

Moldova 2024

Information from: The People's Advocate Office of the Republic of Moldova (Ombudsman)

Follow-up to last year's rule of law recommendations

State authorities' follow-up to regional actors' recommendations on rule of law

The Ombudsman notes that in 2023 the national authorities took various actions to implement the provisions of European conventions and the recommendations from Council of Europe bodies.

Notably, in February 2023, [amendments](#) were made to the Criminal Code, the Code of Criminal Procedure, and the Family Code to align them with the Istanbul Convention. These changes introduced state-guaranteed legal aid for victims of domestic violence or sexual offences. By Decision no. 332/2023 the Government approved the [National Programme on preventing and combating violence against women and domestic violence for the years 2023-2027](#). Additionally, the Government established [the National Agency for Preventing and Combating Violence against Women and Domestic Violence](#) through Decision no. 926/2023 to implement public policies for preventing and combating violence against women and domestic violence.

In efforts to enhance the protection of children's rights, amendments have been made to the Code of Criminal Procedure to enable the implementation of the Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention). These amendments, effective since January 2023, require that the hearing of minor witnesses must be carried out in special conditions regardless of their age. Furthermore, amendments have been made to Article 276 of the Code of Criminal Procedure, which lists the offences which require the victim's complaint for prosecution to start. With sexual harassment excluded from this list, victims are no longer required to file a complaint in cases of sexual abuse and sexual exploitation of children.

The Ombudsman also notes the establishment of the [National Council for Human Rights](#) through the Government Decision 65/2019 to draft and evaluate human rights policy documents and ensure the implementation of international standards. Besides the Council, there are [specialized committees](#), coordinated by the State Chancellery, the Ministry of Labor and Social Protection, the Ministry of Education and Research, and the Ministry of Internal Affairs, which oversee the implementation of the Convention on the Elimination of All Forms

of Discrimination against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD), the UN Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR) and other regional and international human rights documents.

NHRI's follow-up actions supporting the implementation of regional actors' recommendations

The People's Advocate Office prepared and published the [Shadow Report on measures giving effect to the provisions of the Council of Europe Convention on preventing and combating violence against women and domestic violence \(Istanbul Convention\)](#), which was ratified by Parliament through Law no. 144/2021. Additionally, the People's Advocate conducted advocacy actions to raise awareness and promote GREVIO's recommendations from the [evaluation report on the Republic of Moldova](#), published on November 14, 2023.

Throughout 2023, representatives of the People's Advocate and the People's Advocate for Children's Rights participated in working meetings of the Human Rights Council on the development of the National Human Rights Action Plan for 2024-2027. The new National Programme, among other things, aims to contribute to the implementation of international and national recommendations that have not been addressed in other public policies.

Since 2023, the People's Advocate representative has been a member of specialized committees of the National Human Rights Council for monitoring the implementation of the recommendations of the Istanbul Convention, CRPD, European Social Charter, and ICESCR. Additionally, the People's Advocate has observer status in the specialized commission for the coordination, monitoring and evaluation of the implementation status of the UN Security Council Resolution 1325 on women, peace and security (Resolution 1325), the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) and the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), as well as of the recommendations and observations from international institutions as part of the reporting procedures to international bodies.

State authorities' follow-up to NHRI's recommendations regarding rule of law

The People's Advocate remains concerned about the persistence of the restrictions imposed by "Guretsky law", which prevent citizens from the Transnistrian region from reporting human rights violations to the constitutional authorities in Chisinau and to international bodies. This law, enacted by the self-proclaimed authorities on the left bank of the Nistru River,

has faced repeated criticism from the Ombudsman for significantly impeding the freedom of expression and conscience of the citizens in this region. Despite the Ombudsman's request for the assistance of international and national partners to stop the effects of the "Guretsky law", no visible improvements have been achieved.

Certain constraints on the rights of LGBT persons still persist in the autonomous territorial unit of Gagauzia. The Ombudsman is concerned about the ongoing restrictions faced by LGBT individuals in Gagauzia following the adoption of [Resolution no. 62-IV/VII](#) of May 25, 2022, by the People's Assembly of Gagauzia, which prohibits the promotion of non-traditional relationships. This group continues to face various limitations on their rights, including the prohibition of promoting non-traditional relationships, organize mass events, seminars, conferences, and other educational events on non-traditional relationships. Production, distribution, broadcasting, and promotion of content on non-traditional relationships are also prohibited in mass media in Gagauzia. Specific restrictions also target the Education Directorate of Gagauzia, prohibiting it from organizing events on non-traditional relationships in educational institutions of Gagauzia.

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Information from: The People's Advocate Office of the Republic of Moldova (Ombudsman)

Independence, effectiveness and establishment of NHRIs

International accreditation status and SCA recommendations

The Office of the People's Advocate of Moldova (OPA) was last [re-accredited with A status in October 2023](#).

Noting that in practice, the NHRI's recruitment process aims to ensure the inclusion of a wide range of societal groups, the SCA recommended that OPA takes steps to advocate for the formalization of processes that ensure the principles of pluralism and diversity in its staff composition.

Additionally, the SCA recommended that the OPA continue to advocate for an adequate level of funding to ensure it can effectively carry out its mandate, to permit the employment and retention of staff with the requisite qualifications and experience, and to ensure the allocation of funds for premises which are

accessible to the wider community.

Finally, the SCA recommended that the OPA continues to advocate for the removal of the provisions from Law no.52/2014 which removes the requirement for the Parliament of Moldova to approve the initiation of criminal proceedings against the OPA in cases of money laundering, offences related to inappropriate performance in the public sector and illicit enrichment offences. Further, it recommended that the NHRI continue to advocate for restoring the stronger provisions regarding the functional immunity of the Ombudsman for actions taken in their official capacity in good faith.

Follow-up to SCA Recommendations and relevant developments

The Ombudsman reports that SCA recommended, in the [September-October 2023 Report](#), engaging international, regional, and national stakeholders to strengthen the institutional framework of the NHRI. In response to this recommendation, the Ombudsman sent a request on December 5, 2023, to GANNHRI and ENNHRI asking them to send letters of support to national public authorities such as the Parliament, the Government and the Ministry of Foreign Affairs and European Integration. This initiative underscores the importance of implementing SCA recommendations regarding adequate funding and protection against criminal and civil liability for the Ombudsman.

It is worth noting that previously, to enhance the financial efficiency of staff, on October 13, 2023, the Ombudsman instituted proceedings before the Constitutional Court regarding the unconstitutionality of legislative provisions in the State Budget Law concerning the remuneration of PAO staff. The Ombudsman requested alignment of these provisions with the standards set by the Paris Principles and the Venice Commission, which prescribe an adequate level of remuneration for PAO staff.

Additionally, throughout 2023, the Ombudsman continued advocating with the State Chancellery and the Government for increased remuneration for PAO staff. This led to amendments in the [State Budget Law for 2024](#), resulting in a 33-35% increase in remuneration. While these amendments do not fully meet the NHRI standards, they nevertheless represent a significant step towards ensuring the financial stability of PAO.

Furthermore, SCA referred to the importance of adequate funding for PAO infrastructure. Therefore, PAO has consistently raised with the public authorities the issue related to the institution's premises, which are currently being renovated. While some progress has been earlier reported in this sense, PAO stresses that adequate funding for renovation is essential to have an infrastructure accessible to all.

Regarding immunity and safeguards, SCA highlighted the importance of providing protection from criminal and civil liability for actions undertaken in good faith for performing job-related duties to safeguard NHRI from individual legal proceedings from anyone who challenges PAO's actions. In February 2023, Law no. 52 of 2014 on the People's Advocate was amended so that the Parliament's prior consent is no longer required for initiating criminal proceedings against the Ombudsman in case of flagrante delicto and money laundering offences, offences against the proper conduct of affairs in the public sphere, and illicit enrichment. PAO will continue advocating for returning to the regulations prior to the February 2023 amendments, which provide for a more robust operational immunity for the Ombudsman.

Regulatory framework

Following the enactment of Law no. 1 of 02.02.2023 amending certain normative acts, amendments have been made to Law no.52/2014 on the Ombudsman and Law no.164/2015 approving the Regulation on the organization and operation of the People's Advocate Office. Key changes included increasing staff numbers, empowering PAO to examine protection applications from whistleblowers, and defending the rights of legal persons. Additionally, the remuneration of PAO staff has been increased to strengthen the financial sustainability of the NHRI.

The major amendments impacting the institution's operations include:

- Parliament's prior consent for prosecuting the Ombudsman is no longer required in cases of flagrante delicto, money laundering offences, offences against the proper conduct of affairs in the public sphere and illicit enrichment. Although PAO requested giving up to these proposed amendments during consultations due to the risk to the institution's independence, this recommendation was not accepted. The Ombudsman will, therefore, advocate for a return to the general immunity formula in place before the February 2023 amendments.
- Revisions in the provisions guaranteeing independence. Now, the Ombudsman cannot be obliged to give explanations or make statements on examined or pending cases, except when such explanations or statements are necessary in the interests of the applicant. Previously, the law obliged the Ombudsman to give explanations or make statements on examined or pending cases involving information of public interest as well, which significantly affected PAO's independence when dealing with cases under examination and the public credibility of the institution.
- The selection of candidates for the position of Ombudsman is conducted by a special parliamentary committee, which invites the incumbent Ombudsman, a representative from the Lawyers' Union and a civil society representative as experts with consultative voting rights

- to the selection process.
- The Ombudsman has the right to submit to public authorities, organizations and companies, regardless of the type of ownership and legal form of organization, and to decision-makers at all levels opinions and recommendations for necessary improvements in their work to respect human rights and freedoms.
 - The Ombudsman has the right to prepare independent reports on the status of human rights and freedoms and submit them to international and regional human rights institutions and organizations.
 - The People's Advocate examines protection applications from whistleblowers and contributes to their protection.
 - Legal persons have the right to submit complaints to PAO about violations of human rights and freedoms.

Regarding the examination of applications submitted to PAO, several provisions have been introduced, including the following:

- PAO has the right to forward the received applications to competent authorities for examination with the petitioner's consent.
- The period of examination and decision on the application has been extended from 10 to 15 days. For justified reasons related to the complexity of cases, the total examination period may be extended with a maximum of 15 days.

Additionally, PAO's staff number has been increased from 65 to 72.

NHRI enabling and safe environment

According to the Law no.52/2014, the Ombudsman's duties require engaging with public authorities, legal persons or decision-makers at all levels. In this regard, the Ombudsman submits proposals and/or recommendations to stakeholders for restoration of individuals' rights, provides opinions on draft public policies received for consultation, and requests materials, documents, and information from authorities. The Ombudsman notes that there are instances where responses from authorities are general and fail to address the substance of the Ombudsman's requests for information.

Moreover, Law no. 52/2014 grants PAO the right to conduct visits without hindrance to any units in the places of detention and receive any information regarding the treatment and detention conditions of individuals deprived of their liberty. However, the exercise of this right remains limited in the Transnistrian region because the unconstitutional authorities hinder the Ombudsman's access to detention facilities. Additionally, the Ombudsman highlights that the Moldovan Government has not yet implemented the recommendations from the Universal Periodic Review (UPR) concerning capacity-building for PAO to monitor and safeguard human rights in the

Transnistrian region.

Monitoring the implementation of PAO's recommendations

To facilitate the monitoring of the Ombudsman's recommendations to public authorities, the Ombudsman entered into a partnership with the State Chancellery in 2023. As part of this collaboration, a matrix has been jointly developed for tracking the implementation of recommendations from the Annual Report on Human Rights and Freedoms in Moldova, which is presented annually to the Parliament. Through this matrix, responsible public authorities can provide relevant information on the progress of implementation of PAO's recommendations.

Overall, approximately 60% of the Ombudsman's recommendations have been partially implemented.

Adequate budgeting and PAO staffing

The new legislative regulations in force since February 2023 have strengthened PAO's financial and operational autonomy. Article 37 of Law 52/2014 stipulates that PAO's activities are funded from the state budget, based on the needs estimated by the Ombudsman. Furthermore, paragraph (2) of the same article specifies that PAO manages its own budget independently in accordance with the legal provisions.

The Law on the State Budget for 2024 has been amended to increase PAO staff remuneration by 33-35% as of January 1, 2024. This amendment represents an important step in aligning the funding standards with the Paris Principles and the recommendations of the Venice Commission. Additionally, the number of PAO staff positions was increased by 7 in February 2023.

One of the challenges faced by the People's Advocate Office remains securing adequate funding for the renovation of the permanent headquarters of the institution. Currently, PAO staff operates from a rented temporary building until renovations on the permanent premises are completed.

Level of cooperation between different human rights actors/bodies

The Ombudsman's mandate involves cooperation with international and national authorities, as well as civil society and mass media. To this end, the Ombudsman monitors and reports on the human rights situation to international and regional bodies, partners with nonprofit organizations, and engages with mass media to raise awareness and promote rights and freedoms in society. Additionally, PAO prepares annual and special reports to address human rights issues, forwarding recommendations from those reports to public authorities. Human rights awareness-raising activities carried out by PAO include regular training sessions for children and professionals in justice, social

protection, education, and related fields.

PAO representatives actively participate in the working sessions of the committees monitoring the implementation of international and regional human rights conventions and serve as members of the Government's National Human Rights Council.

Obstruction of the work of NHRI

On December 15, 2023, the Ombudsman published a [Special Report regarding a suspicious suicide at the temporary detention facility](#) of the Cimislia police inspectorate. The report outlined several identified shortcomings, including issues related to the right to privacy of individuals in custody guaranteed by Article 2 of the ECHR; inadequate training of police officers in monitoring individuals in police custody, including giving first aid; insufficient medical equipment for emergency care; issues related to medical examination of individuals during apprehension and/or detention in the temporary detention facility.

Subsequently, on January 19, 2024, the Ombudsman received an [official letter](#) (notification) from the Chief of the General Inspectorate of Police, expressing disagreement with certain findings in the report and requesting its revision and withdrawal of the press releases about it. The Ombudsman deems the actions of the Chief of the General Inspectorate of Police as an attack on the independence of the National Human Rights Institution. The Ombudsman, therefore, has referred the matter to the Ministry of Internal Affairs, informing the Prime Minister and other relevant institutions about this interference and attack on the guarantees of PAO's independence. Additionally, the Ombudsman has called for measures to be taken to put an end to any intimidation and interference in the work of the Ombudsman by the General Inspectorate of Police. Furthermore, the Ombudsman has brought the case to the attention of the Speaker of Parliament and several specialized parliamentary committees. These developments drew further attention to the Ombudsman's independence and the importance of his reports.

NHRI's recommendations to national and regional authorities

To enhance effectiveness and financial independence, the People's Advocate Office recommends the following:

- Ensure adequate funding for NHRI staff remuneration to enable them to carry out their duties effectively and independently, as well as to retain staff possessing the required qualifications and experience.
- Strengthen NHRI protection by reintroducing the more robust provisions of Law 52/2014 on the People's Advocate that were in effect before

February 2023, particularly regarding the Ombudsman's immunity for actions carried out in good faith in his/her official capacity. It should be noted that because of the amendments enacted in February 2023, Parliament's prior consent is no longer required to initiate criminal proceedings against the Ombudsman for flagrante delicto and money laundering offences, offences against the proper conduct of affairs in the public sphere, and illicit enrichment.

- Ensure funding for renovating the permanent headquarters of the People's Advocate Office.

All of the above recommendations are in line with the SCA report on the accreditation of national human rights institutions published in 2023. Following the evaluation, the Ombudsman has been reaccredited with "A" status.

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Information from: The People's Advocate Office of the Republic of Moldova (Ombudsman)

Democracy - checks and balances, disinformation, and other topics

Separation of powers

Evaluation of candidates to Superior Council of Magistracy and Superior Council of Prosecutors

The evaluation of candidates to the self-governing bodies of judges and prosecutors (pre-vetting) continued in 2023. After the Pre-Vetting Commission completed the pre-vetting for all candidates to the Superior Council of Magistracy, the General Assembly of Judges convened on March 17, 2023. However, the participants voted for postponing the General Assembly of Judges to April 28, 2023 - one month beyond the legal deadline for holding elections. The decision to postpone the General Assembly of Judges drew strong criticism from the President of the country, who interpreted it as an attempt by judges to undermine the efforts to reform the judiciary and impede the restoration of justice in Moldova.

It is worth noting that during the meetings of the General Assembly of Judges, a judge from the Supreme Court of Justice criticized pre-vetting, alleging that the judicial system is captured.

On September 8, 2023, [the Pre-Vetting Commission initiated the re-evaluation of 21 candidates](#) to the Superior Council of Magistracy (SCM) and the Superior

Council of Prosecutors (SCP), following a ruling by the Supreme Court of Justice (SCJ) on August 1, 2023, which annulled 21 decisions of the Pre-Vetting Commission and ordered a re-evaluation of those candidates.

At the request of the Ombudsman, on September 29, 2023, the OSCE Office for Democratic Institutions and Human Rights (ODHIR) prepared and published the [Report on the evaluation of candidates for members of the Superior Council of Magistracy of the Republic of Moldova, the Superior Council of Prosecutors and their specialized bodies](#). The report includes a number of recommendations for the future evaluation of judges and prosecutors. Those recommendations pertain to the composition of the evaluation commission, consultation with civil society in selecting national members, gender equality criteria in the commission membership, procedural aspects in the work of the evaluation commission, information gathering and verification, hearings of candidates, evaluation decisions, and available remedies.

The Ombudsman views the Report as a valuable resource of findings and suggestions to address deficiencies in the evaluation procedures for judges and prosecutors and highly values the support of ODIHR/OSCE in promoting democratic processes with a focus on the protection of human rights.

Electoral processes

The most recent general local elections held on November 5 and 19, 2023 were conducted in accordance with the new provisions of the Electoral Code and related legislation. Overall, the elections took place in a transparent and professional manner and were well managed by the election administration at all levels, including on election days. The Ombudsman acknowledges that the minor procedural shortcomings did not significantly impact the elections. However, the misuse of public funding affected the campaign, and accountability and oversight over campaign financing still need to be improved.

During the election campaign, there were instances of candidates, politicians, opinion leaders, journalists, and citizens using hate speech, inciting discrimination and disseminating sexist messages. Consequently, on October 6, 2023, [the People's Advocate, together with the Equality Council and civil society organizations, publicly called](#) on electoral candidates to maintain a balanced public discourse and refrain from hate speech, incitement to discrimination, and any form of intolerance.

The process for preparing and enacting laws

The Ombudsman highlights that the public consultation process is guaranteed by Law 239/2008 on transparency in decision-making. Moreover, the Government Decision no. 967/2016 establishes a consultation mechanism with

civil society during the decision-making process. In this regard, the [online platform](#) managed by the government provides an opportunity for all citizens to provide feedback on draft normative acts. Thus, public authorities are obliged to publish decisions and related materials on both their official websites and the [online platform](#).

The Ombudsman wishes to emphasize that, according to Article 12 of Law 239/2008, the deadline for submitting feedback on draft decisions should be at least 10 working days from the date of publicly announcing the initiation of drafting the decision or from the date of announcing public consultations. However, in case of some public policies only 2-4 days are given for consultation, which is insufficient time for formulating well-founded opinions. For instance, public consultations on the draft state budget law for 2024 lasted only 4 days from November 28 to December 1, 2023.

Additionally, the Ombudsman notes that the informative reports accompanying some draft public policies subjected to consultations failed to provide justification for all proposed changes. Consequently, the Ombudsman issued opinions calling attention to the lack of justification for the proposed amendments of the draft normative acts, aiming to ensure proper justification for suggested amendments.

Access to information

On June 9, 2023, Parliament passed the Law no. 148 on access to public information, scheduled to take effect on January 8, 2024. The purpose of the law is to ensure transparency within the public sector. The People's Advocate participated in the public consultations on this Law 148/2023 and proposed improvements regarding access to information of public interest for vulnerable groups. The Ombudsman considers that access to public information must be provided in a non-discriminatory and easy to understand manner, ensuring access to information in the requested language for national minorities, and in the Braille system for the visually impaired. Additionally, charging a fee for information exceeding 20 pages could be a significant burden for low-income groups. Regrettably, neither of these suggestions were included in the legislation.

The People's Advocate highlights that, to counter pro-Russian propaganda in the context of the war against Ukraine, the Parliament of the Republic of Moldova passed the Law no. 242 of 31.07.2023 establishing the Centre for Strategic Communication and Combating Disinformation. During the consultation period, the People's Advocate provided several recommendations from a human rights perspective, which were accepted by the Parliament. The recommendations focused on human rights and non-discrimination, avoiding duplication of tasks between the Centre and other authorities under the Ministry of the Internal Affairs and refraining from interference in private life.

According to article 6 of Law no. 242/2023, the Centre for Strategic Communication and Combating Disinformation is tasked with enhancing and coordinating inter-institutional efforts against disinformation, manipulation of information and coordinated dissemination of messages, narratives, communications, regardless of their origin, which may be harmful to and jeopardize national interests.

The Ombudsman expressed concern that establishing such an institution in a democratic society could jeopardize free access to information and the right to freedom of expression.

Independence and effectiveness of independent institutions (other than NHRIs)

The Law no. 2 of February 2, 2023, amending certain normative acts (revising the regulatory framework on non-discrimination and equality) introduced amendments to the Law 121/2012 on equality. Those amendments aimed to enhance the functioning of the Equality Council to enable it to fulfil its mandate. Specifically, paragraph 8 was added to article 11 of Law 121/2012, stating that Council members cannot be prosecuted or held liable for their opinions and powers exercised under law. Furthermore, the new item (j) added to the article 12 of Law 121/2012 gives the Council the right to conduct fact-finding visits related to complaints or the implementation of its recommendations.

The Council's procedure for examining discrimination complaints has also been improved by regulating rejection of complaints (Article 14), and the deadline for examining complaints received by the Council has been extended from 30 to 90 days, with a possible extension of up to 60 days in case of complex cases or when additional consultations are necessary. In light of the above, the Ombudsman has monitored the amendments made to the Law 121/2012 on ensuring equality and notes that none of the proposed amendments would compromise the effectiveness and/or independence of the Equality Council. Additionally, there were no objections from the Council regarding the new amendments to the law.

Enabling environment for civil society and human rights defenders

Throughout the reporting period, the Ombudsman did not identify any initiatives or practices that could negatively impact the civil society space or impede the activities of the human rights defenders. It should be noted that in 2022, discussions were held regarding the draft concept of a law to strengthen the protection of human rights defenders. The draft was shared for consideration and discussion with civil society, professionals, trade unions,

mass-media and other stakeholders who may act as human rights defenders. Due to the complexity of the concept, the draft is undergoing further refinement to align with the applicable standards and will subsequently be subjected to consultation with policymakers and civil society.

NHRI's recommendations to national and regional authorities

The Ombudsman's recommendations to national and regional authorities are the following:

- **Comply with the legal deadlines for consultation of draft public policies and normative acts.** Allowing sufficient time for public consultation on draft legislation and public policies is crucial for thorough examination and submission of relevant proposals by both CSOs and NHRI.
- **Provide detailed justification for all proposed changes in draft public policies.** The Ombudsman notes that the accompanying information reports should cover all aspects of proposed adjustments or modifications in public policies, enabling a comprehensive understanding of the rationale behind these initiatives.
- **Ensure access to public information for various population groups, considering their specific needs.** Public information should be equally accessible to all segments of the population, including national minorities, people with hearing and visual impairments.

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Securitisation's impact on the rule of law and human rights

On October 30, 2023, the Commission for Emergency Situations of the Republic of Moldova (CES) adopted Decision no. 91, leading to suspension of 6 TV channels and blocking of several national websites. The Ombudsman issued a statement expressing concern over this decision, stressing the importance of communicating to the public the necessity and proportionality of the restrictions imposed by CES.

The Ombudsman underscored that the state's obligation to protect the national

information space against false information and disinformation is justified in the context of the war in Ukraine, and of the local elections. These threats required the public authorities to streamline their interventions to ensure fair elections, without external interference, prevent financial opacity of mass-media, ensure that mass-media is not biased and guarantee citizens' right to full, accurate and truthful information. However, the Ombudsman emphasized that any measures to counter threats to the security of the national information space must align with international standards, respecting press freedom and minimizing interference. Thus, no restriction on information access may be imposed for national security reasons unless their legality and necessity in a democratic society to protect the legitimate national security interests are demonstrated and unless the law provides adequate safeguards against abuse, including prompt, thorough, accessible and effective examination of the justification of the restriction by an independent oversight authority.

In this regard, the Ombudsman called upon CES, the Audiovisual Council and the Security Service to provide additional and comprehensive information justifying the aforementioned restrictions.

NHRI's recommendations to national and regional authorities

The recommendations from the People's Advocate to national and regional authorities are as follows:

- **Ensure proportionality of restrictive measures aimed at safeguarding national security.** The Ombudsman stresses that limitations cannot be imposed for reasons of national security unless it can be demonstrated that they are legally mandated and necessary in a democratic society to safeguard a legitimate national security interest. Moreover, the law must provide adequate safeguards against abuse and an effective oversight by an independent authority to review the necessity and legitimacy of such limitations.
- **Refrain from implementing restrictive measures for indefinite periods.** Where application of restrictive security measures is unavoidable, we recommend avoiding their application for indefinite periods, which may significantly affect the enjoyment of human rights and freedoms over time, particularly for vulnerable groups (persons with disabilities, persons living with HIV/AIDS, national minorities, etc.) who daily face limited access to public services, discrimination, etc.
- **Put in place a compensatory mechanism where restrictive security measures are necessary.**

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Information from: The People's Advocate Office of the Republic of Moldova (Ombudsman)

Implementation of European Courts' judgments

According to the [2023 Report of the European Court of Human Rights](#), the European Court of Human Rights (ECtHR) received 653 applications against Moldova. In comparison, 642 applications were received in 2022 and 630 in 2021. Moldova ranks 5th, with 2.60 applications per 10,000 inhabitants. In 2023, the Court delivered 24 judgments, all finding at least one violation of the European Convention on Human Rights (ECHR) by the Republic of Moldova. These judgments concerned 32 violations of the Convention, including 14 violations related to court proceedings or enforcement of judgements. Other six violations concerned the right to privacy, often relating to the relationship between parents and children, and five violations related to liberty and security, predominantly concerning the examination of arrest warrants by judges.

Throughout 2023, the ECtHR issued judgments against Moldova in cases of significant importance and impact. For instance, in [Stoianoglo v. Moldova](#) case, ECtHR held that there had been a violation of the right of access to court. The case involved the alleged inability of the applicant, a former Prosecutor General, to appeal against his suspension that was due to ongoing criminal proceedings against him. The Court called attention to the need for procedural safeguards to prevent arbitrary use of the suspension mechanism.

In its judgment of July 18, 2023, in [Manole v. Moldova](#) case, the ECtHR found a violation of the right to freedom of expression. This case concerned the applicant's dismissal as judge for having disclosed to the press the reasons for her dissenting opinion before the full text of the Court of Appeal's decision was made public. The Court acknowledged that the duty of discretion required that the decision reasons should not be disclosed before they are made public. However, the ECtHR emphasized the importance of considering procedural safeguards and the nature and proportionality of the penalty when interfering with freedom of expression guaranteed by the ECHR.

To ensure effective representation of Moldova before the ECtHR and the enforcement of its judgments and decisions, an Advisory Council was established under the Government Agent for ECtHR. The Council includes a representative from the People's Advocate Office, who actively participates in the Council's working meetings to address complex or systemic issues. On November 23 and 24, 2023, the Council convened in Strasbourg to discuss the oversight mechanism of the Committee of Ministers of the Council of Europe

over the execution of the Court's judgments. Particular attention was paid to Moldovan cases under enhanced and standard procedure. The Council also considered individual and general measures to be implemented at national level to ensure the full and timely execution of the judgments.

Overall, the People's Advocate highlights that the most commonly violated rights under ECHR in Moldova remain access to a fair trial, prohibition of torture and the right to liberty and security.

NHRI's actions to support the implementation of European Courts' judgments

The People's Advocate notes that it is the responsibility of the Government Agent of the Republic of Moldova to contribute to the implementation of European Court's judgments. The Government Agent is supported by an Advisory Council, which operates in accordance with the European Convention. With the adoption of the Government Decision no. 824 of October 27, 2023, the membership of the Council has been revised. It now comprises representatives from public authorities, academia, the National Human Rights Institution (PAO) and civil society. The Council contributes to ensuring effective representation of the country before the ECtHR and the execution of the judgments and decisions of the European Court.

NHRI's recommendations to national and regional authorities

As the Ombudsman is not responsible for the implementation of the European Court's judgments, it does not provide recommendations in this regard. However, given that the previous report on [State of the rule of law in Europe for 2023](#) refers to the recommendations of the Government Agent, we wish to provide an update on their implementation. The recommendation to strengthen the capacities of the Government Agent by ensuring the effective functioning of the Advisory Council has been implemented following the amendment of the Regulation of the Advisory Council, which expanded its membership. Therefore, according to article 4 of the Regulation of the Advisory Council, a representative from the People's Advocate Office is now a member of this body.

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Other challenges to the rule of law and human rights

Situation of refugees

Temporary protection for displaced persons from Ukraine was introduced as of March 1, 2023, through the Government Decision no. 21/2023. The decision guarantees displaced persons rights such as access to healthcare, education, residence in the country, labour market, social assistance and accommodation. Between March 1 and December 26, 2023, a total of 35,950 persons were registered in the temporary protection information system of the General Inspectorate for Migration. Consequently, 27,715 identity documents were issued to beneficiaries of temporary protection, including 8,326 to minors.

The Decision no. 21/2023 of the Republic of Moldova transposed the provisions of Directive 2002/55/EC ensuring access to suitable accommodation or necessary financial resources for accommodation. Additionally, the Directive mandates social assistance and subsistence support to be provided in accordance with EU standards. Therefore, the Advisory Council for the Prevention of Violations of the Rights of Refugees established under the People's Advocate Office continued to monitor the access of refugees to accommodation, health care, social services, education, etc. In 2023, the Council produced two half-yearly reports on the rights of foreign refugees in Moldova and a thematic report on the accessibility of basic health services for refugees. The Council also made recommendations to the authorities in this regard. Among the most important recommendations that have been implemented was the granting of temporary protection to foreign refugees from Ukraine. The recommendations to provide adequate living conditions in temporary accommodation centres have also been implemented to a large extent. Additionally, the recommendation to provide refugee children with equal access to education implemented in September 2023 led to the cancellation of the visitor status for displaced children from Ukraine in classes. Yet, there are still several recommendations that have not been implemented by the authorities, particularly concerning non-discrimination against Roma refugees from Ukraine in placement centers; the lack of a mechanism to identify and refer refugees with mental health problems; the absence of an employment policy for displaced persons. Because the complexity of these recommendations requires a comprehensive approach and an extended timeframe, they are still in the early stages of implementation.

Transnistrian region

The People's Advocate remains concerned about the status of human rights in the Transnistrian region, particularly regarding people held in detention

facilities. Regrettably, the unconstitutional authorities in this region impede PAO 's access to the places of detention. Therefore, the Ombudsman has recommended to the Government to implement holistic measures to safeguard human rights, in order to be able to unconditionally monitor places of deprivation of liberty in the region on the left bank of the Nistru River. The situation of children's rights in this region is also a matter of concern. The Ombudsman has called attention to the need to convene sectoral meetings, with a particular focus on human rights. Thus, on October 10, 2023, PAO representatives participated in a meeting of the working group for human rights held at the Bender headquarters of the OSCE Mission to Moldova. Discussions during the meeting included various topics, such as the rights of people with mental disabilities, access to quality medical services and synergy of approaches from both banks of the Nistru River to the application of international standards; freedom of thought, conscience and religion in the Transnistrian region; rights of refugees. Furthermore, the issue of restricting the freedom of movement of citizens to the Transnistrian region, notably concerning journalists and human rights promoters, was addressed. It is worth noting that the last meeting of the working group for human rights took place on November 22, 2021. Since then, several sectoral group meetings have taken place, but convening specifically on human rights matters has been unsuccessful. Therefore, the Ombudsman has urged the state to involve PAO representatives in other sectoral groups as well, besides the one focused on human rights.

Media freedom

On January 24, 2024, TV8 journalist Viorica Tataru and cameraman Andrei Captarenco were apprehended in the Transnistrian region by the so-called "mgb" while covering a protest in Tiraspol against the new provisions of the Customs Code. Subsequently, the journalists were interrogated for three hours and coerced to delete all the video footage they had taken during the protest before being released.

The Ombudsman [publicly condemned the actions of the Tiraspol authorities on January 25, 2023](#), denouncing them as a severe attack on press freedom, which is essential in any functioning democracy. The Ombudsman emphasized that this incident once again shows the disregard for human rights in the region and the low standards of human rights protection. Furthermore, the People's Advocate was quick to commend the response of the General Prosecutor's Office, which initiated a criminal case for abduction of the journalists, as well as that of the Reintegration Bureau for promptly notifying Tiraspol's political representative in the Transnistrian settlement negotiations and calling for the immediate release of the journalists.

Rights of minority groups

The expression of hate speech and prejudices by some members of Parliament towards the LGBTQ+ community in the Republic of Moldova, along with the refusal of the mayor of the municipality of Chisinau to authorize the march of this community on June 18, 2023, raised concerns for the People's Advocate. In response, the Ombudsman published on June 16, 2023 an appeal emphasizing the importance of respecting fundamental human rights and freedoms, noting that hate speech poses significant risks, as it could generate hate crimes or cause social tensions and even societal divisions.

The Ombudsman also notes that the LGBTQ+ Pride March held between June 12 and 18, 2023 took place without incidents, but was accompanied by police to ensure participants' safety. This shows that society still remains reluctant towards sexual minority communities. The Ombudsman, therefore, calls on public authorities to strengthen efforts to reduce stereotypes based on gender and gender identity. Minority communities are members of society and should participate actively in its development without restrictions.

It should be noted that in ATU Gagauzia the promotion of non-traditional relationships and LGBT community was prohibited following the adoption of Decision no. 62-IV/VII by the People's Assembly on May 25, 2022. This decision prohibits the promotion of non-traditional relations, organizing mass events, conferences, or discussions on this topic. Moreover, such events are forbidden within educational institutions in ATU Gagauzia.

The People's Advocate highlights that in 2023, the Parliament of the Republic of Moldova passed Law no. 2/2023, which protects sexual orientation and gender identity criteria against all forms of discrimination.

NHRI's recommendations to national and regional authorities

The People's Advocate highlights a significant deterioration in the human rights situation in the Transnistrian region, particularly since the outbreak of the armed conflict in Ukraine. The Ombudsman, therefore, recommends that both national and regional authorities establish a new monitoring procedure, including by appointing a Special Rapporteur or initiating a special mission to address human rights issues in the region. Previously, as part of his mandate, the Ombudsman wrote letters to the Secretary General of the United Nations and the Commissioner for Human Rights of the Council of Europe, emphasizing the need to enhance the monitoring process on the left bank of the Nistru River, and asked for support in this regard.