
1389th meeting, 25 November 2020

2 Current political questions

2.3 Activities for the development and consolidation of democratic stability

Council of Europe Action Plan for the Republic of Moldova 2021-2024

EXECUTIVE SUMMARY

The Council of Europe Action Plan for the Republic of Moldova 2021-2024 is a strategic programming instrument that aims to bring the Republic of Moldova's legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy. The Action Plan is intended to support the country's efforts to honour its obligations as a Council of Europe member State.

The Action Plan priorities take into account decisions, resolutions, recommendations, report conclusions and opinions issued by the Committee of Ministers of the Council of Europe (CM), the Parliamentary Assembly of the Council of Europe (PACE), the Congress of Local and Regional Authorities of the Council of Europe (the Congress), the Commissioner for Human Rights of the Council of Europe (the Commissioner), the European Commission for Democracy through Law (Venice Commission) and other advisory and monitoring bodies of the Organisation. They also take account of the national reform agenda, in particular the National Development Strategy (Moldova 2030), the Strategy on Ensuring Independence and Integrity of the Justice Sector (2021- 2024) and its Action Plan as well as the National Human Rights Action Plan.

Under this Action Plan, the Council of Europe and the Moldovan authorities have agreed to carry forward jointly, through co-operation projects, reforms initiated in the past in areas such as the implementation of the European Convention on Human Rights (ECHR) and the European Court of Human Rights' (ECtHR) case law at national level, aligning national legislation and practice concerning anti-discrimination and gender equality with European standards, strengthening the national child protection framework to combat sexual exploitation and abuse of children, enhancing the independence and accountability of the judicial system, improving electoral legislation and practice, reforming the prison system and promoting alternatives to detention, advancing the compliance of national practices with European standards in the field of media and Internet governance, enhancing data protection in the country, developing the capacity of law enforcement and other agencies to respond to corruption and money laundering and increasing dialogue and building confidence between both banks of the Nistru river.

New areas of co-operation identified in the Action Plan include legal aid, mediation and reconciliation in criminal matters, fighting drug abuse and illicit trafficking in drugs, protection of human rights in the health sector and addressing new challenges linked to the COVID-19 pandemic and its socio-economic impact, particularly on social rights. In addition, the Council of Europe and Moldovan authorities plan to intensify efforts to counter trafficking in human beings, prevent and combat violence against women and enhance local self-government.

¹ This document has been classified restricted until examination by the Committee of Ministers.

This is the third Council of Europe Action Plan for the country. The previous ones covered the periods 2013-2016 and 2017-2020. Despite several changes of government, the Moldovan authorities reiterated their requests for support from the Council of Europe. The Action Plan for the Republic of Moldova 2017-2020 embodied a solid list of achievements, including the consolidation of the institution of the People's Advocate (Ombudsperson), improved conditions for combating discrimination and promoting equality as a result of the strengthened capacity of the Council on the Prevention and Elimination of Discrimination and Ensuring Equality (Equality Council) to deliver its mandate in line with European standards, and the enhanced professional and operational capacity of the electoral administration to conduct elections.

Despite indisputable progress, significant challenges remain in terms of effectively implementing the democratic reforms, in particular in the field of justice.

The Action Plan aims to support the Republic of Moldova in its efforts to implement the United Nations Sustainable Development Goals (SDGs) of the UN 2030 Agenda for Sustainable Development, notably Goals 3 – on good health and well-being, 4 - on quality education; 5 - on gender equality; 10 - on reduced inequalities; 11 - on sustainable cities and communities; and 16 - on peace, justice and strong institutions.

The overall budget of this Action Plan is estimated at €13.7 million. While funding in the amount of €2.6 million has been secured, additional funding is essential to fully implement the priority actions identified for 2021-2024.

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LIST OF ACRONYMS AND ABBREVIATIONS

AA	Association Agreement between the European Union and the Republic of Moldova
ACFC	Advisory Committee on the Framework Convention for the Protection of National Minorities
Action Plan	Council of Europe Action Plan for the Republic of Moldova 2021-2024
AML/CFT	Anti-Money Laundering/Countering Financing of Terrorism
ARO	Asset Recovery Office
ATU	Autonomous Territorial Unit
CALM	Congress of Local Authorities from Moldova
CBM	Confidence Building Measures
CCET	Centre for Continuous Electoral Training
CCJE	Consultative Council of European Judges
CCPE	Consultative Council of European Prosecutors
CEB	Council of Europe Development Bank
CEC	Central Election Commission
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
Congress	Council of Europe Congress of Local and Regional Authorities
CPT	European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
CSO	Civil society organisation
DCFTA	Deep and Comprehensive Free Trade Area
DNFBPs	Designated Non-Financial Business and Professions
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
EDC/HRE	Education for Democratic Citizenship and Human Rights Education
Equality Council	Council for the Prevention and Elimination of Discrimination and Ensuring Equality
EQUINET	European Network of Equality Bodies
ESC	European Social Charter
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
GR-DEM	Rapporteur Group on Democracy
GRECO	Group of States Against Corruption
GRETA	Council of Europe's Group of Experts on Action against Trafficking in Human Beings
GREVIO	Group of Experts on Action against Violence against Women and Domestic Violence
HIV	Human immunodeficiency virus
Istanbul Convention	Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

Lanzarote Committee	Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
Lanzarote Convention	Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse
LGBTI	Lesbian, gay, bisexual, transgender and intersex
MoJ	Ministry of Justice
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NAP	National Administration of the Penitentiaries
NCPDP	National Centre for Personal Data Protection
NIA	National Integrity Authority
NIJ	National Institute of Justice
NIP	National Probation Inspectorate
NPM	National Preventive Mechanism
ODGP	Office of the Directorate General of Programmes of the Council of Europe
Ombudsperson	The People's Advocate
OSCE/ODIHR	Organisation for Security and Co-operation in Europe/Office for Democratic Institutions and Human Rights
Oviedo Convention	Convention on Human Rights and Biomedicine
PACE	Parliamentary Assembly of the Council of Europe
PGG	European Union/Council of Europe Joint Programme "Partnership for Good Governance"
PMM	Council of Europe Project Management Methodology
Pompidou Group	Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs
RFCDG	Reference Framework of Competences for a Democratic Culture
SCJ	Supreme Court of Justice
SCM	Superior Council of Magistracy
SCP	Superior Council of Prosecutors
SDG	United Nations Sustainable Development Goals
SDGs	United Nations Sustainable Development Goals
SOP	Standard Operating Procedure
The Commissioner	Council of Europe Commissioner for Human Rights
UN	United Nations
UN Human Rights	Office of the United Nations High Commissioner for Human Rights
UNDP	United Nations Development Programme
URSO	Useful, Relevant, Sustainable, Owned (Council of Europe methodology for electoral co-operation)
USAID	United States Agency for International Development
VC	Voluntary contribution
Venice Commission	European Commission for Democracy through Law

PART I - INTRODUCTION

1.1 GENERAL OVERVIEW

1.1.1 The Republic of Moldova and the Council of Europe

The Republic of Moldova became the 36th member State of the Council of Europe on 13 July 1995. It accordingly entered into, and agreed to honour, a number of specific commitments which are listed in Parliamentary Assembly Opinion 188 (1995) on the application by the Republic of Moldova for membership of the Council of Europe.

The Republic of Moldova accepted the obligations incumbent on all member States under Article 3 of the Statute:² compliance with the principles of pluralist democracy and the rule of law as well as respect for the human rights and fundamental freedoms of all persons placed under its jurisdiction.

To date the country has signed and ratified 94 treaties of the Council of Europe and is subject to a number of Council of Europe mechanisms, including those of the European Court of Human Rights (ECtHR), the Committee of Ministers (CM), the Parliamentary Assembly (PACE), the Commissioner for Human Rights of the Council of Europe (the Commissioner), the European Commission for Democracy through Law (Venice Commission), the European Commission against Racism and Intolerance (ECRI), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Group of States Against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), the Group of Experts against Trafficking in Human Beings (GRETA), the European Committee of Social Rights (ECSR), the Committee of Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee), the Advisory Committee on the Framework Convention for the Protection of Minorities (ACFC) and the Congress of Local and Regional Authorities (the Congress).

The Republic of Moldova has benefited from co-operation programmes of the Council of Europe since 2006. The two previous Action Plans, which aimed at supporting democratic reforms in the Republic of Moldova, provided a more strategic framework for co-operation with the Council of Europe. Past programmes backed by the European Union (EU) aimed to fight corruption, money laundering and terrorism financing and to promote the independence, transparency and efficiency of the justice system, and to combat discrimination and enhance equality. Similarly, voluntary contributions by Council of Europe member States have made it possible to implement projects in the areas of anti-discrimination, children's rights, reform of the prison system and probation, media freedom and pluralism, reform of the electoral system, education for human rights and democratic citizenship, and confidence-building measures (CBM) on both sides of the river Nistru.

The Republic of Moldova has been a member of the Council of Europe Development Bank (CEB) since 1998. The CEB has played an active role in the Republic of Moldova, in particular by partly funding the construction of a new correctional facility and by upgrading the ambulance fleet of the National Centre for Pre-Hospital Emergency Care. More recently, the Bank has part financed a project to mitigate the spread and consequences of COVID-19. In addition, the CEB has part financed projects aiming at facilitating access to credit by small and medium-sized enterprises with a view to supporting the creation and preservation of viable jobs.

The Association Agreement between the European Union and the Republic of Moldova (AA), which came fully into force on 1 July 2016, and the Deep and Comprehensive Free Trade Agreement (DCFTA), were taken into account when preparing this Action Plan. In particular, the Action Plan includes assistance in the areas of reform covered by the AA, including in fields such as the judiciary and specialised anti-corruption institutions, gender equality, and media freedom and pluralism.

1.1.2 Added value of the technical assistance programmes of the Council of Europe

Council of Europe technical assistance programmes form an integral part of the unique strategic triangle of standard setting, monitoring and co-operation: the development of legally binding standards is linked to their monitoring by independent mechanisms and supplemented by technical co-operation to facilitate their implementation. The Organisation's actions are developed and implemented in areas where the Council of Europe has strong expertise and added value.

² Council of Europe constitutional document <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680306052>

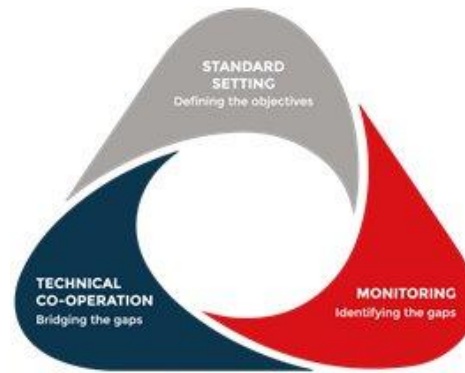


Figure 1: Council of Europe strategic triangle

1.1.3 Main findings of monitoring mechanisms and expert advisory bodies

This Action Plan is based, to a large extent, on the most recent recommendations, resolutions and findings of the Council of Europe's monitoring and expert advisory bodies in respect of the country, notably: the Committee of Ministers (CM), the Parliamentary Assembly (PACE), the Congress of Local and Regional Authorities (the Congress), the Commissioner for Human Rights of the Council of Europe (the Commissioner), the European Commission for Democracy through Law (Venice Commission) and other advisory and monitoring bodies of the Organisation including the European Commission against Racism and Intolerance (ECRI), the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the Group of States Against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), the European Committee of Social Rights (ECSR), the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), the Group of Experts on the Action against Violence against Women and Domestic Violence (GREVIO), the Committee of the Parties to the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Committee) and the Group of Experts on Action against Trafficking in Human Beings (GRETA). The Action Plan reflects the priorities of the reforms undertaken in the country, particularly those identified in the National Development Strategy (Moldova 2030), the Strategy on Ensuring Independence and Integrity of the Justice Sector (2021-2024), the National Human Rights Action Plan, the National Strategy and Action Plan for ensuring Equality between men and women (2017-2021), the National Strategy on prevention and combating violence against women and domestic violence for 2018-2023, the National Strategy for Preventing and Combating Trafficking in Human Beings (2018-2023), the National Strategy for the Protection and Promotion of Children's Rights (2014-2020), the Action Plan on Promoting the Safety of Children and Adolescents on the Internet (2017-2020), the National Information Security Strategy (2019-2024) and the National Integrity and Anti-Corruption Strategy (2017-2020). The Action Plan takes into account the results of the previous Council of Europe Action Plan for the Republic of Moldova (2017-2020).

In developing the Action Plan and designing technical co-operation support for reforms, the gaps identified by the following Council of Europe institutions, monitoring mechanisms and expert advisory bodies have been taken into account:

Protecting and promoting human rights, ensuring social rights:

- European Court of Human Rights (ECtHR) case law in particular on ill-treatment and torture, death of a person during a police operation, poor conditions in detention facilities and various breaches to the right to liberty and security;
- PACE Resolution 2308(2019) on the Functioning of Democratic Institutions in the Republic of Moldova;
- ECRI Report (2018) 34 of June 2018 on improving legislation against hate speech, reinforcing the capacity of the Equality Council and of the Ombudsperson to fulfil their mandate relating to discrimination, improving the disaggregated data collection system on hate crime and hate speech cases, strengthening the capacity of law enforcement agencies to tackle hate crime and hate speech, and measures to strengthen the integration of national minorities and to develop a comprehensive strategy to prevent and combat hate speech and an action plan to protect lesbian, gay, bisexual, transgender and intersex (LGBTI) persons;
- Fourth Opinion of the ACFC on the implementation of the Framework Convention for the Protection of National Minorities (FCNM) by the Republic of Moldova;

- GRETA Recommendation CP(2012)6 on identification, assistance and support to victims of trafficking;
- ECSR conclusions relating to the implementation of the accepted provisions of the European Social Charter (ESC), highlighting shortcomings in the legal framework and its practical implementation;
- CM Recommendation CM/Rec(2018)7 to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment.

Ensuring justice, strengthening the rule of law and countering threats to the rule of law:

- Venice Commission opinions: No. 916/2018 on the law amending and supplementing the Constitution; No. 917/2018 on constitutional modifications with regard to the freedom of association; No. 936/2018 on the law on preventing and combating terrorism; No. 972/2019 on the legislation in relation to prosecution; No. 976/2019 on constitutional court judges;
- Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe No. 983/2020 on the Draft Law on amending and supplementing the Constitution with respect to the Superior Council of Magistracy;
- CM Recommendation CM/Rec(2010)12 to Member States on independence, efficiency and responsibilities of judges;
- Statement by the Council of Europe Secretary General on judicial reform in the Republic of Moldova made on 22 January 2020;
- Report of the Commissioner following the visit from 9 to 13 March 2020;
- Questionnaire on the role of Court Presidents, including in the Republic of Moldova, as a basis for the CCJE Opinion No. 19 of 2016;
- CCPE Opinion No.9 (2014) on European norms and principles concerning prosecutors;
- CPT report CPT/Inf (2018) 49, regarding the visit from 5 to 11 June 2018;
- GRECO's first (GrecoRC4(2018)10) and second (GrecoRC4(2020)9) compliance reports on the prevention of corruption in respect of members of parliament, judges and prosecutors;
- MONEYVAL's Fifth Round Mutual Evaluation Report (2019)6 on the level of implementation in practice of legislation to combat money laundering and the financing of terrorism;
- Recommendations of the Lanzarote Committee from its 2nd implementation report on the protection of children against sexual abuse in the circle of trust;
- CM Recommendation CM/Rec(2018)1 to member States on media pluralism and transparency of media ownership;
- Conference of the Parties to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, 2nd activity report 2015-2017;
- Co-operation group to combat drug abuse and illicit trafficking in drugs (Pompidou Group), publication on Drug-Treatment in Prisons in Eastern and South-East Europe.

Strengthening democratic governance and promoting participation and diversity:

- Joint Opinion of the Venice Commission and the Organisation for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) No. 907/2017 on the law for amending and completing certain legislative acts (electoral system for the election of Parliament);
- Election Observation Mission Statement of preliminary findings and conclusions and final report on the parliamentary elections of 24 February 2019;
- Congress Recommendation 451 (2020) on local elections in the Republic of Moldova (20 October 2020) and Recommendation 436 (2019);
- CM Recommendation CM/Rec(2018)4 to member States on the participation of citizens in local public life.

Furthermore, relevant Council of Europe conventions and other instruments of the Organisation, such as the Charter on Education for Democratic Citizenship and Human Rights Education, have been used as a basis for actions included in this document.

MAIN RESULTS OF THE COUNCIL OF EUROPE ACTION PLAN FOR THE REPUBLIC OF MOLDOVA 2017-2020

This Action Plan builds on achievements of the previous Action Plan including (non exhaustive list):

- Amendments to the laws on the judicial system, the status of judges and their disciplinary liability aimed at enhancing judicial independence;
- Introduction of procedural guarantees required under the European Convention on Human Rights (ECHR) and the ECtHR case law regarding criminal procedures in the Law to amend the Criminal Procedure Code;
- Adoption of the National Human Rights Action Plan 2018-2022;
- Establishment of the Ombudsperson institution in the Constitution and adoption of the Ombudsperson's Office Action and Capacity Development Plan;
- Re-establishment of the National Mechanism for the Prevention of Torture (NPM) in connection with the new Law on the People's Advocate of 2014, adoption of the NPM's internal regulatory framework and enhancement of its monitoring capacities;
- Endorsement by the National Administration of the Penitentiaries (NAP) of the Council of Europe's recommendations on ensuring better treatment and resocialisation of inmates;
- Adoption by the Equality Council of its Code of ethics, effective implementation of its communication strategy and increased visibility;
- Adoption of the Audiovisual Media Service Code along with the Media Development Strategy 2018-2025 further aligned with European standards;
- Adoption of the Law on Prevention and Combating of Money Laundering and Terrorist Financing further aligned with international standards;
- Enhanced operational capacity of the National Integrity Authority (NIA) to efficiently fulfil its mandate following the adoption of its Standard Operating Procedures (SOPs) and of the Asset Recovery Office (ARO);
- Adoption of a reviewed package of laws pertaining to election funding, an amended Electoral Code introducing the monitoring of gender balance in electoral campaigns and a 40% gender quota on electoral lists;
- Enhanced professional and operational capacity of the electoral administration to conduct elections under the new electoral system and of domestic observers to monitor and report on electoral processes;
- Strengthened institutional capacity by the Central Election Commission (CEC) of the Autonomous Territorial Unit (ATU) of Gagauzia to conduct elections following the development of its strategic plan.

CONSULTATION PROCESS

On 5 February 2020, the Committee of Ministers (CM) took note of the progress report³ on the implementation of the Action Plan 2017-2020, and instructed the Secretariat to continue implementing the Action Plan.

This Action Plan has been prepared following in-depth consultations with the authorities and other relevant national stakeholders of the Republic of Moldova. On 11 October 2019, the Steering Committee of the Action Plan held a meeting in Chisinau in order to assess progress in the implementation of the Action Plan 2017-2020 and to discuss future co-operation. International partners, including the European Union, were also consulted when preparing this document.

The development of the Action Plan coincided with the COVID-19 confinement. The consultations held to prepare this document were carried out via videoconferencing with the authorities.

1.2 ACTION PLAN GOALS

This Action Plan is a strategic programming instrument for the period 1 January 2021 to 31 December 2024. Its goal is to further support reforms in the Republic of Moldova which will bring the country's legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy and therefore to support the country's efforts to honour its obligations as a Council of Europe member State. This Action Plan will contribute to the goals of the Association Agreement between the European Union and the Republic of Moldova (AA), in force since 1 July 2016. In meeting its objectives, this Action Plan will also contribute to the implementation of the United Nations 2030 Agenda for Sustainable Development.

³ GR-DEM(2020)3 Progress Review Report of the Council of Europe Action Plan for the Republic of Moldova 2017-2020. (1 January 2017-31 October 2019).

The Action Plan **areas of co-operation** are the following:

- The Council of Europe will continue to support the authorities of the Republic of Moldova to carry forward (and where possible complete) the reforms undertaken in strategic areas in line with European standards, notably:
 - implementation of the European Convention on Human Rights (ECHR) and the European Court of Human Rights (ECtHR) case law at national level by the judiciary and human rights institutions;
 - independence and integrity of the judiciary, as well as the transparency, accountability and efficiency of the justice sector;
 - criminal justice reforms including regarding the prevention of torture and ill-treatment and the application of pre-trial detention measures;
 - harmonisation of national legislation with international standards on the right to freedom of assembly, in particular during crisis situations;
 - penitentiary system reform and the health care system in prisons;
 - anti-discrimination, hate crime and hate speech;
 - economic crime;
 - electoral legislation and practices;
 - freedom and independence of the media, with a focus on the regulator and the public broadcaster;
 - violence against children, including sexual exploitation and abuse, including in the digital environment;
 - dialogue and confidence between divided communities.
- The Council of Europe and the authorities of the Republic of Moldova jointly identified new areas of co-operation as well as the fields where efforts should intensify on the basis of the more recent work carried out by the Council of Europe's institutions, monitoring mechanisms and expert advisory bodies, as well as new challenges, including COVID-19 pandemic, notably:
 - legal aid;
 - mediation and reconciliation in criminal matters;
 - trafficking in human beings;
 - drug abuse and illicit trafficking in drugs;
 - social rights and human rights in the health sector;
 - preventing and combating violence against women;
 - local self-government.

Work undertaken in these areas will be based on the Council of Europe's conventions and/or recommendations by the relevant advisory and monitoring bodies.

Promoting gender equality remains a priority of this Action Plan. Gender mainstreaming, based on European standards and Council of Europe recommendations, will help to better address the needs of individuals living in the Republic of Moldova without discrimination and to enhance the quality and effectiveness of the Action Plan's implementation.

PART II - PROPOSED ACTIONS FOR 2021 TO 2024

The actions proposed per pillar as defined by the Programme and Budget 2020-2021 are set out below.

2.1 HUMAN RIGHTS

According to the 2019 Annual Report by the Committee of Ministers (CM) on the supervision of the execution of judgments and decisions of the European Court of Human Rights (ECtHR), there are 173 cases pending before the ECtHR involving the Republic of Moldova. European Convention of Human Rights (ECHR) cases (including *Șarban v. Republic of Moldova*, *Paladi v. Republic of Moldova*, *Modârca v. Republic of Moldova*, *Boicenco v. Republic of Moldova*, *Holomiov v. Republic of Moldova*, *David v. Republic of Moldova*, *Muşuc v. Republic of Moldova*, etc.) identified patterns of repeated violations concerning the use of pre-trial detention in the Republic of Moldova. The execution of these judgments has been or is still being supervised by the CM. There is a need to strengthen national capacities to undertake and implement reforms, ensuring the consistent application of the ECHR by national courts; improving the prevention of and fight against ill-treatment and torture; making use of pre-trial detention only in line with the ECHR; ensuring relevant human rights safeguards in criminal law and criminal procedure; and preventing and combating discrimination, gender-based violence and child sexual abuse and exploitation.

These actions will contribute to the implementation by the Republic of Moldova of Sustainable Development Goals (SDG) 3 (targets 5 and c);⁴ 5 (target 2);⁵ 10 (target 3)⁶ and 16 (targets 1, 2, 6 and 10).⁷

2.1.1 Protecting human rights

Technical co-operation in this area aims to achieve the effective and timely execution of European Court of Human Rights (ECtHR) judgments. This component of the Action Plan also builds on previous work undertaken to improve conditions in detention facilities, to fight ill-treatment in places of detention and to ensure a fairer application of pre-trial detention.

The National Action Plan on Human Rights of the Republic of Moldova aims to protect persons deprived of their liberty from torture and ill-treatment, including by aligning the national legislation with the international standards for pre-trial detention and increasing the use of alternatives to detention. In this plan, the role of the Ombudsperson institution in monitoring the human rights situation is clearly defined, along with the need to create a mechanism to monitor the implementation of its recommendations.

EFFECTIVENESS OF THE ECHR SYSTEM AT NATIONAL LEVEL

A study on **pre-trial detention** prepared with the support of the Council of Europe and published in February 2020 concluded that excessive use was made of pre-trial detention in the Republic of Moldova between 2013 and 2017, and the report identified inefficiencies in the defence strategies applied. A number of its recommendations still need to be implemented. In this context, the Action Plan aims to provide additional legislative support with a view to reviewing legislation and promoting compliant pre-trial detention practices and the use of non-custodial measures by justice sector players (judges, prosecutors and defence lawyers).

Concerning the **criminal sentencing framework** and the length of criminal proceedings, the legislation governing the justice system and related practices in the Republic of Moldova remain punitive in nature. It is therefore proposed to step up support to improve the criminal sentencing framework by promoting legal amendments mitigating the harshness of sentences and by focusing on the principle of proportionality, on improvements to the current institutional framework and on victim-perpetrator reconciliation in criminal justice and by raising awareness among parties of alternative methods of dispute resolution. The Action Plan will continue to support the use of mediation and reconciliation in criminal matters, involving the Supreme Court of Justice, the Ministry of Justice and the Mediation Council. While relevant recommendations to improve the legislation and practices have already been delivered, their implementation requires additional support aimed at raising the awareness and building the capacity of legal professionals.

In addition to the **overall length of criminal proceedings**, the case law of the ECtHR (*Pruneanu v. Republic of Moldova*, *Breabin v. Republic of Moldova*, *Gurgurov v. Republic of Moldova*, *Parnov v. Republic of Moldova*, *Popa v. Republic of Moldova* and *Struc v. Republic of Moldova* judgements) shows the need for targeted actions to improve the justice framework in the areas of investigations and the submission of evidence. Although some progress has been achieved in this area, further support should target the police and seconded criminal investigation officers within the prosecution offices and evidence collection and presentation in courts, for different types of offences.

⁴ Goal 3: Ensure healthy lives and promote well-being for all at all ages. Target 5: Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol. Target c: Substantially increase health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries and small island developing States.

⁵ Goal 5: Achieve gender equality and empower all women and girls. Target 2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

⁶ Goal 10: Reduce inequality within and among countries. Target 3: Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.

⁷ Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Goal 16, target 1: Significantly reduce all forms of violence and related death rates everywhere. Goal 16, target 2: End abuse, exploitation, trafficking and all forms of violence against and torture of children. Goal 16, target 6: Develop effective, accountable and transparent institutions at all levels. Goal 16, target 10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

The Council of Europe has provided continuous support to the **Ombudsperson** under previous Action Plans. The adoption of a new law in 2014 contributed to the increased financial independence and visibility of the Ombudsperson Institution. Overall, budget allocations for the functioning of the Ombudsperson have increased year on year. Additionally, in May 2018, the Ombudsperson's Institution was re-accredited by the Global Alliance of National Human Rights Institutions and awarded "A status", confirming its compliance with the United Nations Paris Principles. The results of a survey on the perception of the Ombudsperson Institution by the media, public institutions and civil society organisations (CSOs) will be used to develop the Ombudsperson's Communication Strategy. In addition, a methodology for the first-stage assessment and investigation of complaints by the Ombudsperson has been developed. The dialogue between this institution and the CSOs was enhanced.

The above-mentioned reform involved the establishment and operationalisation of the **National Preventive Mechanism (NPM)**, which already carried out about 70 visits of places of detention between 2017 and 2020. The NPM also benefited from the Organisation's support in publishing its first annual reports and in adopting a methodology to plan and conduct preventive visits of places of detention. A methodology for monitoring the implementation of NPM recommendations following visits to prison facilities has been developed and applied by the NPM.

Regarding capacity building of staff on specific topics concerning preventive visits to places of deprivation of liberty and the necessary follow-up to such visits by the State authorities, the Council of Europe will focus on:

- Building the Ombudsperson's capacities to deal with human rights violations in the criminal justice system, including in co-operation with the NPM;
- Further enhancing the visibility of the Ombudsperson Institution through targeted awareness-raising campaigns on its role and mandate;
- Further enhancing the Ombudsperson's capacity to implement the mechanism for the preliminary examination and investigation of complaints received from petitioners;
- Supporting the collection and systematisation of data in relation to visits of places of detention to ensure their co-ordinated use by decision-makers in the justice system, and in the social and health care sectors; together with the NPM, capacity building on the prevention of torture and inhuman and degrading treatment.

Statistics show that the number of cases currently handled by the **Office of the Government Agent before the ECtHR** is extremely high, considering its staffing and financial means. One of the areas in which the enforcement of ECtHR judgments has led to significant changes in the legal landscape of the Republic of Moldova is the newly introduced domestic remedy concerning poor conditions in detention facilities. In the *Shishanov v. Republic of Moldova*, the Court indicated that, under Article 46, the national authorities should, without delay, put in place an effective preventive and compensatory remedy, or a combination of remedies, in respect of the inadequate conditions existing in places of detention. In response to this, a new Law introducing a preventive and compensatory remedy to challenge conditions of detention entered into force on 1 January 2019. Through a broad participatory process, the Council of Europe took part in the development of the guide for the application of this remedy by the courts. Despite this positive development, following a motion by the Ministry of Justice in February 2020, Parliament imposed a moratorium on the use of the mechanism, pointing out the need for a further analysis of its application and effects. A new draft law amending the remedy was subsequently proposed by the Ministry of Justice. The Council of Europe will keep advocating for its reinstatement and will assist the judiciary in implementing the remedy in a uniform manner.

The current COVID-19 crisis has had a severe impact on individuals and societies in Europe, raising important human rights challenges, in particular in the health sector. Even in such a difficult context, it is essential that decisions and practices meet the fundamental requirement of respect for human dignity and that human rights are upheld. Legal and health professionals as well as relevant national institutions and bodies, at their respective level, have a key responsibility in ensuring respect for **human rights in the health sector**.

The Council of Europe will provide support to strengthen the knowledge and capacity of health and legal practitioners, as well as members of relevant national institutions, to apply and ensure appropriate protection of human rights standards and obligations in the biomedical field (e.g. informed consent for medical intervention, protection of private life and the right to information, non-discrimination, protection of health workers, etc.), including in a public health crisis, in accordance with the requirements of the Convention on Human Rights and Biomedicine (Oviedo Convention) to which the Republic of Moldova has been a contracting party since 2002.

Expected outcomes

- Pre-trial detention framework compliant with and implemented in line with European standards;
- Increased application of alternatives to detention;
- Staff of the Ombudsperson's Institution have an increased capacity and skills to implement its mandate and improve its visibility;
- Staff of the Office of the Government Agent have an enhanced capacity and skills to follow the enforcement of the ECtHR judgements;
- Increased capacity of health and legal professionals as well as staff of relevant national institutions to ensure, at their respective level, respect for gender equality and human rights in the biomedical field.

Main national partners: Ministry of Justice; Ombudsperson; National Preventive Mechanism; Prosecution services; Supreme Court of Justice; Moldovan Bar Association; Mediation Council; Office of the Government's Agent; Police; Health Ministry; National Institute of Justice and other relevant institutions.

2.1.2 Promoting human rights and dignity

GENDER EQUALITY AND COMBATING VIOLENCE AGAINST WOMEN AND DOMESTIC VIOLENCE

The Council of Europe Gender Equality Strategy 2018-2023 focuses on gender mainstreaming, on preventing and combating violence against women and domestic violence, on guaranteeing women's equal access to justice and on achieving a balanced participation of women and men in political and public decision-making. The Committee of Ministers' (CM) Plan of Action on Strengthening Judicial Independence and Impartiality (CM(2016)36-final) invites Council of Europe member States to introduce measures to tackle the harmful impact of stereotyping in judicial decisions.

The Republic of Moldova has committed itself to promote gender equality and women's empowerment through the adoption and ratification of international human rights treaties, including the United Nations Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its optional protocol. The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) was signed in 2017. The Government Decision to approve the draft Law to promote the ratification of the convention was passed in December 2019. However, at the time of the preparation of the Action Plan, this instrument had not yet been ratified.

At national level, Article 16 of the Constitution of the Republic of Moldova provides for 'Equality' for all citizens. In 2008 the Republic of Moldova adopted the Law on Preventing and Combating Domestic Violence (No. 45), and the Law on Equality in 2012. In July 2016 Law No. 196 was passed, amending 11 legislative acts in the area of preventing and combating violence against women. The Government of the Republic of Moldova approved a National Strategy and Action Plan for ensuring Equality between men and women for 2017-2021. In 2018 a National Strategy on preventing and combating violence against women and domestic violence for 2018-2023 was adopted.

Despite the progress made in this area, in its concluding observations the United Nations Committee on the Elimination of Discrimination against Women reiterated concerns about the prevalence of domestic violence, together with the inconsistent application of the law in such cases and the failure to identify low-level injuries as signs of repeated violence. A study on Violence against Women in the Family⁸ published in 2011 found that 63% of women experienced psychological, physical or sexual violence from their partner during their lifetime. Rural, elderly, and separated or divorced women suffer the highest rates of violence.

In the leading case of *T.M and C.M v. Republic of Moldova*, the European Court of Human Rights (ECtHR) held that the authorities had failed to provide women with protection from domestic violence. This judgment is yet to be implemented and is under the CM's procedure of enhanced supervision. Belonging to the so-called *Eremia group* of cases relating to domestic violence, it has led to the implementation of certain measures, but improvements are still required to guarantee adequate protection for victims of domestic violence and to ensure the prosecution and accountability of perpetrators.

⁸ In addition, a study published by the OSCE in July 2019 showed that 40% of women over the age of 15 have experienced physical and/or sexual violence at the hands of a partner or non-partner.

The Council of Europe will continue to promote the ratification of the Istanbul Convention. This will include efforts to dispel misconceptions about this instrument in order to secure national commitment to facilitate its ratification. The Organisation will aim specifically to raise awareness of the Convention standards on gender equality and violence against women among key stakeholders and to build the capacity to implement them once the Istanbul Convention has been ratified.

Expected outcomes

- Relevant staff from target ministries and institutions have substantial knowledge of the Istanbul Convention and implement comprehensive changes to legislative and policy frameworks in line with European standards;
- Relevant professionals⁹ have the capacity and skills to effectively implement legislation and policies to counter violence against women and domestic violence;
- Staff from the relevant institutions are well informed about the Istanbul Convention, understand its implications and contribute to the process for domestic approval of ratification.

Main national partners: Ministry of Health, Labour and Social Protection; Ministry of Internal Affairs (including the Police); Ministry of Justice; Office of the Prosecutor General; national human rights institutions.

ANTI-DISCRIMINATION

Work in this area is based on recommendations from the relevant Council of Europe monitoring bodies and the results of previous co-operation programmes. The National Action Plan on Human Rights of the Republic of Moldova (2018-2022) includes legislative and policy anti-discrimination objectives, aimed at the Equality Council, the Audiovisual Council, which responds to hate speech in the media, and more generally awareness and actions to promote diversity and tolerance within public institutions. Likewise, it aims to combat discrimination on the grounds of gender, sexual orientation, age, race, religion, ethnic background (with a special focus on the Roma community) and against people with special needs and human immunodeficiency virus (HIV). Action Plan work concerning racial discrimination, minority languages, tolerance and the consolidation of inter-ethnic relations falls under the responsibility of the Agency for Inter-Ethnic Relations.

According to judgments of the ECtHR and findings of Council of Europe monitoring bodies, in particular the European Commission against Racism and Intolerance (ECRI), Roma and Travellers suffer from persistent anti-Gypsyism. In January 2020, the CM adopted the Strategic Action Plan for Roma and Traveller Inclusion (2020-2025). The Agency for Inter-Ethnic Relations is co-ordinating the implementation of the current thematic Action Plan and the elaboration of a new one. The Council of Europe will continue to assist the authorities in fighting anti-Gypsyism and in supporting democratic participation and access to inclusive quality education and training for Roma.

Law No. 121 on Ensuring Equality entered into force in 2013. Since then, the Council for the Prevention and Elimination of Discrimination and Ensuring Equality (Equality Council), the main non-judicial national institution against discrimination, has gained relevance, as can be seen from the steady increase in the number of complaints lodged.¹⁰ The Council of Europe has supported measures to raise awareness of the work of the Equality Council and of the preparations of the National Communication Strategy and the Action Plan to implement it. Additionally, the Equality Council began playing an important role in conjunction with other national and international stakeholders working with victims of discrimination and racism and by becoming a member of the European Network of Equality Bodies (EQUINET) – a sign of recognition of its work at the European level.

⁹ Including judges, prosecutors, law enforcement officials, social and medical workers.

¹⁰ 62% between 2017 and 2018.

In its latest country monitoring report, dated June 2018, ECRI further recommended:

- amending the Criminal Code and the anti-discrimination legislation in line with ECRI GPR No. 7 (§7) to combat racism and racial discrimination;¹¹
- strengthening the institutional capacity of the Ombudsperson and the Equality Council by amending the law and relevant procedural rules to ensure the effective implementation of their mandates and in particular: i) to entitle any person under Moldovan jurisdiction to lodge complaints with the Ombudsperson and to extend this right to legal persons, ii) grant the Equality Council the right to initiate proceedings before the Constitutional Court, iii) grant the Ombudsperson and the Equality Council the right to initiate court cases even when a specific victim is not referred to, and iv) ensure both institutions enjoy protection against retaliatory measures under their respective legislation (§26);
- implementing a system for collecting disaggregated data on cases of hate crime, in order to provide a coherent, integrated view of the cases, by recording the specific bias motive of racist and homo/transphobic hate crime (hate speech and violence) reported to the police, as well as the follow-up given by the justice system, and ensuring that the data is made available to the public (§57).

The Action Plan will support the role of the Equality Council in increasing the quality of professional *amici curiae* assisting the Constitutional Court and national courts as well as international players and in enhancing its capacity to provide training, guidance and recommendations to other authorities in order to mainstream equality and non-discrimination principles in their policies, and to contribute to awareness-raising activities so as to reduce the number of discrimination cases.

In addition, specific measures concerning the provision of information about redress against discrimination will be given priority in order to reach out to vulnerable communities.

It is also important that law enforcement and justice professionals further develop their skills to identify hate crime elements in criminal cases and assess them throughout the criminal procedure.

Expected outcomes

- The staff of the Equality Council have an increased capacity to monitor and deal with cases of discrimination;
- The staff of the Equality Council have an increased capacity to provide professional *amici curiae* as well as to raise awareness and enhance the skills of other relevant authorities to prevent discrimination;
- Information about redress against discrimination is widely disseminated among vulnerable communities, and the capacity of relevant institutions to reach out to such communities is increased;
- Relevant public institutions enhance their capacities to protect the rights of Roma in line with European standards.

Main national partners: National Institute of Justice; Equality Council; Agency for Inter-Ethnic Relations; National Courts; Police; Prosecution.

HATE SPEECH AND HATE CRIME

The 2018 ECRI report on the Republic of Moldova (Fifth Monitoring Cycle) noted that hate speech and various forms of expressing intolerance, including sexism, were increasingly prevalent in the country.¹² In relation to hate crime, ECRI pointed out that few cases have been recorded by the police.¹³

¹¹ ECRI recommends amending the Criminal Code to include the following elements: the offences of incitement to violence; public insults and defamation; threats; the public expression with a racist aim of an ideology which claims the superiority or which depreciates or denigrates a group of persons; the public denial, trivialisation, justification or condoning, with a racist aim, of crimes of genocide, crimes against humanity or war crimes; the production or storage aimed at public dissemination or distribution, with a racist aim, of written, pictorial or other material containing manifestations covered by GPR 7 § 18 a, b, c, d and e; the creation or leadership of a group which promotes racism, support for such a group or participation in its activities; and legal persons' liability. The grounds of colour, national or ethnic origin, language, citizenship, as well as sexual orientation and gender identity should also be inserted in all the relevant provisions, including as an aggravating circumstance.

¹² Some national CSOs also reported that hate speech is used in a political or religious context, and remains unpunished (Promo-LEX, April 2019, Hate Speech and Incitement to Discrimination in the public space and media in the Republic of Moldova).

¹³ CSOs indicate that the actual figures are much higher than those reported by the authorities.

Despite ECRI's recommendations, the Republic of Moldova has so far failed to approve changes in the Criminal Code and in the Law on Ensuring Equality to address hate crime and hate speech in line with European standards.

The Council of Europe Action Plan will continue advocating for the necessary legislative changes to bring the legal framework into line with international standards and will continue combating hate speech by encouraging a more co-ordinated approach between State agencies and civil society in accordance with Council of Europe recommendations. Taking a strategic approach, the Organisation will target intolerance in education, the media, and online hate speech, through targeted awareness-raising campaigns and seminars involving young people, journalists and relevant institutions. Capacity building for all those involved in investigating hate speech is also envisaged and will more broadly target offences committed on discriminatory grounds, including hate crime. To allow proper monitoring by the institutions, the action will also promote data collection. Likewise, the Action Plan will focus on strengthening the capacity of the police to identify hate crime and process cases, as well as on enhancing people's trust in the police in this regard.

Expected outcomes

- Relevant authorities enhance their capacity to revise hate crime and hate speech legislation in line with international standards;
- Police, prosecutors and judges enhance their capacity to identify, investigate, prosecute and judge hate crime;
- Relevant authorities have the capacity to monitor, report and sanction cases of hate speech and hate crime, particularly those affecting Roma and LGBTI people, while ensuring co-operation with each other;
- Public awareness of the dangers of hate speech online and offline is increased.

Main national partners: Office of the Ombudsperson; Equality Council; Office of the Prosecutor General; General Police Inspectorate; Ministry of Justice; civil society organisations.

CHILDREN'S RIGHTS

The Republic of Moldova is a contracting party to several instruments that protect children (the Council of Europe Convention on Action against Trafficking in Human Beings, the Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse and the European Social Charter), and has considerably improved its child protection system in the recent years, resulting in a well-developed national legal framework. The Republic of Moldova launched a Strategy for the protection and promotion of children's rights (2014-2020).

Despite progress in this area, children still suffer disproportionately from poverty, social exclusion, discrimination and violence. In particular, the implementation of legislation remains a challenge, with shortcomings in co-ordination between the authorities concerned, a lack of an effective national co-ordination mechanism and body to implement the Lanzarote Convention, and scant knowledge of child sexual exploitation and abuse among professionals working with and for children and the general public.

The Council of Europe Strategy for the Rights of the Child 2016-2021 identifies five priority areas: equal opportunities, participation of children, a life free from violence, child-friendly justice and children's rights in the digital environment. On this basis, the Council of Europe has been supporting the Moldovan authorities since 2018, with the following results:

- Comprehensive mapping of the systemic issues arising with regard to the child protection authorities' response to child sexual exploitation and abuse, which paved the way for future work in this area;
- Consolidation of the capacities of professionals working with and for children (e.g. child-friendly justice, social work, etc.);
- Raised awareness of measures for preventing and combating child sexual exploitation and abuse, including targeting the Internet and safety of children online.

Building on these results, the Council of Europe plans to enhance co-ordination mechanisms to boost the implementation of the Lanzarote Convention, thereby improving the national response to children's sexual exploitation and abuse. The main areas of activity will include support for a legal and policy review, training for legal and non-legal professionals working with and for children to detect, report and manage cases of offline and online child sexual abuse, as well as awareness-raising campaigns and cultural events organised by civil society, including in the regions of the Republic of Moldova, with the objective of preventing child sexual exploitation and abuse and promoting child-friendly practices among professionals and the authorities.

Expected outcomes

- Criminal justice professionals increase their capacity and qualification to effectively investigate, prosecute and sentence perpetrators of crimes against children, including in the digital environment;
- Guardianship authorities and non-legal professionals working with and for children become better equipped with the gender sensitive tools needed to identify and report child sexual exploitation and abuse;
- Agencies responsible for countering child sexual exploitation and abuse effectively co-ordinate their action, including at local level;
- Children's participation in decision-making is further boosted by the relevant authorities, professionals and civil society;
- The relevant authorities and civil society have the capacity to increase public awareness of preventing and combating child sexual exploitation and abuse, including by targeting the Internet and children's safety online.

Main national partners: Ministry of Internal Affairs; State Chancellery; National Council for the Protection of Children's Rights; Ministry of Health, Labour and Social Protection; Ministry of Education, Culture and Research; Supreme Court of Justice; Superior Council of Magistrates; Prosecution Service; National Institute of Justice; Lawyers' Union; Ombudsperson for Children's Rights.

2.1.3 Ensuring social rights

The Republic of Moldova ratified the European Social Charter (ESC) in 2001, accepting the minimum required 63 out of 98 provisions of the Charter. The National Human Rights Action Plan foresees the acceptance of additional ESC provisions relating to the rights of people with disabilities (Article 15), the rights of elderly people (Article 23) and the eradication of poverty and social exclusion (Article 30).

The European Committee for Social Rights (ECSR) has found on several occasions that the annual reports on the implementation of the ESC submitted by the Republic of Moldova failed to provide the information required. Therefore, while some areas may be in conformity with the ESC, the reports do not provide sufficient details for the Committee to draw positive conclusions and do not include information that may be necessary to issue recommendations. Moreover, there is still limited awareness among public institutions and citizens of the Republic of Moldova's commitments vis-à-vis the ESC. Civil Society Organisations (CSOs), which generally have few links with the ESC, do not submit alternative reports contributing to the annual monitoring process.

In her observations following the official visit to the Republic of Moldova in March 2020, the Council of Europe Commissioner for Human Rights stressed the need for progress in both health care and social housing.

The current Action Plan will aim to address these issues while also placing particular emphasis on raising awareness of the need to promote social rights in the aftermath of the COVID-19 pandemic.

Expected outcomes

- The national authorities have the capacity to prepare high-quality national reports on the implementation of the ESC;
- CSOs have the capacity to submit alternative reports on the implementation of the ESC;
- Decision makers have increased awareness of additional ESC provisions and the collective complaints procedure, and additional ESC provisions are accepted;
- Targeted professionals have a better understanding of the European Committee of Social Rights' case law and are capable of applying it in practice.

Main national partners: Ministry of Health, Labour and Social Protection; Parliamentary Committee on Social Security Health Care and Family; State Chancellery; CSOs.

2.2 RULE OF LAW

The political instability of recent years, combined with corruption and the shortage of human and financial resources, has negatively affected the implementation of rule of law reforms. A Council of Europe high-level delegation visited the Republic of Moldova at the beginning of 2020 and recommended the implementation of clear, mutually agreed strategic plans for ensuring the independence of the judiciary and the capacity of anti-corruption institutions to fulfil their mandate. The delegation called for an open and inclusive approach, involving institutions, professional groups and civil society.

Following visits to the Council of Europe by the Minister of Justice, in November 2019, and the Prime Minister, in January 2020, the Moldovan authorities developed and adopted the Strategy and Action Plan to ensure the independence and integrity of the justice sector (2021-2024). These documents were intensively discussed with the Council of Europe during the first half of 2020 and take into consideration the recommendations issued by the Organisation,¹⁴ including those of the European Commission for Democracy through Law (Venice Commission),¹⁵ in relation to the judicial reform of recent years. Once implemented, the Strategy should further align the judiciary with European standards.

In view of the above and the recommendations of the Council of Europe's monitoring and advisory bodies, in particular the Venice Commission, the European Commission for the Efficiency of Justice (CEPEJ), the Group of Experts Against Corruption (GRECO) and the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL), co-operation will continue to support changes in the justice system, its functioning, integrity and transparency. Capacity building and methodological support for the judiciary and prosecution services will improve their self-governance and transparency. These actions should contribute to improving citizens' confidence in these institutions. The justice reform is also the subject of GRECO's 4th report and its follow-up observations, and also of earlier recommendations by the Council of Europe Commissioner for Human Rights (2017). Further sustained efforts are needed in order to strengthen the judiciary's efficiency and impartiality and restore public trust.

In addition, reform of the penitentiary and probation system will continue, in an effort to provide humane and safe detention conditions, as well as alternatives to imprisonment. Fighting corruption and money laundering in a more effective and co-ordinated manner is also part of the Action Plan's goals.

This action will contribute to achieving SDG 16 (especially targets 3, 4, 5, 6, 7 and 10).¹⁶

¹⁴ Statement by Council of Europe Secretary General on judicial reform in the Republic of Moldova on 22 January 2020; Comments on the new draft Strategy for Ensuring the Independence and Integrity of the Justice Sector for 2020-2023 in the Republic of Moldova by the Council of Europe's Justice and Legal Co-operation Department; Opinion on the Action Plan of the Republic of Moldova for the implementation of the Strategy for Ensuring the Independence and Integrity of the Justice Sector for 2020-2023 by the Council of Europe's Justice and Legal Co-operation Department.

¹⁵ Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Draft Law on amending and supplementing the Constitution with respect to the Superior Council of Magistracy No. 983/2020.

¹⁶ Goal 16 target 3: Promote the rule of law at the national and international levels and ensure equal access to justice for all. Goal 16, target 4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime. Goal 16, target 5: Substantially reduce corruption and bribery in all their forms. Goal 16, target 6: Develop effective, accountable and transparent institutions at all levels. Goal 16, target 7: Ensure responsive, inclusive, participatory and representative decision-making at all levels. Goal 16, target 10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

2.2.1 Ensuring justice

Improving the quality of justice overall is one of the commitments undertaken by the Republic of Moldova as a member State of the Council of Europe and constitutes a major objective in the context of the country's European integration agenda. Efforts need to be pursued to ensure a fully transparent, efficient, independent and accountable justice system in line with the recommendations of the Council of Europe's monitoring and advisory bodies, including those recently issued by the Venice Commission. Technical co-operation will further support national efforts in this direction while paying special attention to access to justice for vulnerable groups.

INDEPENDENCE AND EFFICIENCY OF JUSTICE

Since 2015 technical co-operation has helped to improve the efficiency of the courts and the quality of judicial services, as well as lawyers' self-governance using the tools developed by the European Commission for the Efficiency of Justice (CEPEJ). The Superior Council of Magistrates (SCM), the Ministry of Justice (MoJ), the Supreme Court of Justice (SCJ) and the National Institute of Justice (NIJ) played active roles in the implementation of this co-operation. Six pilot courts achieved significant results in terms of improved judicial time and quality management, and the NIJ introduced suitably adapted courses on court management into the training curricula for judges and court staff.

Based on an analysis of the current situation and previous results, the Council of Europe will continue supporting judicial reforms aiming to increase public trust in the institutions, enhance co-operation between justice and legal stakeholders and strengthen the capacities of prosecutors, judges and judicial staff. CEPEJ and its tools are well recognised by the main justice sector players, and this body will continue supporting policies and initiatives of the MoJ, the SCM and the Moldovan courts with a view to further modernising the court management system, focusing more on qualitative improvements and on pro-active management and leadership at all levels of the judicial system. The Strategy and the Action Plan for Ensuring the Independence and Integrity of the Justice Sector for 2021-2024 in the Republic of Moldova, once implemented, would significantly contribute to bringing the justice system in line with the Council of Europe standards.

A decade after the deregulation of the profession of bailiff, the systemic problems of non-enforcement of judgments, which led to numerous findings of violations by the European Court of Human Rights (ECtHR), have been virtually eliminated. At the same time, the national authorities recognise the need to continue strengthening and streamlining the legislation, institutions and mechanisms tasked with ensuring the effective enforcement of court judgments. CEPEJ will be involved in further improving the system of enforcement of court decisions in civil and administrative cases through a better case management system and improved collection, analysis and reporting of data on the efficiency of the system.

In addition, the Council of Europe has worked with the Lawyers Training Centre of the Moldovan Bar Association to draw up an efficient regulatory framework and a needs-based training curriculum. Furthermore, the Organisation will:

- Continue strengthening the Lawyers Training Centre, in terms of internal governance and the educational programme, to ensure its full operationalisation;
- Support and advise on the introduction of future programmes for lawyers and trainee lawyers.

The NIJ has a well-established programme of both initial and in-service legal training. Capacity building activities have been dedicated to the NIJ, with a view to improving teaching methods and to adjust the current human rights training programme to the needs of justice sector stakeholders. Under this Action Plan, the Council of Europe will focus on:

- Assessing the needs of prosecutors, judges and judicial staff and supporting the inclusion of tailor-made curricula within the NIJ;
- Improving the distance learning offer through more effective tutoring and content review and improvement;
- Piloting mixed training courses for judges and prosecutors and programmes with simulations and practical work.

Concerning free legal representation and advice, the Legal Aid Council has also been identified as a potential partner, with further financial and human resources required to efficiently carry out its tasks.

Expected outcomes

- Relevant authorities enhance their capacity to revise the national legal framework on the judiciary in line with European standards;
- Judges and court staff improve their capacity to apply CEPEJ tools to increase judicial transparency and accountability;
- Professionals responsible for the enforcement of court decisions in civil and administrative cases have the capacity to implement the CEPEJ tools to analyse the functioning and efficiency of the system of enforcement;
- A framework for fighting corruption in the judiciary is in place, enabling the fair application of the rules and procedures in practice and safeguarding against external interference;
- SCM, NIJ, and Superior Council of Prosecutors (SCP) staff facilitate regular dialogue between these institutions;
- The NIJ staff have an increased capacity to develop and implement coherent, gender sensitive and modern initial and in-service training programmes for judicial and non-judicial court staff;
- The legal aid services staff have the capacity to provide gender sensitive quality services.

Main national partners: Superior Council of Magistrates; Ministry of Justice; Supreme Court of Justice; National Institute of Justice; Courts Administration Agency; Superior Council of Prosecutors; Moldovan Bar Association and its Lawyers Training Centre.

PRISONS AND POLICE

Prison and probation services in the Republic of Moldova have been undergoing continuous reform for a number of years. Recent reports of the European Committee for the Prevention of Torture (CPT) show some improvements but also persistent problems. In its latest report (CPT/Inf (2018)49), the CPT recommended ending reliance on the informal prisoner hierarchy, introducing a system of appropriate distribution and classification of prisoners, implementing an effective recruitment and training system for prison staff and ensuring continuous staff supervision in detention facilities. The Committee of Ministers (CM), while supervising the execution of the *I.D. v. Republic of Moldova group of cases*, urged the authorities to intensify their efforts to fight overcrowding and to address the poor quality of health care in prisons. In this regard, strengthening the use of effective community sanctions and measures in support of offenders' social reintegration is also necessary.

The CPT acknowledged the progress made by the Moldovan authorities in recent years in combating police ill-treatment (CPT/Inf (2016)16), but also stressed the need for additional robust action to stamp out this phenomenon. Several recommendations were made to reinforce the safeguards afforded to persons detained by the police. In addition, the bilateral activities implemented by the Council of Europe with the Ministry of the Interior resulted in a recommendation that police officers receive additional training in *inter alia* policing public gatherings, and to put more emphasis on the practical training of the police, as well as to provide safeguards against ill-treatment accompanied by a clear standard operating procedure.

As regards psychiatric facilities and social care homes, the CPT noted (CPT/Inf (2016)16) a lack of individualised treatment protocols, the use of means of restraint without specific training, the involuntary placement of civil patients without respecting the legal procedures, and an inadequate review of the placement of forensic patients, all of which can lead to ill-treatment. The CPT called on the Moldovan authorities to introduce proper initial and in-service training in health care-related matters for medical and non-medical staff working in these facilities. Moreover, a series of recommendations were formulated as regards individual treatment plans for patients, as well as regarding respect for the procedures.

The new Law on the Prison Administration System dating from 2017 represented a major step forward in terms of compliance with international standards. However, the normative framework pertaining to the efficient administration of the prison system needs to be reviewed. Once implemented, it will improve health care provision, addressing at the same time the issues of prison staff retention and their career

development. Furthermore, a Mental Health Care Strategy for the Penitentiary System of the Republic of Moldova with a related Action Plan, including the Suicide and Self-Harm Prevention Policies, and the Code of Ethics for medical staff, will be developed by the end of 2020 and will allow medical and non-medical staff to increase their knowledge of medical screening upon admission and of managing individual files.

A comprehensive analysis of options for reorganising the structure of the central and regional probation offices, conducted with the help of the Council of Europe, led to the National Probation Inspectorate's (NIP) first reforms in 2019, tackling the reorganisation of the regional and territorial probation offices and introducing the specialisation of probation officers. Further assistance would be necessary to address outstanding strategic issues concerning the inspectorate's overall purpose and institutional positioning in the criminal justice system in order to promote the value of alternatives to imprisonment.

Future support will build on the results achieved within the previous Action Plan. More specifically, the current Action Plan will support the professional development of prison staff in line with the Council of Europe Guidelines;¹⁷ further strengthen the prison health care system (including mental health care); enhance rehabilitation programmes for detainees; strengthen the capacity to counter ill-treatment while in police detention; promote the value of alternatives to imprisonment in rehabilitating offenders, and facilitate inter-institutional co-operation between the probation and prison services.

Expected outcomes

- Prison staff have a better capacity to use tools for individual gender-sensitive sentence planning and to implement a progressive system for enforcing punishments;
- Prison staff and health care professionals have the capacity to provide gender-sensitive health care services to inmates (including mental health care) of the same quality as the public health care system;
- Police capacity to prevent and investigate ill-treatment in its detention facilities is increased;
- Management and staff from the probation service have the capacity and skills to implement reforms for the resocialisation of offenders, including in a gender-sensitive manner;
- Medical and non-medical staff of psychiatric institutions and social care homes have a better understanding of how to apply protocols and procedures through initial and in-service training programmes.

Main national partners: National Penitentiary Administration; National Probation Inspectorate.

2.2.2 Strengthening the rule of law

INFORMATION SOCIETY AND INTERNET GOVERNANCE: FREEDOM OF EXPRESSION AND PUBLIC BROADCASTING

Since 2017, under the previous Action Plan, the Council of Europe has addressed the country's need to strengthen the media and broadcasting sector by implementing European standards in the regulatory framework relating to media pluralism and by enhancing the professionalism of public service broadcasters.

As a result of the adoption by Parliament of the Audiovisual Media Service Code, in November 2018, and the Media Development Strategy, the regulatory framework relevant to freedom of expression and media pluralism has been broadly aligned with European Union and Council of Europe standards. Following the adoption of the Audiovisual Media Service Code, the Council of Europe provided expert assistance in drafting two important regulations aimed at ensuring the implementation of the new media legislation, i.e. the Audiovisual Content Regulation and the Regulation on the selection of the audiovisual regulator's members proposed by civil society organisations (CSOs). Both are pending adoption.

¹⁷ Council of Europe, European Committee on Crime Problems, 9 October 2019, Guidelines regarding recruitment, selection, education, training and professional development of prison and probation staff.

The public service broadcasters Teleradio-Moldova and Teleradio-Gagauzia enhanced their professionalism in producing quality programmes for various segments of the public through their participation in a wide range of activities.¹⁸ Following the establishment, with the Council of Europe's assistance, of the Documentary Films Department within the Teleradio-Moldova (Telefilm-Chisinau) in 2017 as a centre of journalistic excellence, the quality of video productions increased, contributing to enhanced content diversification. The documentary "Sorooca's Great Theatre", which was awarded the prestigious ADAMI Media Prize for Cultural Diversity in Eastern Europe, is a tangible result of these positive developments.

Nevertheless, on-going challenges in implementing the new broadcasting legislation remain, such as the need to improve access to information and to provide more specific fiscal incentives for print, online and broadcast media. In addition, the issue of the neutrality and genuine reform of public broadcasting remains a critical factor in upholding the fundamental right to freedom of expression and information. From a gender perspective, the media need to be made more aware of gender equality in news coverage, with a focus on women's empowerment in the media, as both journalists and subjects of broadcasts.

Likewise, Internet governance is not regulated or supervised, which raises a challenge in terms of respecting human rights in the digital environment. The Council of Europe will support discussions with policy makers on the rights of Internet users and the responsibilities of Internet service providers. Capacity building should also be foreseen for prosecutors, judges, police officers and lawyers, with the aim of increasing their understanding and knowledge of the specific standard-setting instruments developed by the Council of Europe. Civil society and journalists, at both the central and local levels, will be involved in such activities. In addition, Internet users' awareness of their rights in the online environment and of available remedies and redress in case of violation¹⁹ will be among the Action Plan objectives.

Expected outcomes

- Staff from the Audiovisual Council have the capacity to put into practice and monitor the implementation of the new media legislation;
- A system for monitoring the implementation of the Audiovisual Media Services Code of Moldova, in particular regarding political pluralism, inflammatory speech, xenophobia and racism, hate speech and defamation, is put in place in line with the Council of Europe's applicable standards;
- The technical capabilities of the Audiovisual Council to implement the new Audiovisual Media Services Code are strengthened;
- Public service broadcasters' staff enhance their capacity and skills to provide varied, high-quality, gender sensitive and unbiased content, and to adapt their operations to the digital age and maintain high editorial standards in a competitive market;
- Professionals providing journalism training have the capacity and knowledge to deliver quality courses leading to a well-trained, gender sensitive and critical-minded young generation of journalists, capable of investigative journalism and documentaries production;
- Representatives of stakeholders (authorities, service providers and CSOs) gain the necessary knowledge and skills to devise effective systems for Internet governance;
- Internet users have increased awareness of their rights and available remedies and redress in case of violations in the online environment.

Main national partners: Teleradio-Moldova and Teleradio-Gagauzia; Audiovisual Council; civil society.

¹⁸ The key milestones of the Council of Europe's recent assistance are: setting up and ensuring the function of the Teleradio-Moldova's Training Centre, the Documentary Films Department Telefilm-Chisinau and the Teleradio-Gagauzia's Multimedia Unit.

¹⁹ Based on the Council of Europe's Guide to Human Rights for Internet Users and other tools.

STRENGTHENING DATA PROTECTION

The right to privacy and to data protection is enshrined in the Constitution of the Republic of Moldova (Article 28). In addition, the country adopted specific legislation to regulate this matter, and to establish and regulate the work of the National Centre for Personal Data Protection (NCPDP). With this in mind and like other Council of Europe member States, the Republic of Moldova faces the challenge of personal data protection and digital technologies. Although the Republic of Moldova ratified the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data in 2008 and the additional Protocol in 2011, the amending Protocol CETS 223 (Convention 108+) has not yet been signed. The Council of Europe plans to carry out a comprehensive assessment of the situation in the Republic of Moldova, with a focus on risks in the digital environment, and to support the NCPDP in improving its control methodology and the use of toolkits designed to target sensitive sectors (e.g. health).

Expected outcomes

- The relevant authorities of the Republic of Moldova have the necessary knowledge to proceed with the ratification of Convention 108+;
- Staff from the NCPDP have targeted awareness-raising tools to enhance data protection in the health sector;
- Staff from the NCPDP have the capacity and skills to improve their control methodology to counter risks in the digital environment.

Main national partners: National Centre for Personal Data Protection; Ministry of Justice; Ministry of the Interior and law enforcement agencies; Ministry of Health, Labour and Social Protection; Assets Recovery Office.

2.2.3 Countering threats to the rule of law

FIGHT AGAINST CORRUPTION AND MONEY LAUNDERING

The fight against economic crime in general and **against corruption** in particular remains one of the key priority areas for the government of the Republic of Moldova. As noted in the recent statement by the Secretary General of the Council of Europe, “[...] the perception of corruption unfortunately remains high, including in respect of the judiciary. Measures should be taken to implement Group of States against Corruption (GRECO) recommendations on preventing corruption with regard to judges and prosecutors, notably to prevent the appointment and promotion to judicial positions of candidates with integrity risks. More broadly, the effectiveness of the anti-corruption framework should be strengthened and the independence and capacity of the main institutions in charge of preventing and fighting corruption should be guaranteed.”²⁰

GRECO adopted its first and second Compliance Reports of the 4th Evaluation Round for the Republic of Moldova in December 2018 and in September 2020 respectively. The report notes that further work is needed to prevent corruption among members of parliament, and to limit undue political interference in the work of the Superior Council of Magistracy and of the Superior Council of Prosecutors. Other important reforms such as the abolition of the probationary period for judges and the introduction of more effective measures to limit integrity risks in judicial appointments and promotions have yet to be undertaken. In view to the above, the Council of Europe has launched a targeted technical assistance programme directly linked to GRECO’s recommendations.

In the area of **anti-money laundering**, the Committee of Experts on the Evaluation of Anti-Money Laundering Measures (MONEYVAL) 5th Round Mutual Evaluation Report for the Republic of Moldova (MONEYVAL(2019)6) recognised that progress had been made, but also highlighted shortcomings and areas in immediate need of attention. Under the current Action Plan, the Council of Europe will seek to take co-operation measures with a view to addressing identified shortcomings and increasing the authorities’ capacities to implement recommendations from the MONEYVAL 5th round evaluation, including by updating the National Risk Assessment (based on a Council of Europe methodology) so as to better address, *inter alia*, sectoral risks, and by supporting the ensuing updating and implementation of the National Anti-Money Laundering / Countering Financing of Terrorism (AML/CFT) Strategy and Action Plan, by advising on the implementation of risk-based internal controls and procedures by reporting entities with a particular focus on Designated Non-Financial Business and Professions (DNFBPs), by strengthening the effectiveness of the

²⁰ [Statement](#) by Marija Pejčinović Burić, Secretary General of the Council of Europe, on judicial reform in the Republic of Moldova

general supervisory and sanctioning setup, and by enhancing the application of a risk-based approach to supervision, especially with regard to DNFBPs.

These actions will build upon the results of the Council of Europe's comprehensive support in the spheres of anti-corruption, anti-money laundering and asset recovery under the previous Action Plan 2017-2020.

Expected outcomes

- Judges and prosecutors have the necessary capacity to implement the Council of Europe's standards in the field;
- Staff responsible for integrity controls in respect of public officials have the capacity needed to effectively apply the system for verification of assets and declaration of other interests by judges, prosecutors and members of parliament;
- AML/CFT National Risk Assessment is regularly updated;
- Staff from the National Integrity Authority have the capacity to enforce its control and verification mandate;
- Staff from the anti-money laundering reporting and supervisory entities are better able to devise effective control systems and properly react to suspicions;
- Law enforcement agencies and the judiciary have an increased capacity to recover illegal assets by using all available legal instruments and proactively combating money laundering and terrorist financing.

Main national partners: Ministry of Justice; Ministry of the Interior and law enforcement agencies; Public Prosecutor's Office; Assets Recovery Office, Superior Council of Magistrates; Superior Council of Prosecutors; National Integrity Agency; National Institute of Justice; Service for Prevention and Fight of Money Laundering (Financial Intelligence Unit of the Republic of Moldova).

CYBERCRIME

The Republic of Moldova has benefited from the joint European Union/Council of Europe capacity building opportunities on cybercrime and electronic evidence primarily through activities delivered as part of regional projects covering all six countries within the Eastern Partnership.

The current activities under the regional project entitled "CyberEast" represent a direct follow-up to previous capacity building efforts in the Eastern Partnership and continue to build upon similar themes. The Republic of Moldova received support also through another European Union/Council of Europe project, namely Cybercrime@EaP. The assistance provided concerns three broad thematic areas:

- Strengthening the institutional capacities of mutual legal assistance authorities and relevant points of contact in the Eastern Partnership countries;
- Consolidating public/private co-operation on cybercrime and electronic evidence to improve access to evidence held by Internet service providers;
- Supporting legislative and regulatory reforms (including by drafting the Cybersecurity Strategy and Action Plan of the Republic of Moldova).

Under the current Action Plan, support to strengthen the legislative framework implementing the Budapest Convention on Cybercrime will continue. Similarly, the Organisation will continue to focus on enabling efficient regional and international co-operation and improving public/private co-operation in the Eastern Partnership region. In addition, more work will be undertaken to enhance the operational capacities of cybercrime units, increasing accountability, oversight and public visibility of action on cybercrime, as well as strengthening interagency co-operation. Specifically, in the Republic of Moldova, the Council of Europe will support the implementation of cybercrime-related parts of the recently adopted National Information Security Strategy, as well as the completion of legislative reforms aimed at ensuring full compliance with the Budapest Convention on Cybercrime. In addition, the Organisation will seek to draft and adopt the Memorandum of Co-operation between the two parties in line with the Council of Europe Guidelines for co-operation between law enforcement and Internet service providers.

Expected Outcomes

- Public and private stakeholders enhance their capacity to adopt and further improve legislative and policy frameworks compliant with the Budapest Convention as well as related standards, such as the Istanbul and Lanzarote Conventions;
- Increased capacities of judicial and law enforcement authorities and interagency co-operation, towards coherent, sustainable and skills-oriented experience sharing and training framework.

Main national partners: Ministry of Justice; Ministry of Interior and law enforcement agencies; Public Prosecutor's Office, National Institute of Justice.

DRUG ABUSE AND ILLICIT TRAFFICKING

The Council of Europe provides guidance and tools to address the problems of drug abuse and illicit trafficking through its Co-operation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group). In the Republic of Moldova, support was provided to prison facilities, in particular with the opening of the first prison-based Therapeutic Community in a completely refurbished ward. Prison staff and social workers were also trained in drug treatment and managing the community. While the Republic of Moldova is regarded as a good example in terms of offering a comprehensive drug treatment system in prison the quality and coverage of drug treatment services need further improvement. In addition, it would be beneficial to build links between the available services and community-based treatment and rehabilitation options. This will ensure inmates' access to treatment of their choice and thereby offer them a better quality of life.

Under the current Action Plan, the Pompidou Group plans to continue its technical co-operation building on the results achieved so far and focusing on the pre and post-release rehabilitation of drug users who are in conflict with the law. Furthermore, efforts will be made to provide more inmates with the same access to quality care as in the community, by providing training and by developing treatment services in women's prisons and youth detention centres.

Expected outcomes

- Prison staff, health care professionals and social workers in co-operation with civil society organisations (CSOs) have the capacity to increase access to quality drug addiction treatment for inmates.

Main national partners: Ministry of Justice; Ministry of the Interior and law enforcement agencies; Ministry of Health, Labour and Social Protection; relevant non-governmental organisations.

TRAFFICKING IN HUMAN BEINGS

According to the preliminary observations made on the Republic of Moldova in the third evaluation report of the Group of Experts on Action against Trafficking in Human Beings (GRETA), to be published in the second half of 2020, the national legislative framework for combating trafficking in human beings has further evolved, including the criminalisation of new forms of exploitation and abuse. However, challenges remain, including concerning the prevention and identification of trafficking in human beings for the purpose of labour exploitation; prevention and identification of child trafficking; investigation, prosecution and conviction of traffickers and complicit officials as well as protection of victims and witnesses. Based on the GRETA report, the current Action Plan aims to support the Moldovan authorities in following up these recommendations, in particular with a view to improving prevention and the identification of human trafficking cases and to enhance the relevant professionals' awareness of emerging and remaining challenges.

Expected outcomes

- Criminal justice system professionals have an enhanced gender sensitive capacity to effectively investigate, prosecute and sentence those responsible for trafficking in human beings, including in the digital environment;
- Criminal justice system professionals have an enhanced gender sensitive capacity to prevent and identify child trafficking, including through increased co-operation between anti-trafficking and child protection services;
- Relevant professionals have the gender sensitive capacity to improve access to justice and effective remedies for victims of human trafficking;
- Labour inspectors and law enforcement officers have enhanced their capacities and practices to prevent and identify trafficking in human beings.

Main national partners: State Chancellery; Ministry of Justice; Ministry of the Interior and law enforcement agencies; National Institute of Justice; Public Prosecutor's Office; State Labor Inspectorate; National Council for State-Guaranteed Legal Aid; National Agency for Social Assistance; National Committee for Combating Trafficking in Human Beings; Moldovan Bar Association; Ministry of Health, Labour and Social Protection.

2.3 DEMOCRACY

Good governance at the local level in the Republic of Moldova faces important challenges and requires further enhancement of the administrative and institutional capacities of local government entities, particularly with regard to the management of finance and human resources. The Council of Europe will contribute to the fulfilment of the United Nations Sustainable Development Agenda through advocacy and by promoting sustainable cities and regions and strong political institutions, in particular SDG 11 (especially target 3).²¹

As part of the previous action plans, the Council of Europe worked with the Central Election Commission (CEC) of the Republic of Moldova, the Centre for Continuous Electoral Training (CCET) and the CEC of the Autonomous Territorial Unit (ATU) of Gagauzia to improve their capacity to efficiently organise and conduct **elections**. Good progress in this regard was noted by the Parliamentary Assembly of the Council of Europe (PACE) observers present during the general parliamentary elections held on 24 February 2019, and these observations were echoed by the OSCE/ODIHR.²² The elections were considered to have been competitive and generally respectful of fundamental rights.

Strategic plans for 2020-2023 in this area, involving the above-mentioned institutions, were developed in 2019, based on the Council of Europe's methodology for electoral co-operation and strategic planning, namely URSO (Useful, Relevant, Sustainable and Owned). Further support to align the electoral legislation, policies and practice with European standards will be provided. Enhancing the institutional, professional and operational abilities of all the electoral stakeholders to deliver credible elections in keeping with European and international standards for democratic elections is linked to SDG 16 (especially targets 6 and 7).²³

Activities on **education** through assistance in developing and applying the policy framework and methodological guidelines on civic education, digital citizenship education and democratic governance of schools will contribute to SDG 4 on education (especially target 7).²⁴

²¹ Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable. Goal 11 target 3: By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries.

²² ODIHR Election Observation Mission Final Report, 22.05.19, accessed on 25.10.19, available at: <https://www.osce.org/odihr/elections/moldova/420452?download=true>.

²³ Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Goal 16 target 6: Develop effective, accountable and transparent institutions at all levels. Goal 16 target 7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.

²⁴ Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. Goal 4 target 7: By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development.

2.3.1 Strengthening democratic governance and fostering innovation

GOOD GOVERNANCE AT THE SUB-NATIONAL LEVEL

The Republic of Moldova inherited a fragmented territorial-administrative organisation, including 898 territorial units (villages, communes, towns and cities), 38 counties (rayons), four metropolitan areas and an autonomous territorial-administrative unit (ATU) Gagauz-Yeri/Gagauzia. In addition, there are six development regions, which do not have legal personality and consist of representatives of the local government entities elected at the level of the first and second tiers.

The Government of the Republic of Moldova has recognised that reinforcing local and regional governance through effective decentralisation is key to achieving its European integration agenda.

In 2012, the Moldovan Parliament approved the National Decentralisation Strategy and Action Plan, which tackled the issue of territorial-administrative reform via the principles of efficiency, subsidiarity, transfer of competences to local governments, and most importantly, assurance of sustainability of the development of communities. This initiative, however, never materialised due to a lack of support from a stable political majority. The COVID-19 crisis has further shown a lack of local capacity to deal with emergency situations.

Therefore, the current governance challenges, which need to be addressed, include the territorial organisation, the excessive fragmentation and lack of intermunicipal co-operation, the lack of quality governance, limited administrative and human resource capacity, and the inefficient distribution of powers and financial resources among the different tiers of government. In addition, there is a need to improve the dialogue between central and local authorities and cross-border co-operation.

The current Action Plan aims to provide expert support to improve multi-level governance in the Republic of Moldova and to address the above-mentioned challenges. It also aims to facilitate closer alignment of local government with the standards laid down in the European Charter of Local Self-Government. This will also involve supporting the institutional position and the capacities of the national local authorities' association – Congress of Local Authorities from Moldova (CALM).

Local authorities will be supported, in light of the socio-economic aftermath of the COVID-19 pandemic, in building public ethics, increasing transparency and protecting human rights at local level, and in contributing to the relevant national strategies and action plans.

Expected outcomes

- Improved dialogue and consultation between territorial state representatives, and county/rayon and local authorities;
- Local authorities actively engaged in intermunicipal co-operation in line with European standards;
- Introduction of modern and gender responsive human resource management and training systems for public officials at local level;
- Local authorities are better able to identify the vulnerability and resilience of communities to emergency situations and to manage such situations at institutional, administrative and civil society levels;
- CALM members enhance their capacity to support local authorities and strengthen their dialogue with central authorities;
- Local authorities enhance their knowledge and practice in the field of open government, public ethics and corruption prevention, and strengthen their skills in promoting and upholding human rights at local level;
- Authorities responsible for cross-border co-operation in the Republic of Moldova, Romania and Ukraine intensify contacts with a view to boosting economic development in the region.

Main national partners: State Chancellery, Office of the Secretary General of Government, Ministry of Agriculture, Regional Development and Environment; local authorities, CALM, civil society and universities.

ELECTIONS

In August 2019, the Parliament of the Republic of Moldova adopted Law No.113 amending the Electoral Code and returning to the proportional system for parliamentary suffrage, which was considered a positive development. However, the electoral legislation still needs improvements to bring it fully into line with European and international standards and with the Council of Europe's *acquis*, including the Venice Commission's recommendations. These modifications should also include the harmonisation of the legislative and the regulatory framework as well as practices between central level and territorial election management bodies, specifically the Central Election Commission (CEC) of the ATU Gagauzia.

Further development of the entire State Automated Information System "Elections", including for handling complaints, is also needed. Although the introduction of an electronic system for election management was a significant step forward, the CEC lags behind in terms of its adjustment to changing needs/regulations. The system, composed of different modules, also foresees a reporting system for political parties' financing, which has the potential to further advance the CEC's monitoring capacities in this area, thereby effectively conducting financial oversight, including during election campaigns.

The role of the relevant judges in validating elections and in examining electoral complaints needs to be further enhanced. Building capacities in this specific area would also contribute to solving practical and procedural issues arising from the new Administrative Code, which entered into force in April 2019. Likewise, the lack of unified police practices, including in investigating electoral misdemeanours, is another issue which needs to be addressed.

Regarding women's participation in elections, statistics show that their engagement, both as voters and candidates, still needs to be improved. At the global level, the Republic of Moldova ranks 66th (out of 200 States) as regards the number of women elected as MPs, mayors and local councillors.²⁵ According to a study carried out on the 2019 local elections, voters show a preference for choosing men to fill elected positions, which increases with the importance of the position.²⁶ Special attention is also needed to promote the participation in elections at all levels of first-time voters, people with special needs, national minorities and citizens living abroad.

Expected outcomes

- The relevant authorities enhance their capacity to revise the electoral legislation in conformity with international electoral standards;
- The relevant electoral authorities at all levels increase their capacity to operate in a professional, transparent and inclusive manner;
- The CEC and relevant legal professionals improve their ability to examine electoral complaints, and to oversee and investigate political parties' funding;
- Women, first-time voters, national minorities and citizens living abroad have the necessary knowledge and motivation to make an informed decision to vote.

Main national partners: CEC of the Republic of Moldova; CEC of the ATU Gagauzia; Centre for Continuous Electoral Training.

CONFIDENCE BUILDING MEASURES (CBMs)

The Council of Europe has been implementing CBMs in post-conflict, frozen or protracted conflict zones since 2010, following a pilot project in 2008 in the Republic of Moldova. The Council has thus acquired a wealth of experience in building relationships and bridges across the river Nistru. Since its inception in 2010, the Council of Europe CBMs programme in the Republic of Moldova has, at times, included a variety of activity sectors, spanning from the media, to drug prevention and treatment, education and higher education, support to civil society, human rights in places of detention and in the social sphere and architectural heritage.

Under the Council of Europe Action Plan for the Republic of Moldova 2017-2020, the interlocutors' interest in the CBM programme was renewed. Target groups previously not covered by CBMs (such as teachers of foreign languages and drug prevention and treatment professionals) were included, which, at the same time, led to an added value in the CBM landscape on both banks of the Nistru river and to more expectations for future components and activities of the programme.

²⁵ Strategic Plan of the CEC for 2020-2023 of 15 January 2020, p.73 (available only in Romanian).

²⁶ Centre of Partnership for Development. Gender analysis of candidates for the 2019 general local elections (available only in Romanian) at: http://www.progen.md/files/2967_analysisselectionsge_final.pdf.

The CBM work under the current Action Plan will continue to promote dialogue and human rights in the region, in full consistency with the Moldovan authorities' policy on the subject. Action in several areas will aim to maintain the level of interaction between non-state actors on both sides of the Nistru river and to extend co-operation to new topics as deemed necessary by interlocutors. It is expected that in the medium to long term the parties on both sides will be willing to consider more complex issues and thereby increase the momentum for CBMs by jointly tackling practical issues. In 2021-2024, the CBM programme will focus on:

- Providing drug prevention and treatment professionals with the necessary skills and knowledge to develop new initiatives in their daily work, while facilitating their contacts and partnership across the Nistru river;
- Empowering teachers of foreign languages with modern, interactive teaching methodologies, for the benefit of their students, while activating/re-activating a contact network of teachers, notably through the use of social media;
- Enhancing an interaction on specific cultural heritage issues between both banks of the Nistru river;
- Enhancing a dialogue on issues relating to human rights education, among education specialists, including higher education specialists;
- Engaging young people and youth organisations from both sides of the Nistru river in dialogue and conflict transformation based on human rights education and intercultural learning;
- Establish a dialogue between the Moldovan Ombudsperson, the human rights representative from Tiraspol and representatives of civil society on human rights issues.

Expected outcomes

- The number of topics of work among participants from both banks of the Nistru river has increased;
- Non-state actors in the targeted fields sustained dialogue creating an environment conducive to building confidence on both banks of the Nistru river;
- Dialogue between civil society representatives, media professionals and decision makers on both sides of the Nistru river has improved.

Main national partners: Bureau for Reintegration and Ministry of Foreign Affairs and European Integration; Ombudsperson; professional groups and civil society.

2.3.2 Promoting participation and diversity

CIVIL PARTICIPATION IN DEMOCRATIC DECISION-MAKING

Bringing citizens of the Republic of Moldova closer to the decision-making and policy-making processes would generate public services that better respond to the population's increased needs and demands. Ultimately, it may lead to more trust in the government, whether at the local or national level. The country's regulatory framework has strong potential for ensuring good democratic governance. However, certain support actions should be carried out to improve the existing legal framework and practices.

The Council of Europe aims to support the national authorities in enhancing the regulatory framework for civil participation and in establishing effective practices for civil society participation and engagement in the decision-making process. This will be achieved through offering support for the organisation of capacity building activities on transparency at the local level, based on good practices at the European level. In addition, activities in this field could contribute to establishing an open, transparent and regular dialogue between public institutions and representative associations and civil society as well as mechanisms for citizens' participation, including children, in the decision-making process in line with the objectives listed in the European Union (EU) Association Agreement (AA) with the Republic of Moldova.

Expected outcomes

- Citizens and civil society organisations (CSOs), including those that work on women's rights and gender equality, benefit from an enhanced regulatory framework for civil participation in pilot municipalities;
- Increased public awareness of civil participation tools and avenues for the decision-making process;
- Opinions of citizens - including children and young people - and civil society organisations CSOs, including those that work on women's rights and gender equality, are considered by decision-makers through the establishment of dialogue platforms in selected pilot municipalities.

Main national partners: State Chancellery; Parliament; Ministry of Education, Culture and Research; Congress of Local Authorities from Moldova; Ministry of Agriculture, Regional Development and Environment; public authorities; Ministry of Economy and Infrastructure.

EDUCATION FOR DEMOCRACY

The role of education in promoting democratic and European values has gained greater prominence in the last few years in the Republic of Moldova. In 2018 a reform of formal civic education was initiated, resulting in the adoption of the reconceptualised civic education subject entitled "Education for Society". The new curriculum was developed with Council of Europe's expert support and is in keeping with the Council of Europe's Charter on Education for Democratic Citizenship and Human Rights Education (EDC/HRE) and the Reference Framework of Competences for a Democratic Culture (RFCDC).

Since 2019 the Council of Europe has, in close co-operation with the Ministry of Education, Culture and Research, been implementing activities to strengthen the capacity of the Moldovan education system to develop the knowledge and competences that schoolchildren need to become engaged citizens. More specifically, the Council of Europe supports the implementation of the revised civic education subject and the broader integration of relevant tools and approaches in the Moldovan education policy and practice. Expert support in developing the policy framework, methodological guidelines and teaching materials for the new subject was provided and national teacher training capacities on the new subject were strengthened.

Under the current Action Plan, the Council of Europe will continue to support the development of policy and materials and to strengthen teacher training capacities (at the initial and continuous levels). Furthermore, the Organisation will support the integration of the RFCDC into the school governance model, methodological guidelines for schools will be developed and piloted and the effective mainstreaming of EDC/HRE principles and the RFCDC across all school subjects, in line with the Organisation's approach.²⁷ The Council of Europe will also further contribute to quality education in the Republic of Moldova by supporting the relevant authorities in applying the principles of ethics, transparency and integrity in education policies and practices, including through a dedicated co-operation project and through the Republic of Moldova's participation in the Organisation's Platform on Ethics, Transparency and Integrity in Education.

Expected outcomes

- Staff from the Ministry of Education, Culture and Research have an increased capacity to develop and apply the policy framework and methodological guidelines on civic education and digital citizenship education in line with the Council of Europe's standards;
- Education policy-makers in the Republic of Moldova have a better understanding of the Council of Europe's principles of ethics, transparency and integrity in education;
- School directors, teachers and school children in the pilot schools of the Republic of Moldova have a better understanding of the principles of the democratic governance of schools.

Main national partners: Ministry of Education, Culture and Research; professional groups and civil society.

²⁷ Recommendation CM/Rec(2012)13 of the Committee of Ministers to member States on ensuring quality education; Recommendation CM/Rec(2019)10 of the Committee of Ministers to member States on developing and promoting digital citizenship education; Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education; Council of Europe's Reference Framework of Competences for Democratic Culture; PACE Resolution 2313 (2019) The role of education in the digital era: from "digital natives" to "digital citizens".

PART III- IMPLEMENTATION

3.1 METHODOLOGY

The overall co-ordination of technical co-operation carried out by the Council of Europe falls within the remit of the Office of the Directorate General of Programmes (ODGP) which steers programming of and fund-raising for co-operation actions whilst ensuring the proper functioning of Council of Europe Offices in the field.

Action Plan projects are implemented by the Council of Europe's Major Administrative Entity responsible for the relevant area of expertise. In accordance with the Organisation's process on decentralised implementation of technical assistance and co-operation, the Council of Europe Office in the Republic of Moldova plays a key role in co-ordinating and supporting the implementation of projects in the field. As of 30 September 2020, the Office's human resources counted 26 staff members.

The implementation of Action Plan projects involves, as necessary, needs assessments, legislative expertise, capacity-building, awareness-raising and peer-to-peer reviews. The methodology followed, in line with the Council of Europe Project Management Methodology (PMM), aims to reinforce ownership by national stakeholders and to ensure the sustainability of the outcomes. The PMM, which became mandatory as of 2017, helps enhance the quality of project implementation in terms of planning and monitoring, cost efficiency and effectiveness.

In addition, the co-operation designed by the Council of Europe follows a "multi-institutional approach", which allows different Council of Europe's institutions and bodies to target governmental stakeholders, parliaments, independent governance institutions, such as the Ombudsperson's Office, local and regional authorities and civil society. This creates unique leverage for comprehensive, inclusive, successful and sustainable reforms.

The Council of Europe also prioritises a human rights approach at all levels and stages of its activities. Its *acquis*, including Council of Europe legal instruments and institutions, combined with the principles of equality, non-discrimination, gender balanced participation and participation of civil society brings further added value to the Council of Europe activities.

As a component of this human rights approach, the Council of Europe emphasises gender mainstreaming throughout its project activities in line with its Gender Equality Strategy 2018-2023. The Council of Europe Gender Mainstreaming Toolkit for Co-operation Projects is expected to enhance the implementation of a gender dimension in co-operation activities within the Organisation as well as by national partners. The gender mainstreaming approach will be defined as the actions associated with the Action Plan are developed. It will already be applied to actions regardless of the field of co-operation. For example, the standards for gender equality and women's rights will be taken into account when the various pieces of legislation and national frameworks are revised in the light of European standards. The issue of gender equality will also be incorporated into training activities and programmes. The impact of gender will be analysed when projects are designed and implemented. In addition to gender mainstreaming, specific actions will be considered in order to promote gender equality.

Similarly, the Council of Europe promotes the active participation of civil society in project activities. Inclusiveness is approached in accordance with the Guidelines on civil society organisations' participation in Council of Europe's co-operation activities.

This Action Plan also takes into account the **lessons learned** during the implementation of the Action Plan 2017-2020, including:

- Despite the changing political situation in the country, the Moldovan authorities have repeatedly requested the expertise of the Council of Europe in engaging and sustaining democratic reforms. For example, the authorities have shown a continued commitment to reforming the justice system following the Council of Europe's recommendations;
- Overall, the effective implementation of reforms adopted remains a challenge;
- The lack of institutional memory has hampered the sustainability of projects. Although this is a recurring issue, the Council of Europe is striving to make sure that the positive changes brought about within the beneficiary institutions go beyond their staff and that they become an integral part of the practices and working processes;

- Co-ordination with other organisations and agencies implementing technical co-operation is a challenge, resulting at times in a lack of sufficient synergies regarding projects following goals. Further efforts are needed to ensure co-ordination to boost the overall Action Plan's effectiveness;
- Work with partners in the regions contributes to the ownership and sustainability of the reforms and should be enhanced.

Due to the nature of its mandate, the Council of Europe has to operate at times in complex and unstable environments which expose it to risks. The analysis of risks relevant to the implementation of the Action Plan as well as possible mitigation strategies is set out in Appendix II of this Action Plan on the basis of the Council of Europe Risk Management Guidelines and the Risk Management Policy of the Organisation adopted in June 2016. All projects implemented within the Action Plan have their own risk assessment and mitigation modalities.

In order to address the unprecedented COVID-19 outbreak and to continue implementing the programme under these circumstances, the workplans of the previous Action Plan's individual projects were modified in spring 2020 in line with overall priorities and in compliance with the restrictions in force. The same approach will be applied to implementing this Action Plan, if circumstances so require.

This involves applying mitigating measures, where necessary, and focusing on activities which are in line with the restrictions linked to the current situation and which do not require face-to-face meetings and international/local travel, through:

- organising the originally planned activity via videoconference;
- promoting distance learning and developing online training materials;
- replacing actions by written procedures;
- replacing one activity by another (such as desk-studies, expert analysis; questionnaire-based assessments complemented by consultations through videoconferencing);
- changing the timeline in favour of desk work in the coming weeks and holding more interactive meetings later on;
- developing awareness-raising and communication materials, increasing the online presence of the projects through social media postings and newsletters;
- provision of specific COVID-19 related capacity building where relevant.

In addition, the Council of Europe strives to increase the understanding of the relationship between the protection of human rights under the European Convention on Human Rights (ECHR) and the environment and thereby to contribute to strengthening environmental protection at the national level in line with the principles contained in the Council of Europe's Manual on Human Rights and the Environment.

3.2 CONTRIBUTION TO THE UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS

The Action Plan will sustain the efforts of the Moldovan authorities in achieving the United Nations Sustainable Development Goals (SDGs), especially Goals 3, 4, 5, 10, 11 and 16, as follows:

Goal 3: Ensure healthy lives and promote well-being for all at all ages

The actions to counter drug abuse and increase access to quality drug addiction treatment for inmates will directly contribute to SDG 3, target 5 on strengthening the prevention and treatment of substance abuse.²⁸

By increasing the capacity of health and legal professionals to ensure respect for human rights in the biomedical field and by incorporating bioethics into professional training, the Action Plan will contribute to SDG 3, target c on increasing health development and training.²⁹

Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all

The Action Plan aims to develop a policy framework and methodological guidelines on civic education, digital citizenship education and democratic governance of schools and will, thereby, directly contribute to SDG, 4 target 7 on ensuring that learners acquire the knowledge and skills needed to promote sustainable development.³⁰

²⁸ See Action Plan Chapter 2.2.3 Countering threats to the rule of law: drug abuse and illicit trafficking.

²⁹ See Action Plan Chapter 2.1.1 Protecting human rights: effectiveness of the ECHR system at national level.

³⁰ See Action Plan Chapter 2.3.2 Promoting participation and diversity: education for democracy.

Goal 5: Achieve gender equality and empower all women and girls

A number of Council of Europe instruments, such as the Istanbul and Lanzarote Conventions, aim to promote gender equality and to combat violence against women and children. Beyond promoting accession to these instruments, a technical co-operation action aims to empower women by, for example, promoting their access to justice.

Several projects included in this Action Plan aim to support comprehensive changes to relevant legislative and policy frameworks and practices in line with European standards on promoting gender equality and combating violence against women and domestic violence. They will, accordingly, specifically contribute to the SDG 5, target 2 on eliminating all forms of violence against all women and girls.³¹

In addition, gender mainstreaming in all policies and measures is a priority of the Action Plan and also contributes to achieving this target.³²

Goal 10: Reduce inequality within and among countries

The Action Plan's contribution to countering discrimination, hate speech and hate crime will support the Moldovan authorities' efforts to get closer to achieving the objectives of SDG 10, target 3 on ensuring equal opportunity and reducing inequalities. The Action Plan's implementation should result in an increased capacity of the authorities and civil society organisations (CSOs) to monitor and deal with cases of discrimination, with a focus on protecting the rights of Roma and LGBTI in line with European standards.³³ Actions to promote and protect social rights are also linked to achieving this target.³⁴

Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable

The actions on promoting good governance, civil participation and local self-governance contribute to SDG 11, target 3 on enhancing inclusive and sustainable urbanization and the capacity for participatory, integrated and sustainable human settlement planning and management through enhancing legal, regulatory and institutional frameworks and practices to engage in dialogue between citizens and authorities at all levels, improving public administration and the application of ethical principles in line with European standards.³⁵

Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

Due to the nature of its mandate, Council of Europe's technical co-operation actions bring a significant contribution to the achievement of SDG 16. Target 1 aims to reduce all forms of violence and related death rates. The Action Plan aims to harmonise the pre-trial detention framework with Council of Europe standards and to facilitate the application of alternatives to detention by the judiciary. Work to increase the capacity of health care services for inmates (including mental health care) should equally contribute to achieving this target.³⁶

Preventing and combating trafficking in human beings has been identified as the new priority area for technical co-operation with the Republic of Moldova. Likewise, the Action Plan will combat sexual exploitation and abuse of children. The Action Plan will strive to enhance the capacity of law enforcement and relevant legal professionals to investigate, prosecute and sentence perpetrators of crimes against children, directly contributing to the achievement of Moldova's commitments in relation to SDG 16, target 2 on ending abuse, exploitation, trafficking and all forms of violence against and torture of children.³⁷

³¹ See Action Plan Chapter 2.1.2 Promoting human rights and dignity: gender equality and combating violence against women and domestic violence.

³² See Action Plan Chapter 3.1 Methodology.

³³ See Action Plan Chapter 2.1.2 Promoting human rights and dignity: Anti-discrimination; Hate speech and hate crime.

³⁴ See Action Plan Chapter 2.1.2 Promoting human rights and dignity: Ensuring social rights.

³⁵ See Action Plan Chapter 2.3.1 Strengthening democratic governance and fostering innovation.

³⁶ See Action Plan Chapter 2.1.1 Protecting human rights: Effectiveness of the ECHR system at national level. And Chapter 2.2.1 Ensuring justice: Prisons and police.

³⁷ See Action Plan Chapter 2.1.2 Promoting human rights and dignity: Children's rights.

The Council of Europe's efforts to increase the capacity to apply European standards on the judiciary, and prosecution and legal aid services at national level contribute to achieving SDG 16, target 3 on promoting the rule of law and ensuring equal access to justice for all.³⁸ Promoting access to legal aid, the access of women victims of violence to justice and a more efficient and independent justice system should contribute to achieving this target.

Actions aimed at increasing the capacity of law enforcement and the judiciary to recover illegally obtained assets through all available legal instruments and at proactively combating money laundering and terrorist financing will contribute to achieving SDG 16, target 4 on the significant reduction of illicit financial and arms flows and combating all forms of organised crime.³⁹

The Action Plan's comprehensive actions to enforce legislation on countering corruption, money laundering and terrorism financing as well as on strengthening local capacity to effectively verify assets and declarations of other interests by judges, prosecutors and members of parliament contribute to SDG 16, target 5 on substantial reduction of corruption and bribery.⁴⁰

The Action Plan puts considerable efforts into developing the capacities of public, judicial and law enforcement authorities to operate more efficiently and ethically in line with their mandates. Enhancing the capacities of institutions' staff to implement the reforms through enhanced skills and ensuring appropriate co-ordination among relevant institutions will contribute to SDG 16, target 6 on developing effective, accountable and transparent institutions at all levels.⁴¹

The Action Plan priorities pursuing the development of local self-governance, increasing civil participation at all levels, facilitating dialogue between central and local authorities and civil society directly contribute to SDG 16, target 7 on ensuring responsive, inclusive, participatory and representative decision-making at all levels. Enhancing election-related legislation, regulations and practices in line with international standards also contributes to achieving this target.⁴²

The Council of Europe aims to improve the regulatory framework and practices on media freedom and to ensure public access to information. Therefore, it contributes to SDG 16, target 10 on ensuring public access to information and protection of fundamental freedoms.⁴³

Actions to increase the capacity and skills of relevant authorities to monitor and counter discrimination, hate crime and hate speech also contribute to achieving this target and directly contribute to achieving SDG 16, target a on building the capacity to prevent violence and combat terrorism and crime.⁴⁴

3.3 CO-ORDINATION

Co-ordination to ensure efficient use of resources and the relevance of the Council of Europe's actions is performed at different levels and in different forums, including the Committee of Ministers of the Council of Europe (CM).

The Council of Europe's actions are determined and implemented so as to focus on areas where the Organisation has strong expertise and added value. Joint co-operation with the Moldovan authorities is developed on the basis of a thorough analysis of the objectives followed by other international organisations and players in the field and in their work, implemented and/or planned to achieve these objectives.

To ensure the relevance of its actions, the Council of Europe works in close co-ordination with relevant international partners, notably the European Union (EU) and in particular the EU Delegation in Chisinau. This Action Plan will be also implemented in the context of the government programme geared towards the EU integration process (Deep and Comprehensive Free Trade Area (DCFTA) and Association Agreement between the EU and the Republic of Moldova).

³⁸ See Action Plan Chapter 2.2.1 Ensuring justice: Independence and efficiency of justice.

³⁹ See Action Plan Chapter 2.2.3 Countering threats to the rule of law: Fight against corruption and money laundering.

⁴⁰ Ibid.

⁴¹ See Action Plan Chapter 2.2.1 Ensuring justice: Independence and efficiency of justice; Prison and police.

⁴² See Action Plan Chapter 2.3.1 Strengthening democratic governance and fostering innovation: Good governance at the sub-national level; Elections; Local democracy. And Chapter 2.3.2 Promoting participation and diversity: Civil participation in democratic decision-making.

⁴³ See Action Plan Chapter 2.2.2 Strengthening the rule of law: Information society and Internet governance; Strengthening data protection.

⁴⁴ See Action Plan Chapter 2.1.1 Protecting human rights: Effectiveness of the ECHR system at national level.

Since 2015 the Republic of Moldova has benefited from participating in the European Union/Council of Europe Joint Programme entitled “Partnership for Good Governance (PGG)” focusing on preventing and countering economic crime; strengthening the legal profession; strengthening access to justice for victims of discrimination, hate crime and hate speech; and enhancing women's access to justice.

Co-ordination is also ensured with the United Nations (UN) and the Organisation for Security and Co-operation in Europe (OSCE). The Council of Europe worked closely with the United Nations Development Programme (UNDP), the US Embassy, the United States Agency for International Development (USAID), the Office of the UN High Commissioner for Human Rights and embassies of member States. To ensure efficiency and avoid the overlapping of activities, it also co-ordinates its activities with the relevant development agencies of member States. In addition, it has chaired several donor co-ordination groups, namely on media legislation, justice and anti-corruption, and participated in other sectoral co-ordination groups.

3.4 FUNDING

The overall budget of the Action Plan is approximately €13.7 million. Funding amounting to €2.6 million (19% of the total budget) has been secured.

Projects within the Action Plan are to be funded from multiple sources, including Joint Programmes with the European Union (EU) such as the Partnership for Good Governance (PGG), voluntary contributions (VC) from donor countries and international organisations, as well as the ordinary budget (OB) of the Council of Europe.

The co-ordination of Action Plan implementation incurs general management costs amounting to not more than 7% of the Action Plan's direct costs.

In line with the Council of Europe resource mobilisation strategy, fundraising efforts under the co-ordination of the Office of the Directorate General of Programmes (ODGP) are concentrated on the Action Plan as a whole. Action Plan-level funding, in particular, allows flexibility for allocating funds where they are most needed and where they are most likely to contribute to the sustainability of key policy and institutional reforms.

This Action Plan's structure from 2021 to 2024 is aligned with the structure of the Programme and Budget of the Council of Europe and its two biennial cycles in order to increase coherence, complementarity and co-ordination between activities within the ordinary budget of the Council of Europe and extra-budgetary technical assistance for the Republic of Moldova.

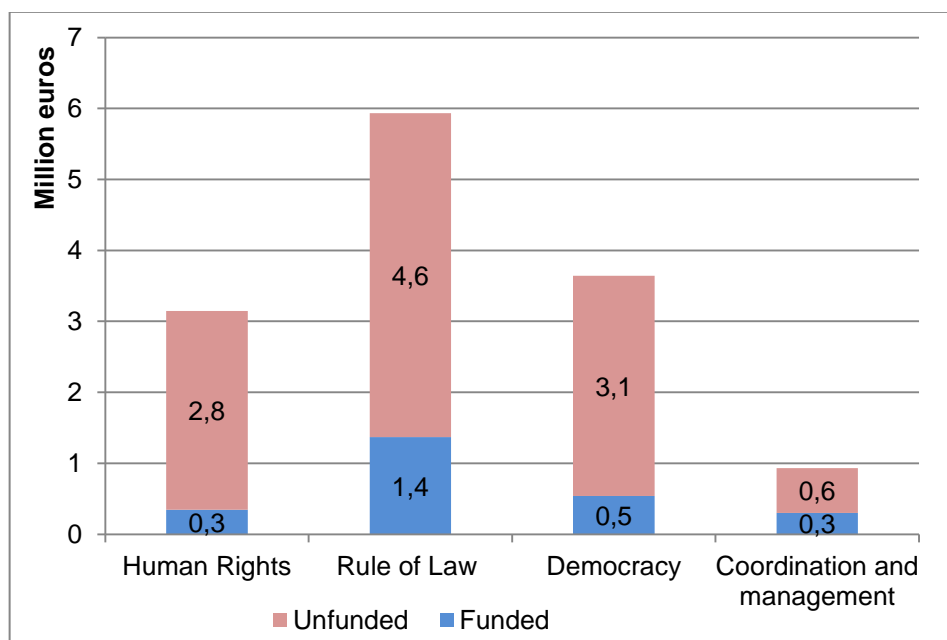


Figure 2: Estimated budget per theme of the Council of Europe Action Plan for the Republic of Moldova 2021-2024 (in millions of euros)

3.5 GOVERNANCE

The Committee of Ministers of the Council of Europe (CM) is responsible, through its Rapporteur Group on Democracy (GR-DEM), for the overall assessment of the results of the Action Plan implementation.

The Council of Europe will provide regular updates on the progress and outcomes of the Action Plan. To that end, the Office of the Directorate General of Programmes (ODGP) will submit interim and final reports to the CM as follows:

- an oral report 12 months after the adoption of the Action Plan to present the state of advancement after its official launching;
- a comprehensive mid-term Progress Review Report, 24 months after the adoption of the Action Plan;
- a final Progress Review Report at the end of the implementation of the Action Plan.

Progress made under the Action Plan will also be jointly assessed by the Council of Europe and the Moldovan authorities. For this purpose, an Action Plan Steering Committee is established, composed of representatives of the Ministry of Foreign Affairs and European Integration and other national stakeholders, including civil society, involved in the implementation of the Action Plan as well as of representatives of the Council of Europe.

This Steering Committee will assess the implementation of approved projects, discuss proposals for future co-operation and challenges encountered, and recommend, if appropriate, measures for improving the effectiveness of the Action Plan. Meetings will take place 24 months after the adoption of the Action Plan, to assess the mid-term implementation, and before the end of the Action Plan, to assess the overall implementation. Regarding the Steering Committee's composition, a good gender balance will be encouraged as far as possible subject to limitations in terms of sectorial knowledge and experience.

In addition, the ODGP will address annual Action Plan Reports to those donors contributing to the funding at the level of the Action Plan, in line with reporting requirements.

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Appendix I - Logframe

Gender equality and civil participation in decision-making as transversal topics:

- **Gender equality** is mainstreamed throughout the Council of Europe's projects in line with the Gender Equality Strategy of the Council of Europe and supported by the Council of Europe Gender Mainstreaming Toolkit for Co-operation Projects, along with other available tools;
- **Civil participation** is promoted by the Organisation in line with Guidelines on civil society organisations' participation in Council of Europe's co-operation activities.

Overall goal: to support the reforms in the Republic of Moldova, which will bring Moldovan legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy, and therefore support the country's efforts to honour its obligations as a Council of Europe member State.

Human Rights	
Thematic outcome: Human rights protection and equality are enhanced through the well-structured and co-ordinated implementation of human rights standards, including those on gender equality, and an improved effectiveness of the European Convention on Human Rights (ECHR) system.	
The actions in this area will contribute to the implementation of Sustainable Development Goals (SDG) 3 (targets 5 and c) ⁴⁵ ; 5 (target 2) ⁴⁶ ; 10 (target 3) ⁴⁷ and 16 (targets 1, 2, 6 and 10). ⁴⁸	
Outcomes	Indicators
1.1. Protecting Human Rights <i>Effectiveness of the ECHR system at national level</i> <ul style="list-style-type: none"> • Pre-trial detention framework compliant with and implemented in line with European standards. • Increased application of alternatives to detention. • Staff of the Ombudsperson's Institution have an increased capacity and skills to implement its mandate and improve its visibility. 	<i>Effectiveness of the ECHR system at national level</i> <ul style="list-style-type: none"> • Quality of references to the European Convention on Human Rights (ECHR). • Degree of embedding of ECHR standards in national legislation and level of implementation of European human rights standards, notably in relation to the elimination of all forms of discrimination. • Level of implementation of the ECtHR judgements.

⁴⁵ Goal 3: Ensure healthy lives and promote well-being for all at all ages. Target 5: Strengthen the prevention and treatment of substance abuse, including narcotic drug abuse and harmful use of alcohol. Target C: Substantially increase health financing and the recruitment, development, training and retention of the health workforce in developing countries, especially in least developed countries and small island developing States.

⁴⁶ Goal 5: Achieve gender equality and empower all women and girls. Target 2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation

⁴⁷ Goal 10: Reduce inequality within and among countries. Target 3: Ensure equal opportunity and reduce inequalities of outcome, including by eliminating discriminatory laws, policies and practices and promoting appropriate legislation, policies and action in this regard.

⁴⁸ Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Goal 16, target 1: Significantly reduce all forms of violence and related death rates everywhere. Goal 16, target 2: End abuse, exploitation, trafficking and all forms of violence against and torture of children. Goal 16, target 6: Develop effective, accountable and transparent institutions at all levels. Goal 16, target 10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

<ul style="list-style-type: none"> • Staff of the Office of the Government Agent have an enhanced capacity and skills to follow the enforcement of the ECtHR judgements. • Increased capacity of health and legal professionals as well as staff of relevant national institutions to ensure, at their respective level, respect for gender equality and human rights in the biomedical field. 	<ul style="list-style-type: none"> • Degree of compliance of criminal legislation with European standards and of implementation. • Number of cases investigated by the State Inspectorate of crimes committed by the law enforcement officers. • Regularity and scope of the Government Agent's Office activities to co-ordinate implementation of ECHR standards at national level. • Extent of transfer of skills and knowledge on ECHR standards to the relevant national institutions.
<p>1.2. Promoting Human Rights and Dignity</p> <p><i>Gender equality and combating violence against women and domestic violence</i></p> <ul style="list-style-type: none"> • Relevant staff from key ministries and institutions have substantial knowledge of the Istanbul Convention and implement comprehensive changes to legislative and policy frameworks in line with European standards. • Relevant professionals⁴⁹ have the capacity and skills to effectively implement legislation and policies to counter violence against women and domestic violence. • Staff from the relevant institutions are well informed about the Istanbul Convention, understand its implications and commit to its ratification. <p><i>Anti-discrimination, minorities and minority languages</i></p> <ul style="list-style-type: none"> • The staff of the Equality Council have an increased capacity to monitor and deal with cases of discrimination. • The staff of the Equality Council have an increased capacity to provide professional <i>amici curiae</i> as well as to raise awareness and enhance the skills of other relevant authorities to prevent discrimination. • Information about redress against discrimination is widely disseminated among vulnerable communities, and the capacity of relevant institutions to reach out to such communities is increased. • Relevant public institutions enhance their capacities to protect the rights of Roma in line with European standards. 	<p><i>Gender equality, combating violence against women and domestic violence</i></p> <ul style="list-style-type: none"> • Extent to which national legislation on gender-based violence and domestic violence is in place and implemented in line with European standards. • Degree of access to justice for women victims of violence and quality of the judicial response in cases of gender-based violence. <p><i>Anti-discrimination, minorities and minority languages</i></p> <ul style="list-style-type: none"> • Degree of compliance of adopted anti-discrimination legislation and institutional frameworks with European standards and respective level of implementation and efficiency. • Level of extent of inter-agency co-operation to address discrimination. • Number of <i>amici curiae</i> released by the Equality Council.

⁴⁹ Including judges, prosecutors, law enforcement officials, social and medical workers.

Hate Speech and Hate Crime

- Relevant authorities enhance their capacity to revise hate crime and hate speech legislation in line with international standards.
- Police, prosecutors and judges enhance their capacity to identify, investigate, prosecute and judge hate crime.
- Relevant authorities have the capacity to monitor, report and sanction cases of hate speech and hate crime, particularly those affecting Roma and LGBTI) people, while ensuring co-operation with each other.
- Public awareness of the dangers of hate speech online and offline is increased.

Children's rights

- Criminal justice professionals increase their capacity and qualification to effectively investigate, prosecute and sentence perpetrators of crimes against children, including in the digital environment.
- Guardianship authorities and non-legal professionals working with and for children become better equipped with the gender sensitive tools needed to identify and report child sexual exploitation and abuse.
- Agencies responsible for countering child sexual exploitation and abuse effectively co-ordinate their action, including at local level.
- Children's participation in decision-making is further boosted by the relevant authorities, professionals and civil society.
- The relevant authorities and civil society have the capacity to increase public awareness of preventing and combating child sexual exploitation and abuse, including by targeting the Internet and children's safety online.

Hate Speech and Hate Crime

- Level of incidences of racist, homo/transphobic violence and hate speech and cases of discrimination on Sexual Orientation and Gender Identity (SOGI) grounds and increase in levels of prosecution and convictions. Degree of integration of vulnerable groups.
- Level of extent of inter-agency co-operation during criminal procedures related to hate crime.

Children's rights

- Degree of compliance of the legal, policy and institutional framework for the prevention and protection of children against all forms of violence, including sexual exploitation and abuse.
- Level of extent of inter-agency co-operation during criminal procedures and child welfare assessments related to child sexual abuse.
- Level of knowledge and application by relevant actors of gender sensitive strategies for the prevention, protection and support of child victims and witnesses.
- Degree of implementation of the CM/Rec(2018)7.
- Level of gender sensitive knowledge and application by relevant actors of measures to uphold the best interests of the child when children are in contact with the justice system.

1.3. Ensuring Social Rights

- The national authorities have the capacity to prepare high-quality national reports on the implementation of the ESC.
 - CSOs have the capacity to submit alternative reports on the implementation of the ESC.
 - Decision makers have increased awareness of additional ESC provisions and the collective complaints procedure, and additional ESC provisions are accepted.
 - Targeted professionals have a better understanding of the European Committee of Social Rights' case law and are capable of applying it in practice.
- Extent to which the Council of Europe recommendations are incorporated in the revised/developed policy documents and legislation.
 - Extent to which various action plans on implementing social rights and related reforms reflect recommendations deriving from assessments.
 - Extent to which judges and lawyers use the ESC, ECSR and relevant ECtHR in their practice.
 - Extent to which social/civil servants, legal professionals use relevant European standards in their daily work.
 - Reported measures/activities of enhanced co-operation of civil society with social rights stakeholders.
 - Number and quality of civil society reports pertaining to implementation of social rights.

Rule of Law	
<p>Thematic outcome: Democratic security is strengthened by an enhanced implementation of the existing legislation and European standards, the development of an enabling legal and institutional framework for a democratic society and an improved quality of justice and efficiency in combating corruption.</p>	
<p>The actions in this area will contribute to achieving SDG 16 (especially targets 2, 3, 4, 5, 6, 7 and 10).⁵⁰</p>	
Outcomes	Indicators
<p>2.1. Ensuring Justice <i>Independence and Efficiency of Justice</i></p> <ul style="list-style-type: none"> • Relevant authorities enhance their capacity to revise the national legal framework on the judiciary in line with European standards. • Judges and court staff improve their capacity to apply CEPEJ tools to increase judicial transparency and accountability. • Professionals responsible for the enforcement of court decisions in civil and administrative cases have the capacity to implement the CEPEJ tools to analyse the functioning and efficiency of the system of enforcement. • A framework for fighting corruption in the judiciary is in place, enabling the fair application of the rules and procedures in practice and safeguarding against external interference. • SCM, NIJ, and Superior Council of Prosecutors (SCP) staff facilitate regular dialogue between these institutions. • The NIJ's staff have an increased capacity to develop and implement coherent, gender sensitive and modern initial and in-service training programmes for judicial and non-judicial court staff. • The legal aid services staff have the capacity to provide gender sensitive, quality services. 	<p><i>Independence and efficiency of justice</i></p> <ul style="list-style-type: none"> • Level of trust in judiciary among population (including gender perspective). • Extent to which criminal procedure legislation is in place and/or amended and implemented in line with European standards. • Level of equality in access to justice for women and men. • Quality and scope of analytical reporting of the justice sector stakeholders and quality and scope of data collection and analysis (including gender perspective); • Quality of the procedures, rules and regulations and management capacities of the judicial self-governing bodies (including gender perspective). • Level of implementation of European Commission for the Efficiency of Justice (CEPEJ) tools and methodology in courts' daily work.

⁵⁰ Goal 16, target 2: End abuse, exploitation, trafficking and all forms of violence against and torture of children. Goal 16, target 3: Promote the rule of law at the national and international levels and ensure equal access to justice for all. Goal 16, target 4: By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime. Goal 16, target 5: Substantially reduce corruption and bribery in all their forms. Goal 16, target 6: Develop effective, accountable and transparent institutions at all levels. Goal 16, target 7: Ensure responsive, inclusive, participatory and representative decision-making at all levels. Goal 16, target 10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

<p><i>Prisons and Police</i></p> <ul style="list-style-type: none"> • Prison staff have a better capacity to use tools for individual gender-sensitive sentence planning and to implement a progressive system for enforcing punishments. • Prison staff and health care professionals have the capacity to provide gender-sensitive health care services to inmates (including mental health care) of the same quality as the public health care system. • Police capacity to prevent and investigate ill-treatment in its detention facilities is increased. • Management and staff from the probation service have the capacity and skills to implement reforms for the resocialisation of offenders, including in a gender-sensitive manner. • Medical and non-medical staff of psychiatric institutions and social care homes have a better understanding of how to apply protocols and procedures through initial and in-service training programmes. 	<p><i>Prisons and police</i></p> <ul style="list-style-type: none"> • Regulations and normative acts related to treatment of juvenile offenders and juvenile victims of crimes are in line with the European standards. • The degree to which regulations and other normative acts regulating the treatment of the detainees at the temporary detention isolators is approximated with European standards (including gender perspective). • Number of prevented, investigated and prosecuted cases of domestic violence. • Quality of health care provided to detainees (including gender perspective). • Caseload of probation service staff. • Level of employment by gender among former offenders one year after release from prison. • Level of recidivism by gender among offenders who underwent probation supervision within three years after release from prison.
<p>2.2. Strengthening the Rule of Law</p> <p><i>Information Society and Internet Governance: Freedom of expression and Public Broadcasting - Strengthening Data Protection</i></p> <ul style="list-style-type: none"> • Staff from the Audiovisual Council have the capacity to put into practice and monitor the implementation of the new media legislation. • A system for monitoring the implementation of the Audiovisual Media Services Code of Moldova, in particular regarding political pluralism, inflammatory speech, xenophobia and racism, hate speech and defamation, is put in place in line with the Council of Europe's applicable standards. • Public service broadcasters' staff enhance their capacity and skills to provide varied, high-quality, gender aware and unbiased content, and to adapt their operations to the digital age and maintain high editorial standards in a competitive market. • The technical capabilities of the Audiovisual Council to implement the new Audiovisual Media Services Code are strengthened. • Professionals providing journalism training have the capacity and knowledge to deliver quality courses leading to a well-trained, gender aware and critical-minded young generation of journalists, capable of investigative journalism and documentaries production. 	<p><i>Information Society and Internet Governance: Freedom of expression and Public Broadcasting - Strengthening Data Protection</i></p> <ul style="list-style-type: none"> • Number of provisions in the adopted legislation, regulations and policy documents taking into account Council of Europe and European standards and practices. • Extent to which national legislation is in place and/or amended and implemented in line with international and European data protection standards. • Extent to which national legislation on media regulation and practice are in place and/or amended in compliance with European standards regarding freedom of expression including on the Internet, media pluralism and public broadcasting. • Level of alerts submitted to the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists and of convictions for crimes against journalists.

<ul style="list-style-type: none"> • Representatives of stakeholders (authorities, service providers and CSOs) gain the necessary knowledge and skills to devise effective systems for Internet governance. • Internet users have increased awareness of their rights and available remedies and redress in case of violations in the online environment. • The relevant authorities of the Republic of Moldova have the necessary knowledge to proceed with the ratification of Convention 108+. • Staff from the NCPDP have targeted awareness-raising tools to enhance data protection in the health sector. • Staff from the NCPDP have the capacity and skills to improve their control methodology to counter risks in the digital environment. 	<ul style="list-style-type: none"> • Quality of training delivered and application of a code of ethics for journalists in line with European standards, including gender equality awareness. • Level of implementation of Council of Europe recommendations on Internet governance.
<p>2.3. Countering Threats to the Rule of Law</p> <p><i>Fight Against Corruption and Money Laundering</i></p> <ul style="list-style-type: none"> • Judges and prosecutors have the necessary capacity to implement the Council of Europe's standards in the field. • Staff responsible for integrity controls in respect of public officials have the capacity needed to effectively apply the system for verification of assets and declaration of other interests by judges, prosecutors and members of parliament. • AML/CFT National Risk Assessment is regularly updated; 	<p><i>Fight Against Corruption and Money Laundering</i></p> <ul style="list-style-type: none"> • Existing legislative and institutional frameworks and practices to fight corruption, money laundering and cybercrime are in line with the European and international standards. • Extent to which public administration has capacity to plan, to allocate resources and to carry out complex actions, while combating mismanagement and corruption. • Extent to which accountability of public officials is reinforced through legal and reporting framework, organisational structure, strategy, procedures and actions. • Level of trust in prevention and fight against corruption among population (including gender perspective). • The degree to which regulations and other normative acts regulating asset recovery as well as measures to counter money laundering/terrorism financing are approximated with European standards.

- Staff from the National Integrity Authority have the capacity to enforce its control and verification mandate.
- Staff from the anti-money laundering reporting and supervisory entities are better able to devise effective control systems and properly react to suspicions.
- Law enforcement agencies and the judiciary have an increased capacity to recover illegal assets by using all available legal instruments and proactively combating money laundering and terrorist financing.
- Increased capacities of judicial and law enforcement authorities and interagency co-operation, towards coherent, sustainable and skills-oriented experience sharing and training framework.

Cybercrime

- Public and private stakeholders enhance their capacity to adopt and further improve legislative and policy frameworks compliant with the Budapest Convention as well as related standards, such as the Istanbul and Lanzarote Conventions.
- Increased capacities of judicial and law enforcement authorities and interagency co-operation, towards coherent, sustainable and skills-oriented experience sharing and training framework.

Drug Abuse and Illicit Trafficking

- Prison staff, health care professionals and social workers in co-operation with civil society organisations (CSOs) have the capacity to increase access to quality drug addiction treatment for inmates.

Trafficking in Human Beings

- Criminal justice system professionals have an enhanced gender sensitive capacity to effectively investigate, prosecute and sentence those responsible for trafficking in human beings, including in the digital environment.
- Criminal justice system professionals have an enhanced gender sensitive capacity to prevent and identify child trafficking, including through increased co-operation between anti-trafficking and child protection services.

Cybercrime

- Extent of financial investigations and prosecutions related to cybercrime and proceeds from online crime.
- Extent to which balance between the interests of law enforcement and respect for fundamental human rights and principles of rule of law is ensured while effectively fighting cybercrime.
- Level of compliance with international standards on cybercrime, money laundering and the search, seizure and confiscation of proceeds from crime.
- Increased level of international co-operation in criminal matters related to fight against cybercrime.

Drug Abuse and Illicit Trafficking

- Existing legislative and institutional frameworks and practices to provide quality drug addiction treatment for inmates.
- Number of inmates by gender receiving quality drug addiction treatment.

Trafficking in Human Beings

- Extent of investigations and prosecutions related to trafficking in human beings.
- Level of compliance of legislation and practice with international standards on countering trafficking in human beings.

<ul style="list-style-type: none"> • Relevant professionals have the gender sensitive capacity to improve access to justice and effective remedies for victims of human trafficking. • Labour inspectors and law enforcement officers have enhanced their capacities and practices to prevent and identify trafficking in human beings. 	
<p>Democracy Thematic outcome: The democratisation of society is fostered through electoral integrity, strengthened local democracy and increased participation of young people in the democratic process.</p>	
<p>Activities in this area will contribute to SDG 11 (especially target 3)⁵¹, SDG 4 (especially targets 7 and c)⁵² and will be linked to SDG 16 (especially targets 6 and 7)⁵³.</p>	
<p>Outcomes</p>	<p>Indicators</p>
<p>3.1. Strengthening Democratic Governance and Fostering Innovation</p> <p><i>Good Governance at the Sub-national level</i></p> <ul style="list-style-type: none"> • Improved dialogue and consultation between territorial state representatives, and county/rayon and local authorities. • Local authorities actively engaged in intermunicipal co-operation in line with European standards. • Introduction of modern, gender responsive human resource management and training systems for public officials at local level. • Local authorities are better able to identify the vulnerability and resilience of communities to emergency situations and to manage such situations at institutional, administrative and civil society levels. • CALM members enhance their capacity to support local authorities and strengthen their dialogue with central authorities. • Local authorities enhance their knowledge and practice in the field of open government, public ethics and corruption prevention, and strengthen their skills in promoting and upholding human rights at local level; 	<p><i>Good Governance at the Sub-national level</i></p> <ul style="list-style-type: none"> • Regularity and scope of consultations between national and local authorities. • Level to which recommendations of local authorities are reflected in the national Decentralisation and Good Governance Strategy. • Level to which regulations and practices at local level reflect European good practice of local governance. • Extent of women participation in decision making at local level. • Perception of governance at local level by population (disaggregated by gender).

⁵¹ Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable. Goal 11, target 3: By 2030, enhance inclusive and sustainable urbanization and capacity for participatory, integrated and sustainable human settlement planning and management in all countries.

⁵² Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. Goal 4, target 7: by 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of culture's contribution to sustainable development. Goal 4, target c: By 2030, substantially increase the supply of qualified teachers, including through international cooperation for teacher training in developing countries, especially least developed countries and small island developing States.

⁵³ Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels. Goal 16, target 6: Develop effective, accountable and transparent institutions at all levels. Goal 16, target 7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.

- Authorities responsible for cross-border co-operation in the Republic of Moldova, Romania and Ukraine intensify contacts with a view to boosting economic development in the region.

Elections

- The relevant authorities enhance their capacity to revise the electoral legislation in conformity with international electoral standards.
- The relevant electoral authorities at all levels increase their capacity to operate in a professional, transparent and inclusive manner.
- The CEC and relevant legal professionals improve their ability to examine electoral complaints, and to oversee and investigate political parties' funding.
- Women, first-time voters, national minorities and citizens living abroad have the necessary knowledge and motivation to make an informed decision to vote.

Confidence Building Measures (CBMs)

- The number of topics of work among participants from both banks has increased.
- Non-state actors in the targeted fields sustained dialogue creating an environment conducive to building confidence on both banks of the Nistru river.
- Dialogue between civil society representatives, media professionals and decision makers on both sides of the river Nistru has improved.

Elections

- Extent of incorporation of European standards in electoral legislation and practice.
- Level of confidence in the electoral process, by gender.
- Level of women, national minorities and youth participation in elections.
- Level of awareness of electoral rights in population, by gender.

Confidence-building measures (CBMs)

- Scope, frequency and number of activities.
- Number of participants (including gender perspective).
- Level of support to the CBMs among participants.

3.2. Promoting participation and diversity

Civil Participation in Democratic Decision-Making

- Citizens and civil society organisations (CSOs), including those that work on women's rights and gender equality, benefit from an enhanced regulatory framework for civil participation and in pilot municipalities,
- Increased public awareness of civil participation tools and avenues for the decision-making process,
- Opinions of citizens - including children and young people - and civil society organisations CSOs, including those working on women's rights and gender equality, are considered by decision-makers through the establishment of dialogue platforms in selected pilot municipalities.

Education for Democracy

- Staff from the Ministry of Education, Culture and Research have an increased capacity to develop and apply the policy framework and methodological guidelines on civic education and digital citizenship education in line with the Council of Europe's standards,
- Education policy-makers in the Republic of Moldova have a better understanding of the Council of Europe's principles of ethics, transparency and integrity in education,
- School directors, teachers and school children in the pilot schools of the Republic of Moldova have a better understanding of the principles of the democratic governance of schools.

Civil Participation in Democratic Decision-Making

- Number of municipalities that enhanced and introduced civil participation mechanisms.
- Number of municipalities that replicated best practices.
- Number of decisions taken by pilot local government bodies where the civil society had possibility to influence.

Education for Democracy

- Number of official education documents reflecting the new policy framework and the European standards on civic education.
- Number of civic education teachers who teach the new civic education curriculum in line with the EDC/HRE principles and the CDC Competences and apply the new approach (assessment through descriptors, project-based learning, etc.).
- The number of participating schools that apply the democratic school governance model (including participatory decision-making, functional school boards and student councils, etc.).

Appendix II - Risk register

Risk description	Mitigation actions
Political related risk	
<p>Best case scenario - increased support and willingness to pursue needed reforms</p> <p>Consensus on relevant reforms is established over a broad political spectrum.</p>	<p>Increased awareness-raising of target groups about the Council of Europe's involvement in the national reform process;</p> <p>Discussions to be held on a possible enlargement of the scope of action.</p>
<p>Best case scenario- sustained overall political stability</p> <p>Partial implementation of reforms and opposition to their implementation in the Parliament and by certain groups in society</p>	<p>Support national authorities in ensuring compliance of legislative and regulatory frameworks with the Council of Europe's standards;</p> <p>Build capacity of institutions to implement these standards, enhance awareness of the population of those standards;</p> <p>Raise awareness of institutional partners who promote the Council of Europe's standards among the population.</p>
<p>Worst case scenario - increased political instability/absence of reforms</p> <p>Lack of political will to implement reforms</p> <p>Reform process slows down or stops</p> <p>Democratic backsliding resulting in weakening institutions and worsening situation for certain social groups</p>	<p>Increased awareness-raising among target groups to inform them of the benefits and importance of applying Council of Europe standards;</p> <p>Promote dialogue between the authorities and civil society on the application of standards;</p> <p>Facilitate contacts and co-operation between supporters of the reforms within different branches of the government and within civil society;</p> <p>Increase attention to protecting the rights of vulnerable groups;</p> <p>Discuss mitigation strategies with international partners (EU in particular).</p>

Project/programme delivery related risks	
Lack of sufficient funding for implementing the full Action Plan	<p>Increase resource mobilisation efforts in a co-ordinated manner;</p> <p>Continue to address feedback from partners and donors to improve project design, implementation, results-based monitoring, and reporting practices, so as to attract and keep donors;</p> <p>Increase and improve communication of the results of previous and ongoing actions in the country.</p>
Disruption in the implementation process due to a high staff turnover in the partner institutions	<p>Implement procedures for supporting long-term institutional memory for partner institutions;</p> <p>Ensure sustainability of knowledge accumulation in the partner institutions.</p>
Insufficient co-ordination with national and international partners	<p>Design the interventions while taking into account the country's needs and priorities expressed during steering committee meetings;</p> <p>Increase co-ordination with international partners with whom co-ordination of plans is already achieved in order to strengthen a common message, achieve economic efficiency and increase acceptance of the reforms.</p>
Lack of knowledge and skills to conduct gender analysis and gender mainstreaming among national partners	<p>Support capacity building of national partners to gather and analyse and utilise relevant information, take awareness-raising measures on gender inequality and gender mainstreaming among stakeholders, strengthen civil society organisations working on gender equality and women's rights, strengthen the capacities of human rights defenders, especially women.</p>
Lack of gender balanced representation among decision makers	<p>Encourage participation of the under-represented gender in steering committees of the Action Plan and projects.</p>

Communication related risks	
Lack of transparency and consensus on priorities and scope of the programmes among international partners.	<p>Increase the scope of communication to inform professional groups, international partners and the public about the contribution of the Council of Europe and donors to the reforms;</p> <p>Ensure joint messages with other international partners are delivered (e.g. Partnership with the EU).</p>
Lack of knowledge among main international and national partners, target groups and the population about the Council of Europe's contribution to the reforms in the country.	<p>Every programme develops its communication strategy/plan to ensure further buy-in for results and impact;</p> <p>Increase professional and public awareness of the Organisation contribution to the reforms;</p> <p>Increase the speed at which information is exchanged.</p>
Risks related to the COVID-19 pandemic	
Impossibility to conduct events due to social distancing rules and restrictions on gatherings	Rely on alternative methods of conducting meetings and trainings (videoconferencing, webinars).
Changes in the priorities of national partners due to the unprecedented circumstances	Maintain close communication with the national authorities and respond to the shifting needs, in order to best address the needs of the beneficiaries while maintaining a focus on the core values of the Organisation.
Impossibility of conducting activities in the field due to restrictions on international and local travel	<p>Focus on activities that can be performed remotely, until the restrictions are lifted;</p> <p>Examine alternative methods of work: videoconferencing, on-line training and surveys, etc.</p>

Appendix III - Financial table
(amounts in euros)

Sectors	Total budget
Human rights	3 145 713
1. Protecting human rights	700 000
2. Equality and Human Dignity	2 145 713
3. Ensuring social rights	300 000
Rule of Law	5 933 785
1. Ensuring justice	3 332 046
2. Strengthening the rule of law	1 584 517
3. Countering threats to the rule of law	1 017 222
Democracy	3 640 000
1. Strengthening democratic governance and fostering innovation	2 700 000
2. Promoting participation and diversity	940 000
Co-ordination, management and reserves	930 502
1. PGG II Co-ordination - Reserve - Quick Response Mechanism	300 945
2. General management costs	629 557
TOTAL	13 650 000

Appendix IV - Sources/relevant documents

Council of Europe's documents**1. Technical co-operation with the Republic of Moldova**

Council of Europe Action Plan for the Republic of Moldova (2017-2020)

Progress report on the implementation of the

Council of Europe Action Plan for the Republic of Moldova (2017-2020)

2. Secretary General of the Council of Europe

Statement by the Council of Europe Secretary General on judicial reform in the Republic of Moldova made on 22 January 2020

3. European Court of Human Rights

ECtHR case law in relation to the Republic of Moldova

4. Committee of Ministers of the Council of Europe

CM/Rec(2018)7 recommendation to member States on Guidelines to respect, protect and fulfil the rights of the child in the digital environment

CM Recommendation CM/Rec(2010)12 to Member States on independence, efficiency and responsibilities of judges;

CM Recommendation CM/Rec(2018)1 to member States on media pluralism and transparency of media ownership;

CM Recommendation CM/Rec(2018)4 to member States on the participation of citizens in local public life

Annual Report by the CM on the supervision of the execution of judgments and decisions of the ECtHR

The CM's Plan of Action on Strengthening Judicial Independence and Impartiality CM (2016)36 final

5. Commissioner for Human Rights of the Council of Europe

Report of the Commissioner following the visit from 9 to 13 March 2020

6. Parliamentary Assembly of the Council of Europe

Opinion 188 (1995) on the application by the Republic of Moldova for membership of the Council of Europe.

Resolution No. 2308(2019) on the functioning of democratic institutions in the Republic of Moldova

7. Congress of Local and Regional Authorities of the Council of Europe

Congress Recommendation 451 (2020) on local elections in the Republic of Moldova (20 October 2020) and Recommendation 436 (2019);

8. Council of Europe Monitoring and expert advisory bodies

Report ECRI (2018) 34 of June 2018

Fourth Opinion of the AFCF on the implementation of the FCNM by the Republic of Moldova

GRETA Recommendation CP(2012)6 on identification, assistance and support to victims of trafficking

ECSCR conclusions relating to the implementation of the accepted provisions of the ESC

Venice Commission opinions: No. 916/2018 on the law amending and supplementing the Constitution; No. 917/2018 on constitutional modifications with regard to the freedom of association; No. 936/2018 on the law on preventing and combating terrorism; No. 972/2019 on the legislation in relation to prosecution; No. 976/2019 on constitutional court judges;

Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law of the Council of Europe No. 983/2020 on the Draft Law on amending and supplementing the Constitution with respect to the Superior Council of Magistracy;

Joint Opinion of the Venice Commission and the Organisation for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights (OSCE/ODIHR) No. 907/2017 on the law for amending and completing certain legislative acts (electoral system for the election of Parliament);

Questionnaire on the role of Court Presidents, including in the Republic of Moldova, as a basis for the CCJE Opinion No. 19 of 2016;

CCPE Opinion No.9 (2014) on European norms and principles concerning prosecutors;

CPT report CPT/Inf (2018) 49, regarding the visit from 5 to 11 June 2018;

GRECO's first (GrecoRC4(2018)10) and second (GrecoRC4(2020)9) compliance reports on the prevention of corruption in respect of members of parliament, judges and prosecutors;

MONEYVAL's Fifth Round Mutual Evaluation Report (2019)6 on the level of implementation in practice of legislation to combat money laundering and the financing of terrorism;

Recommendations of the Lanzarote Committee from its 2nd implementation report on the protection of children against sexual abuse in the circle of trust;

Conference of the Parties to the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism, 2nd activity report 2015-2017;

Co-operation group to combat drug abuse and illicit trafficking in drugs (Pompidou Group), publication on Drug-Treatment in Prisons in Eastern and South-East Europe.

9. Guidelines

Council of Europe Project Management Methodology (PMM)

Council of Europe Gender Mainstreaming Toolkit for Co-operation Projects

Council of Europe Gender Equality Strategy 2018-2023

Guidelines on civil society organisations' participation in Council of Europe's co-operation activities.

Risk Management Guidelines

Risk Management Policy

Council of Europe's Manual on Human Rights and the Environment

National policy documents of the Republic of Moldova

National Development Strategy (Moldova 2030)

Draft Strategy on Ensuring Independence and Integrity of the Justice Sector (2020-2023)

National Human Rights Action Plan

National Strategy and Action Plan for ensuring Equality between men and women (2017-2021)

National Strategy on prevention and combating violence against women and domestic violence for 2018-2023

National Strategy for Preventing and Combating Trafficking in Human Beings (2018-2023)

National Strategy for the Protection and Promotion of Children's Rights (2014-2020)

Action Plan on Promoting the Safety of Children and Adolescents on the Internet (2017-2020)

National Information Security Strategy (2019-2024)

National Integrity and Anti-Corruption Strategy (2017-2020)

Violence against Women in the Family