# Moldova 2025

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

# Independence, effectiveness, resilience and establishment of NHRIs

## International accreditation status and SCA recommendations

The Office of the People’s Advocate of Moldova (PAO) was re-accredited with A status in October 2023.

Noting that in practice, the NHRI’s recruitment process aims to ensure inclusion of a wide range of societal groups, the SCA recommended that PAO 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 PAO 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 PAO continues to advocate for the removal of the provisions from the Law no.52/2014 which remove the requirement for the Parliament of Moldova to approve the initiation of criminal proceedings against the PAO in cases of money laundering, offenses related to inappropriate performance in the public sector and illicit enrichment offenses. Further, it recommended that the NHRI continue to advocate towards restoring the stronger provisions regarding the functional immunity of the Ombudsman for actions taken in their official capacity in good faith.

## Follow-up to international and European actors’ recommendations on NHRIs and relevant developments

Following the (re)accreditation of the People’s Advocate Office (PAO) with "A" status in 2023, some progress has been achieved in implementing the recommendations of the Sub-Committee on Accreditation. However, some challenges remain that must be addressed to ensure the NHRI fulfils its mandate in full compliance with the Paris Principles.

Regarding the recommendation to incorporate pluralism and diversity into the NHRI's law, the Ombudsman notes that PAO employees, as civil servants, operate primarily based on principles of equality and non-discrimination, as outlined in Article 5 of Law 158/2008 on civil service and status of civil servants. The recruitment process actively encourages the participation of women, men, persons with disabilities, representatives of ethnic, linguistic and religious minorities, as well as individuals living with HIV or those from the LGBTIQ+ community. As a result, the PAO has hired two persons with disabilities. Additionally, the Council of National and Ethno-Linguistic Minorities has been established under the PAO. This council includes members of the Equality Council and civil society representatives advocating for the rights of ethnic and linguistic minority groups.

To fully implement the above-mentioned recommendation, the Ombudsman included in the Annual report on the observance of human rights and freedoms in the Republic of Moldova in 2023 a recommendation for the Ministry of Justice to initiate amendments to Law 52/2014 on the People's Advocate (Ombudsman) in line with the recommendations of the GANHRI Sub-Committee on Accreditation (SCA), including for the full implementation of the recommendations from the Venice Commission.

Regarding the recommendation on adequate funding for the PAO, the Ombudsman notes that, as of January 2025, employees' salaries have increased by approximately 25% following the amendment of Annex no. 3 to Law 270/2018 on the unitary pay system in the budgetary sector. While this is an important step forward, the Ombudsman emphasizes that it only partially meets the recommendations of the SCA and the Venice Commission regarding adequate salary levels. Despite the increase, salaries remain relatively low compared to those of civil servants with similar status in other public institutions.

The Ombudsman notes some significant progress regarding the NHRI's premises. PAO continues to operate in temporary premises, but unlike in 2023, when rental costs were covered by development partners, in 2024 these expenses were financed from the state budget. Steps were also taken in 2024 to renovate the PAO's own premises. The necessary documentation, including budget estimates for renovation, were prepared. Additionally, from 2025 to 2027, funding for the renovation of PAO's own premises will continue under the governmental sub-program 0402, Respect for human rights and freedoms, which allocates resources for renovation. The total estimated renovation cost is approximately €2.5 million and the budget allocations cover these expenses. Currently, while the PAO's own premises undergo renovations, its team operates in temporary premises. This situation affects the institution's efficiency and optimal operation, requiring a swift and sustainable resolution. To address these challenges, the People's Advocate has sent letters to the relevant ministries, and held meetings with representatives of the Ministry of

Finance, the State Chancellery and the Ministry of Justice.

Regarding the recommendation to cancel the provisions limiting the Ombudsman's immunity, the Ombudsman notes that the legal framework remains unchanged. Law 52/2014 on the People’s Advocate (Ombudsman) states that, as a rule, the Ombudsman enjoys immunity and cannot be detained, arrested or searched without parliamentary approval. However, this immunity does not apply in two cases: when caught in flagrante delicto or when accused of specific offenses under the Criminal Code, including money laundering, corruption, abuse of power and illicit enrichment. In these instances, parliamentary approval is not required. As a result, the current legal provisions do not provide the Ombudsman and PAO employees with the necessary and unrestricted immunity.

The Ombudsman welcomes the amendment to Article 69 of Law 3/2016 on the Prosecutor's Office, which removed the People's Advocate from the Superior Council of Prosecutors. This change was also positively received by the GANHRI Sub-Committee on Accreditation during the reaccreditation process in 2023. The PAO plans to further strengthen its independence in 2025. To this end, the possibility of granting PAO employees a broader and more flexible independent status will be explored, as the current legal framework for civil servants, which also applies to PAO, is more restrictive.

In relation to the findings and recommendations made by European institutions in NHRI-related documents and reports, the Ombudsman acknowledges certain legislative and public policy developments that have strengthened the PAO. However, several challenges persist, preventing it from fully fulfilling its institutional mandate and requiring urgent attention.

Regarding the recommendations of the Committee of Ministers of the Council of Europe (Recommendation 2021/1 on NHRIs), the Ombudsman highlights several issues relevant to its activity. The Law 70/2017, which amended Title II of the Constitution of the Republic of Moldova, introduced Article 591, regulating the Ombudsman’s status and role in society. Under this provision, the Ombudsman is appointed by Parliament with a majority vote of elected MPs and can only be removed by a two-third (2/3) of elected MPs, thus providing stronger protection for its mandate.

Although the Ombudsman Institution enjoys autonomy and independence from any public authority, legal entity, regardless of the type of ownership and legal form of organization, or decision-maker at any level, certain risks, such as those related to the PAO’s immunity mentioned above, continue to threaten the inviolability of its mandate. In this context, the Ombudsman will continue to advocate for stronger institutional independence to eliminate risks that could hinder the effective performance of institution’s duties.

A significant challenge for the Ombudsman remains the lack of physical and

informational access to the region on the left bank of the Nistru River (Transnistrian region). This limitation hinders the ability to monitor the situation of fundamental rights and freedoms in a territory controlled by unconstitutional authorities. However, PAO's local representative office in Varnița continues to gather relevant information and document the human rights situation in the region. In this regard, the Ombudsman regularly urges the Government to facilitate human rights monitoring in the region by the PAO. Additionally, in 2023, the Ombudsman sent an official letter to the CoE Commissioner for Human Rights and to the UN Secretary-General, advocating for stronger human rights monitoring mechanisms in the Transnistrian region.

Another major challenge is ensuring sustainable funding to effectively implement the Ombudsman's institutional priorities and activities. According to Law 164/2015 on the approval of the Regulation on the organization and functioning of the People's Advocate Office, the institution has 72 staff positions responsible for providing legal, organizational and technical support. However, only 46 positions are currently filled, meaning just 63% of the total number of positions. This shortage is due to financial constraints, relatively low salaries compared to other public authorities (PAO staff hold civil servant status) and insufficient budgetary allocations.

Furthermore, the Ombudsman notes that one of the recommendations from GANHRI Sub-Committee on Accreditation (SCA) to the PAO refers to the need to advocate for the institutionalization of processes that ensure pluralism and diversity within the institution, including among staff. The SCA also emphasized that pluralism should reflect broader societal representation, considering factors such as ethnicity, minority status and disabilities.

In its operations, the PAO adheres to Law 158/2008 on civil service and status of civil servants, which prohibits discrimination. Thus, PAO promotes an inclusive recruitment process aimed at integrating diverse social groups, including women and men, persons with disabilities, representatives of ethnic, linguistic and religious minorities, people living with HIV and members of the LGBTQI+ community. Currently, the PAO employs 46 staff members, of whom 18 are men and 28 are women.

Additionally, the PAO has developed the Strategic Development Program of the People's Advocate Office for 2023 – 2030 , which incorporates the principles of pluralism, inclusion, gender equality and non-discrimination. In this context, the PAO remains committed to upholding equality, implementing measures to prevent and combat discrimination and adopting affirmative measures to support under-represented groups.

Priority no. 7 of the Strategic Development Program focuses on promoting gender equality in the workplace. The PAO seeks to uphold the right to work and ensure equal treatment in employment by promoting the ratification of the

UN Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, improving legislation and public policies, and facilitating access to employment opportunities for vulnerable groups. Key objectives include creating an accessible work environment, promoting fair and non-discriminatory treatment and the application of international standards by the courts. To achieve these goals, the PAO will collaborate with relevant institutions, such as the State Labor Inspectorate and National Employment Agency, monitor legislative developments and identify strategic violations of the right to work, including cases involving child labour.

Priority no. 8 of the Program focuses on preventing and combating violence against women. The PAO will monitor the implementation of legislation on the prevention of gender-based and domestic violence, in line with the Istanbul Convention standards.

Additionally, both the PAO and the Council for the Prevention of Torture, as part of their torture prevention mandate, address the treatment of women in places of deprivation of liberty, and these issues are also reflected in its reports.

The Ombudsman underscores the importance of adopting a gender-sensitive approach, with the institution's core principles and strategic priorities reinforcing its commitment to gender mainstreaming and an inclusive and equitable perspective across all its intervention areas.

## Regulatory framework

The PAO's operations are regulated by Article 59[1] of the Constitution of the Republic of Moldova, Law 52/2014 on the People's Advocate (Ombudsman), and Law 164/2015 on the approval of the Regulation on the organization and functioning of the People's Advocate Office.

In 2024, Law no. 452 came into force, introducing some legislative amendments, including to Article 25 of Law 52/2014, which regulates the procedural actions of the People's Advocate. This amendment removed the provision in the second paragraph of the aforementioned article that exempted the People's Advocate from paying state fees for legal actions.

On the other hand, the Law 213/2023 on state fees, which took effect on January 1, 2024, states in paragraph 1.5 that the People's Advocate and the People's Advocate for Child Rights are exempt from state fees and stamp duties. Therefore, while Law 452/2024 removed this exemption from Law 52/2014, the exemption is still upheld in a separate provision in the new legal framework.

The People's Advocate notes that its mandate has been strengthened in several areas to ensure greater access to justice for citizens. A major milestone in this effort was the passing of Law no. 1 on February 2, 2023, which

introduced important amendments to Law no. 52/2014 on the People's Advocate (Ombudsman) and Law no. 164/2015 on the approval of the Regulation on the organization and functioning of the People's Advocate Office. These changes improved the complaint submission procedures and expanded the Ombudsman's powers.

Among the most significant improvements is the possibility for the Ombudsman to consider complaints from whistleblowers, contributing to their protection. Additionally, the PAO is now authorized to receive and investigate complaints from legal entities, a positive development following national and international discussions on the need to create a Business Ombudsman role. Another key change is the extension of the time limit for processing complaints from 10 to 15 days, with a further extension of 15 days allowed for complex complaints.

In general terms, in line with Article 25 of Law 52/2014, the Ombudsman has the right to defend in court the interests of individuals whose fundamental rights and freedoms have been violated. The Ombudsman may also initiate legal proceedings in cases of serious or mass violations of human rights and freedoms. Additionally, the Ombudsman is authorized to refer to the Constitutional Court to review the constitutionality of laws and parliamentary decisions, presidential decrees, government decisions and ordinances, and international treaties to which the Republic of Moldova is a party.

To support citizens and facilitate access to justice, the PAO has reception times when people can receive legal advice and guidance or assistance in filing complaints about alleged violations of their rights. People can also seek advice by phone. According to PAO’s data, in 2024, 733 people sought advice via telephone and 492 people visited the PAO’s office in person. Furthermore, the PAO has implemented a system for referral to the State-Guaranteed Legal Aid System to provide free legal assistance to those in need.

The People's Advocate underscores the importance of raising public awareness about the Ombudsman’s work to ensure that citizens are informed of their rights and how to claim them. The institution organizes training sessions and information campaigns on a variety of topics, including whistleblower protection, preventing and combating torture, children's rights, etc.

Each year, the PAO hosts the Human Rights and Equality Forum, providing a platform for debates and exchange of best practices. The PAO is also actively involved in awareness-raising campaigns focused on issues such as torture prevention, protection of Roma communities and the celebration of the Universal Declaration of Human Rights. Additionally, the PAO collaborates closely with civil society organizations, signs partnership agreements and produces informative videos on human rights topics.

## Strengthening the NHRI’s regulatory framework

The People's Advocate emphasizes the need for legislative amendments to further strengthen the mandate of NHRI in the Republic of Moldova. These amendments should aim at:

1. Strengthening the independence safeguards of the Ombudsman and institution’s staff

A key aspect of strengthening the NHRI is ensuring the independence of both the Ombudsman and the institution's staff. The 2023 legislative amendments on the inviolability of the People’s Advocate allow for his/her arrest and search without the consent of the Parliament in cases of flagrante delicto and for specific offenses under the Criminal Code (money laundering, active and passive corruption etc.). In this regard, the Ombudsman advocates for returning to the previous legal provisions, which explicitly required the consent of the Parliament to initiate criminal prosecution or indictment for unlawful actions.

2. Strengthening the National Preventive Mechanism (NPM)

Under Law 52/2014, the NPM members from civil society are currently appointed for a single five-year term, with no option for renewal. This limitation presents several challenges, including: discontinuity in the NPM’s work and loss of expertise; the need for frequent training of new members, which requires additional resources; difficulties in implementing and monitoring long-term strategies. To address these issues, the Ombudsman believes it is necessary to revise the legislative framework to allow the renewal of the mandates of NPM members. This would ensure continuity in the work of the mechanism and enhance the effectiveness of torture prevention efforts.

3. Establishing an independent and effective mechanism to monitor the implementation of the UN Convention on the Rights of Persons with Disabilities (CRPD)

According to Article 33 (2) of the CRPD and the recommendations of the UN Committee on the Rights of Persons with Disabilities, the Republic of Moldova is required to designate an independent monitoring mechanism in line with the Paris Principles. The Ombudsman believes that the PAO is best positioned to fulfil this role for the following reasons: 1) re-accreditation of the PAO with "A" status confirms its independence and capacity to monitor compliance with international standards; and 2) The PAO has extensive experience in protecting the rights of persons with disabilities, including investigating individual complaints, monitoring placement facilities and making recommendations to improve public policies.

In this regard, the Ombudsman will continue to advocate for the establishment of an effective and independent mechanism for monitoring CRPD

implementation. This includes recommending increasing funding to ensure efficient monitoring.

## NHRI enabling and safe space

The Moldovan authorities largely recognize the mandate, independence and role of the People’s Advocate Office. This awareness is due to several factors, including the implementation of national regulations, cooperation between the PAO and public authorities, as well as the outreach efforts and field visits to relevant institutions.

According to Law 52/2014 on the People's Advocate (Ombudsman), the People's Advocate submits an annual report to the Parliament on human rights and freedoms in Moldova. This report presents findings, challenges, progress and recommendations for state institutions to enhance human rights protection. Subsequently, the Parliament adopts a decision with recommendations for the responsible public authorities. To improve the monitoring of these recommendations, the State Chancellery has established a register for monitoring the implementation of recommendations from the Ombudsman's Report on human rights and freedoms for 2023. Hosted on a governmental cloud platform, the register provides direct access to relevant public authorities to report progress on a continuous basis.

The People's Advocate actively participates in meetings and discussions on human rights and freedoms, engaging with public authorities, such as ministries, the General Police Inspectorate, the National Administration of Penitentiaries, and the National Agency for the Prevention and Combating of Violence against Women and Domestic Violence, among others.

Additionally, the People's Advocate Office holds observer status in several specialized commissions of the National Human Rights Council, coordinated by the State Chancellery, the Ministry of Internal Affairs, the Ministry of Education and Research, the Ministry of Labour and Social Protection and the Ministry of Justice. These commissions oversee the implementation of international and regional human rights conventions, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Convention on the Rights of Persons with Disabilities (CRPD), the Convention on the Rights of the Child (CRC), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and other relevant international agreements.

Furthermore, under the current legislation, the People's Advocate has the right to request and receive official information from public authorities, including classified documents with restricted access and state secrets, in accordance with legal provisions. The Ombudsman also highlights that, under the law, failure to comply with Ombudsman’s recommendations carries sanctions. While currently the police are responsible for identifying and investigating such

cases, the PAO recommends that this responsibility should be transferred to the Prosecutor's Office.

In conclusion, the Ombudsman acknowledges progress in inter-institutional cooperation with certain key public authorities. However, some institutions, such as the Ministry of Defence and the Prosecutor General's Office, remain more reserved on specific issues. The Ombudsman also emphasizes the importance of developing the follow-up mechanism for recommendations, including through the digitization of the government platform. However, further improvements to this mechanism are necessary, particularly by enhancing the accountability of authorities and increasing awareness of the importance of implementing the PAO recommendations.

**NHRI’s access to information, law and policy-making**

The People's Advocate highlights that Law 239/2008 on transparency in the decision-making process sets clear provisions for informing the public about the initiation of the decision-making process and consulting stakeholders on draft public policies. The law also guarantees equal opportunities for citizens, associations established under law and other interested parties to participate in the decision-making process.

According to Art. 9 of Law 239/2008, once a public authority begins drafting a decision, it must, within 15 working days, publish an official notice on its website, e-mail it to the interested parties, display it in a publicly accessible location at its premises, and, if necessary, disseminate it through national or local media.

In practice, the People's Advocate Office receives certain public policy drafts directly by e-mail for consultation. Additionally, it monitors the official platform, which is intended for public consultation of normative acts, as well as the websites of public authorities where some drafts are published.

The Ombudsman notes that, in general, most public policy drafts are published for consultation within the legally required timeframes. However, in some cases, certain drafts are unavailable for consultation on authorities' websites, which undermines transparency and restricts access to information for interested parties.

Furthermore, the Ombudsman highlights the importance of adopting Law 148/2023 on access to information of public interest, which aims to ensure transparency in the public sector. The Law regulates provision of information of public interest upon request. Under its provisions, any individual or legal entity has the right to request such information from public authorities, public institutions, state and municipal enterprises.

**NHRI’s resources**

The Ombudsman notes that the NHRI lacks sufficient financial resources to fully execute its mandate. Although the PAO submits annual budget requests to the Ministry of Finance, the medium-term budgetary framework for 2024–2026 does not allocate necessary funding for key activities. These include organizing the National Forum on Human Rights and Equality, the National Children's Forum, the Human Rights Caravan, and events marking the International Family Day and the International Children's Day. Funding is also insufficient to support the Children's Council to the PAO, contract experts to develop studies and thematic reports, or organize round tables, meetings, workshops and press conferences, including through regional representative offices. The lack of allocations also hampers training programs for staff.

These activities are essential to fulfilling the mandate of the People's Advocate. In 2024 most of them were carried out with support from development partners and donors that contributed 22.26% of the PAO's total budget.

Another critical issue is related to human resources and the financing for staff. Only 75% of available positions are financed by the state budget, limiting the institution's capacity to operate effectively.

**Follow-up to NHRI's recommendations**

To enhance the monitoring of recommendations from the People's Advocate and the People's Advocate for Children's Rights included in the Annual report on the observance of human rights and freedoms in the Republic of Moldova in 2023, as well as to implement the Decision no. 195 of April 19, 2024 of the Parliamentary Commission on human rights and interethnic relations, the State Chancellery has established a dedicated Register. This Register, called the Joint Monitoring Matrix was established pursuant to Article 4, letter d) of the Parliament Decision No. 195 of 14 July 2023. The Register is hosted on a government cloud, thus this platform provides access to all relevant public authorities, allowing them to report the progress on each recommendation. The information is updated quarterly by the authorities, by the 15th of the month following the reporting month.

To further facilitate the reporting on the implementation of the recommendations of the People's Advocates, a workshop was organized in 2024 with the participation of the State Chancellery. The event provided an overview of the recommendations and practical guidance on reporting procedures.

The annual report on the observance of human rights and freedoms in the Republic of Moldova for 2023 assesses the extent to which the responsible authorities have implemented PAO's recommendations. In 2022, the overall implementation level was moderate but insufficient to drive significant progress in human rights protection in Moldova. Only 41% of the recommendations of the People's Advocate were fully, partially or in the

process of being implemented, while 59% have remained unaddressed due to inaction or their implementation could not be assessed due to lack of relevant data. The implementation rate for children's rights recommendations was notably higher, with 78% fully or partially implemented, reflecting a stronger commitment in this area. Nevertheless, 22% of the recommendations on children's rights were either not implemented or lacked sufficient data for assessment, highlighting the need for additional measures to ensure their effective implementation.

**NHRI’s leadership and staff immunity**

The Ombudsman notes that, under art. 4 of Law 52/2014 on the People’s Advocate (the Ombudsman), the People’s Advocate and deputies cannot be prosecuted or held liable for opinions expressed or actions taken in compliance with the law. Additionally, according to art. 36 (21) of the same law, the PAO’s staff acting on behalf of the People’s Advocate in the performance of specific duties enjoy the inviolability of the People’s Advocate, which extends to office premises, correspondence and telecommunications used for job purposes. Furthermore, according to the law, the PAO staff cannot be required to provide explanations or statements regarding cases reviewed or under review by the People's Advocate. They also cannot be prosecuted or held accountable for actions or opinions expressed in relation to the performance of their official duties. The PAO’s staff are civil servants, and their work is regulated by Law 158/2008 on the civil service and the status of civil servants. According to art. 59 of this law, civil servants may be subject to disciplinary, civil, administrative or criminal liability for breaches of official duties, violations of conduct standards, poor performance, material damage caused, or offences committed during or in connection with their professional duties.

**Threats to the NHRI**

The Ombudsman notes that, under Law 52/2014 on the People’s Advocate (the Ombudsman), the PAO is an autonomous institution, independent from any public authority, legal entity, regardless of the type of ownership and legal form of organization, and from any decision-maker at all levels. No entity has the authority to request the People’s Advocate to comply with its instructions or directives. Despite the existing legal safeguards, in 2024, the institution faced a threat in the exercise of its mandate. An example is the case documented by the People's Advocate regarding the suspicious suicide of a detainee at a Police Inspectorate’s Preventive Detention Facility on July 13, 2023. Following the monitoring and investigation, the People's Advocate issued a special report outlining serious violations of international standards, particularly the state's failure to guarantee the right to life of individuals in its custody.

The report was forwarded to the relevant authorities for action based on PAO’s

recommendations. In response, the Head of the General Police Inspectorate sent an official letter challenging some of the findings of the report, requesting its revision, and demanding the withdrawal of the related press releases. Also, the Head of the General Police threatened to take legal measures if the Ombudsman did not comply. This was perceived as an attack on the independence of the Ombudsman institution, which holds a constitutional rank. In response, the Ombudsman released a statement and notified several authorities, including the Minister of Internal Affairs, the Prime Minister, the Speaker of Parliament and specialized parliamentary committees, calling for measures to protect the institution's independence and prevent future interference. Following this, both the Secretary of State and the Minister of Internal Affairs engaged in discussions with the heads of police departments to explain the Ombudsman's mandate. The minister later sent a letter to the Ombudsman, assuring that such situations would not happen again. Additionally, the Parliamentary Commission on human rights and interethnic relations and the commission on national security, defence and public order held hearings on the Ombudsman's report.

## NHRI's recommendations to national authorities

**1. Ensure adequate remuneration, comparable to that of similar public institutions, and financing for PAO's own premises.**

While some salary increases have been made, remuneration remains relatively low and hinders institution's ability to attract and retain qualified specialists in human rights and freedoms. Salaries should be adjusted to reflect the complexity and importance of the work performed. Given that progress has been made with the inclusion of funding for the reconstruction of PAO's own premises in the 2025-2027 budgetary framework, it is essential to continue and complete the reconstruction works. A permanent headquarters will provide a stable and accessible space for the entire team and citizens. The Ombudsman also suggests considering granting PAO's employees a more independent, broader and flexible status. The current legal framework for civil servants, which applies to the PAO, is more restrictive.

**2. Strengthen the independence safeguards for the NHRI by revising Law 52/2014 on the People's Advocate (Ombudsman) and reverting to the provisions prior to the 2023 amendments.**

It is essential to revise the 2023 legislative amendments and revert to the provisions that ensured a higher level of institutional independence. The regulatory framework should be updated to protect the functional and decision-making autonomy of the institution, in line with the international standards for national human rights institutions.

**3. Designate and fund an independent monitoring mechanism for the**

**rights of persons with disabilities, in accordance with Article 33(2) of the Convention on the Rights of Persons with Disabilities.**

The National Human Rights Institution should be formally designated as an independent monitoring mechanism for the implementation of the Convention. It should also receive adequate and sustainable funding to effectively carry out its mandate, including for monitoring, reporting and promoting the rights of persons with disabilities.

## Moldova 2025

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

# Human rights defenders and civil society space

## Laws and measures negatively impacting civil society and Human Rights Defenders

Through its human rights monitoring and reporting, the Ombudsman found that some policies and measures adopted by authorities negatively impact the freedom of assembly and expression. In the context of the emergency situation in Moldova, the Commission for Emergency Situations (CES) was established to quickly respond to imminent crises. However, the Ombudsman emphasizes that any restriction on fundamental rights must be temporary and justified.

Through its Decision no. 54 of December 16, 2022, the CES imposed restrictions that affected freedom of expression and the right to property, including the suspension of licenses for certain media outlets. The Ombudsman criticized that this decision was made by CES and not by a court, which undermines the principle of the separation of powers as outlined in Art. 6 of the Constitution. The Ombudsman recommended that authorities explore less intrusive alternative measures and allow suspension decisions to be subject to judicial review, in line with the principles of a fair trial.

Earlier, on October 13, 2022, the CES adopted Decision no. 42, which imposed restrictions on movement and the organization of protests, particularly near public institutions, under the pretext of maintaining public order. The Ombudsman deemed these measures unjustified and disproportionate, as there was no evidence to suggest that peaceful assemblies posed a threat to public order or national security.

**Access to information of public interest and public consultations**

Regarding access to information, Parliament adopted Law 149/2023 on information of public interest . The Ombudsman proposed several improvements, including proposals to make information accessible to linguistic minorities and visually impaired individuals. However, Art. 21 of the law remained unchanged, limiting the communication of information to only the language in which it is available. Additionally, Art. 22 (2) imposes a fee for information requests on paper exceeding 20 pages, which could restrict access for disadvantaged individuals.

The Ombudsman also emphasized the need to exempt the media from paying fees for accessing public information, particularly for journalistic investigations. The PAO argued that the European Court of Human Rights has recognized that information gathering is essential for press freedom and journalists play a critical role as “watchdogs” in a democratic society. Imposing fees for public information that is already funded by public money constitutes an unjustified restriction on access to data of general interest. Therefore, the law should include clear exceptions for the media and civil society organizations.

Furthermore, one of the main challenges to the rule of law in Moldova is the lack of transparency and public participation in the decision-making process on legislative amendments. Despite the reform initiatives, the frequent amendments to legislation create legal uncertainty and undermine the stability of the regulatory framework.

Furthermore, the principle of a human rights-based approach is not always adhered to in legislation drafting and implementation. This lack of coherence can result in the neglect of fundamental safeguards designed to protect citizens' rights, as well as the adoption of measures that might not be fully in line with international standards.

To strengthen the rule of law, it is crucial to ensure a more transparent legislative process, with active involvement of civil society and human rights impact assessments prior to the adoption of any legislative changes.

**NHRI’s support to women and LGBTIQ+ human rights defenders**

With regards to the NHRI providing support to women human rights defenders (WHRDs) and LGBTIQ+ the PAO acknowledges the specific challenges faced by human rights defenders and LGBTQI+ activists and offers support through various mechanisms. The institution can provide advice and guidance for these categories of human rights defenders who face threats and intimidation. Additionally, the PAO monitors and reports on violations of fundamental rights, promoting their protection both domestically and internationally.

Furthermore, the People’s Advocate Office organizes awareness-raising activities and campaigns to educate society about the rights of all groups. These initiatives are usually carried out in partnership with civil society

organizations and government bodies to ensure that every voice is heard and fundamental rights are respected.

The Ombudsman also formulates opinions and recommendations on public policies and measures aimed at improving the protection of fundamental rights. For a better protection of human rights defenders, it is crucial to develop and implement a specialized mechanism to prevent and respond effectively to the threats they face.

In this regard, the PAO developed a concept on the protection of human rights defenders, which was subjected to public consultations in December 2024. This process brought together opinions from international, national and civil society organizations. As a result, the concept was revised and submitted to the Ministry of Justice for review on February 11, 2025. The concept outlines a clear vision for the status of human rights defenders globally, emphasizing the risks and challenges they face, as well as the good practices of states that have made progress in their protection. The primary goal is to encourage the state to officially recognize this group and ensure implementation of effective protection measures.

## Practices negatively impacting civil society and human rights defenders

The Ombudsman expresses deep concern over the deteriorating state of fundamental rights and freedoms, particularly in the Transnistrian region. A major issue remains the so-called "Guretski Law", which violates the right to defence by punishing individuals who seek justice in national or international courts to report abuses committed by unconstitutional authorities in the region. Additionally, a new initiative led by Guretski, the self-proclaimed chief prosecutor of the Transnistrian region, aims to criminalize collection, storage and transmission of personal data or "classified" information to citizens or NGOs.

According to the Annual report on the observance of human rights and freedoms in the Republic of Moldova in 2023, prepared by the PAO, residents of Transnistria face arbitrary arrests and detentions, severe restrictions on freedom of assembly and expression, as well as serious threats to their lives and physical integrity.

The PAO continues to struggle with a lack of direct access to the Transnistrian region, making on-the-ground monitoring difficult. However, the PAO Representative in Varnița works daily to gather information, document human rights violations and support individuals affected by abuses in the region.

Meanwhile, in 2023 and 2024, during local and parliamentary elections and the referendum, multiple smear campaigns and harassment actions, initiated by

certain electoral competitors, targeted pro-European NGOs. Additionally, discriminatory rhetoric, including anti-LGBTIQ+ language, was used in electoral debates and messages.

**Threats and attacks against human rights defenders**

The PAO has reported several cases of threats and intimidation targeting human rights defenders, particularly journalists, who play a vital role in promoting transparency and providing society with accurate information. In the Annual report on the observance of human rights and freedoms in the Republic of Moldova in 2022, the Ombudsman expressed deep concern over the increasing pressure on journalists in the courts, where they are directly intimidated. While adherence to procedural rules is essential for the proper functioning of justice, any attempts to silence or intimidate journalists are unacceptable in a state governed by the rule of law.

A particularly alarming case brought to the Ombudsman's attention involved a journalist from a national television channel who received death threats via social media. This incident underscores the real dangers journalists face while doing their job. The Ombudsman emphasized that press freedom extends beyond the journalists' right to gather and disseminate information of public interest – it also includes their protection from all forms of retaliation.

The Ombudsman emphasizes that the State has the responsibility to protect journalists from attacks, whether they originate from state or non-state actors. As human rights defenders, journalists must be able to work in a safe environment, free from harassment, threats or violence. The Ombudsman stresses the need for effective measures to prevent such attacks and to ensure the security of the media, which is a cornerstone of a democratic society.

Additionally, the Ombudsman notes a growing trend of activists being targeted by fake news, often published on satirical websites and later amplified by media outlets affiliated with political parties, lending false credibility to those fabricated stories. One such example is that of the program director of GenderDoc-M, a non-governmental organization that defends and promotes LGBTIQ+ rights in Moldova, who reported being the target of such a media smear campaign.

Another case occurred on April 13, 2020, when the Ombudsman called for an immediate end to all forms of retaliation against medical workers who had spoken out about the quality and shortage of protective equipment for healthcare professionals. The Ombudsman recommended a quick and thorough investigation into these concerns and urged authorities to take necessary measures to improve the situation. The People's Advocate underscores that, in certain situations, particularly during the pandemic, medical workers should also be recognized as human rights defenders.

**National protection mechanisms for human rights defenders**

The Ombudsman notes that the national regulatory framework lacks a strong foundation for regulating the activities of human rights defenders. However, certain legal provisions exist within the national legislation that relate to the exercise of professional activities and could be linked to the protection of human rights defenders:

1. Law no. 1260 of 19.07.2002 on the legal profession (lawyer practice). Art. 52 (1) “Interference in the exercise of the legal profession is prohibited. The State ensures respect for and protection of freedom in the exercise of the legal profession, without discrimination and without unjustified intervention by its authorities or the public.”; (5) “Insulting, slandering, threatening or committing acts of violence against a lawyer during or in connection with their professional duties shall be punished according to the law.”
2. Press Law no. 243 of 26.10.1994. Art. 20 (3) “The State guarantees the protection of a journalist’s honour and dignity, health, life and property.” Art. 26 (b) “Officials of public authorities shall be held accountable if they apply coercive measures against a journalist to influence the dissemination or withholding of information.”
3. Law no. 264 of 27.10.2005 on the medical profession. Art. 15 (3) "A doctor has the right to protection against interference by individuals and authorities of the public administration in the practice of their profession, except in cases of incompetence or professional negligence."
4. Law no. 64 of 23.04.2010 on freedom of expression. Art. 7(1) "Any person has the right to defend their honour, dignity and professional reputation if harmed by the dissemination of false statements, unfounded value judgments or insults."
5. Law 370/2023 on the rights of the child stipulates that the State recognizes, supports and promotes the concept of children as human rights defenders, ensuring their effective protection in exercising their rights. The Ombudsman considers this a first positive step in advancing the recognition of human rights defenders.

The Ombudsman notes that, under Government Decision 164/2024, the National Program on Ensuring Respect for Human Rights for 2024-2027 was approved. The People's Advocate advocated for the inclusion of actions to develop legislation protecting the rights of human rights defenders - an initiative also supported by civil society. As a result, the Program includes *Specific Objective 1.4. The regulatory framework ensures the security of human rights defenders and journalists, including those in the Transnistrian region*.

To implement this initiative, since 2021 the People's Advocate Office worked on

drafting a concept on human rights defenders and consulted it with civil society, professionals and other stakeholders. On May 12, 2022, the draft was publicly debated with civil society representatives, including organizations such as OSCE Moldova, the Union of Lawyers and other relevant groups. The People's Advocates welcomed the dialogue, and the feedback received during discussions was incorporated into the draft. On December 9, 2024, the PAO organized another round of public consultations on the Concept engaging both public and international authorities and civil society. Following these discussions, the Concept was finalized and submitted to the Ministry of Justice for review on February 11, 2025. After receiving the document, the Ministry of Justice published on its website, on April 17, 2025, an Announcement regarding the initiation of the process of drafting the Law on Human Rights Defenders. As the authority responsible for analysing and amending the legal framework on the protection of human rights defenders, the Ministry, through this announcement, called for the active involvement of all interested stakeholders by submitting proposals in this regard.

**Gender-specific protection mechanisms**

The Ombudsman highlights that the Concept on human rights defenders addresses gender-related issues, including the protection of gender identity. The document explicitly recognizes the need to protect LGBTIQ+ defenders and women human rights defenders, acknowledging that these groups are often subjected to intimidation, threats and defamation campaigns. The Concept also proposes a draft law that can be tailored to the specific realities of the Republic of Moldova. In particular, this draft law would apply to all human rights defenders under the jurisdiction, territory or control of the Republic of Moldova, without discrimination based on sex, race, colour, language, religion or belief, political or other opinions, national, ethnic or social origin, nationality, age, economic status, property, marital status, birth, disability, sexual orientation, gender, identity, sexual characteristics or any other status. Additionally, the proposed law includes the creation of a protection mechanism for human rights defenders. This mechanism would focus on prevention, protection against intimidation or retaliation, investigation and liability for actions taken against defenders.

## Activities of NHRIs to support civil society space and Human Rights Defenders

The Ombudsman emphasizes that promoting human rights is not just a responsibility but a fundamental pillar of a just society. To this end, the institution conducts awareness campaigns, educational sessions and public events to strengthen understanding and respect for these rights. Additionally, it works to enhance human rights protection and promotion in Moldova through national and international partnerships.

In 2024, the People's Advocate Office organized information sessions in key areas, including health, education, access to justice, social protection, torture prevention and children's rights. It also launched initiatives to raise awareness among authorities and citizens about the importance of defending fundamental rights.

This year’s highlights include:

- Presentation of the Survey on Perceptions of Human Rights in Moldova, providing insights into public views on progress and challenges in the field of human rights.
- Thematic report "Exploitation of Child Labor", raising public awareness of challenges and necessary solutions.
- Roundtable on democratic oversight of the security sector, organized in partnership with the OSCE.
- International conference on human rights protection mechanisms, bringing together experts to discuss good practices at the European and global levels.

A significant achievement was the drafting and public consultation of the Concept on human rights defenders, which proposes an adequate legal framework to ensure their protection. Additionally, in collaboration with the UN Human Rights Office and civil society organizations, discussions were launched on monitoring the rights of persons with disabilities under Article 33 of the UN Convention on the Rights of Persons with Disabilities.

The National Forum on Human Rights and Equality 2024, held in celebration of International Human Rights Day, addressed issues such as digitization and its impact on vulnerable groups, the rights of children in alternative care and the protection of persons in state custody. The event also featured the 2024 UN Human Rights Awards recognizing the outstanding contributions of non-governmental organizations in the field.

Throughout the year, the Ombudsman led awareness campaigns, including the Human Rights Caravan, a nationwide initiative organized in partnership with civil society organizations. The institution also took part in international campaigns such as "16 days of activism against gender-based violence" and "I do not apply 166/1", aimed at preventing torture and ill-treatment.

To expand its national impact, the People's Advocate Office signed four collaboration agreements (three with non-commercial organizations and one with a public authority), covering various areas of human rights. These partnerships focus on supporting vulnerable groups, promoting legal education and engaging young people in providing free legal aid. Additionally, efforts were intensified to prevent and combat domestic violence and support victims. Joint initiatives have also been launched to prevent addictions and protect fundamental rights in healthcare.

**NHRI activities to protect human rights defenders and civil society space**

The People's Advocate institution plays a vital role in protecting civil society space and human rights defenders through a range of measures and initiatives aimed at ensuring a safe and supportive environment for their work. Continuous monitoring of fundamental rights remains one of the institution's core activities, with the Ombudsman tracking cases of intimidation, reprisals or restrictions on freedom of expression and association. Based on its findings, the institution issues reports and recommendations to public authorities, advocating for improvements in the legal and institutional framework to better protect human rights defenders. Additionally, the Ombudsman prepares and shares alternative reports on the implementation of international conventions and treaties signed by the Republic of Moldova, such as the 2024 shadow report on the implementation of the UN Convention on the Rights of Persons with Disabilities.

Another key function of the institution is handling complaints from citizens, including those from human rights defenders. Through this mechanism, the Ombudsman investigates cases of pressure or threats and issues recommendations to the relevant authorities for resolution. Furthermore, under Article 22 (b) of Law 165/2023 on whistleblowers, the Ombudsman provides protection for whistleblowers in cases of external or public disclosures of violations of the law. For internal disclosures, the Ombudsman may grant protection only when the violations cause serious or essential harm to individual rights, within the scope of the law. As a whistleblower protection authority, the Ombudsman is responsible for receiving and examining complaints, representing whistleblowers in court, and in cases of public disclosures of violations of the law, the Ombudsman can initiate actions ex officio.

The PAO also provides legal support, either through direct involvement in strategic litigation, particularly in cases concerning systemic issues, or by collaborating with non-governmental organizations that assist defenders in accessing justice. This support is crucial in protecting individuals facing abuses by authorities or other entities. A notable example is the Refugee Advisory Council, which monitors the rights of refugees from Ukraine.

Besides providing legal assistance, the institution is actively engaged in capacity-building for human rights defenders, organizing activities aimed at raising awareness of the rights and available protection mechanisms. A key initiative in this effort is the promotion of an institutionalized protection mechanism for human rights defenders, which includes the designation of a focal point for human rights defenders to ensure greater visibility and recognition of their role within society.

### NHRI engagement with regional and international actors

The Ombudsman actively collaborates with international and regional mechanisms dedicated to protecting human rights defenders and civil society. As a member of the European Network of National Human Rights Institutions (ENNHRI) and the Global Alliance of National Human Rights Institutions (GANHRI), the Ombudsman contributes to the implementation of their action plans, which focus on strengthening protection of human rights defenders and the civic space. In this context, the PAO supports GANHRI's Global Action Plan to support the protection and promotion of human rights defenders and civic space.

The PAO also engages in regional initiatives by working with the OSCE and other European mechanisms. The OSCE has been addressing the protection of human rights defenders since the establishment of the Office for Democratic Institutions and Human Rights (ODIHR). ODIHR has published several reports on this issue and in 2007 designated the NHRIs as focal points for human rights defenders. Additionally, the Ombudsman plays an active role in promoting recommendations from the Council of Europe and the European Union regarding the protection of human rights defenders.  The Council of Europe has adopted a Declaration on human rights defenders, urging member states to improve working conditions for human rights defenders. Key measures include empowering national human rights institutions to receive complaints and make recommendations on violations of their rights. Similarly, the European Union, in its Action Plan on Human Rights and Democracy (2020-2024), prioritizes active support for human rights defenders as a cornerstone of its foreign policy.

Furthermore, the Ombudsman supported the recommendations made by the UN Special Rapporteur on the situation of human rights defenders, including proposals to strengthen national legal framework and enhance protection for human rights defenders (HRDs) at risk. Additionally, the Ombudsman has developed a concept on human rights defenders which was reviewed in three roundtable discussions held in 2021, 2022 and 2024 with the participation of international and national experts, relevant public authorities and civil society. A key aspect of this concept is the need to either draft a law on the protection of HRDs or integrate specific regulations defining HRDs and establishing a protection mechanism.

## NHRI's recommendations to national and regional authorities

To better protect and support civil society and human rights defenders in Moldova, the Ombudsman recommends national authorities to:

1. Establish and implement a clear legislative framework for recognizing and protecting human rights defenders. This framework should include

mechanisms to prevent intimidation, ensure prompt access to justice and impose sanctions for violations of their rights. Additionally, state funding mechanisms should be introduced to support human rights defenders and the media.
2. Develop legislation on human rights defenders through an inclusive consultation process involving the NHRI, international organizations and civil society, to ensure an effective mechanism tailored to national realities.
3. Launch a national information and awareness campaign to combat stigmatization and promote respect for human rights defenders. This campaign should include public debates, production of educational materials, and media events.

To enhance the protection and promotion of civil society and human rights defenders the Ombudsman recommends European actors to:

1. Strengthen the independence of National Human Rights Institutions (NHRIs). The Ombudsman urges the European Union to continue supporting both Member States and candidate countries in ensuring the functional and financial independence of NHRIs. Maintaining their independence is crucial for effectively monitoring fundamental rights, providing objective recommendations to authorities and aligning national legislation with regional and international standards. To this end, technical assistance and financial support are essential to strengthen institutional capacity and protect the Ombudsman's status.
2. Enhance support for civil society. The Ombudsman urges European actors to support civil society organizations engaged in promoting and defending human rights, particularly in light of the suspension of U.S. government funding. Additionally, the Ombudsman recommends establishing mechanisms to monitor the work of human rights defenders and introducing reporting by special rapporteurs.
3. Monitor and support human rights in the Transnistrian region. Given the human rights challenges in the Transnistrian region, the Ombudsman calls on the European Union to intensify its monitoring efforts and support for international human rights mechanisms in this territory controlled by unconstitutional authorities. European actors should take a more active role in fostering dialogue, facilitating access to justice for those whose rights are violated and supporting civil society initiatives that advocate for fundamental rights in such regions.

# Moldova 2025

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

# Functioning of justice systems

Based on its human rights monitoring and reporting, the PAO has identified several significant challenges affecting access to justice and effective judicial protection in Moldova. Despite recent reform efforts, concerns persist regarding the independence and impartiality of the judiciary.

In this regard, on April 4, 2022, the PAO requested assistance from the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) to monitor the new evaluation procedure of candidates to the Superior Council of Magistrates (SCM) and the Superior Council of Prosecutors (SCP) and their specialized bodies. Additionally, the Ombudsman sought a legal opinion on the legislation governing this process. As a result, a report was published containing recommendations for future evaluation procedures of judges and prosecutors. These recommendations concern the membership of the evaluation commission, consultations with civil society on the selection of national members, gender equality criteria for membership of the commission, procedural aspects related to the work of the evaluation commission, information gathering and verification, candidate hearings, evaluation decisions and available appeal mechanisms.

While the election of new members to the Superior Council of Magistrates and the Superior Council of Prosecutors was a step forward, concerns remain regarding the external influences on the judiciary. The lack of transparency in selection and appointment of judges undermines public trust in the judicial system.

Another major concern is the excessive length of judicial proceedings. The European Commission's report released on November 8, 2023 highlighted that delays in case resolution, low case completion rates and high backlogs of unresolved cases significantly undermined the efficiency of the judicial system. These challenges still persist. Access to legal aid remains limited, particularly for vulnerable groups. Increased court fees, such as stamp duties, create financial barriers that hinder citizens from defending their rights in court. The Ombudsman has emphasized the need for measures to ensure the proportionality of these fees and to allow exemptions for individuals facing financial difficulties. As a result, on September 26, 2024, the Constitutional Court declared unconstitutional Article 2 (2) of the Law 213/2023 on state fee and Article 84 (4) of the Civil Procedure Code. The challenged regulations prohibited the exemption, postponement or instalment payment of stamp duties, as well as the compensation by the losing party in a lawsuit. In his *Amicus Curiae* opinion, the Ombudsman argued that there should be mechanisms for exemption, postponement or instalment payment of stamp duties, particularly for vulnerable groups, to ensure effective access to justice for those groups.

Regarding professionalism, specialization and training of judges, data reveal a significant imbalance between the number of judges and prosecutors. Moldova has 17 judges per 100,000 citizens, which is below the European average of 22.2, while the number of prosecutors is double the European average. This affects the balance in the justice system.

The enforcement of court judgments remains a critical issue. Delays in implementing judicial decisions cause mistrust in the judiciary, and complaints submitted to the Ombudsman indicate significant challenges in enforcement of judgments, including in cases involving payment of damages or restoration of violated rights. The lack of or delayed publication of court rulings affects transparency and restricts public access to essential legal information.

The right to a fair trial is also a major concern, as reflected in the 2023 Survey on Perceptions of Human Rights in Moldova, released by PAO. According to the study, only 40.6% of respondents believe that the right to a fair trial is upheld, while 43.6% think that it is not.

**Gender-specific issues**

The Ombudsman has identified significant challenges in ensuring access to justice for women and marginalized gender groups. According to the 2023 Survey on Perceptions of Human Rights in Moldova, conducted by the PAO, only 41.9% of respondents believe that women's right to a fair trial is upheld. This represents a slight decrease from 43.5% in 2020. However, compared to previous years, the situation has improved - in 2016, only 22.7% of respondents believed that women's right to a fair trial was guaranteed, with the percentage rising to 29.4% in 2018. Thus, in the long term, the public perception regarding the protection of women’s right to a fair trial has shown a positive trend.

In contrast, the rights of vulnerable groups such as the Roma community, religious minorities and LGBTIQ+ people are the most poorly ensured, with only 33.2% of respondents believing that these groups receive a fair trial. These findings underscore the need for further measures to eliminate systemic barriers and ensure equal access to justice for all social groups.

According to the 2023 General Report on the prevention and combating of discrimination in the Republic of Moldova, published by the Equality Council, 13.79% of the Council’s decisions found discrimination based on sexual orientation, making it the second most common basis for discrimination after language. Additionally, 10.34% of the Council's decisions identified cases of discrimination based on sex, gender and maternity in the field of employment.

The People's Advocate reports that women and individuals from gender groups in Moldova face multiple barriers to accessing justice, caused by systemic discrimination, social stereotypes and lack of effective protection mechanisms.

Women, particularly victims of domestic violence, struggle to obtain protective measures and timely responses from authorities, while stigmatization discourages them from reporting abuse. Similarly, LGBTIQ+ individuals face prejudice in the legal system, lack of legal recognition of their identity and fear of reprisals or forced outing, which discourage them from claiming their rights in court. These obstacles contribute to persistent inequalities and erode trust in legal institutions.

**Implementation by state authorities of European Courts' judgments**

The Ombudsman notes that, in relation to the implementation of judgments of the European Court of Human Rights (ECtHR), progress is being made at the state level, particularly regarding the strengthening of institutional mechanisms needed to monitor this process. Under the Council of Europe Action Plan for the Republic of Moldova 2021-2024, significant progress has been made in enhancing the institutional capacity of the Office of the Government Agent. These improvements were possible due to the establishment of the Advisory Council to the Government Agent, created under the Government Decision 353/2016, and the approval of changes to the Council's membership in its regulation in October 2023. The Council now includes representatives from public authorities, academia and civil society, including the People's Advocate Office, with the primary goal to ensure effective representation of the Republic of Moldova before the ECtHR and to oversee the implementation of judgments against the state.

Despite this progress, as of March 2024, 163 Moldovan cases remain under the supervision of the Committee of Ministers of the Council of Europe, with 27% of the ECtHR judgments against the Republic of Moldova not enforced yet. This reality underscores the need for substantial reforms within the justice system to ensure protection of fundamental rights and effective enforcement of the European Court's judgments.

In this context, the Council of Europe's Action Plan for the Republic of Moldova 2025-2028 sets out strategic objectives to improve the enforcement of ECtHR judgments and strengthen the capacity of the Office of the Government Agent. Key priorities include improving national legislation, policies and practices to ensure more effective implementation of the European Convention. The plan also aims to bolster the capacity of judicial authorities, prosecutorial bodies and law enforcement agencies to consistently apply European human rights standards. Another major objective is to strengthen the institutional capacity of the PAO to better protect citizens' rights and effectively address human rights violations.

**NHRI activities to support implementation of the European Courts' judgments**

The People's Advocate Office carries out various activities to support the

implementation of the ECtHR judgments at the national level, thereby contributing to aligning the legal and institutional framework with European human rights standards.

In this regard, the Ombudsman actively participates in the monitoring and implementation of ECtHR judgments, including through Rule 9 submissions to the Council of Europe's Committee of Ministers. These submissions highlight challenges and gaps in the enforcement of the European Court's judgments, while providing recommendations to improve the regulatory framework and implementing measures. For instance, in cooperation with civil society organizations, the People's Advocate Office made a joint submission with Promo-LEX and the European Prison Litigation Network to address access to healthcare in prisons and safeguard the rights of persons deprived of their liberty, in particular concerning the group of cases COSOVAN v. Republic of Moldova, which are under the supervision of the Committee of Ministers. This initiative prompted the Committee to call on national authorities to implement urgent measures to ensure access to adequate medical treatment within the prison system.

The Ombudsman consistently integrates ECtHR case law into its annual reports and recommendations to national authorities, actively contributing to the strengthening of mechanisms to prevent and combat torture, protect the right to a fair trial and improve detention conditions. The institution is also directly involved in promoting ECtHR judgments by submitting *Amicus Curiae* opinions, making referrals to the Constitutional Court, and drafting and arguing opinions on public policies related to human rights and fundamental freedoms. In 2023, the People's Advocate referred three cases to the Constitutional Court and submitted eight *Amicus Curiae* opinions, one of which was formulated by the People's Advocate for Children's Rights. Additionally, the institution prepared 60 opinions on draft legislation, containing a total of 228 recommendations to ensure compliance with international human rights standards.

Regarding cooperation with national authorities responsible for implementing ECtHR judgments, the People's Advocate is a member of the Advisory Council to the Government Agent. The Council's meetings focus on substantive and procedural aspects related to the reopening of national proceedings and criminal investigations following the Court's rulings. The PAO also participates in discussions on the advanced and standard supervision procedure applied to Moldovan cases, facilitating exchanges of views on individual and general measures necessary to be taken at national level to ensure full and timely enforcement of the Court's judgments.

In addition to these activities, the People's Advocate engages in efforts to inform the public about ECtHR judgments and their impact on national legislation and policies. By organizing events, publishing reactions and releasing special/thematic reports, as well as collaborating with the media, the

institution contributes to raising public awareness about fundamental rights and the state's obligations in executing the judgments of the European Court. Furthermore, through legal education activities, the People's Advocate promotes training for professionals in the application of the European Convention on Human Rights and ECtHR jurisprudence in the national justice system.

In 2025, the PAO plans to intensify its efforts in implementing ECtHR judgments. A key objective is to strengthen PAO's capacity to submit *Amicus Curiae* opinions directly to the ECtHR in relevant cases against the Republic of Moldova. This initiative is part of the Council of Europe project "Support to the People's Advocate Office in the Protection of Human Rights in the Republic of Moldova – Phase I", a two-year programme exclusively dedicated to the PAO.

**Follow-up on the recommendations concerning justice systems, issued by European actors**

The Republic of Moldova has implemented several measures to address recommendations on the justice system from European institutions, including the European Commission, the Council of Europe and the OSCE.

In line with the 2024 EU Rule of Law Report and the European Commission's Enlargement Package, Moldova has made progress in reforming its judiciary, particularly in the context of its European Union accession efforts. The European Commission has recognized that the country has reached a certain level of preparedness in the justice sector and has achieved notable progress in the extraordinary evaluation of judges and prosecutors. However, challenges persist, including lengthy judicial proceedings, low case resolution rates and a significant case backlog, all of which impact the efficiency of the judiciary.

The Council of Europe has also supported Moldovan authorities in strengthening mechanisms for implementing judgments of the European Court of Human Rights. An example is the establishment and reinforcement of the Advisory Council to the Government Agent, which is responsible for monitoring the enforcement of ECtHR rulings.

Additionally, Moldova's judicial reform has been supported through the adoption of key legislation, including the Law on the Supreme Court of Justice, the Law on external evaluation of judges, and amendments to the Criminal Procedure Code and the Contraventional Code. These reforms aim to improve the selection and evaluation of judges, combat corruption and ensure a more efficient judiciary.

The PAO also played an active role in assessing the implementation of judicial reforms, identifying systemic issues and providing recommendations to authorities. The Ombudsman institution emphasized that while these reforms are crucial, public perception of improvements in the justice system remains

limited due to lack of transparency and delays in implementation.

Regarding the OSCE/ODIHR recommendations, they underscored the need to enhance transparency in decision-making and ensure greater involvement of civil society organizations in monitoring the judiciary. The OSCE also recommends clarifying the regulatory framework to eliminate ambiguities in interpretation for all stakeholders, including judges, prosecutors and the final beneficiaries of justice.

In conclusion, Moldova has made progress in aligning its justice system with European standards. However, further measures are needed to improve judicial efficiency, increase transparency in decision-making and ensure the effective implementation of reforms.

## NHRI's recommendations to national and regional authorities

To improve the independence, quality and efficiency of the justice system in Moldova, the Ombudsman recommends:

1. Strengthening judicial independence - Ensuring a transparent and objective evaluation of judges and prosecutors is essential, along with safeguarding judicial institutions from political influence. The selection and promotion of judges must be based solely on merit and integrity, in line with European standards.
2. Enhancing court efficiency and reducing trial duration – Judicial procedures should be optimized and the backlog of unresolved cases reduced through digitalization, regulatory simplification and the allocation of adequate resources. Greater transparency and efficiency in the administration of justice will help increase public trust in the judiciary.
3. Enforcing ECtHR judgments and aligning national legislation with European standards – National authorities must continue to improve mechanisms for supervising and implementing the judgments of the European Court of Human Rights in order to ensure their full and timely execution.

# Moldova 2025

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

# Media freedom, pluralism and safety of

# journalists

The Ombudsman highlights several significant challenges to media freedom in Moldova, impacting independence, pluralism and access to information.

One major concern is the decline in media pluralism, driven by the concentration of media ownership, which limits the diversity of opinions and public access to objective information. This issue has been highlighted in the context of the regulation of the audiovisual space and efforts to combat propaganda and disinformation, which have raised concerns about fair access to the media market for all independent voices.

Another challenge is the limited access to information of public interest. The PAO participated in public consultations on the new law on access to information of public interest, advocating for amendments to restrictive provisions. A concern is the language barriers faced by national minorities, who are unable to request information in their native language. Additionally, the accessibility of information for individuals with hearing and vision impairments remains inadequate. Under the new law, information is not adapted to the needs and is provided only in the available format and language.

Furthermore, disinformation and information manipulation continue to pose serious threats, particularly in the current regional geopolitical context. The Ombudsman condemned the use of disinformation as a tool to influence public opinion, emphasizing the risks it poses to national security and stability.

**Follow-up on the recommendations concerning media freedom, issued by European actors**

The Ombudsman notes that several amendments to the Audiovisual Media Services Code came into effect in September 2023. One of the most significant changes is the redefinition of “disinformation”, which now refers to the intentional dissemination of false or misleading information that can be verified and can impact national security. Under the new provisions, TV stations and other media outlets that repeatedly broadcast such content may face sanctions, including the suspension of their broadcasting license for a up to seven days or even the revocation of their right to use the national multiplex.

Another important change is the reduction of the threshold at which a TV station can be considered to have a dominant influence on public opinion. Previously, this threshold was set at 35% of the audience, but it has now been lowered to 25%. This change aims to prevent excessive concentration of media influence in the hands of a small number of providers and to promote the diversity of information available to the public.

The law also establishes new regulations for media service providers regarding

the broadcasting of programs that could impact the development of minors. Such content must now be aired only during designated time slots, with access restricted through a parental control system.

Additionally, to improve viewer experience, the law introduces the requirement for equalizing volume levels of commercials and regular programs. This means that media providers are no longer allowed to increase the volume during commercials, a practice that was common earlier and disturbing for audience.

The law also clarifies the incompatibilities of Audiovisual Council membership, specifying that its members cannot hold this position while engaging in other public or private activities, except for teaching, scientific or research work, as long as these do not create conflicts of interest. Furthermore, the Audiovisual Council is required to publish all its decisions on its official website. Decisions related to broadcasting licenses and regulatory measures must also be published in the Official Gazette (Monitorul Oficial).

The Ombudsman highlights a significant step towards the diversification of the Transnistrian media landscape with the introduction of Moldova 1 and WeSport channels in the basic packages in the Transnistrian region, as they are the most financially accessible options. This marks a first for local citizens, as no Romanian-language TV channel officially broadcast by the Republic of Moldova was previously available in the region. This measure enhances media pluralism, providing citizens greater access to diverse information sources and promoting a more inclusive media environment.

## NHRI’s recommendations to national and regional authorities

To safeguard media independence, the Ombudsman recommends:

1. Adopting proportionate measures against disinformation while respecting human rights

   In the fight against propaganda and disinformation, any restrictive measures must be proportionate and aligned with human rights principles, particularly freedom of expression. Restrictions on media content must be clearly justified, transparent and subject to rigorous legal scrutiny to avoid arbitrary censorship. Additionally, it is essential to promote media literacy and critical thinking to help citizens identify sources of misinformation.

2. Ensuring fair access to information and supporting investigative journalism

   To protect media freedom, national authorities must guarantee free and

fair access to public information for journalists and provide support for investigative journalism. Safeguards for journalists facing risks, such as harassment or political pressure, must be strengthened and authorities must act swiftly against any threats to media independence.

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