nevertheless, GRECO's recommendations to the Republic of Moldova have been implemented slowly. There is a need to extend the scope of the technical advice on anti-corruption policy and legal framework.

The CoE in co-operation with national and international partners, notably the EU, shall provide targeted assistance to support the implementation of the national anti-corruption and anti-money laundering strategies, as well as judicial reform. The CoE intervention shall be closely linked to the GRECO reviews and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL) evaluation reports.

Programming outlook

In view of the extraordinary presidential elections on 30 October 2016, the CoE shall assist in raising voter awareness of electoral procedures, strengthening the capacities of domestic observers to conduct countrywide monitoring of elections, increasing the capacities of media in providing professional coverage of elections, strengthening media monitoring by civil society organisations.

Through a combination of a short- and long-term assistance, subject to availability of funds and programme development, the CoE activities in the field of elections shall focus on:

- Building capacity of the observers and their assistants;
- Strengthening the capacities to gather and analyse elections-related information and develop reports;
- Improving Non-governmental Organisation (NGOs) skills in drafting election observation reports; and
- Supporting participation of women, persons belonging to minorities and first-time voters in the election process.

Specific focus of the co-operation activities shall be on improving capacities of the CCET to enhance co-operation with other state training institutions such as the National Institute of Justice (NIJ) as well as to increase its research capacities.

Subject to availability of funds and agreement with authorities, the CoE shall provide a targeted intervention to fight corruption and money laundering in order to:

- Address gaps and deficiencies in the regulatory framework;
- Enhance the capacity to design and implement corruption prevention measures;
- Further strengthen the capacities of the authorities to recover assets;
- Strengthen information sharing systems of law enforcement and financial intelligence;
- Improve the capacity of law enforcement to exchange data internationally with regard to corruption and related economic crime offences; and
- Increase public awareness and participation in the fight against corruption.

Development of the national capacity to enhance and harmonise legal and institutional frameworks, to co-ordinate policy development and implementation, to manage human and financial resources in an accountable manner as well as to communicate effectively on the progress of the reforms with stakeholders and beneficiaries shall be streamlined in technical assistance programmes.

2. JUSTICE SECTOR REFORM AND INDEPENDENCE OF THE JUDICIARY

Background

As a party to the ECHR and other treaties of the CoE, the Republic of Moldova is committed to align its legal and judicial systems with European values and best practices. The reform of legal framework and implementation practices is monitored closely by the CoE, which is also engaged in providing advice to ensure the fulfilment of the said commitments.

The Republic of Moldova has adopted in 2011 the Justice Sector Reform Strategy and its action plan until 2016. These important policy documents aimed to an accessible, efficient, independent, transparent, professional justice. Nevertheless, the implementation of policy remains a challenge. The political instability which led to the change of three governments in 2015, delays reforms and creates uncertainty whether the documents will have concrete and positive results. Among critical challenges to the reforms of the justice sector are corruption, politicisation of the judicial process, ineffective investigations and failure to abide by judgments.

Over the past few years the CoE has contributed to the development of the criminal justice reform in the Republic of Moldova, in particular by supporting the establishment of appropriate legislative framework in the area of criminal justice, including development of the new Law on the PPS in line with European standards. Enhancing efficiency and quality of the courts services as well as increasing capacity of judicial training institutions was in focus of the CoE and Moldovan co-operation as well.

Extending support to the MBA to strengthen its institutional capacity, co-operation with authorities and training potential was another CoE priority in recent years.

Sector impact and main achievements

The competence of judges, prosecutors and lawyers is increasing and the legislative framework is gradually being aligned with the European standards. GRECO 2016 report points out the need to increase awareness of ethics and integrity rules among judges and prosecutors.

The new Organic Law on the PPS, adopted on 2 February 2016, entered into force on 1 August 2016. While there is room for further improvements and clarifications, key aspects raised in the opinion of the Venice Commission (jointly prepared with the DG I and the OSCE/ODIHR) have been addressed and the adopted text is a clear improvement of the legal framework for Moldovan prosecutors. The implementation of the new system of appointment of the Prosecutor General requires a prior amendment of the Constitution. It would be important to highlight the constructive approach shown by the Moldovan authorities in their dialogue with the Venice Commission and their commitment to reforming the prosecution service.

The MBA finalised the draft Code of Ethics, incorporating a number of CoE recommendations, published its first annual activity report and signed a co-operation memorandum with the Ministry of Justice. The training of trainers programme will be launched shortly awaiting the results of the lawyers' training needs survey. This contributes not only to increasing MBA's internal capacities but also the leaderships' accountability towards their members.

Programming outlook

The CoE shall contribute to improvement of the efficiency of the judicial system. In this respect, following consultations with the Superior Council of Magistracy, the Supreme Court of Justice and the Ministry of Justice, the CoE shall implement a number of activities designed around the tools of the European Commission for the Efficiency of Justice (CEPEJ), methodology and expertise which represent the result of thorough analysis of judicial systems and exchanges between all 47 member states of the CoE. The CEPEJ tools rely on a strong connection with the case law of the ECtHR, European standards for justice and the traditions of European judicial systems. The CoE supports participation of the civil society in the implementation of the justice sector reforms.

An extensive technical expert assistance is being provided to the PPS to develop internal regulatory framework necessary for the implementation of the new PPS law. At the same time, awareness raising activities on the ongoing PPS reform are planned to be organised, aimed at raising awareness on the details of the reform process both within the prosecutorial community, and public in general. Capacity building activities, including trainings, are planned in close co-operation with the NIJ and the MBA for prosecutors, judges and lawyers to enhance their knowledge and skills as regards to the national implementation of the ECHR. Moreover, support is being provided to the Ministry of Justice, *inter alia*, via co-operation with the Governmental Agent before the ECtHR for the development of the guidebook on execution of ECtHR judgments.

3. PROTECTION AND PROMOTION OF HUMAN RIGHTS

Background

As a member state of the CoE, the Republic of Moldova policy framework in this field is based on the ECHR. Joint efforts of the CoE and Moldovan authorities were focused on protection of human rights and effective implementation of the relevant CoE instruments at the national level, including the ECHR and the case law of the ECtHR.

Two successive National Human Rights Action Plans (NHRAPs), 2004-2008 and 2011-2014, were adopted in the country and the CoE helped to assess their results. An intermediary NHRAP for 2016 was developed while the new NHRAP will be promoted after the country will finalize the examination under the second cycle of the Universal Periodic Review. The Strategy for Police Development 2016-2020 was adopted in March 2016. The Justice Sector Reform strategy and its action plan are under implementation until end of 2016. Therefore, there is no lack in the policy frameworks in the field of human rights. Nevertheless, trust in both justice system and law enforcement institutions is rather low and they are seen as politicised and corrupt².

The Ombudsperson's office has been under reform since the entry into force of the new law "On the People Advocate (Ombudsman) of the Republic of Moldova". The limitation of the public prosecutors' functions primarily to the criminal sector within the context of the meaningful PPS reform also provides for the additional need to reinforce the capacity of the Ombudsperson's office in terms of ensuring effective mechanisms for general observance and protection of human rights. According to the new law on Peoples Advocate's Office, the NPM is to be established in a new setting. It provides for the important instrument to prevent torture and ill-treatment and to protect fundamental human rights and freedoms within places of deprivation of liberty.

Given the fact that the Republic of Moldova has adopted the Law on Ensuring Equality, which entered into force on 1 January 2013 and based on which the Council for prevention and elimination of discrimination and ensuring equality (Equality Council) was created as a national non-discrimination mechanism, the subject of discrimination is now set as one of the highest priorities for the justice sector actors, including lawyers and human rights defenders. Many lawyers now better understand the subject and more actively file complaints to the Equality Council.

The Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published its recent report on 30 June 2016. The report highlights such problems as ill-treatment by police, ineffective investigation of these cases and poor physical conditions in the places of detention. The human rights situation within psychiatric institutions was also highlighted in the report.

The CoE's Group of Experts on Action against Trafficking in Human Beings (GRETA) has published its second evaluation report on the Republic of Moldova in June 2016. According to the report, progress had been made in a number of areas. The legal framework for combating human trafficking has been further developed, including the criminalisation of the use of services of victims of trafficking and increased sanctions for traffickers. However, the report highlights several areas which require further improvement, notably GRETA calls on the Moldovan authorities to provide enhanced victim assistance and protection measures.

² See the latest November 2015 study by the Institute for Public Policy: <http://www.ipp.md/lib.php?l=en&idc=156>.

Following the adoption on 17 March 2016 of the European Commission against Racism and Intolerance (ECRI) conclusions on the implementation of the recommendations, ECRI made in its fourth report on the Republic of Moldova, it is now possible to record information on racially motivated offences with the Ministry of the Interior's tool for recording crime statistics. In addition, the judicial authorities have set up an inter-institutional working group to prepare an automated information system for the recording of offences. This group will also deal with the issues of the separate recording of racist incidents by the public prosecutor's office and connection with the data registered by the Ministry of the Interior.

As far as social rights are concerned, the Republic of Moldova ratified the European Social Charter in November 2001, accepting 63 of the Charter's 98 paragraphs. It has not yet accepted the collective complaints procedure. On the basis of 12 reports developed between 2004 and 2016, the European Committee of Social Rights (ECSR) found that the situation in the Republic of Moldova was not in conformity with several provisions of the Charter. Furthermore, it found that national reports needed to be improved in order to provide the information necessary for the assessment of the situation.

Sector impact and main achievements

The CoE assisted the authorities in revision of national legislation aiming at improvement of the execution of ECtHR judgments and securing human rights, specifically in the pre-trial phase of criminal procedures. The Moldovan authorities have redrafted the Law on the Government Agent and the Law to amend the Criminal Procedure Code. As a result:

- The Law on the Government Agent was adopted on 30 July 2015 and entered into force on 21 August 2015 partially taking into consideration the CoE recommendations. The Venice Commission referred to the CoE Opinion on the draft Law on Government Agent in its *amicus curiae* for the Constitutional Court of the Republic of Moldova "On the rights of recourse by the state against judges" adopted on 9 June 2016;
- Assessment of the implementation of the National Human Rights Action Plan 2004-2008 and 2011-2014 was carried out with the findings and recommendations presented to the authorities; the findings were taken into consideration for implementing the outstanding actions of the two NHRAPs, in order to ensure their full implementation; and
- The draft Law to amend the Criminal Procedure Code was approved by the Government on 21 August 2015 and submitted to Parliament for review on 24 August 2015. Procedural guarantees required under the ECHR and ECtHR case law in criminal procedures have been consolidated; and the deficiencies of the criminal procedure and of the mechanism for its implementation, highlighted by the ECtHR, have been addressed.

The CoE advises the authorities on establishment of the NPM to prevent torture and ill-treatment and to protect fundamental human rights and freedoms within places of deprivation of liberty. A needs assessment report as to the establishment of the NPM contributed to the development of the NPM Regulation by the Ombudsperson's office. The latter was finally approved by the Ombudsperson in July 2016, following consultations with civil society and the Parliamentary Human Rights Commission. It provides for necessary regulatory framework to establish the NPM.

In preparation of the 5th European Romani Women's Conference (Skopje, October 2015), the CoE organised a meeting on the empowerment of Romani women in Chisinau. In June 2015, a seminar was held in Chisinau to train lawyers on preventing discrimination against Roma.

In order to implement a modern probation system, the Probation Office under the Ministry of Justice, with the support of the CoE, organised several activities from 2013-2015 which aimed to contribute to the strengthening of the probation system and development of the policies on community safety through effective rehabilitation of offenders.

In order to increase the effectiveness of the Republic of Moldova's Equality Council, the CoE assessed its strategic documents and functioning and trained 18 staff members on how best to combat discrimination on the grounds of nationality. The assessments proposed practical measures, followed by initiatives to combat hate speech and gender inequality.

To align the Republic of Moldova's anti-discrimination legislation with the ECHR, the CoE assessed the Law on Ensuring Equality and held a round table discussion on how to implement expert recommendations. Additionally, local court registries, the Equality Council and the Ombudsperson's Office were trained on how to apply CoE/ECHR anti-discrimination standards. A pool of Moldovan trainers specialising in ECHR and discrimination was established. These trainers carried out cascade seminars for 972 participants (lawyers and law students). Training on discrimination is included in the curricula for lawyers and trainee lawyers.

Another example of changes produced as a result of the project's activities is an initiative to amend certain legal provisions that were found to be discriminatory. A group of lawyers, some of whom had attended the project's training activities, filed a complaint to the Equality Council stating that they are discriminated against on the grounds of profession and financial standing when social security benefits are granted to lawyers. The Equality Council found discrimination in this case and recommended amendments to relevant discriminatory legal provisions. As a result, the Law on the Amount and the Terms of Payment of Medical Insurance and the Law on Medical Insurance Funds for 2015 were amended.

A report for Moldovan stakeholders assessed the Internet and telecommunications industry, with a new focus on children and young people in the digital environment. The CoE and Moldovan stakeholders established the national Internet Governance Forum, held in April 2016 for the first time in the country. To promote a safe Internet, a national campaign was launched to raise awareness of the dangers of the Internet for children and young people. The teaching material was developed for the Public Administration Academy to increase professors' and students' knowledge about human rights online, possible infringements and available remedies.

According to the agreement with the Moldovan authorities, a first training seminar on women's rights, access to justice, as well as women's representation and careers in the judiciary was organised in Chisinau and involved 30 judges and prosecutors.

In the Republic of Moldova, 35 teachers and head teachers from the Chisinau region were trained on Education for Democratic Citizenship/Human Rights Education (EDC/HRE) which allowed for subsequent development of specific school programmes with an emphasis on democratic values, student self-governance and preventing all forms of discrimination in schools.

Since 2010 the CoE provided substantial support to the Republic of Moldova in the field of criminal justice reforms/drug treatment in prisons. Together with Moldovan partners the CoE helped to introduce a new drug treatment approach (Therapeutic Community) in prisons that is complementary with existing drug treatment and harm reduction services in prison.

Programming outlook

The CoE and Moldovan authorities are committed to strengthening the Equality Council and the Ombudsperson Office. Further, the CoE is expected to contribute to the enhancement of human rights protection and strengthening of anti-discrimination. Also, it will support the alignment of Human Rights policies and practice by ensuring compliance of legislative and regulatory frameworks with European standards. The CoE plans to contribute to the assessment of the National Human Rights Action Plan, including review of the activities related to the protection of the human rights of Roma. Assistance shall be provided to the development of a new Action Plan for Roma, subject to availability of funds. The CoE stands ready to assist the authorities in strengthening their capacity to prevent and combat trafficking in human beings in line with GRETA's recommendations.

Assistance will be provided to the Ombudsperson institution for the development of internal regulation for the functioning of the NPM and practical/expert assistance will be provided to enhance operation of this body. Capacity enhancement activities will be organised both for the staff of the Ombudsperson institution and members of the NPM as to monitoring visits to places of deprivation of liberty.

Subject to availability of funds, the CoE will assist with strengthening the Probation Service by integrating CoE standards in the system, including promoting alternatives to pre-trial detention, extending the scope of community sanctions and measures and further improving probation supervision and its reintegration role in order to effectively re-socialise offenders thus reducing re-offending.

It is crucial for the Republic of Moldova to further improve drug treatment systems in the criminal justice field that are in line with human rights and public health standards; develop alternatives to punishment; reduce crime/recidivism; improve human rights protection of drug dependent persons (in prisons and in the community).

Co-operation with the Republic of Moldova in implementing provisions of the European Social Charter shall focus on support ensuring compliance of legislative and regulatory frameworks with European standards in the field of social rights as well as on the support provided to the relevant authorities in collecting necessary data to the ECSR as regards the implementation of the accepted provisions of the Charter.

4. FREEDOM AND PLURALISM OF THE MEDIA

Background

In the broader context of respecting freedom of expression in the Republic of Moldova, significant changes have taken place since 2010. The “Freedom of the Press 2015” report of Freedom House rates the Republic of Moldova as “partially free” – as it is ranked at the 118 place out of 199 countries and territories. According to the 2014 Report of Reporters beyond Borders, the Republic of Moldova’s mass media enjoy a significant degree of pluralism and relatively little state censorship. A survey titled “Media Freedom Index of the Eastern Partnership countries” covering the first half of 2014 concluded that the Republic of Moldova has the second highest degree of media freedom among the Eastern Partnership countries.

The media sector faces such challenges as the lack of a financial policy framework to mobilise resources. The economic conditions do not create an environment conducive towards the development of the media sector. The issue of transparency of the ownership of radio stations and television channels and the neutrality of public broadcasting remain critical factors in ensuring the independence of the media.

Significant efforts need to be made to bring Moldovan laws and practices in line with European standards in the field of media, freedom of expression and information. A central emphasis is to be also put on work with the public broadcasters to enhance their professionalism and independence.

Sector impact and main achievements

In July 2015, the CoE prepared an opinion on the Draft Law supplementing the Audiovisual Code of the Republic of Moldova and the Draft Law amending and supplementing the Audiovisual Code of the Republic of Moldova on the basis of an independent expert assessment. In September 2015, the authors of the drafts, during public hearings organised by the Parliament with participation of civil society and local broadcasters, agreed to consider the expert’s recommendations during the process of revising the Audiovisual Code of the Republic of Moldova.

In August 2015, the CoE prepared an opinion on the Draft Regulation on the Procedure and Stipulations for the Issuing of Digital Broadcasting Licences and Digital Retransmission Permits for the Use of Multiplexes on the basis of the independent expert assessment. The Expert Opinion addressed three main issues that the draft Regulation raises: the economic conditions of the digital switchover; the procedure that will be implemented by the Co-ordinating Council of the Audiovisual (CCA) for the issuance of the licences and permits; the criteria that will be used by the CCA to decide between the tenderers.

Programming outlook

The CoE programme to promote media freedom and pluralism in the Republic of Moldova is designed on the basis of the findings of the assessment meetings on CoE media assistance in the Republic of Moldova held in September-October 2014 and on the basis of the work done within the framework of the now-completed EU/CoE joint “Democracy Support Programme” and the regional EU/CoE joint programme “Promoting freedom, professionalism and pluralism of media in the South Caucasus and the Republic of Moldova”. The proposed activities will contribute to the improvement of the regulatory framework related to media pluralism in line with the CoE standards and will raise public awareness of the effects of the transition from analogue to digital TV broadcasting. Also, the project will provide assistance to public broadcasters and their governing bodies in order to enhance the independence, transparency and professionalism of the public service broadcasters in the Republic of Moldova, as well as to ensure content diversification and access of general public to unbiased, trustworthy and accurate information from public broadcasters.

5. LOCAL DEMOCRACY AND DECENTRALISATION

Background

The Government of the Republic of Moldova recognises the importance of effective decentralisation of public administration and the reinforcement of local and regional governance as key to achieving its European integration agenda. In this context and in response to a specific request for assistance from the Government, the CoE supports implementation of the National Decentralisation Strategy (NDS) adopted in April 2012 by promoting European standards of local and regional governance. The adoption of the Strategy followed Congress Recommendation 322(2012). A roadmap was signed between the Congress and the Government of the Republic of Moldova on 7 July 2016 in Chisinau. It focuses on the issues of the devolution of powers, and the division of tasks and responsibilities between the central government and the local government.

The CoE in the reporting period aimed to support the Moldovan authorities in establishing an efficient decentralised local government system through the effective implementation of the NDS and the National Strategy for Regional Development which have passed in 2016 the inter-ministerial reviews.

Some progress is seen in such areas as inter-municipal co-operation and e-governance. Among major challenges for implementation of reforms in this field is fragmentation of the local government and need to enhance its institutional capacity.

Internal political turmoil in the country has impacted the ability of certain activities to ensure sustainable change. An essential pre-condition for any successful reform of such scope is to ensure long-term sustained cross-party commitment to the overall objectives.

Sector impact and main achievements

A Peer Review was organised in March 2014 at the request of the Government to offer legal and policy advice to assist implementation of the NDS and identify priority areas for action to support the decentralisation agenda. Though several of the points raised have not yet been addressed by the Moldovan authorities, the authorities acknowledged that the report’s findings continue to shape his government’s approach to decentralisation in the context of his intervention at the meeting of the European Committee on Democracy and Governance on 15 May 2016. The Secretary General of the Government requested at the Regular Development Partners Meeting on 26 May 2016, feedback on the draft Strategy of Public Administration Reform. This Strategy, adopted in July 2016, concerns the reorganisation and modernisation of the local public administration.

Since 2013, a “Best Practice Programme” in local government has sought to improve governance by raising awareness of good practice and sustainable initiatives at the local level that lead to improved services for citizens. Visibility and prominence for award-winning municipalities has seen a year-on-year increase in applications from 50 in 2013, 56 in 2014 and 71 in 2015.

Legal and policy advice has been provided to support regional development including an impact analysis on various scenarios for the status of Chisinau and consequent advice and recommendations on the “Draft Law on the Status of Chisinau Municipality” and on the ATU of Gagauzia. A series of capacity-building activities for the People’s Assembly and Executive Committee of Gagauzia, implemented in the context of the PCF, have contributed to the capacity building of their staff and the establishment of a platform for dialogue between Chisinau and Comrat.

The Local Finance Benchmarking (LFB) Toolkit was adapted to the Moldovan situation to support financial decentralisation and implementation of the new provisions from the Law on Local Public Finance. A pilot of the LFB took place in the first half of 2016 and the initial results are currently being assessed. Initiatives to strengthen local autonomy through inter-municipal co-operation have also been launched in June 2016.

22 mayors participated in the activities organised by the Congress in 2015-2016. The aim of these activities was to increase the awareness and readiness of mayors to implement higher ethical standards in public policies, and to promote ethical governance and transparency in their daily activities and to foster citizen participation. A coaching and local initiative scheme will be implemented to support concrete changes in the selected communities.

Programming outlook

No further legal support is currently envisaged until there is a degree of political stability conducive to the adoption of legislation under review.

Following consultations with national authorities and stakeholders in the ATU of Gagauzia, a series of activities were prepared in order to increase the capacity of the legal departments of the People’s Assembly and of the Executive Committee of the ATU to prepare opinions on the draft laws that are submitted to them for consultation and to prepare legislative initiatives.

Further support and capacity-building activities on Local Finance Benchmarking is required. Support to build institutions and inter-municipal co-operation is also needed to ensure effective implementation of the NDS.

The Congress plans to support innovative local initiatives in the field of public ethics and transparency, so that mayors may implement higher ethical standards and promote ethical governance and transparency in their daily activities. Another focus of the Congress will be to enhance the level of citizen participation in decision-making, as one of the key pillars of local democracy and as a powerful managerial tool for efficient governance.

The joint EU/CoE programme “Community-led Urban Strategies in Historic Towns”, launched on 1 January 2015, is aiming at exploring and testing urban planning models which respond to the practical problems in small and medium-sized historic towns.

6. CONFIDENCE BUILDING MEASURES PROGRAMME FOR THE TRANSNISTRIAN REGION OF THE REPUBLIC OF MOLDOVA

Background

The CoE has been implementing various CBM activities on both banks of the river Nistru/Dniestr since 2010, following a pilot project in 2008. It has thus acquired a wealth of experience in building relationships and bridges between the two banks of the river Nistru/Dniester. Over the past six years, the CBM programme in the Republic of Moldova has expanded and now includes the following overall activity sectors: media, higher education, support to civil society; human rights in places of detention, as well human rights in the social sphere and architectural heritage. The additional focus on target groups previously not covered by CBM (such as staff of penitentiary institutions) created added value in the CBM landscape on both banks of the river and led to more expectations and requests for future components and activities.

Sector impact and main achievements

Throughout the duration of the Action Plan, the CBM for the Transnistrian Region of the Republic of Moldova contributed to facilitating dialogue among the two banks of the river Nistru/Dniester, by increasing people-to-people contact, in particular among different professional groups, while raising awareness and respect of human rights principles as contained in the relevant instruments of the Organisation. This is in line with the main objectives of the CoE post-conflict programme, as highlighted in a recent report of the Secretary General.

Throughout the reporting period, the different components of the programme reached a significant number of people and established or reinforced cross-river contacts. The programme thus contributed to building confidence between participants from the two banks, and it continued to develop an environment conducive to the peace-building process by developing and strengthening existent links between people from both banks of the river.

The CoE programme continued to rely on governmental institutions in Chisinau and the leaders in Tiraspol, as well as local NGOs, identified because of their specific experience and previous co-operation record with the CoE. Equality, transparency and dialogue are the three principles on which the implementation of CBM was and continues to be based.

The positive experience of the past six years has created a number of expectations and led to growing requests for CBM. Requests for new components recently reached the Secretariat in the fields of criminal justice (with the support of a new voluntary contribution) and CBM on human rights in places of detention and psychiatric institutions.

Programming outlook

The sustainability of the CBM greatly depends on the benefits that the programme brings to all parties involved. Continuity of the CoE CBM programmes is essential to ensure that benefits are reached and sustained.

The CoE shall continue to support the ongoing dialogue between professionals, civil society, media, prison staff, local authorities and human rights actors from both banks of the river Nistru/Dniestr and shall strive to respond to growing requests. The fields identified for co-operation are media; human rights in places of detention; human rights of persons with disabilities and social human rights of young adults from socially and economically disadvantaged backgrounds; criminal justice; access of the People's Advocate of the Republic of Moldova to places of detention and psychiatric institutions on the left bank of the river Nistru/Dniestr. The general purposes of the activities envisaged are:

- Further strengthening the existing partnerships between media professionals and further promote the human rights approach to journalism on both banks of the river Nistru/Dniester; a special focus will be given to joint multimedia stories production;
- Contributing to effective prevention, proper diagnosis, and treatment of Tuberculosis and HIV/AIDS in prisons;
- Facilitating the advocacy and enabling the decision makers at national and local levels to proceed with the implementation of human rights tools in the social field, notably through adequate institutional framework for persons with disabilities;
- Supporting effective measures on access to social rights for youth from disadvantaged backgrounds, in line with the principles of the CoE instruments, in particular the European Social Charter;
- Improving knowledge and capacities of Ombudsman mechanisms and NGOs with regards the implementation of international standards on independent monitoring of human rights protection within psychiatric institutions; and
- Applying legal expertise in drafting appropriate legislation concerning criminal justice.

APPENDIX I. FINANCIAL TABLE

(All amounts in Euros)

Sectors		Total budget in Action Plan	Funded OB	Funded EU	Funded VC	Total funds secured	Unfunded
1	Functioning Democratic Institutions and Good Governance	4,661,700	169,296	631,570	142,138	943,004	3,718,696
2	Justice Sector Reform and Independence of the Judiciary	3,554,000	151,114	1,514,029	2,000,000	3,665,143	
3	Protection and Promotion of Human Rights	4,619,300	314,107	974,657	700,000	1,988,764	2,630,536
4	Freedom and Pluralism of Media	1,000,000	64,134	577,206		641,340	358,660
5	Local Democracy and Decentralisation	2,500,000	32,514	292,629		325,143	2,174,857
6	Confidence Building Measures	1,900,000	140,000		1,193,812	1,333,812	566,188
TOTAL		€18,235,000	€871,165	€3,990,091	€4,455,950*	€9,317,206*	€8,917,794

*Including €420,000 of pledged VCs.