



COUNCIL OF EUROPE    CONSEIL DE L'EUROPE

15 November 2013

ODGProg/Inf(2013)17 final

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**Action Plan to support democratic reforms  
in the Republic of Moldova  
2013-2016**

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*Document prepared by the Office of the Directorate General of Programmes*

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## GENERAL OVERVIEW

The Republic of Moldova joined the Council of Europe on 13 July 1995. Upon accession, it accepted the statutory obligations and entered into a number of specific commitments as laid out in the PACE Opinion 188 (1995) on Moldova's application for membership of the Council of Europe.

In their 1181st meeting on 16 October 2013, the Ministers' Deputies referring to the conclusions of the stocktaking report on the co-operation of the Republic of Moldova with the Council of Europe (document [SG/Inf\(2013\)28 final](#)), welcomed the progress achieved by the country on the reform agenda and underlined that a number of important issues still need to be addressed. They encouraged the continuation of the co-operation between the Council of Europe and the Republic of Moldova in a number of priority areas, and for this purpose invited the Secretariat to prepare, in close co-operation with the Moldovan authorities, a framework assistance document action plan aiming to support reforms in the Republic of Moldova.

The present Action Plan has been prepared as a comprehensive instrument of enhanced co-operation between the Council of Europe and the Republic of Moldova with the overall strategic objective to further support the country in the fulfilment of its outstanding statutory and accession commitments. It is well aligned with the national Action Plan on honouring the Republic of Moldova's commitments towards the Council of Europe adopted by the Parliament on 12 July 2012, which calls upon the relevant authorities to ensure co-operation with the Council of Europe with a view to eliminate identified deficiencies and to finalise the launched reforms.

At the same time, the Action Plan is geared towards supporting the Moldovan authorities in meeting key national reform objectives in the priority areas of functioning of democratic institutions with a particular focus on co-operation in constitutional and electoral matters as well as the fight against corruption, reform of the justice sector and independence of the judiciary bodies, protection and promotion of human rights, including the fight against trafficking and anti-discrimination, freedom and pluralism of media as well as local democracy and decentralisation.

The Action Plan has been developed to respond to specific reform needs through mobilising legislative assistance, expertise and capacity-building. A package of actions has been designed to bring the country's legislative and regulatory frameworks, institutions and practice further in line with European standards and closer to strategic priorities set out in national policy documents such as the Strategy for Justice Sector Reform (SJSR) 2011-2016, the National Human Rights Action Plan 2011-2014, the National Decentralisation Strategy and other sectorial strategies.

The Action Plan is based on the findings of Council of Europe monitoring mechanisms and bodies and takes into account lessons learned during previous co-operation with a view to ensuring coherent and sustainable Council of Europe assistance to the reform process in the country. It builds on the results achieved in the framework of previous co-operation programmes, notably the comprehensive EU/CoE Joint Programme, *"Democracy Support Programme in the Republic of Moldova"*, which addressed the country's needs to reform and to streamline human rights protection mechanisms, to strengthen political dialogue and to develop a pluralistic mass media.

Consultations have taken place with the European Union, based on the converging priorities of both organisations, to ensure co-ordination and to contribute to further progress by the Republic of Moldova in its co-operation with the EU and in its fulfilment of European Neighbourhood Policy objectives. Eastern Partnership Facility projects, implemented by the Council of Europe and funded by the EU, form a constituent part of the present Action Plan, complementing targeted engagement at the country level with regional action.

The co-operation document takes into account the activities of other international organisations and other partner states active in the Republic of Moldova in order to ensure the necessary synergies and complementarity.

## **IMPLEMENTATION AND REPORTING MODALITIES**

The Council of Europe will be responsible for the Action Plan implementation, monitoring and review, with the Ministry of Foreign Affairs and European Integration (MFAEI) as the main partner. For this purpose, a Steering Committee will be established, composed of representatives of the Council of Europe, the MFAEI and national stakeholders involved in Action Plan implementation (representatives of specialised Ministries, etc.). The Steering Committee will meet annually with a view to assessing implementation of approved projects and to discussing new project proposals where relevant.

The Council of Europe will provide regular updates on the progress of programmes and projects, including mid-term and final reports prepared by the Office of the Directorate General of Programmes and submitted to the Committee of Ministers for discussion and adoption.

The Council of Europe Office in the Republic of Moldova and the CoE operational services in Strasbourg will be responsible for the management of the Action Plan at the project level. In particular, the Council of Europe Office in the Republic of Moldova will play an important role in coordinating implementation of activities in the field.

Projects in the Action Plan are to be funded from multiple sources which comprise the CoE's ordinary budget and voluntary contributions from donor countries and international organisations, including through EU/CoE Joint Programmes (EU/CoE JPs).

# 1. FUNCTIONING DEMOCRATIC INSTITUTIONS AND GOOD GOVERNANCE

## SECTOR OVERVIEW AND PRIORITIES

The improvement of the constitutional and electoral frameworks has been identified as a priority area for co-operation between the Moldovan authorities and the Council of Europe. The European Commission for Democracy through Law (the Venice Commission) has provided important benchmarks for constitutional and electoral reform through its recommendations on issues pertaining to the constitutional procedure for the election of the President, financing of political parties and election campaigns.

In the framework of the present Action Plan the Venice Commission will continue its dialogue with the Moldovan authorities and upon request will provide the necessary assistance to ensure further compliance of constitutional and electoral frameworks with European standards. It will also assist with expertise on issues related to the competences of the Constitutional Court and the procedure of appointment of its members in order to guarantee its independence.

In parallel to expertise aimed at improving the electoral legal framework, technical assistance will be provided to address the needs of the Central Election Commission (CEC) and the Centre for Continuous Electoral Trainings by the CEC, in the context of preparations for the next parliamentary elections.

Firm action against corruption and economic crime in line with Council of Europe recommendations remains an acknowledged reform priority in the Republic of Moldova. In this respect, the improvement of national legislation and a number of actions for the implementation of GRECO and MONEYVAL recommendations are envisaged to be undertaken by the government. Drawing from lessons learnt during previous co-operation, the present Action Plan prioritises assistance to reinforce the national efforts to combat corruption through upgraded law enforcement and enhanced capacities of the National Anti-Corruption Centre (NAC) and the National Commission on Integrity (NCI). Particular emphasis will be placed on supporting the country in the implementation of GRECO recommendations concerning party financing.

### **Source of justification:**

The Venice Commission's *Amicus Curiae* Brief on three questions related to article 78 of the Constitution of the Republic of Moldova (CDL-AD(2011)014); *Amicus Curiae* Brief for the Constitutional Court of the Republic of Moldova on the interpretation of Articles 78.5 and 85.3 of the Constitution of the Republic of Moldova (CDL-AD(2010)002); PACE Resolution on the honouring of obligations and commitments by the Republic of Moldova 1955(2013); Request for co-operation by the CEC of the Republic of Moldova; Joint Opinion on Draft Legislation of the Republic of Moldova pertaining to financing political parties and election campaigns (CDL-AD(2013)002); Joint Opinion on the Draft Working Text amending the Election Code of the Republic of Moldova (CDL-AD(2010)014); Statement of the Secretary General of the Council of Europe on the changes to the electoral system of the Republic of Moldova (23 April 2013), GRECO 3rd Evaluation Round Compliance Report on Republic of Moldova, (March 2013); MONEYVAL 4th Round Assessment Report on Republic of Moldova, (December 2012); Republic of Moldova: Stocktaking of co-operation with the Council of Europe (SG/Inf(2013)28).

## **Overall objective**

To improve the functionality of democratic institutions and to strengthen good governance in the Republic of Moldova

## **Specific objectives**

- To support the effective implementation of the principles of European constitutional and electoral heritage in an all-inclusive manner involving both the relevant national authorities and civil society;
- To reinforce the existing national mechanisms in the fight against corruption and economic crime at all levels in line with the CoE conventions and other international treaties.

## **1.1. Improvement of the constitutional framework**

### **Expected results**

- Assistance is provided to bring the Constitution of the Republic of Moldova further in line with European standards with a view to prevent institutional deadlocks;
- The existing provisions and procedure on the election of the President as well as on the Constitutional Court and the necessary tools for their effective implementation are further developed.

### **Proposed action**

Upon request of the Moldovan authorities, the Venice Commission will assess the conformity of (draft) constitutional amendments and (draft) amendments to the law on the Constitutional Court with the European constitutional heritage. Expertise will also be provided in the context of the potential revision of the constitutional and legal provisions on the Constitutional Court in order to ensure its full conformity with the European constitutional heritage. The Venice Commission will also provide *amicus curiae* opinions.

## **1.2. Co-operation on electoral matters**

### **Expected results**

- The necessary assistance is provided for the revision of the legislation on elections and political parties in full conformity with European standards;
- The capacities of electoral bodies at all levels to organise elections in line with international standards are enhanced;
- The Centre for Continuous Electoral Trainings by the CEC is able to conduct quality trainings for electoral administration and other beneficiaries.

In addition, the following expected results are achieved through complementarity with the regional EU/COE JP, "*Support for free and fair elections in the Eastern Partnership countries*":

- Developed capacity of civil society to act as a sustainable and reliable source of independent national observers for elections relying on a regional exchange of knowledge and experience and pooling of training resources;
- Voters are more deeply involved in the electoral process as a pre-condition for full participation in public and political life;

- Problems of common concern in the region linked to the organisation of democratic elections and, notably, to the modernisation of the electoral process such as the creation of accessible electronic voter registers or mechanisms for the registration of voters abroad are addressed.

### **Proposed action**

The Venice Commission will assist the CEC in view of the preparation of the 2014 parliamentary elections in the Republic of Moldova. If requested, the Venice Commission examine (draft) amendments to electoral legislation as well as legislation on (funding of) political parties. Venice Commission expertise will be combined with technical level assistance from the CoE Secretariat to the Central Election Commission and the Centre for Continuous Electoral Trainings by the CEC, the development and consolidation of a training methodology and curricula for electoral officials and wider beneficiary groups, as well as trainings for electoral officials.

The regional EU/CoE JP "*Support for free and fair elections in the Eastern Partnership countries*" comprises measures focusing on elaboration of training methodology for domestic observers, cascade training sessions, exchange and publication of best practices for domestic observation; analysis and recommendations for increasing women's participation in political life.

## **1.3. Fight against Corruption**

### **Expected results**

- The existing preventive mechanisms for fighting corruption, money-laundering and terrorism financing at the central and local level are improved;
- Anti-corruption legislation and measures by law enforcement institutions and the judiciary are effectively implemented in line with European and international standards;
- The capacities of authorities to implement anti-corruption preventive measures in the areas of political party financing and asset declarations are enhanced;
- The national and international co-operation systems of law enforcement and judicial authorities involved in the recovery of corruption and money-laundering proceeds are reinforced.

Action is developed in close link and complementarity with the regional EU/CoE JP "*Good governance and the fight against corruption in the Eastern Partnership countries*", which aims to support reform processes in the six partner countries through a multilateral approach and to bring them closer to CoE and EU standards in core areas covered by the Eastern Partnership Platform 1. Thus the expected results at the national level in the Republic of Moldova will be bolstered through:

- Increased participation in regional dialogue for sharing good practices in the prevention and fight against corruption and money laundering;
- Pilot Activities to address GRECO and MONEYVAL recommendations;
- Provision of specialised training to law enforcement staff with regard to detecting and investigating corruption offences by those directly involved in the fight against corruption from the joint 1<sup>st</sup> and 2<sup>nd</sup> GRECO Evaluation Reports.

**Proposed action**

A careful needs assessment will be conducted, following which a series of measures will be implemented with a view to enhance the existing preventive mechanisms and strengthen the capacities of central and local authorities in the fight against corruption and money-laundering. These measures will respond to the specific needs of the National Anti-Corruption Centre, the Ministry of Internal Affairs and the newly established National Commission on Integrity as well as designated bodies supervising the financing of electoral campaigns and political parties. Legal expertise will be mobilised in the process of reviewing national normative frameworks in line with GRECO and MONEYVAL recommendations. Technical advice will be combined with specialised training of representatives of anti-corruption, law-enforcement and judiciary institutions, national risk assessments, development of methodologies, study visits and best practice sharing (for regional activities), awareness-raising and, if applicable, procurement of special technical equipment.

## 2. JUSTICE SECTOR REFORM AND INDEPENDENCE OF THE JUDICIARY

### SECTOR OVERVIEW AND PRIORITIES

In recent years, the Moldovan authorities have undertaken considerable efforts in reforming the justice system. Continuation of this reform remains a clear priority of the Moldovan government, which has expressed its willingness to co-operate with the Council of Europe towards the achievement of reform objectives.

Justice sector reform is also a key area of co-operation between the Republic of Moldova and the European Union. An EU-funded technical assistance programme to prepare "Justice Sector Policy Reforms" has been approved in 2011 with a total budget of €10 million. In 2012, the EU also approved a €60 million "Budget Support Programme" for the Government, identifying key priorities and targets for the justice sector reform.

The reform process gained a new momentum with the Strategy for Justice Sector Reform 2011-2016, adopted by the Parliament in November 2011, followed by the adoption of a corresponding national Action Plan. The SJSR acknowledges the problems faced by the justice sector and sets the overall objective of building an accessible, efficient, independent, transparent and professional justice sector, with high public accountability and consistent with European standards, to ensure the rule of law and protection of human rights.

The Council of Europe contributed to the process of drawing up the Strategy and provided an expert assessment of its concept, structure and concrete provisions. Legal expert assistance has been provided in the context of the revision of a number of laws related to the judiciary.

This Action Plan will further enhance support to the Moldovan authorities and judiciary bodies to implement the SJSR priorities in the area of the judiciary and the integrity of justice sector actors (Pillars 1 and 4 of SJSR). Input will be provided to the reform of the General Prosecutor's Office (Pillar 2 of SJSR), the completion of which is also an outstanding accession commitment of the Republic of Moldova towards the Council of Europe. Additional measures developed under the Action Plan's following section will contribute to the objective of ensuring observance of human rights in the justice system (Pillar 6 of the SJSR). The proposed action has been closely coordinated with the EU, which is providing substantial support to the implementation of the SJSR.

In addition to the activities implemented at the national level, synergies will be built with the ongoing regional EU/CoE JP *"Enhancing judicial reform in the Eastern Partnership countries"* implemented in the framework of the Eastern Partnership facility. Moldovan stakeholders are provided with the opportunity to discuss legal and practical obstacles to the implementation of the applicable European standards with their peers in the participating countries and to further adjust respective policies in the areas of particular concern identified by the project, the CoE monitoring mechanisms, the EU progress reports and the beneficiary countries themselves. Ultimately, justice sector reform in the Republic of Moldova will be supported through intensive information exchange, mobilisation of expertise and best practice sharing on applicable European standards at the regional level.

#### **Source of justification:**

Strategy for Justice Sector Reform 2011-2016; National Human Rights Action Plan 2011-2014; ECtHR judgments highlighting violations of human rights in the Republic of Moldova; Committee of Ministers supervision of ECtHR judgments; Reports of the European Commission for the Efficiency of Justice (CEPEJ) and its recommendations on increasing the independence, efficiency and professionalism of the judicial systems; Interlaken/Brighton

Declarations; Report of the Commissioner for Human Rights on his visit to the Republic of Moldova from 4 to 7 March 2013; Recommendation CM/REC(2010)12 of the Committee of Ministers to member states on judges: independence, efficiency and responsibilities; requests by national authorities and partner institutions for co-operation and support in implementation of national strategic documents; reports of the regional EU/COE JP *“Enhancing judicial reform in the Eastern Partnership countries”*.

### **Overall objective**

To contribute to an independent, efficient and professional justice system in the Republic of Moldova capable of ensuring protection of human rights and upholding the rule of law.

### **Specific objectives**

- To reinforce the guarantees for protection of human rights and fundamental freedoms in the reform of the justice sector related legislation;
- To support the reform of the public prosecution service in line with CoE/Venice Commission recommendations;
- To strengthen the efficiency, professionalism and accountability of the judiciary in the Republic of Moldova in the context of the justice sector reform;
- To support the reform of the legal profession through the modernisation of status of a number of legal professionals working in the justice sector
- To contribute to the justice sector reform in the Republic of Moldova through a regional approach based on information exchange and best-practice sharing among Eastern Partnership countries.

## **2.1. Supporting the implementation of the Strategy for Justice Sector Reform**

### **Expected results**

- The relevant legislation in the justice sector, including the new Law on the Public Prosecutor’s Office, is prepared in compliance with Council of Europe standards;
- The capacities of the General Prosecutor’s Office are enhanced with a view to ensuring its institutional independence, impartiality and professionalism and in complementarity with the support measures implemented by other actors;
- The overall regulatory framework of auxiliaries of justice (lawyers, notaries, bailiffs etc.) and their relevant self-administration bodies is improved and their institutional capacities are strengthened resulting in a better quality of services provided (Pillar 3 of the SJSR).

### **Proposed action**

The planned action includes a combination of legislative assistance, capacity-building and trainings, national conferences, study visits and other consultative events. It will respond in particular to the immediate reform priorities of the public prosecution service to achieve compliance with European standards of human rights protection and rule of law and the principles formulated in the Strategic Development Programme 2012-2014 of the General Prosecutor’s Office, and will assist in enhancing its professionalism, impartiality and independence. These actions will be implemented taking into account and ensuring complementarity with measures implemented of other actors, in particular the support of the EU to the justice sector reform.

Studies will be conducted to evaluate the needs related to the functioning of respective legal professions contributing to the administration of justice, including their self-administration and the criteria for accession to the profession. Initial and in-service training will be provided to the auxiliaries of justice through a reinforced role of the National Institute of Justice (NIJ) which will be also assisted with expertise from European Committee on Legal Co-operation (CDJ) and the CoE HELP programme in developing the training curricula.

## **2.2. Strengthening the efficiency, professionalism and accountability of the judiciary**

### **Expected results**

- Enhanced capacities of the Supreme Council of Magistracy (SCM) and other judicial institutions in assessing the efficiency of the justice system and implementing quality and efficiency policies using methodology and tools elaborated by the European Commission for the Efficiency of Justice (CEPEJ);
- CEPEJ tools on judicial time management and quality of judicial services are implemented in a number of pilot courts, to be identified jointly with the national authorities;
- The overall system of judicial initial and in-service training is improved in line with European standards through strengthened NIJ capacities to deliver quality trainings for judicial and non-judicial staff, including on CEPEJ tools, ethical and anti-corruption conduct;
- The reform of the procedures for judicial appointments, professional responsibility and disciplinary liability of judges is facilitated in compliance with the relevant CoE/Venice Commission standards and recommendations;
- The accountability and transparency of the judiciary is enhanced through strengthened capacities of the judicial oversight bodies (SCM) and development of safeguards against external influence.

### **Proposed action**

Measures proposed under this programme are aimed at strengthening the efficiency and the quality of the Moldovan justice system through an increased application by key judicial players and courts of the methodology and tools – in particular the SATURN Guidelines on judicial time management, the CEPEJ Checklist on the quality of justice and courts and the Handbook on court satisfaction surveys – elaborated by the European Commission for the Efficiency of Justice, of which the Republic of Moldova is a member. The proposed Project will build the capacity of key judicial players on CEPEJ methodology and tools, in particular as regards monitoring the performance of the judicial system; to disseminate such tools in a number of Moldovan courts, through specific court coaching programmes and tailor-made action plans to improve judicial time management and the quality of judicial services provided to court users; to improve the NIJ curriculum through the inclusion of specific CEPEJ modules and set up a pool of CEPEJ trainers, who will contribute to the above-mentioned dissemination of CEPEJ tools.

With a view to supporting implementation of recommendations and reports of the CoE monitoring bodies for bringing the national judicial system in line with European standards on professionalism and transparency, a number of activities and measures will be implemented comprising: support to the national and judicial authorities in the implementation of relevant legislation in areas related to access to the profession; promotion of professional responsibility as well disciplinary measures and procedures for judges in line with CoE/Venice Commission recommendation and European best practices; assistance to the NIJ in revising and modernising the training and traineeship modules based on the needs of the profession and needs assessments regularly conducted by the Institute among the judiciary as well as development of training capacities of the NIJ in applying new training methodologies.

### 3. PROTECTION AND PROMOTION OF HUMAN RIGHTS

#### SECTOR OVERVIEW AND PRIORITIES

As a member of the Council of Europe, the Republic of Moldova has assumed a number of human rights obligations *vis-à-vis* the organisation. Since its accession, the country has continued its efforts to improve promotion and protection of human rights.

A recent key step in strengthening the national framework on human rights has been the drawing-up and adoption of a comprehensive National Human Rights Action Plan (NHRAP) 2011-2014.<sup>1</sup> In February 2012, a Commission under the chairmanship of the Deputy Prime Minister was instituted with the aim to coordinate, monitor and report on the NHRAP implementation.

The Council of Europe will continue to support national efforts to strengthen human rights standards and establish credible human rights protection mechanisms and at the same time contribute to the effective implementation of the NHRAP.

The Council of Europe action has been designed with the objective of enhancing the implementation of the European Convention of Human Rights and other key Council of Europe instruments at the national level. In this context, the proposed action targets two key aspects: 1) further compliance and streamlining of national legislation, and judicial and administrative practices with values and standards enshrined in the ECHR; 2) strengthened institutional capacities of major bodies responsible for human rights protection. Supporting the timely execution of the European Court of Human Rights' judgments will be transversally integrated as an objective in different projects developed on the basis of this Action Plan.

These priorities are fully in line with the NHRAP which states that the implementation of the international legal instruments is still a topical imperative in the Republic of Moldova, and sets out compliance of the national legislation with the international standards and constant support for professional training and education as key objectives.

In the framework of the present Action Plan, the Council of Europe will support the implementation of NHRAP provisions related to the reform of the Ombudsman institution to ensure its independence and effectiveness in line with the principles concerning the status of national institutions to promote and protect human rights (*the Paris Principles*). Substantial capacity-building programmes will also be provided to key national institutions involved in the specific areas of anti-discrimination, fight against trafficking in human beings, and protection of the human rights of Roma. The Council of Europe will continue its efforts to enhance the national capacities in the effective investigation and prevention of ill-treatment, including through strengthening the national mechanism for prevention of torture (NPM).

The proposed action is consistent with the objectives of the Strategy for Justice Sector Reform, aimed at ensuring observance of human rights in the field of justice (Pillar 6), which will allow for a reinforced inter-sectorial impact of the present Action Plan (see page 10).

#### **Source of justification:**

The national courts judgments and ECtHR case-law and statistics (in particular those alleging violations of Article 14 and Protocol 12); National Human Rights Action Plan 2011-2014; Reports of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment on its visits to the Republic of Moldova; the 2009 Country report on "*Combatting ill-treatment and impunity and effective investigation of ill-treatment*";

<sup>1</sup> The Republic of Moldova adopted its first NHRAP 2004-2008 in 2003.

reports and letters of the Council of Europe Commissioner for Human Rights on his visits to the Republic of Moldova in April 2009, October 2011 and March 2013; the Committee of Ministers' supervision of ECtHR judgments such as *Avram v. Moldova*; the Committee of Ministers Recommendation (2004)4 on the European Convention on Human Rights in university education and professional training; Interlaken and Brighton Declarations; requests by national authorities and partner institutions; conclusions and recommendations of the regional EU/COE JP "Enhancing judicial reform in the Eastern Partnership countries"; Recommendations of the Group of Experts on Action against Trafficking in Human Beings (GRETA) on the implementation of the CoE Convention on the fight against trafficking in human beings; National Anti-Trafficking Action Plan 2012-2013; Recommendations to the Republic of Moldova on the implementation of the Visa Liberalisation Plan concerning the fight against trafficking in human beings

### **Overall objective**

To reinforce the overall human rights protection and ensure effective implementation of the ECHR and other Council of Europe relevant instruments at the national level

### **Specific objectives**

- To enhance the national implementation of the ECHR in the Republic of Moldova;
- To contribute to a reduction in the number of inadmissible applications to the European Court of Human Rights;
- To facilitate the implementation of ECtHR's judgments revealing systemic and structural problems in the field of detention on remand and remedies to challenge detention conditions;
- To ensure a widespread awareness and use of the HELP training resources among legal professionals in the Republic of Moldova, through the increase of the Programme's visibility;
- To reinforce national capacities for combating ill-treatment by law enforcement agencies and penitentiary institutions, including strengthening the effectiveness of prevention, documentation and investigations of allegations of ill-treatment.
- To strengthen the role of the Ombudsman institution in the protection and promotion of human rights in the Republic of Moldova;
- To strengthen national authorities capacities for the prevention and the fight against human trafficking and protection of victims of trafficking in line with GRETA recommendations;
- To support and reinforce the national efforts for combatting discrimination and promoting diversity in society;
- To enhance the institutional capacities for effective implementation of the National Human Rights Action Plan, with particular regard to the human rights of Roma.

## **3.1. Enhancing coherent national implementation of the European Convention on Human Rights**

### **Expected results**

- Compliance of national legislation and juridical and administrative practices with the ECHR and ECtHR case law is assessed and the quality of the legal framework related to human rights protection is continuously improved;

- Human rights guarantees in judicial proceedings and investigative practices are strengthened and their efficiency is improved;
- National remedies available to persons with arguable complaints of violation of the ECHR are effective;
- Institutional and professional capacities for an effective implementation of the ECHR including the case-law of ECtHR at national level are strengthened.

The following expected results will be achieved through the participation of the Republic of Moldova in the multilateral programme on Human Rights Education of Legal Professionals (HELP) which provides access to a range of specialised training tools for an improved application of the ECHR to legal professionals:

- Strengthened NTIs capacities to provide initial and continuous training for judges and prosecutors and all necessary information on standards of the ECHR, as interpreted by the case law of the ECtHR, using HELP methodology and resources;
- The number of inadmissible applications submitted to the ECtHR is reduced by improving the knowledge of lawyers of the admissibility requirements for cases to be brought to the ECtHR.

#### **Proposed action**

In line with the Brighton Declaration, this project aims to enhance the effectiveness of the ECHR at national level. It is consistent with the purpose of the CoE Human Rights Trust Fund to support national efforts of member States to implement the ECHR as highlighted in the Warsaw Action Plan. At the same time, the project takes into account the objectives of and adopts indicators largely reflected in the national policy documents mentioned above thus encouraging ownership by national stakeholders and increasing sustainability of the results.

The project will benefit from close links with the HELP programme which supports the CoE member states in implementing the ECHR at the national level, in accordance with the Committee of Ministers Recommendation (2004)4, which seeks to enhance the capacity of judges, prosecutors and lawyers in all 47 member states to apply the ECHR in their daily work. HELP creates focal points in the target country and supports them with the purpose of providing information on the admissibility criteria and of screening applications to the ECtHR. Moldovan beneficiaries participate in the HELP Network for the exchange of good practices.

### **3.2. Strengthening lawyers' capacity for domestic application of the European Convention on Human Rights (ECHR) and of the Revised European Social Charter (RESC)**

#### **Expected results**

- Lawyers and human rights defenders in the Republic of Moldova are enabled to successfully litigate well substantiated cases, based on the ECHR and the RESC, in proceedings before national courts as well as before the ECtHR and at the same time to avoid the submission of manifestly unfounded or inadmissible claims;
- National capacities to train and to re-train lawyers on selected articles of the ECHR through the prism of Article 14 and Protocol No.12 of the ECHR, as well as the RESC (Article E), are strengthened;
- Regional co-operation and networking among bar and lawyers' associations and between lawyers and human rights defenders of the partner countries is supported and reinforced.

**Proposed action**

The activities include evaluation of training needs for lawyers on human rights issues; preparation, publication and distribution of training programme/curricula and capacity building materials; regional training-of-trainers (ToT) seminars for national ECHR lawyers' trainers from Bar associations and human rights NGOs; thematic workshops for lawyers and human rights NGO activists; regional conferences for sharing best practices; drafting of country-specific guidelines on the use of domestic remedies in anti-discrimination and other relevant cases.

### **3.3. Execution of the ECtHR's judgments in the field of detention on remand and remedies to challenge detention conditions**

**Expected results**

- The current legislative and regulatory framework in the Republic of Moldova is in line with the Convention requirements;
- The Republic of Moldova draws up and implements appropriate measures in response to the ECtHR judgments;
- Effective domestic remedies are in place to challenge conditions of detention;
- Regional networking and co-operation is strengthened through experience-sharing and good practices among the relevant actors.

**Proposed action**

In the framework of this multilateral project, support is provided to relevant stakeholders through legislative expertise, in-country consultations, training sessions/workshops and multilateral events.

### **3.4. Assistance to the Ombudsman Institution – Centre for Human Rights**

**Expected results**

- The independence and effectiveness of the Ombudsman institution is ensured in line with the Paris Principles;
- The National Prevention Mechanism within the Ombudsman institution is organised and financed in line with the European good practices.

**Proposed action**

The Council of Europe action will support the effective implementation of the new law on the Ombudsman institution and the improvement of its institutional framework, including the NPM, with a view to ensuring compliance with the Paris Principles. Capacity-building support in terms of organisation, financing, staffing, equipping will be provided in close consultation with the national authorities and other partners. Training modules will be developed and implemented for the Centre for Human Rights' staff with a view to consolidate their professional capacities on identifying and reporting human rights violations. Concrete measures will be developed with a view to strengthening the NPM.

### **3.5. Supporting the national efforts to combat discrimination and ensure equality**

#### **Expected results**

- The capacities of the newly-created Anti-Discrimination Council in terms of investigation, handling of complaints and advocacy are improved;
- Appropriate measures for combatting discrimination and promoting equality at national level are developed;
- Adequate protection is ensured for the victims of discrimination;
- Non-discrimination and equality are mainstreamed in the policy process;
- National efforts to combat discrimination are enhanced through the participation of the Republic of Moldova in regional and international anti-discrimination networks.

#### **Proposed action**

The Council of Europe has already supported the Anti-Discrimination Council to develop the Strategic Plan for 2014-2016 and launch its activities. Further assistance will be provided to the Council in a number of areas including investigation and handling of complaints, monitoring the implementation of the Law on Ensuring Equality and mainstreaming the equality and non-discrimination in the policy process. The project will also contribute to strengthening international co-operation of the Republic of Moldova in the field of anti-discrimination, including through participation the European Network of Equality Bodies (Equinet).

### **3.6. Strengthening institutional capacities for the implementation of the National Human Rights Action Plan, with particular regard to the human rights of Roma**

#### **Expected results**

- The institutional capacities on implementation of NHRAP provisions, in particular those concerning the human rights of Roma are reinforced;
- Enhanced capacities of Roma mediators leading to improved communication between the Roma communities and public local authorities is improved;
- Policies promoting increased access of Roma population to healthcare, education, employment and social assistance are developed;

#### **Proposed action**

Support will be provided through a combination of measures including assistance to the Commission responsible for the NHRAP implementation to improve its capacities in terms of implementation, monitoring, reporting and communication; training for the Roma mediators and implementation of awareness-raising activities for the Roma community.

### **3.7. Combatting ill-treatment and impunity**

#### **Expected results**

- Allegations of ill-treatment are effectively investigated in conformity with the ECHR criteria of independence, adequacy, promptness, exposure to public scrutiny and victims' involvement;

- The regulatory framework is further developed to streamline the sanctioning policy for torture and ill-treatment as well as to support complaint systems that meet international standards;
- Respect for human rights in detention facilities is improved through the training of police and prison staff, and strengthened implementation of codes of ethics and disciplinary mechanisms for promoting zero tolerance against corruption;
- The role of civil society in monitoring detention facilities is enhanced.

### **Proposed action**

Since 2009, the CoE has assisted the Ministry of Justice with advice on amending the legislation (the Criminal Code and the Criminal Procedure Code) for the purpose of preventing impunity, introducing appropriate sanctioning policy and a better set of procedural guarantees against ill-treatment. This work shall be continued with a better focus on proper implementation of new legislation and development of institutional settings and practices with a view reduce to minimum the instances of ill-treatment by law enforcement and penitentiary officials. The General Prosecutor's Office and its Unit for Combatting Ill-treatment requires guidance and assistance in the introduction of techniques and tools for handling complaints and the investigation of crimes concerning ill-treatment and other serious human rights violations in line with specific criteria of effectiveness of investigations.

Action will include capacity-building with key decision makers and legal professionals; training seminars for relevant stakeholders on European criteria for the effective investigation of ill-treatment; revision of development of training programmes for legal professionals, law-enforcement officials and staff of detention facilities which will include introduction of a mechanism to guarantee the quality of training programmes; study visits for sharing the best practice with other CoE member states; legislative expertise, research/studies; introduction of a rehabilitation system for the prison staff as well as measures to support the implementation of codes of ethics and to promote zero tolerance against corruption; development of modern security systems and new technologies.

The project is envisaged as a follow-up to the ongoing regional EU/CoE JP "*Reinforcing the fight against ill-treatment and impunity*" (ending December 2013).

## **3.8. Reinforcing the fight against trafficking in human beings in line with GRETA recommendations**

### **Expected results**

- Existing mechanisms for fighting trafficking in human beings (THB) and identification and protection of victims of trafficking at the central and local level, including co-operation with NGOs and social protection services, are strengthened;
- Effective implementation of anti-trafficking legislation and measures by law enforcement agencies is ensured;
- National and international co-operation systems of law enforcement authorities involved in the investigation of crime of THB are reinforced;
- National anti-trafficking policies, and coordination and monitoring mechanisms are supported;

**Proposed action**

A series of measures will be implemented with a view to strengthening the capacities of law enforcement authorities in the fight against human trafficking at national and international level, sustain and further develop capacities of the national anti-trafficking policies coordination mechanism as well as develop victims' protection and justice systems. In this context, the project will respond to the specific needs of the Centre for Combatting Trafficking in Persons, the recently established Permanent Secretariat of the National Committee for Combatting Trafficking in Human Beings. Assistance will also be provided in the process of implementation of the recommendations related to building a compensation mechanism for victims of trafficking.

## 4. FREEDOM AND PLURALISM OF THE MEDIA

### SECTOR OVERVIEW AND PRIORITIES

In the broader context of respect for freedom of expression, the Republic of Moldova has recently undertaken reform measures aimed at ensuring freedom and pluralism in mass-media including reform of the audiovisual. Guaranteeing pluralism, professionalism, de-politicisation and de-monopolisation of the media sector both in legislation and practise have been identified as immediate priorities for reform.

The Council of Europe has responded to the reform needs in the media field both with legal expertise and analysis of new media legislation and technical assistance through co-operation programmes. In 2012, Council of Europe experts conducted an analysis and the draft Broadcasting Code of the Republic of Moldova and the draft law amending the Broadcasting Law of Gagauzia and provided recommendations to align them with Council of Europe standards. In addition, the Council of Europe supported the reform of the regional public-broadcaster, Tele-Radio Gagauzia, through an international consultant who conducted an assessment of the broadcaster's work and assisted with the preparation of Strategic Guidelines 2012-2016. Additional technical support has been provided through the media component of the EU/CoE JP *"Democracy Support Programme"* and the regional EU/CoE JP *"Promoting freedom, professionalism and pluralism of media in the South Caucasus and Moldova"*, both of which are now completed.

These efforts will continue in close co-operation with the relevant authorities. The activities proposed in this Action Plan prioritise media pluralism and ensure the media regulatory framework has in place adequate safeguards for transparency of media ownership. A central emphasis is also put on work with the public broadcasters to enhance their professionalism and independence.

The Ministry of Information Technology and Communications has recently launched the implementation of the Information Society Development Strategy, *"Digital Moldova 2020"*. This new policy, approved in September 2013, defines the role of and co-operation between all stakeholders – public, non-governmental and private sectors – participating in the development of a modern and inclusive information society. On the basis of human rights and Internet Governance standards and principles, the Council of Europe will support the implementation of the Strategy with expertise in order to promote an overall human rights-based approach and develop the necessary conditions and safeguards for inclusion of vulnerable groups in the Internet.

#### **Source of justification:**

National Strategy for the Development of an Information Society, *"Digital Moldova 2020"*; CoE standards and reports on the internet (e.g. Internet Governance Principles, net neutrality, public service value of the internet, etc.); CoE internet governance strategy 2012-2015; Case-law of the European Court of Human Rights related to the internet and freedom of expression; Regular exchanges with Moldovan representatives in the CDMSI and EuroDIG on related needs; new needs assessment following the regional EU/CoE JP *"Promoting freedom, professionalism and pluralism of media in the South Caucasus and Moldova"* taking into account the achievements and lessons learnt as well as feedback and requests from the project beneficiaries

**Overall objective**

To strengthen the legal and institutional guarantees for a pluralistic media landscape in the Republic of Moldova

**Specific objectives**

- To further improve the regulatory framework related to media pluralism in line with Council of Europe standards;
- To enhance the independence, transparency and professionalism of the broadcasting regulatory bodies and the public service broadcaster in the Republic of Moldova;
- To raise public awareness on transition to digital TV broadcasting, as a way to ensure content diversification and access to information;
- To support the Moldovan authorities in implementing in a human rights-compliant manner the recently launched National Strategy for the Development of Information Society, "Digital Moldova 2020".

**4.1. Promoting media freedom and pluralism****Expected results**

- The regulatory framework relevant for freedom of expression and media pluralism is aligned with Council of Europe standards to ensure transparency of media ownership and prevention of excessive concentration;
- The digital switch-over is facilitated in accordance with best European practice while promoting media pluralism;
- The functioning of the broadcasting regulatory body and the public service broadcasters' supervisory bodies is improved with a view to enhance their independence, transparency and efficiency;
- The public service broadcasters enhance their professionalism;
- Civil society is enabled to provide additional guarantees for the exercise of the right to freedom of expression, notably concerning concentration of media ownership and pluralism.

**Proposed action**

The proposed activities are structured in two modules: the first module will focus on improving the legal framework as concerns transparency of media ownership and prevention of excessive concentration which might threaten pluralism of views in the media. The Council of Europe will also facilitate the digital switch-over in accordance with best European practice and to increase the capacity of the broadcasting regulatory authority to work in an independent and transparent manner in accordance with the CoE standards and in the public interest, notably when issuing licenses.

Under the second module, the public service broadcasters, Teleradio-Moldova and Teleradio-Gagauzia, will benefit from a range of activities aimed, among other things, at consolidating them as professional broadcasters with sufficient public funding and ensuring the functioning of independent supervisory bodies in both institutions. In addition, awareness-raising activities will be conducted to inform the public about the benefits of the digital transition as a way of content diversification and access to information.

## **4.2. Strengthening the respect for human rights in the implementation of the Republic of Moldova's Digital Agenda**

### **Expected results:**

- The capacities of national authorities to protect human rights and internet governance principles in the implementation of the Information Society Development Strategy, Digital Moldova 2020, are enhanced;
- Awareness on the protection of human rights and threats to human rights in the context of the internet is increased;
- Proper conditions and safeguards for inclusion of vulnerable groups including people with disabilities and elderly people are developed;
- Ethical guidelines and principles for Internet Service Providers are developed;
- Adjustments to the regulatory framework related to the use of IT services are in line with CoE standards;
- A functional multi-stakeholder internet governance dialogue in the Republic of Moldova is established.

### **Proposed action**

The project activities include: CoE legal expertise; training sessions with public authorities with expertise from the CoE and local training institutions; a series of roundtable discussions on the Guide of Internet users' rights targeting civil society, academia, journalist and other human rights activists, including vulnerable groups; a series of workshops on ethics and human rights combined with CoE expertise targeting ISPs and Internet private sector, technical community, and civil society; study visits, exchange of best practices; organisation of multi-stakeholder Internet governance conference; publications of relevant CoE Internet standards and ECtHR case-law.

## 5. LOCAL DEMOCRACY AND DECENTRALISATION

### SECTOR OVERVIEW AND PRIORITIES

Improving the quality of local self-governance and promoting reforms in the field of local autonomy in conformity with the European Charter of Local Self-Government is a central objective of the national Action Plan on honouring the Republic of Moldova's commitments towards the Council of Europe. It is important that local self-government be based on a clear allocation of competences and resources to local authorities as well as on genuine capacity of local authorities to manage local affairs, provide services to citizens and act in a transparent and participatory manner.

The Council of Europe has a long-standing engagement in local democracy and decentralisation reform in the Republic of Moldova. In parallel with recommendations and advice on regulatory and legislative frameworks with the view to aligning them with the European Charter of Local Self-Government, the Council of Europe has also prioritised the capacity building of local authorities to promote economic development and ensure the provision of quality services to their citizens.

In its Recommendation 322(2012) on local and regional democracy in the Republic of Moldova, the Council of Europe Congress of Local and Regional Authorities recommended among others strengthening of local authorities and their association as part of the overall political decision-making system.

In 2012, the Moldovan government adopted a comprehensive National Decentralisation Strategy (NDS) to address decentralisation of services and competences, financial decentralisation, local development, administrative and institutional capacities, with due respect to the rights of vulnerable groups. In 2013, a new National Strategy for Regional Development (NSRD) was adopted to promote opportunities for a sustainable and integrated economic regional development.

The Council of Europe participated in designing the NDS implementation plan and following the authorities' request will extend its assistance throughout the NDS and NSRD implementation phase. The successful implementation of the NDS and the impact of the Council of Europe action in this field will depend on a number of important measures including the adoption of the necessary legislative and regulatory frameworks.

A comprehensive programme consisting of two major lines of action has been developed to support the advancement of decentralisation and local democracy reform process in the Republic of Moldova. The Congress of Local and Regional Authorities will engage to establish a post-monitoring dialogue to help the authorities in the implementation of Congress recommendations, and strengthen the institutional dialogue between local authorities and the central government on a number of local governance issues covered by the NDS including territorial re-organisation. The Centre of Expertise for Local Government Reform will provide targeted policy and legal advice on further improvement of the regulatory framework and enhance institutional and administrative capacities at the central and local levels necessary to achieve the NDS and NSRD objectives.

#### **Source of justification:**

Congress 2012 Monitoring Report on the Republic of Moldova; Congress Recommendation 322(2012) on local and regional democracy in the Republic of Moldova; Local Government Report on the Republic of Moldova CELGR-LEX 2-2013; Congress Recommendation 313(2011) on local elections (observed on 5 June 2011); Congress Recommendation 339(2008) on elections to the People's Assembly in Gagauzia (Republic of Moldova)

(observed on 16 and 30 March 2008); Meeting with the Chair and members of CALM in March 2013; National Decentralisation Strategy and sectorial decentralisation strategies; National Strategy for Regional Development; follow up to previous projects and activities implemented by the CoE Centre of Expertise for Local Government Reform; requests by national authorities and partner institutions.

### **Overall objective**

To strengthen local self-government in the Republic of Moldova by further promoting the standards of local and regional democracy and create the necessary capacity for their implementation

### **Specific objectives**

- To support the Moldovan authorities in establishing an efficient decentralised local government system through the effective implementation of the National Decentralisation Strategy and the National Strategy for Regional Development;
- To support the national authorities in the implementation of recommendations of the Congress of Local and Regional Authorities through established political dialogue with all relevant stakeholders;
- To empower local elected representatives and their representative association in the context of decentralisation reform.

## **5.1. Supporting the implementation of the National Decentralisation Strategy and the National Strategy for Regional Development**

### **Expected results**

- Regulatory frameworks are improved in accordance with the European standards;
- Relevant national legal, policy and advisory frameworks are revised in order to support the development and the implementation of the National Strategy of Decentralisation, especially with regard to sectorial decentralisation strategies and on clear delimitation of competences, as well as the National Strategy for Regional Development;
- The Moldovan authorities at local and central level have increased capacities to implement the decentralisation reform and promote regional development;
- The operational capacities of local authorities in the areas of local finance, inter-municipal and cross-border co-operation and human resource management are strengthened;
- Inter-municipal co-operation is promoted and performance of local authorities is improved by way of sharing good practices in selected areas across the country.

### **Proposed action**

The Centre of Expertise for Local Government Reform will provide assistance to central and local authorities, covering both legal expertise on the drafting of new legislation or revision of existing legislation, and capacity-building activities aimed at enabling local authorities to properly conduct their affairs and to deliver services to citizens. Capacity-building for local and central authorities will be organised through the implementation of practical CoE toolkits (Local Finance Benchmarking, Human Resource Management, Inter-Municipal and Cross-Border Co-operation). Other activities will include the development of a methodology for evaluation of competencies/functions of local governments and identification of resources needed to fund these competencies. Policy consulting and specific recommendations will be

provided to the National Fund for Regional Development and regional development agencies to assist with implementation of the NSRD and regional development strategies. In order to achieve these goals, the CoE will collaborate with other international development partners that are already involved in supporting the process of decentralisation in Republic of Moldova.

## **5.2. Strengthening local democracy and governance in line with recommendations of the Council of Europe Congress of Local and Regional Authorities**

### **Expected results**

- A roadmap for the implementation of Congress' recommendations, including on the status of the capital city and regions is agreed;
- A sustainable institutionalised dialogue between central and local authorities on local government and decentralisation reforms is established;
- Local elected representatives will have further improved their leadership capacities and practices, developed their co-operation with peers and engaged in dialogue with citizens;
- The Congress of Local Authorities of Moldova (CALM) is consolidated as a representative association of local authorities in the Republic of Moldova.

### **Proposed action**

The proposed action will support a tailored political dialogue to implement Congress Recommendation 322(2012). The Congress of Local and Regional Authorities will provide expertise in standard-setting and practice in local political governance and share its know-how. Thematic work will cover issues such as the role and responsibilities of local elected representatives, ethics in politics and decision-making, citizen participation, local public finance, supervision of local authorities, distribution of powers and responsibilities, specific status of the capital city and regions.

For this purpose, working groups with participation of central government and Parliament will be established to ensure that local government units and their association are involved in the consultation process on the local government reform and contribute to the implementation of decentralisation.

This line of action will be implemented in close co-operation with Moldovan authorities and with the Congress of Local Authorities of Moldova (CALM).

## 6. CONFIDENCE BUILDING MEASURES (CBMs) PROGRAMME FOR THE TRANSNISTRIAN REGION OF THE REPUBLIC OF MOLDOVA

### SECTOR OVERVIEW AND PRIORITIES

CBMs are considered a useful complement to the political efforts pursued within the “5+2” negotiation process and a contribution to prepare the ground for a future settlement. They are designed to eliminate the existing suspicions and solve the urgent practical problems faced by the population on both banks of the river Nistru/Dniestr.

CBMs create a favourable framework for co-operation at technical level to facilitate progress in the political negotiations through people-to-people contacts. Particular attention is devoted to addressing divisive factors among youth and to promote education for human rights and democratic citizenship, building notably on the experience of the work carried out with youth NGOs in various member States experiencing or having experienced a post- conflict situation. The programme addresses a specific post-conflict situation and is primarily aimed at fostering ties between people and institutions on both banks of the river Nistru/Dniestr.

#### Source of justification:

All confidence-building measures carried out by the Council of Europe focus on areas where the organisation has an added value in terms of standard setting and their implementation. The main texts containing these standards are the ECHR and the case-law of the ECtHR, the Convention for the Prevention of Torture, the European Social Charter, the Framework Convention for the Protection of National Minorities.

#### Overall objective

To promote the core values and standards of the Council of Europe in the Transnistrian region of the Republic of Moldova

#### Specific objectives

To create opportunities for engagement and dialogue between representatives and members of the society from both banks of the river Nistru/Dniestr with a view to:

- Increasing awareness and knowledge of CoE standards of human rights, democracy and rule of law;
- Identifying possible solutions to specific issues that could be tackled by means of instruments or institutions developed by the CoE or other organisations.

#### Expected results

- Contacts are developed and dialogue is strengthened across both banks of the river Nistru/Dniestr;
- Awareness and respect for human rights as well as knowledge of professional standards in the region are improved;
- A framework for co-operation between journalists, teachers, educators, civil society, and students is established.

**Proposed action**

A full programme for the Council of Europe confidence-building measures for 2013 and 2014 ([DPA/Inf\(2013\)2](#)) was adopted by the Committee of Ministers on 5 February 2013. The Programme comprises joint activities with participants from both banks of the river Nistru/Dniestr, including transfer of expertise as well as thematic seminars, trainings, round tables, sport and cultural events to discuss common problems and challenges and the implementation of European human rights and other relevant standards.

## **ADDENDUM 1 Project “CoE’s Action Plan and Project Management Capacity Development for National Stakeholders”**

### **Short description**

The project is carried out in co-operation with the Ministry of Foreign Affairs and European Integration to ensure optimal implementation of the CoE Action Plan for the Republic of Moldova 2013-2016. It aims to develop capacities in planning and managing for results of the national and local counterparts involved in the implementation of the Action Plan. The project will also include a specific component aimed at increasing the level of public awareness of initiated reforms which coincide with the national commitments towards the Council of Europe as reflected in the National Action Plan on the implementation of the Republic of Moldova’s commitments towards the Council of Europe, adopted on 12 July 2012.

### **Overall objective**

To establish the Action Plan for the Republic of Moldova as a results-based management tool through training and coaching programmes for national stakeholders.

### **Specific objectives**

- To develop a common approach to and understanding of project management, fundraising, monitoring and evaluation among all Action Plan stakeholders;
- To support the national counterparts’ ownership and commitment to implement the Action Plan;
- To support the national counterparts in assessing the evaluation and reporting of the Action Plan on the implementation of the Republic of Moldova’s commitments towards the Council of Europe as well as on reaching out to society at large on the objectives and results of the reform process.

### **Expected results**

- Upon completion of the training programme, national stakeholders will have a detailed understanding of the system of monitoring and risk management of the Action Plan, and will be able to use different tools to manage the Action Plan at programme level and to present relevant assessments and reports;
- The communication on design, implementation and evaluation of the Action Plan between CoE managers and national stakeholders is facilitated;
- The continuity of expertise among local stakeholders is sustained through a group of managers who have practical knowledge of the CoE’s Action Plan management requirements and practice upon completion of the training.
- Improved overall awareness of civil servants, law enforcements agents, other beneficiaries and the general public on the reform process in the Republic of Moldova.

## APPENDIX 1. List of Projects

Project title	Duration	Implementation status	Total cost	Funding status and source	Partners
<b>1. FUNCTIONING DEMOCRATIC INSTITUTIONS AND GOOD GOVERNANCE</b>					
Improvement of Constitutional Framework	24 months	proposed	(tbc)	<i>funding secured</i> (OB)	<u>Parliament of Moldova</u> , the Government
Co-operation on electoral matters	36 months	proposed	€ 320,000	<i>funding available:</i> € 20,000 (OB)	<u>Central Election Commission</u> , <u>Centre for Continuous Electoral Trainings by the CEC</u> ; the Parliament, the Government
Support for free and fair elections in the Eastern Partnership countries	34 months (01/03/2011 - 31/12/2013 with extension for 2014 under negotiation)	ongoing	€154,000 (approx. budget allocation from the total €923,995 of the regional EU/CoE programme)	<i>funding secured</i>  (EU/CoE JP-Eastern Partnership Facility)	<u>Central electoral administrations of the beneficiary countries</u> , local NGOs
Controlling corruption through law-enforcement and upgraded prevention	36 months	proposed	€4,000,000	<i>funding required</i>	<u>Ministry of Internal Affairs</u> ; <u>National Anti-Corruption Centre</u> , General Prosecutor's Office; National Commission on Integrity; judiciary institutions; central and local authorities involved in combatting corruption

Good governance and the fight against corruption in the Eastern Partnership countries	34 months (01/03/2011 - 31/12/2013 with extension for 2014 under negotiation)	ongoing	€ 187,727 (approx. budget allocation from the total €1,126,365 of the regional EU/CoE programme)	<i>funding secured</i>  (EU/CoE JP-Eastern Partnership Facility)	<u>National Anti-corruption Centre</u> ; Ministry of Justice; Ministry of Internal Affairs; Ministry of Finance; General Prosecutor's Office; Supreme Court of Justice
<b>2. JUSTICE SECTOR REFORM AND INDEPENDENCE OF THE JUDICIARY</b>					
Supporting the implementation of the Strategy for Justice Sector Reform	24 months	proposed	€1,000, 000	<i>funding required</i>	Ministry of Justice; <u>General Prosecutor's Office</u> ; Superior Council of Prosecutors; National Anti-corruption Centre; National Institute of Justice; the Bar, associations of legal professionals.
CEPEJ project to increase the efficiency and the quality of the Moldovan justice system	18 months	proposed	€1,000,000	<i>funding required</i>	<u>Supreme Council of Magistracy</u> ; National Institute of Justice; Ministry of Justice; Department of Judicial Administration; NGOs; relevant international organisations
Strengthening the professionalism, accountability and transparency of the judiciary	24 months	proposed	€1,400,000	<i>funding required</i>	<u>Supreme Council of Magistracy</u> ; National Institute of Justice; Ministry of Justice; Department of Judicial Administration; NGOs; relevant international organisations

Enhancing judicial reform in the Eastern Partnership countries	34 months (March 2011 – December 2013 with extension for 2014 under negotiation)	ongoing	€154,000 (approx. budget allocation from the total €923,995 of the regional EU/CoE regional programme)	<i>funding secured</i>  (EU/CoE JP - Eastern Partnership Facility)	<u>Ministries of Justice of the beneficiary countries</u> , juridical communities
<b>3. PROTECTION AND PROMOTION OF HUMAN RIGHTS</b>					
Enhancing coherent national implementation of the European Convention on Human Rights	36 months (starting in 2013)	proposed	€800,000	<i>funding available:</i> €600,000  (VC from the Human Rights Trust Fund)	<u>Ministry of Justice</u> (including the Government Agent to the ECtHR), the Supreme Court of Justice, Public Prosecution Service, Centre for Human Rights (Ombudsman Institution), National Institute of Justice (NIJ) and Police Academy of the Republic of Moldova
Strengthening professional training on the European Convention on Human Rights – European Programme for Human Rights Education for Legal Professionals (the HELP Programme)	10 months (March 2013 – December 2013)	ongoing	€40,000 (appropriation for the Republic of Moldova under a multilateral project)	<i>funding secured</i> (VC from the Human Rights Trust Fund)	<u>National training institutions for judges and prosecutors</u> (NTIs), International Association of Judges (IAJ), national judges' and prosecutors' associations, Council of Bars and Law Societies of Europe (CCBE), Moldovan Union of Advocates, legal aid networks and legal clinics specialised in human rights, European and international human rights agencies.

Strengthening lawyers' capacity for domestic application of the European Convention on Human Rights (ECHR) and of the Revised European Social Charter (RESC)	30 months (January 2013 – June 2015)	ongoing	€169,326 (approx. budget allocation from the total €1,000,000 of the regional EU/CoE programme)	<i>funding secured</i> (EU/COE JP)	<u>Moldovan Union of Advocates, National Institute of Justice, Human Rights NGOs</u>
Implementing pilot, quasi-pilot judgments and judgments revealing structural problems in the field of detention on remand and effective remedies to challenge conditions of detention	30 months	ongoing	approximately €60 000 (appropriation for the Republic of Moldova under a multilateral project)	<i>funding secured</i>	<u>Ministry of Justice, Public Prosecution Service, Courts</u>
Assistance to the Ombudsman Institution – Centre for Human Rights	18 months	proposed	€500,000	<i>funding required</i>	<u>The Ombudsman Institution; National Prevention Mechanism ; Ministry of Justice</u>
Strengthening the capacities of the Council on Prevention and Combatting Discrimination	36 months	proposed	€500 000	<i>funding required</i>	<u>The Council on Prevention and Combatting Discrimination; Ministry of Internal Affairs; Ombudsman institution; mass media</u>
Strengthening the capacities for the implementation of National Human Rights Action Plan in regard of human rights of Roma	36 months	proposed	€500 000	<i>funding required</i>	<u>National Commission for NHRAP implementation; Ombudsman Institution; The Council on Prevention and Combatting Discrimination; Ministry of Labour, Social Protection and family; Ministry of Justice; Ministry of Foreign Affairs and European Integration, central and local public authorities</u>

Supporting the fight against ill-treatment and impunity in the Republic of Moldova	24 months	proposed	€1 000 000	<i>funding required</i>	<u>General Prosecutor's Office; Ministry of Justice; Ministry of Internal Affairs and the National Anticorruption Centre; Ombudsman Institution; National Institute of Justice; Superior Council of Magistracy; Superior Council of Prosecutors; civil society organisations</u>
Reinforcing the fight against ill-treatment and impunity (regional)	30 months (ending December 2013)	ongoing	€250,000 (approximate budget allocation for the Republic of Moldova from the total envelope of €1,750,000 of the regional programme)	<i>funding secured</i> (EU/CoE Joint Programme)	<u>General Prosecutor's Office; Ministry of Justice; Ministry of Internal Affairs, National Police Inspectorate; Supreme Court of Justice; National Institute of Justice; the Bar; Ombudsman Institution; Department of Penitentiary Institutions; Association of Judges of the Republic of Moldova.</u>
Reinforcing the fight against trafficking in human beings in line with GRETA recommendations	36 months	proposed	€800 000	<i>funding required</i>	<u>The Centre for Combatting Trafficking in Persons – National Investigation Inspectorate of the Ministry of Internal Affairs; Unit for combatting trafficking in human beings under the General Prosecutor's Office; Permanent Secretariat of the National Anti-Trafficking Committee; Border Police Department; Ministry of Labour Social Protection and family, NGOs, relevant IOs</u>

<b>4. FREEDOM AND PLURALISM OF MEDIA</b>					
Promoting media freedom and pluralism	24 months	proposed	€600,000	<i>funding required</i>	<u>Coordinating Council on the Audiovisual (CCA)</u> ; Moldovan media associations; European Broadcasting Union.
Strengthening respect for human rights and Internet governance principles in the implementation of the Republic of Moldova's Digital Agenda	24 months	proposed	€400,000	<i>funding required</i>	<u>Ministry of Information Technology and Communications</u> ; <u>Coordinating Council of the Audiovisual</u> ; National Regulatory Agency for Electronic Communications and Information Technology; Ministry of Public Administration; Ministry of Justice; Ministry of Internal Affairs; Public Administration Academy of Moldova; Public Policies Institute; Internet Service Providers (ISPs).
<b>5. LOCAL DEMOCRACY AND DECENTRALISATION</b>					
Strengthening local government through decentralisation and capacity building	36 months	proposed	€2,500,000	<i>funding required</i>	<u>State Chancellery of the Republic of Moldova</u> ; Ministry of Regional Development; Regional Development Fund and regional development agencies; Committee on decentralisation of the Moldovan Parliament; Congress of Local Authorities of the Republic of Moldova (CALM), local civil society organisations; other international organisations

6. CONFIDENCE BUILDING MEASURES					
People-to-people contacts (human rights approach) for the Transnistrian region of the Republic of Moldova	24 months	ongoing	€1,900, 600	<i>funding available:</i> OB €140,000 VC €1,195,000 (voluntary contributions of Norway, Austria, Romani and Lichtenstein)	<u>Bureau of the State Minister for Reintegration</u> ; Civil society on both sides of the river Nistru/Dniestr; Ministry of Labour Social protection and family, Ministry of Justice, Ministry of Health, , local authorities, Ministry of Education and Science; Ministry of Culture, Media; OSCE and other international organisations; Ombudsman Institution

## **APPENDIX 2. List of main national stakeholders**

Parliament

State Chancellery

Ministry of Foreign Affairs

Ministry of Justice (including the Government Agent to the ECtHR)

Ministry of Internal Affairs

Ministry of Regional Development and Construction

Ministry of Information Technology and Communications

Ministry of Public Administration

Central Election Commission

Supreme Court of Justice

Office of the Prosecutor General

Centre for Human Rights – Ombudsman Institution

Superior Council of Prosecutors

High Council of Magistracy

National Institute for Justice

Association of Judges of the Republic of Moldova

Moldovan Union of Advocates (Bar association)

National Police Inspectorate

Police Academy

National Anti-Corruption Centre

National Commission on Integrity

National Regulatory Agency for Electronic Communications and Information Technology

Co-ordinating Council on the Audiovisual (CCA)

Congress of Local Authorities of Moldova (CALM)

Moldovan media associations

Civil Society Organisations and Human Rights Defenders

## APPENDIX 3. CoE and national documentation relevant to the implementation of Council of Europe Action Plan for Republic of Moldova 2013-2015

### Documentation of the Council of Europe

- Relevant Council of Europe treaties signed and ratified by the Republic of Moldova<sup>2</sup>;
- The Republic of Moldova: Stocktaking of co-operation with the Council of Europe [SG/Inf\(2013\)28 final](#) report prepared by the Council of Europe Secretariat and the relevant decision adopted by the Ministers' Deputies;
- Venice Commission' s *Amicus Curiae* Brief on three questions related to article 78 of the Constitution of the Republic of Moldova (CDL-AD(2011)014)
- Venice Commission's *Amicus Curiae* Brief for the Constitutional Court of the Republic of Moldova on the Interpretation of Articles 78.5 and 85.3 of the Constitution of Moldova (CDL-AD(2010)002)
- Venice Commission and OSCE/ODIHR Joint Opinion on Draft Legislation of the Republic of Moldova pertaining to financing political parties and election campaigns (CDL-AD(2013)002)
- Venice Commission and OSCE/ODIHR Joint Opinion on the Draft Working Text amending the Election Code of the Republic of Moldova (CDL-AD(2010)014)
- Statement of the Secretary General of the Council of Europe on the changes to the electoral system of the Republic of Moldova (23 April 2013)
- GRECO's Third Evaluation Round Compliance Report on the Republic of Moldova RC-III(2013)2E, (Strasbourg, 18-22 March 2013)
- MONEYVAL Report on Fourth Assessment Visit Anti-Money Laundering and Combatting the Financing of Terrorism (MONEYVAL(2012)28), adopted at the 40th Plenary, 04/12/2012
- PACE Resolution 1955(2013) on the honouring of obligations and commitments by the Republic of Moldova
- Recommendation CM/Rec(2008)2 of the Committee of Ministers to member states on efficient domestic capacity for rapid execution of judgments of the European Court of Human Rights;
- Reports of the Commissioner for Human Rights on his visits to the Republic of Moldova in April 2009, November 2011 and March 2013;
- Letter of the Commissioner for Human Rights (CommDH(2012)3) to the Prime Minister of the Republic of Moldova and the Reply of the Prime Minister.
- Case-law of the ECtHR in respect of the Republic of Moldova on violations of ECHR as regards ill-treatment and its improper investigation;
- Committee of Ministers' supervision of ECtHR judgments in respect of the Republic of Moldova
- Interlaken and Brighton Declarations;

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<sup>2</sup> The Republic of Moldova has to date signed and ratified 81 CoE treaties.

- Conclusions and recommendations of the report on training of judges produced under the Eastern Partnership project on the judiciary;
- Report of the European Committee for the Prevention of Torture and Inhumane or Degrading Treatment or Punishment (CPT) on the visit to the Republic Moldova, 1-10 June 2011, CPT/Inf(2012)3;
- CEPEJ 4th Evaluation Report on European judicial systems for the 2010-2012 cycle;
- Findings and recommendations contained in the reports of the EU/CoE Joint Project, *Eastern Partnership – Enhancing judicial reform in the Eastern Partnership countries, Judicial Self-Governing Bodies and Judges’ Career* (September 2011 and March 2013), and *Efficient Judicial Systems* (March 2013);
- CoE adopted standards on the internet (e.g. Internet Governance Principles, net neutrality, public service value of Internet, etc.);
- PACE Recommendation 1998 (2012), The protection of freedom of expression and information on the Internet and online media;
- PACE Resolution 1877(2012), The protection of freedom of expression and information on the Internet and online media;
- PACE Resolution 347(2012) and Recommendation 328(2012) on the right of local authorities to be consulted by other levels of government;
- Congress of Local and Regional Authorities Recommendation 322(2012) on local and regional democracy in the Republic of Moldova;
- Congress Recommendation 313(2011) on local elections in the Republic of Moldova
- Congress recommendation 339(2008) on elections to the People’s Assembly in Gagauzia
- GRETA recommendations on the implementation of the CoE Convention to fight trafficking in human beings;

### **National Documentation**

- Action Plan on the Honouring of the Republic of Moldova’s commitments towards the Council of Europe
- National Human Rights Action Plan 2011-2014
- Strategy for Justice Sector Reform 2011-2016
- Strategic Development Programme of the General Prosecutor’s Office
- National Strategy on Preventing and Fighting the Money Laundering and Financing of Terrorism 2013-2017
- The National Decentralisation Strategy
- The National Strategy on Regional Development
- The Reform Concept of the Ministry of Internal Affairs
- Central Election Commission Strategic Plan 2012-2015
- Code of Ethics for Prosecutors
- Strategic Guidelines of Tele-Radio Gagauzia 2012-2016
- National Strategy for the Development of Information Society
- National Anti-Trafficking Action Plan 2012-2013.



## APPENDIX 4. FINANCIAL TABLE

TOTAL ACTION PLAN BUDGET: €18 235 000

Table 1

Type of project	Funding secured			Total funds secured	Additional funds required
	Ordinary Budget	EU/CoE Joint Programmes	Voluntary Contributions		
<b>National</b>	170 000	0	1 795 000	1 965 000	15 255 000
<b>Regional/ Multilateral</b>	0	915 000	100 000	1 015 000	0
<b>TOTAL</b>	<b>170 000</b>	<b>915 000</b>	<b>1 895 000</b>	<b>2 980 000</b>	<b>15 255 000</b>

Table 2

Priority Areas	Total funds secured	Additional funds required
<b>1. Functioning of democratic institutions and good governance</b>	361 700	4 300 000
<b>2. Justice sector reform and independence of the judiciary</b>	154 000	3 400 000
<b>3. Protection and promotion of human rights</b>	1 119 300	3 500 000
<b>4. Freedom and pluralism of the media</b>	0	1 000 000
<b>5. Local democracy and decentralisation</b>	10 000	2 490 000
<b>6. Confidence Building Measures Programme</b>	1 335 000	565 000
<b>TOTAL</b>	<b>2 980 000</b>	<b>15 255 000</b>