



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

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

Executive summary

The Council of Europe Action Plan for the Republic of Moldova 2017-2020 is a strategic programming instrument which aims to bring Moldovan's legislation, institutions and practice further into line with European standards in the areas of human rights, the rule of law and democracy and, through this, to support the country in meeting its obligations as a Council of Europe member state.

The Action Plan priorities take into account recommendations, resolutions and conclusions of reports, notably of the Committee of Ministers, the Parliamentary Assembly (PACE), the Congress of Local and Regional Authorities (Congress), the Commissioner for Human Rights, the European Commission for Democracy through Law of the Council of Europe (the Venice Commission), the European Committee of Social Rights (ECSR), the European Commission for the Efficiency of Justice (CEPEJ), the European Commission against Racism and Intolerance (ECRI), 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). It also takes into account the national reforms agenda of the Republic of Moldova, which includes the provisions of the Association Agreement (AA) between the Republic of Moldova and the EU ratified by the Republic of Moldova in July 2016.

In this Action Plan, the Council of Europe and the Moldovan authorities have agreed to jointly carry forward, through co-operation programmes, the reforms aiming to improve governance at all levels, to combat corruption and money laundering, to enhance the independence and effectiveness of the justice system, to fight against ill-treatment and impunity, to further protect the rights of persons belonging to minorities as well as media freedom and to build confidence between people on both banks of the river Nistru/Dniestr.

The Action Plan also builds on the outcomes of the previous Action Plan to support democratic reforms in the Republic of Moldova 2013-2016² which resulted in the revision of several legislative frameworks in strategic areas (including electoral; anti-corruption; the judiciary and the Public Prosecutor Service; and the criminal justice system). The previous Action Plan's outcomes include also an improved capacity of civil society actors to monitor the electoral processes and enhanced self-administration capacity of the Moldovan Bar Association. Finally it allowed for exchanges of best local democracy practices among municipalities in the country, and reinforced people-to-people contacts on both banks of the river Nistru/Dniestr. The present Action Plan aims to consolidate the reforms initiated, to ensure the effective implementation of existing legislative frameworks and to engage in new areas jointly identified with the Moldovan authorities mostly on the basis of reports of monitoring mechanisms and expert advisory bodies.

The overall budget of the present Action Plan is approximately €17.8 million. Funding amounting to more than €4.9 million (28% of the total budget) has been secured. The European Union has allocated approximately €3.7 million to the Republic of Moldova through bilateral Joint Programmes with the Council of Europe.

The Republic of Moldova has made good progress in bringing its legislation and institutions in line with European standards since it joined the Council of Europe in 1995. In recent years, however, continued political crisis has been slowing down the implementation of reforms. The challenges to complete reforms lie mainly with lack of public trust in the judicial system, lack of transparency and accountability of the political process, wide-spread corruption, inefficient public administration at central and local levels and insufficient institutional capacity in certain areas.

The Council of Europe and Moldovan authorities are determined to continue co-operation to ensure the effective implementation of the existing legislative frameworks and to enhance the capacities of national institutions to bring the country's legislation and practice closer to the European standards in order to promote human rights, strengthen rule of law and ensure democratic principles of governance.

² Action Plan to support democratic reforms in the Republic of Moldova 2013-2016 (ODGProg/Inf(2013)17)

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List of acronyms and abbreviations

Action Plan	Council of Europe Action Plan for the Republic of Moldova 2017-2020
ATU	Autonomous Territorial Unit of Gagauzia
CBM	Confidence Building Measures
CCA	Co-ordinating Council of the Audiovisual
CEB	Council of Europe Development Bank
CEC	Central Election Commission
CCET	Centre of Continuous Electoral Training
CEPEJ	European Commission for the Efficiency of Justice
CM	Committee of Ministers of the Council of Europe
Congress	Council of Europe Congress of Local and Regional Authorities
CPT	Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment
DEC	District Election Commission
ECHR	European Convention on Human Rights
ECRI	European Commission against Racism and Intolerance
ECSR	European Committee of Social Rights
ECtHR	European Court of Human Rights
ECRML	European Charter for Regional or Minority Languages
EDC/HRE	Education for Democratic Citizenship/ Human Rights Education
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
JSRS	Justice Sector Reform Strategy
LFB	Local Finance Benchmarking
MBA	Moldovan Bar Association
MONEYVAL	Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism
NHRAP	National Human Rights Action Plans
NDS	National Decentralisation Strategy
NPM	National Preventive Mechanism
NGO	Non-governmental Organisation
NIJ	National Institute for Justice
OB	Ordinary budget
ODIHR	Office for Democratic Institutions and Human Rights
OPCAT	Optional Protocol to the UN Convention against Torture
OSCE	Organisation for Security and Co-operation in Europe
PACE	Parliamentary Assembly of the Council of Europe
PEC	Precinct Election Commission
PCF	EU/CoE Eastern Partnership Programmatic Co-operation Framework

PPS	Public Prosecution Service of the Republic of Moldova
SRV	State Register of Voters
The Commissioner	Council of Europe Commissioner for Human Rights
UN	United Nations
UNDP	United Nations Development Programme
Venice Commission	European Commission for Democracy through Law
VC	Voluntary contributions

PART I - INTRODUCTION

1. General overview

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. Accordingly, it has entered into, and has agreed to honour, a number of specific commitments which are listed in the Parliamentary Assembly Opinion 188 (1995)³ 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 Statute⁴: compliance with the principles of pluralist democracy and the rule of law as well as respect for human rights and fundamental freedoms of all persons placed under its jurisdiction.

To date, the country has signed and ratified 86 treaties of the Council of Europe and is subject to a number of the Council of Europe's mechanisms, including those of the European Court of Human Rights (ECtHR), the Committee of Ministers, the Parliamentary Assembly, 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 (CPT), the Group of States Against Corruption (GRECO), the Committee of Experts on the Evaluation of Anti-Money Laundering Measures (Moneyval), the Group of Experts against Trafficking in Human Beings (GRETA), the European Committee of Social Rights (ECSR), the Advisory Committee on the Framework Convention for the Protection of Minorities and the Congress of Local and Regional Authorities (the Congress).

The Republic of Moldova has also benefited from co-operation programmes of the Council of Europe since 2006. Past programmes backed by the European Union were implemented to fight corruption, money-laundering and terrorism financing and to promote the independence, transparency and efficiency of the justice system. Similarly, voluntary contributions of the Council of Europe member states have allowed covering projects in the area of local democracy, elections, human rights, criminal justice reform and confidence-building measures (CBMs). The first Action Plan set forth to support democratic reforms in the Republic of Moldova for the period of 2013 -2016 has ever since provided a more strategic framework for co-operation with the Council of Europe.

The Republic of Moldova has been a member of the Council of Europe Development Bank (CEB) since 1998. The CEB can provide a relevant contribution by part-financing investment projects with high social added value which have been approved by the concerned member State. The CEB invests in social projects that foster inclusion and contribute to improving the living conditions of the most vulnerable populations across Europe. The CEB has been playing an active role in the Republic of Moldova, in particular through part-financing of the construction of a new penitentiary institution as well as the part-financing of 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.

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

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

³ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=13927&lang=en>

⁴ Council of Europe constitutional document, <http://www.coe.int/en/web/conventions/full-list/-/conventions/rms/0900001680306052>

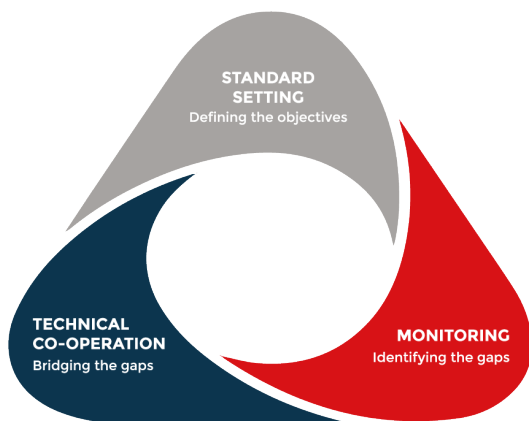


Figure 1. Council of Europe Strategic Triangle

Main findings of monitoring mechanisms and expert advisory bodies

This Action Plan builds, 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 as well as on the results of the previous Action Plan with the Council of Europe (2013-2016). It also takes into account the challenges identified in the Secretary General's annual reports on the State of Democracy, Human Rights and the Rule of Law in Europe. In addition, the Action Plan reflects the priorities of the reforms in the country, including those identified in the government programme for 2016-2018, which includes the provisions of the Association Agreement between the Republic of Moldova and the EU, the National Development Strategy "Moldova 2020" and the Public Administration Reform Strategy 2016-2020.

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

Protection and promotion of human rights, ensuring social rights:

- European Court of Human Rights' (ECtHR's) case-law regarding ill-treatment;
- Committee of Ministers conclusions pointing to cases of intolerance towards persons belonging to minorities;
- European Commission against Racism and Intolerance (ECRI) recommendations highlighting issues of discrimination;
- Commissioner's recommendations regarding the need to strengthen the national human rights structures;
- Group of Experts on Action against Trafficking in Human Beings (GRETA) recommendations emphasising the need to protect victims of human trafficking;
- European Committee of Social Rights conclusions relating to the implementation of the accepted provisions of the European Social Charter (ESC);
- Committee of the Parties ("Lanzarote Committee") to the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse recommendations.

Ensuring justice and countering threats to the rule of law:

- Venice Commission Opinions and Commissioner recommendations regarding the need to increase the independence and efficiency of justice;
- Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) recommendations regarding the need for effective investigation of ill-treatment and to enhance rehabilitative approach to offenders;
- Group of States against Corruption (GRECO) recommendations aiming at enhancing anti-corruption regulatory and institutional frameworks as well as effective implementation of the existing anti-corruption legislation;
- Committee of Ministers' (CM) recommendations to member States regarding freedom of the media and of the internet.

Strengthening democratic governance:

- The Congress of Local and Regional Authorities of the Council of Europe (the Congress) recommendations to improve public administration at local level;
- GRECO recommendations regarding the need to enhance transparency and accountability of political process;
- Venice Commission Opinions highlighting the need to increasing trust in the electoral process.

Furthermore, relevant Council of Europe conventions and other tools of the Organisation such as the Council of Europe's Charter on Education for Democratic Citizenship and Human Rights Education, have been used as reference for co-operation actions included in this Action Plan.

Main results of the Council of Europe Action Plan to support democratic reforms in the Republic of Moldova 2013-2016

The present Action Plan takes into account the outcomes of the first Action Plan with the Republic of Moldova 2013-2016:

- amendments to the Electoral Code of April 2016 introduced the monitoring of gender balance in electoral campaigns for parliamentary and local elections and a 40% gender quota on electoral lists in these elections;
- major changes were approved by the Parliament in April 2015 to the package of laws pertaining to electoral financing including the Election Code, the Laws on Political Parties, on Administrative Offences and on the Court of Accounts and the Criminal Code thanks to continuous advocacy by the civil society organisations involved in the Council of Europe activities;
- civil society representatives trained on election observation were able to cover all polling stations since the 2014 parliamentary elections;
- the new Organic Law on the Public Prosecution Service (PPS) which entered into force in August 2016 marks a significant step to ensure a professional and politically independent prosecution service;
- procedural guarantees required under the European Convention on Human Rights (ECHR) and case law of the European Court of Human Rights (ECtHR) in criminal procedures were included in the draft Law to amend the Criminal Procedure Code;
- in October 2016 the National Mechanism for the Prevention of Torture (NPM) was re-established within the framework of the new Law on People's Advocate of 2014;
- the laws on the judicial system, the status of judges and their disciplinary liability were amended, contributing to the efficiency and independence of the judicial system;
- the self-governance capacity of the Moldovan Bar Association (MBA) was improved through revision of the Code of Ethics in line with the Council of Europe recommendations⁵. The MBA approved the Bar's Development and Communication Strategies and entered in a number of co-operation memoranda with several justice sector stakeholders, notably the Ministry of Justice;
- the dissemination of best practices in local democracy in over 300 municipalities strengthened links between them; and
- confidence-building measures (CBM) contributed to increased people-to-people contacts on both banks of the river Nistru/Dniestr, specifically among media and civil society representatives.

Consultation process

This Action Plan has been prepared following in-depth consultations with the authorities of the Republic of Moldova. Consultations with international partners, especially the European Union, have also taken place in the process of preparation of this document.

On 12 September 2016, representatives of the Council of Europe Secretariat and Moldovan authorities held a Steering Committee meeting in Chisinau in order to assess the implementation of the previous Action Plan. In November 2016, the Committee of Ministers examined the final report on the implementation of the Action Plan 2013-2016, took note of its outcomes and paved the way for the new Action Plan 2017-2020.

⁵Council of Europe Committee of Ministers Recommendation 2000(21) on the Freedom of exercise of the Profession of Lawyer

2. Action Plan goals

The present Action Plan is a strategic programming instrument for the period between 1 January 2017 and 31 December 2020. Its **goal** is 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 its efforts in meeting its obligations as a Council of Europe member State.

The Action Plan **areas of cooperation** are the following:

- The Council of Europe will continue to support the authorities of the Republic of Moldova in progressing with (and completing where possible) the reforms undertaken in strategic areas, notably:
 - fighting ill-treatment and impunity; protecting the rights of persons belonging to minorities and anti-discrimination;
 - fighting human trafficking;
 - strengthening the capacities of the human rights institutions;
 - reforming the electoral system;
 - increasing effectiveness, accountability and transparency of the judiciary, the prosecution service, Moldovan Bar Association and law enforcement agencies;
 - bringing policy and practice with regard to data protection in line with European standards;
 - building confidence among communities on both banks of the river Nistru/Dniestr.

- The Council of Europe and the authorities of the Republic of Moldova jointly identified new areas of cooperation on the basis of the more recent work carried out by the Council of Europe institutions, monitoring mechanisms and expert advisory bodies, notably:
 - fighting corruption and money laundering;
 - enhancing media pluralism and building genuine public media;
 - increasing transparency and effectiveness of the public administration at central and local levels (including the Autonomous Territorial Unit of Gagauzia (ATU));
 - ensuring social rights;
 - enhancing capacity of national stakeholders to protect human rights online;
 - developing legislative framework and capacity to tackle cybercrime;
 - promoting human rights education/education or democratic citizenship through formal education and youth activities;
 - promoting cultural heritage;
 - increasing social cohesion and democratic participation in society;
 - promoting equal opportunities for vulnerable groups (with emphasis on women, children and youth).

Within these areas of cooperation, the Council of Europe will continue providing the technical assistance initiated during the previous Action Plan. The focus of the new Action Plan will be put on the effective implementation of the existing legislative frameworks, some of which were prepared with the support of the Organisation during the previous phase, and on continued support to build the capacities of relevant national institutions.

PART II – PROPOSED ACTIONS FOR 2017-2020

I. Human Rights

Two successive National Human Rights Action Plans (NHRAPs), 2004-2008 and 2011-2014, were adopted by the Republic of Moldova and the Council of Europe helped to assess their results. A new NHRAP will be prepared following completion of the examination under the second cycle of the Universal Periodic Review by the UN Human Rights Committee. In addition, the Strategy for Police Development 2016-2020 was adopted in March 2016. Therefore, policy frameworks in the field of human rights are in place. Nevertheless, the effective functioning of democratic governance institutions needs to be enhanced, as well as the trust of the population in their role, since national Human Rights institutions and law enforcement agencies do not yet benefit from the general trust of the population both in terms of effectiveness and depoliticisation of the administration.

1.1. Protecting Human Rights

Technical co-operation to be implemented in this area has been designed taking into consideration the reports and conclusions of relevant Council of Europe monitoring mechanisms and expert advisory bodies which call on the Republic of Moldova to:

- improve the conditions of detention and to fight ill-treatment by police⁶ and within penitentiary system and psychiatric institutions⁷;
- reinforce human rights institutions, in particular the Ombudsman and the Equality Council⁸;
- effectively implement the ECHR and the ESC recommendations.

Furthermore, the Action Plan will provide support, as necessary, to the development and implementation of the new National Human Rights Action Plan, as well as contribute to the establishment of its assessment mechanism.

People's Advocate (Ombudsman) and National Preventive Mechanism

The Law on people's Advocate adopted in 2014 consolidated the capacity of the former Centre for Human Rights, increased transparency and the involvement of civil society, and also provided for the Council acting as the national mechanism for the prevention of torture which still needs to become fully functional. The Republic of Moldova has been a Contracting Party to the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment since 1998. It ratified the UN Optional Protocol for the Convention against Torture (OPCAT) in 2006. Based on the Organisation's expertise in this area, the Action Plan aims to support the NPM in its initial stages and to contribute to its efficient functioning including by assisting in the development of the internal regulatory framework and providing capacity development of its members.

The limitation of the public prosecutors' functions primarily to the criminal sector within the context of the **Public Prosecution Service** reform results in the need to reinforce the capacity of the **Ombudsman's** office to protect human rights. In this context, the Action Plan will provide support to the Ombudsman institution, helping in particular with the improvement of the regulatory framework to ensure its efficient functioning. It aims also at reinforcing this institution's capacities to monitor and report on human rights violations and promoting human rights within the framework of its mandate.

Expected outcomes

- ✓ national authorities ensure further compliance of legislative and regulatory frameworks with European standards concerning the fight against ill-treatment;
- ✓ the follow-up National Human Rights Action Plan is developed with the support of the Organisation;
- ✓ the National Prevention Mechanism becomes operational;
- ✓ the functioning of the Ombudsman's institution is enhanced including through the adoption of by-laws;
- ✓ increased capacity of national human rights institutions and of legal professionals to implement European human rights standards and in particular the ECHR including through better training of legal professionals.

Main national partners: Ombudsman Office, Ministry of Justice, Public Prosecution Service, Moldovan Bar Association

⁶ Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, Following his visit to the Republic of Moldova, from 4 to 7 March 2013 (CommDH(2013)19)

⁷ Report on the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visit to the Republic of Moldova, CPT/Inf (2016)16; Supervision of the execution of judgements and decisions of the European Court of Human Rights, 9th Annual Report of the Committee of Ministers, published in March 2016: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168062fe2d>

⁸ Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, Following his visit to the Republic of Moldova, from 4 to 7 March 2013 (CommDH(2013)19).

I.2. Promoting Human Rights and Dignity

Technical co-operation in this area has been designed taking into consideration the reports and conclusions of relevant Council of Europe monitoring mechanisms and expert advisory bodies which call on the Republic of Moldova to:

- properly monitor and prevent cases of intolerance⁹ towards persons belonging to minorities¹⁰;
- improve the institutional and legal protection of victims of human trafficking, especially children¹¹.

Anti-discrimination

Following the entry into force on 1 January 2013 of the Law on Ensuring Equality, the **Equality Council**, was set-up as the main national non-discrimination mechanism. Despite internal attempts to repeal the Equality Council, it remains as the main body entrusted with the prevention and elimination of discrimination and ensuring equality and should be supported to effectively perform its functions.

The ECtHR found violations of Article 14 (prohibition of discrimination) in conjunction with other Articles in several cases against the Republic of Moldova including discrimination based on sexual orientation and discriminatory attitude towards women victims of domestic violence¹². The Action Plan will address those issues. Upon the request of the Equality Council the Law on ensuring equality and the Law on the activity of the Equality Council were assessed by the Council of Europe consultants. These opinions offer recommendations aimed at increasing the efficiency of the Equality Council. Adoption of the amendments to the said laws in accordance with the recommendations formulated by the Council of Europe would significantly enhance the work and functioning of the Equality Council.

As mentioned earlier in this document, the Organisation contributed in the past to the assessment of the National Human Rights Action Plans, including the review of the activities related to the protection of the human rights of Roma population. In line with this work, the present document provides for assistance to the Moldovan authorities with a view to the implementation of a new **Action Plan to support the Roma people for 2016-2020**.

As noted in the conclusions on the implementation of the recommendations regarding the Republic of Moldova of the European Commission against **Racism and Intolerance** (ECRI) adopted on 17 March 2016, it is now possible to record information on racially motivated offences with the Ministry of the Interior. In addition, the judicial authorities have set up an inter-institutional working group to prepare an automated information system for the recording of offences as well as deal with the issues of the separate recording of racist incidents by the Public Prosecutor's Office and connection with the data registered by the Ministry of the Interior. The Action Plan aims to continue supporting further alignment of the regulatory framework with European standards in this area, as well as to support the capacity building of the relevant authorities to monitor and report cases of discrimination and conduct effective investigation in this area as provided for by the legislation in place.

Following the preparation of a draft ratification instrument of the European Charter for Regional or Minority Languages (ECRML) in close cooperation with national minorities and Council of Europe experts, in 2016 the Secretary General strongly encouraged the Republic of Moldova to consider relevant capacity building activities, for example the simulated application of the ECRML in pilot municipalities. The Action Plan aims to support this process and to provide the pilot municipalities with the means to implement activities in line with the ECRML.

The National Institute of Justice of the Republic of Moldova has been involved in the Council of Europe regional activities on improving women's access to justice since 2015. A number of capacity building activities for judges and prosecutors on women's access to justice was organised and this work shall continue.

⁹ The European Commission against Racism and Intolerance (ECRI) report on the Republic of Moldova (fourth monitoring cycle), ECRI(2013)38

¹⁰ Council of Europe Committee of Ministers Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Moldova (CM/ResCMN(2010)6)

¹¹ The Group of Experts on Action against Trafficking in Human Beings (GRETA) - Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Republic of Moldova, 2nd evaluation round, GRETA(2016)9

¹² Council of Europe Committee of Ministers' decision in the *Genderdoc-M* cases adopted at its 1236th meeting (September 2015)(DH) and decision in the *Eremia and Others* group of cases adopted at its 1243rd meeting (December 2015)(DH).

Trafficking in Human Beings

According to the second evaluation report on the Republic of Moldova of the Group of Experts on Action against **Trafficking in Human Beings** (GRETA), published in June 2016, the national legislative framework for combating human trafficking has been further developed, including the criminalisation of the use of services of victims of trafficking and increased sanctions for traffickers. However, further improvements are required according to the GRETA, notably the Moldovan authorities are requested to enhance victim assistance and protection measures, in particular as regards children, and to guarantee access to compensation to victims of trafficking.

Expected outcomes

- ✓ national authorities ensured further alignment of human rights legislative and regulatory frameworks with European standards to eliminate all forms of discrimination;
- ✓ Action Plan to support the Roma people for 2016-2020 is implemented with the Council of Europe support;
- ✓ improved capacity of relevant instances to report cases of discrimination and conduct effective investigation;
- ✓ main obstacles to women's access to justice are identified and addressed, and legal professionals are trained to ensure that the justice chain is more gender-responsive; improved capacity of relevant instances to identify, protect and assist victims of trafficking in human beings.

Main national partners: Ministry of Justice, the Equality Council, the Ombudsman Office, civil organisations of Roma, Ministry of the Interior and law enforcement agencies, the Public Prosecutor's Office, the National Institute of Justice, the National Committee for Preventing and Combating Trafficking in Human Beings, Bureau for Inter-ethnic Relations.

I.3. Ensuring Social Rights

The Republic of Moldova ratified the **European Social Charter** (ESC) in November 2001, accepting 63 of the Charter's 98 provisions. It has not yet accepted the collective complaints procedure. On the basis of 12 reports published between 2004 and 2016, the European Committee of Social Rights (ECSR) considered that the situation in the Republic of Moldova is not fully in conformity with several provisions of the Charter. Furthermore, it considered that the preparation of national reports needs to be improved in order to provide the information necessary for allowing assessing the situation in this country¹³. In this context, this Action Plan will provide support to facilitate the compliance of legislative and regulatory frameworks with European standards in the field of social rights as well as to enhance the ability of the relevant national authorities to collect and analyse the necessary data to the ECSR as regards the implementation of the accepted provisions of the Charter. Moreover, this Action Plan shall help to prepare accession of the Republic of Moldova to not yet accepted provisions of the Charter and the procedure of collective complaints.

Expected outcomes

- ✓ national authorities ensure further compliance with the ESC;
- ✓ national authorities prepare reports on the implementation of the ESC which respond to the ESCR criteria;
- ✓ domestic legislation and practice allows the Republic of Moldova to accept additional provisions of the ESC and the collective complaints procedure at the appropriate time.

Main national partner: Ministry of Labour, Social Protection and Family

¹³ The Republic of Moldova and the European Social Charter factsheet, July 2016; Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, Following his visit to the Republic of Moldova, from 4 to 7 March 2013, (CommDH(2013)19)

II. Rule of Law

The Republic of Moldova adopted in 2011 the **Justice Sector Reform Strategy (JSRS)** and its Action Plan for 2011-2016. These policy documents aim to contribute to the setting-up of a more accessible, efficient, independent, transparent and professional justice. However, inter alia, the political instability in the country which led to changing governments over the last years, has delayed reforms also in this area. Corruption, weakened judicial independence and impartiality, ineffective investigations and failure to abide by judgments are the main challenges to successful reforms of the justice sector. Lack of sufficient human and financial resources in implementing meaningful reforms and fragmental implementation of the JSRS Action Plan further aggravate the situation. The Government has approached the Council of Europe with a request to assess the impact of the implementation of the JSRS and this will be addressed within the framework of the present Action Plan.

The current Action Plan will continue supporting the alignment of the legislative and institutional frameworks (judiciary, prosecution, Bar, penitentiary and police) with European standards, the effective implementation of existing legislative and normative acts for a functioning independence and accountability of the justice system.

II.1. Ensuring Justice

The Organisation has continued highlighting the need to enhance the independence, transparency, accountability and efficiency of the justice system (judiciary, prosecution, Bar, penitentiary and police)¹⁴.

Technical co-operation in this area has been designed taking into consideration the reports and conclusions of relevant Council of Europe monitoring mechanisms and expert advisory bodies which point to the need to address the prevention and effective investigation of ill-treatment¹⁵ in penitentiary and in psychiatric institutions; the need to improve the conditions in prisons as well as development of rehabilitative approach in the criminal justice system¹⁶.

Justice system

The Council of Europe will continue to support the improvement of the independence, transparency, accountability and efficiency of the justice system.

Pending an outcome and impact assessment of the JSRS implementation, there is a clear need to support the judicial reform. The proposed goals for supporting judicial reform include re-building trust top-down and bottom-up in the judiciary; enhancing the alternative dispute resolution services for citizens; improving justice sector inter-agency cooperation; strengthening judicial training standards towards an effective accountability; targeted justice sector policies.

In this respect, following consultations with the Superior Council of Magistracy, the Supreme Court of Justice and the Ministry of Justice, the Organisation will implement actions designed on the basis of the tools of the European Commission for the **Efficiency of Justice (CEPEJ)**, methodology and expertise: ensure assistance in developing and implementation of quality criteria for Court decisions according to international standards in order to guarantee the right to a fair trial; development of clearly defined criteria to accountability of judges for the quality of justice.

¹⁴Amicus Curiae Brief for the Constitutional Court on the Right of Recourse by the State against Judges, adopted by the Venice Commission at its 107th Plenary Session (Venice, 10-11 June 2016); Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, CommDH(2013)19; Supervision of the Execution of Judgments and Decisions of the European Court of Human Rights, 9th Annual Report of the Committee of Ministers (2015); Fourth Evaluation Round, Corruption prevention in respect of members of Parliament, judges and prosecutors, Evaluation Report by GRECO, GrecoEval4Rep(2016)6; reference documents of the European Commission for Efficiency of Justice (CEPEJ): http://www.coe.int/t/dghl/cooperation/cepej/profiles/moldova_en.asp

¹⁵ See Council of Europe CM/Del/OJ/DH(2014)1208/12 and CM/Del/OJ/DH(2016)1273 on the Corsacov group of cases.

¹⁶ Report on the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visit to the Republic of Moldova, CPT/Inf (2016)16

The new Organic Law on **the Public Prosecution Service** (PPS) entered into force on 1 August 2016. While there is room for further improvements and clarifications, key aspects raised in the opinion of the Venice Commission (jointly prepared with the OSCE/ODIHR) have been addressed and the adopted text is a clear improvement of the legal framework for Moldovan prosecutors. However, the meaningful reform of the PPS may be achieved only by proper implementation of the new legislation in line with the concept of the reform. The new Prosecutor General has been appointed. The public's negative perception of the PPS, however, is not likely to change in the short term. The Action Plan will include activities aimed at further ensuring independence, transparency, accountability and professionalism of the PPS, through legislative assistance, capacity building, and any other initiatives that may serve such purpose.

One of the major issues found by the European Court in cases against the Republic of Moldova concerns violations of the right to liberty and security, arising inter alia from the detention on remand not based on reasonable suspicion that the applicants committed an offence and the failure of the domestic courts to give relevant and sufficient reasons for detention on remand¹⁷.

The ECtHR found violations of Article 3 of the European Convention on account of poor conditions of detention. As noted by the Committee of Ministers¹⁸ overcrowding appears to be a major challenge for the Moldovan **penitentiary system**. The cooperation activities will assist the Moldovan authorities in consolidation of the domestic monitoring mechanism, adoption of a clear and coherent strategy for the reduction of prison overcrowding and introduction of an effective domestic remedy.

In continuation of the actions carried out under the previous Action Plan to contribute to the strengthening of the **probation system** and to the development of the policies on community safety through effective rehabilitation of offenders, the current Action Plan will aim to ensuring its full alignment with the Council of Europe standards, including promoting alternatives to pre-trial detention, extending the scope of community sanctions and measures and further improving probation supervision and its reintegration role in order to effectively re-socialise offenders thus reducing re-offending. It should be also noted that an efficient probation system is an important element in the prevention of prison overcrowding which appears to be a systemic problem for the Moldovan penitentiary institutions.

The previous Action Plan resulted in the introduction of a new **drug treatment** approach (therapeutic community) in prisons. In the same line, the current Action Plan will continue supporting introduction of drug treatment systems in prisons which are fully in line with human rights and public health standards and improve human rights protection of drug dependent persons (in prisons and in the community). Moreover, the Action Plan will assist the Moldovan authorities in optimising the interaction of prisons and Courts and improvement of quality of healthcare for inmates.

Moldovan Bar Association (MBA)

Overall, capacity building activities will target prosecutors, judges and lawyers with the purpose to enhance their knowledge and skills as regards to the national implementation of the ECHR; actions in this area will be carried out in close coordination with the National Institute of Justice (NIJ) and the Moldovan Bar Association.

¹⁷ Council of Europe CM's decision in the Musuc/Brega groups of cases and Gutu case adopted at the 1259th meeting (June 2016)(DH) and CM's decision in the Sarban group of cases adopted at the 1214th meeting (December 2014)(DH).

¹⁸ Council of Europe Committee of Ministers' decision in the Ciorap/Becciev/Paladi groups of cases adopted at the 1265th meeting (September 2016)(DH).

Expected outcomes

- ✓ national authorities ensure further alignment of the legal and institutional frameworks with European and international standards;
- ✓ strengthened independence and efficiency of justice by means of effective implementation of the relevant existing legislation;
- ✓ regained trust in the judiciary;
- ✓ the capacity to deliver judgments in conformity with European standards of constitutional justice is increased (independence and accountability of the judiciary);
- ✓ monitoring of the conditions of detention is enhanced, a coherent strategy for the reduction of prison overcrowding is in place with adequate budget and implementation plan.
- ✓ a rehabilitative approach in the criminal justice system is promoted in line with European standards.

Main national partners: Superior Council of Magistracy, Ministry of Justice, Supreme Court of Justice, Department of Penitentiary Institutions, Moldovan Bar Association, national training institutions for judges, prosecutors and lawyers.

II.2. Strengthening the Rule of Law**Freedom of expression and public broadcasting**

Technical co-operation in this area has been designed taking into consideration the Committee of Minister's recommendations calling on member states to:

- align legislation on media pluralism and internet with European standards;
- enhance the independence and transparency of the public service broadcasters¹⁹.

Significant changes have been taking place in the Republic of Moldova since 2010 regarding **freedom of expression**. Overall, mass media enjoy a significant degree of pluralism and relatively little state censorship. Nevertheless, the issue of transparency of the ownership of radio stations and television channels and the neutrality of **public broadcasting** remain critical factors in ensuring the independence of the media. New legislation on media ownership transparency was adopted in February 2016 but current owners will be obliged to comply with it only in 2021 when their licenses will expire.

Under this Action Plan, the Organisation will support the implementation of legislation related to freedom of media to ensure compliance with European standards and will support its effective implementation regarding in particular:

- ensuring transparency of media ownership and prevention of excessive concentration;
- implementing of the digital switch-over in accordance with best European practice while promoting media pluralism;
- enhancing independent, transparent and efficient of the public broadcasters supervisory bodies;
- increased professionalism of the public service broadcasters in covering social and political information in unbiased, trustworthy and accurate manner for diverse audience in the Republic of Moldova.

The CM's recommendations on the internet will also be taken into consideration in this area of work.

Expected outcomes

- ✓ enhanced independence and transparency of the public service broadcasters;
- ✓ the public broadcasters' capacity is increased to provide unbiased and trustworthy coverage of the events;
- ✓ public awareness and respect for freedom of expression are raised.

Main national partners: Ministry of Information Technology and Communications, Coordination Council on Audiovisual, public service broadcasters

¹⁹ Recommendation of the Committee of Ministers to member States on Internet freedom (Adopted by the Committee of Ministers on 13 April 2016 at the 1253rd meeting of the Ministers' Deputies), CM Recommendation 1641 (2004) on Public service broadcasting (CM/Rec(2016)5).

Protecting Internet Freedom

Technical co-operation in this area has been designed taking into consideration the Committee of Minister's recommendations and the case-law of the European Court of Human Rights related to the Internet and other Council of Europe standards and relevant reports²⁰.

In 2015 authorities of the Republic of Moldova launched the implementation of an information society development strategy *Digital Moldova 2020*, which defines the role and ways of co-operation between all stakeholders, public, non-governmental and private sectors, participating in the development of an inclusive and modern information society. While developing the Information Communications Technology sector the country set its priorities, which includes safety in on-line environments and respect for human rights. The Council of Europe has supported national authorities in 2015-2016 in the reforms of the relevant field and achieved the following results:

- strengthened capacities of Judicial Academy and Academy of Public Administration on Internet and Human Rights standards, including development of training curriculums and establishment of pools of trainers;
- enhanced knowledge among state and non-state actors on standards concerning freedom of expression online and privacy online;
- raised awareness of public on preventing and combating human rights abuses on the Internet and safety of children online.

There is further need to harmonise the Internet legal framework of the Republic of Moldova in accordance with the Council of Europe standards and European best practices to further respect, protect and promote human rights and fundamental freedoms on the Internet. In this context the Organisation will provide support, as necessary, to national authorities in further implementation of the strategy *Digital Moldova 2020*.

Expected outcomes

- ✓ further enhanced capacities of national authorities to protect human rights online and promote internet governance principles in the implementation of the Information Society Development Strategy *Digital Moldova 2020*;
- ✓ the regulatory framework related to the use of IT services is adjusted in line with standards of the Organisation.

Main national partners: Ministry of Information Technology and Communications, national training institutions for judges, prosecutors, lawyers and police.

Data protection

The right to privacy and to data protection are enshrined in the Constitution of the Republic of Moldova (Article 28) and in Law on Personal Data Protection as well as in Law regarding the approval of the Statute, structure, staff-limit and financial arrangements of the National Center for Personal Data Protection. The Republic of Moldova furthermore ratified the Council of Europe Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data in 2008 and its Additional Protocol regarding supervisory authorities and transborder data flows in 2011.

The enhancement of the data protection legislation of the Republic of Moldova continues to be a priority for the national stakeholders.

In parallel to supporting further legal reforms, the need to support the supervisory authority in extending its capacities, providing guidance tailored to the needs of specific sectors as to the implementation of the law and finally, raising awareness of the public at large on the right to data protection is of crucial importance.

²⁰ This includes the Declaration by the Committee of Ministers on Internet Governance Principles (2011), Recommendation of the Committee of Ministers on Internet Freedom (2016), Recommendation of the Committee of Ministers on a Guide to human rights for Internet users (2014).

Expected outcomes

- ✓ relevant legislation is revised in line with the Council of Europe recommendations;
- ✓ increased knowledge about implementation of the data protection law among stakeholders from health, banking, police, media, public sector ;
- ✓ increased public awareness about data protection, with particular attention to children and digital education.

Main national partners: National Centre for Personal Data Protection, Parliament, Ministry of the Interior, Ministry of Labour, Social Protection and Family and other Competent Ministries.

II.3. Countering Threats to the Rule of Law

Capacity building in this area has been designed taking into consideration the reports and conclusions of relevant Council of Europe monitoring mechanisms and expert advisory bodies on corruption, money laundering, financing of terrorism and cybercrime which call on the Republic of Moldova to:

- improve and ensure the effective implementation of anti-corruption legislation in respect of parliamentarians, judges and prosecutors; key problems identified are the inconsistent application of anti-corruption laws and policies; lack of required powers and independence of the major institutions in charge of fighting corruption²¹;
- regarding money-laundering and fight against financing of terrorism, to address the lack of capacity to analyse necessary data related to money-laundering; inadequate legal and institutional framework to ensure national and international co-operation on matters relating to the fight against money-laundering and the financing of terrorism²².

Fighting corruption, money laundering and financing of terrorism

The National Anti-Corruption Centre, the Office of the Prosecutor General, Courts and the National Integrity Authority constitute the basis of a solid anti-corruption architecture. However, their effective functioning remains a challenge. The co-operation between state institutions in charge of the fight against corruption and civil society also needs new impetus. Furthermore, there is a need to increase awareness of ethics and integrity rules among judges and prosecutors.

Several recommendations of the Group of States against Corruption (GRECO) contained in the March 2013 Compliance Report on the Republic of Moldova are still relevant and provide a sound roadmap for the country on **anti-corruption reforms**. In its 4th Evaluation Round Report, published in July 2016, GRECO cited the weak capacities and the lack of independence as problems which affect the functioning of major institutions in charge of combatting corruption. It reiterates that awareness of the ethics and integrity rules needs to be heightened among judges and prosecutors. It also underlines that the monitoring and enforcement regime for integrity and for preventing conflict of interest among members of Parliament, judges and prosecutors require significant strengthening.

In this context, the Organisation will provide targeted technical support aimed to:

- address gaps and deficiencies in the regulatory framework concerning prevention and fight against corruption and money laundering; enhance the capacity to design and implement corruption and money laundering prevention measures;
- strengthen asset recovery framework and the capacities of relevant structures;
- upgrade information sharing systems and strengthen capacities of the national mechanisms concerning prevention and investigation of corruption offences and tracing of assets and their recovery;
- support and enhance national and international co-operation between law enforcement agencies on data exchange and international tracing of crime proceeds concerning corruption and other forms of economic crime; and
- increase public awareness and participation in the fight against corruption.

²¹ Council of Europe's Group of States against Corruption (GRECO) Fourth Evaluation Round, GrecoEval4Rep(2016)6

²² The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (Moneyval) Report on Fourth Assessment Visit, Anti-Money Laundering and Combating the Financing of Terrorism, Republic of Moldova, MONEYVAL(2012)28

Expected outcomes

- ✓ national authorities reform the legal and regulatory frameworks to fight corruption and money-laundering in line with European and international standards;
- ✓ enhanced analytical and reporting capacity and reinforced co-operation among national and international specialised law enforcement and prevention systems.

Main national partners: National Anticorruption Centre, Office for Prevention and Fight against Money Laundering, Anti-Corruption Prosecutor's Office, National Integrity Authority, Ministry of the Interior

Cybercrime

With regard to cybercrime, capacity building activities will be based on the Council of Europe Convention on Cybercrime and the Additional Protocol to the Convention Cybercrime on Xenophobia and Racism committed via Computer Systems as well as the results and recommendations of the Cybercrime Convention Committee. These call on the Republic of Moldova to:

- improve regional and international co-operation²³ and public/private cooperation on cybercrime and electronic evidence²⁴;
- ratify the Protocol to the Convention on Cybercrime on Xenophobia and Racism.

In this context, the Council of Europe shall provide targeted technical support aimed to:

- address gaps and deficiencies in the regulatory framework;
- strengthen capacities and skills of mutual legal assistance authorities, 24/7 points of contact, specialized units, digital forensics experts and other professional communities through training and participation in regional, international and local activities;
- maintain and further develop online tools and platforms for international and public-private cooperation;
- increasingly involve and consolidate various professional communities, including financial investigators, cyber security experts, data protection authorities and other relevant actors in responding to modern challenges of cybercrime and electronic evidence.

Expected outcomes

- ✓ national authorities reform the legal and regulatory frameworks on cybercrime and electronic evidence in line with European;
- ✓ criminal justice authorities are engaged in continuous process of improving capacities to effectively respond to national, international and cross-sector challenges of cybercrime and electronic evidence.

Main national partners: Ministry of the Interior, Ministry of Justice, Cybercrime Department of the Prosecutor General's Office, Ministry of Informational Technologies and Communication, Security and Intelligence Service, Data Protection Authority, training institutions of the law enforcement, prosecution and the judiciary, Financial Intelligence Unit.

²³ Assessment report on the mutual legal assistance provisions of the Budapest Convention on Cybercrime, adopted by the Cybercrime Convention Committee at its 12th Plenary on 2-3 December 2014, retrieved at:

[https://www.coe.int/t/dghl/cooperation/economiccrime/Source/Cybercrime/TCY/2014/T-CY\(2013\)17_Assess_report_v50adopted.pdf](https://www.coe.int/t/dghl/cooperation/economiccrime/Source/Cybercrime/TCY/2014/T-CY(2013)17_Assess_report_v50adopted.pdf)

²⁴ Guidelines for the cooperation between law enforcement and internet service providers against cybercrime, adopted by the Global Conference on Cooperation against Cybercrime, Council of Europe, Strasbourg, 2 April 2008, more about the current status of the document at: <https://www.coe.int/en/web/cybercrime/lea/-isp-cooperation>.

III. Democracy

Although the Republic of Moldova has made progress in development of democratic institutions, there are still key issues to be addressed to enhance effective democratic governance at all levels. As previously mentioned the population's trust both in the institutional system and in the electoral process remains low. Over the last years, the implementation of legislation has been impeded by recurring political crisis and there is insufficient capacity of authorities in certain areas to effectively perform key functions such as policy development and co-ordination, optimisation of regulations and oversight of budgetary controls both at national and local level.

III.1. Strengthening Democratic governance and fostering innovation

Technical co-operation in this area has been designed taking into consideration the reports and conclusions of relevant Council of Europe monitoring mechanisms and expert advisory bodies which call on the Republic of Moldova:

- to ensure timely publication of draft legislation and supporting documents as well as meaningful public consultations; to adopt the Code of conduct for Members of the Parliament; to increase transparency of political party funding and to enhance internal democratic functioning of political parties²⁵;
- to increase the participation of women in the political process, to further develop the capacity of civil society to monitor elections; and to enhance the system of electoral dispute resolution²⁶.

Elections

The Republic of Moldova has made significant steps in order to ensure compliance of constitutional and **electoral frameworks** with European standards. The main factors which influenced developments in this sector in recent years include:

- amendments to the electoral code adopted by the Parliament on 23 June 2016, which reintroduced direct presidential elections. Extraordinary presidential elections took place on 30 October 2016 and 13 November 2016;
- amendments to the Electoral code in April 2014 which allowed for an increase in the thresholds for political parties to obtain seats in Parliament, the implementation of a centralised State Register of Voters (SRV) and the discontinuation of the use of ex-Soviet passports.

The Centre for Continuous Electoral Training (CCET) has increased its capacity to conduct quality trainings for electoral administration and other stakeholders. After more than two years of intense activity and over 41,000 electoral stakeholders trained, the Centre managed to deliver satisfactory training programmes in quantitative and qualitative terms for parliamentary and local elections. However, in 2014 the requirement for staff of election bodies to be certified by the Central Election Commission (CEC) following mandatory training of the District Election Commission (DEC) and Precinct Election Commission (PEC) members was withdrawn, thus weakening the Centre. This may have had an impact on the results of the electoral process as there is supposedly a direct link between the low quality of the counting records of polling stations during 2015 local elections²⁷ and the training of DEC and PEC members.

With regard to the new Electoral Code of the Autonomous Territorial Unit of Gagauzia, adopted in 2015, further efforts to harmonise the legal framework for elections at the grassroots' level are required.

To support the process ensuring that the electoral process is in full accordance with international standards in this area, the Action Plan will focus on:

- continue assisting the relevant authorities in Chisinau and Comrat in bringing electoral legislation and practice in line with European standards, including capacity building of the election commissions at all levels and of judges in charge of electoral disputes;

²⁵ GRECO Fourth Evaluation Round, GrecoEval4Rep(2016)6

²⁶Opinions of the Venice Commission in the field of legislation on elections and political parties; Joint Opinion on the draft law on changes to the electoral code, adopted by the Council of Democratic Elections at its 55th meeting and by the Venice Commission at its 107th Plenary session, CDL-AD(2016)021; Joint Opinion on Draft Legislation of the Republic of Moldova pertaining to financing political parties and election campaigns (CDL-AD(2013)002); Opinions of the Venice Commission in the field of legislation on elections and political parties; Joint Opinion on the draft law on changes to the electoral code, adopted by the Council of Democratic Elections at its 55th meeting and by the Venice Commission at its 107th Plenary session, CDL-AD(2016)021; Joint Opinion on Draft Legislation of the Republic of Moldova pertaining to financing political parties and election campaigns (CDL-AD(2013)002)

²⁷ Congress of Local and Regional Authorities of the Council of Europe (the Congress), Observation of the local elections in the Republic of Moldova (14 June 2015), CPL/2015(29)3FINAL.

- improving capacities of the CCET to enhance co-operation with other state training institutions such as NIJ as well as to increase its research capacities;
- support the introduction of electronic voting system;
- continue supporting the training of domestic observers to monitor elections;
- strengthening the capacities of CEC and national NGOs to gather and analyse elections-related information and to develop reports; and
- promoting policies and practices aimed to increase the participation of women, persons belonging to minorities and first-time voters in the election process.

Expected outcomes

- ✓ the legislation related to elections and political parties meets international standards and is effectively implemented, in particular transparency of political party funding and internal democratic functioning of political parties are improved;
- ✓ the electronic vote is introduced;
- ✓ competences of Central Electoral Commission members are improved and the capacity of electoral bodies at all levels is enhanced in order to organise elections in line with international standards;
- ✓ competences of judges in charge of election dispute resolution are improved and effective mechanisms to address and remedy electoral disputes are in place;
- ✓ the capacities of relevant public instances to efficiently manage the electoral process, in particular the CCET, are enhanced;
- ✓ the capacities of domestic observers to monitor elections and to report on the electoral process, are enhanced;
- ✓ the participation of women and other groups in electoral process is increased.

Main national partners: Central Electoral Commission (CEC), Centre for Continuous Electoral Training, National Institute of Justice

Local governance

The Government of the Republic of Moldova recognises the importance of public administration reform and the reinforcement of local and regional governance through effective decentralisation as key to achieving its European integration agenda. The period for implementation of the National Decentralisation Strategy (NDS), adopted in April 2012, has been extended for an additional 3 years to 2018 and continued support of the Centre of Expertise for Local Government Reform of the Council of Europe in implementation of the NDS has been requested.

There is widespread recognition of the need to support decentralisation and broader territorial administrative reform as a priority in the Republic of Moldova. Fragmentation and lack of administrative and institutional capacity of local government units, particularly with regards to the management of finances and human resources, underline the importance of consolidation as the most viable route to improved good governance at local level.

The Action Plan will seek to further support modernisation of local self-government in the Republic of Moldova based on relevant toolkits developed by the Council of Europe's Centre of Expertise for Local Government Reform and the comprehensive study "Mapping the obstacles to IMC in Eastern Partnership countries."²⁸

Activities in this field will focus on capacity-building and legal assistance at central and local levels to support inter-municipal cooperation / amalgamation; improved capacity in human resource management and local finances; and strengthened mechanisms for consultation between central and local authorities²⁹.

The Roadmap signed between the Congress and the Government of the Republic of Moldova on 7 July 2016 is a tool to support implementation of the Action Plan and improved good local governance in the country. In the roadmap, the Congress rapporteurs stressed that the entire National Decentralisation Strategy (NDS) should be implemented by the end of 2018. They also underline the importance of implementing the strategy in consultation with the representatives of the local associations of the Republic of Moldova.

²⁸ https://www.coe.int/t/dgap/localdemocracy/EAP/IMC-mapping_en.pdf

²⁹ Congress of Local and Regional Authorities of the Council of Europe (the Congress) Recommendation 322 (2012)1 Local and regional democracy in the Republic of Moldova and the roadmap for the implementation signed on 7 July 2016

Congress support will also be given to innovative local initiatives in the field of public ethics and transparency, so that mayors can implement higher ethical standards and promote ethical governance and transparency in their daily activities. Another focus of Action Plan activities will be to enhance the level of citizen participation in decision-making.

Legal and policy advice has been provided by the Council of Europe on the “Draft Law on the Status of Chisinau Municipality” and on the **Autonomous Territorial Unit (ATU) of Gagauzia**. The capacities of the ATU institutions to ensure the functions entrusted to it need to be further developed. Moldovan central institutions, in particular the Parliament and the Ministry of Justice, would also benefit from capacity-building activities to promote constructive engagement between central authorities and the ATU to ensure implementation of the Law on the ATU. A recent series of activities organised with the People’s Assembly and Executive Committee of Gagauzia, have contributed to increasing the capacities of the latter’s staff and to the establishment of a platform for dialogue between Chisinau and Comrat. These efforts will be pursued under the current Action Plan.

Expected Outcomes

- ✓ implementation of National Decentralisation Strategy is strengthened through consolidation of local government units; increased inter-municipal cooperation; and improved capacities for human resource and financial management at local level;
- ✓ local self-governance is improved, local authorities actively participate in the overall political decision-making system and provide reliable and effective public service through various forms of territorial amalgamation and through enhanced inter-municipal co-operation, citizens participation, ethical and modern public management and financial practices;
- ✓ effective engagement of all national stakeholders (government, the Parliament, local authorities) in preparation for the signature and ratification of the Additional Protocol to the European Charter on Local Self Government on the right to participate in the affairs of a local authority;
- ✓ strengthened capacity and awareness of all national stakeholders with regard to applying the Additional Protocol;
- ✓ increased capacity of the authorities in the Autonomous Territorial Unit of Gagauzia to take legislative and policy initiatives as well as to provide effective public service in line with their competences and European Standards.

Main national partners: State Chancellery of the Government and associations of the municipalities, relevant Gagauz authorities.

Confidence building

Relevant Council of Europe recommendations in this area highlight the need to improve co-operation between the two banks of the river Nistru/Dniester through grass-root activities in such fields as media, human rights in places of detention and psychiatric institutions, human rights of persons with disabilities and social rights of youth³⁰, education and local administration.

Since 2010, the Council of Europe CBM programme in the Republic of Moldova has expanded and includes the following overall activity sectors: media, higher education, support to civil society; human rights in places of detention, as well human rights in the social sphere and architectural heritage. The additional focus on target groups previously not covered by CBM (such as staff of penitentiary institutions) created added value in the CBM landscape on both banks of the river and led to more expectations and requests for future components and activities.

The CBM programme is based on the principles of equality, transparency and dialogue. The CBM actions of the Council of Europe are in line with the governmental policy documents relating to the Transnistrian settlement. The implementation of CBMs focuses on intensifying people-to-people contact. The Organisation relies on strong partnership both with governmental institutions in Chisinau and the leaders in Tiraspol, as well as local NGOs, identified on the basis of their specific experience and previous co-operation record with the Council of Europe.

³⁰ Press release on the Council of Europe Commissioner for Human Rights Thomas Hammarberg visit to Tiraspol during his visit to the Republic of Moldova in January 2012 (CommDH004(2012))

The CBM programme under the current Action Plan will focus on:

- further strengthening the existing partnerships between media professionals and further promote the human rights approach to journalism on both banks of the river Nistru/Dniester; a special focus will be given to joint multimedia stories production;
- contributing to effective prevention, proper diagnosis, and treatment of Tuberculosis and HIV/AIDS in prisons;
- facilitating the advocacy and enabling decision-makers at national and local levels to implement human rights tools in the social field, notably through adequate institutional framework for persons with disabilities;
- supporting effective measures on access to social rights for youth from disadvantaged backgrounds, in line with the principles of the Council of Europe instruments, in particular the European Social Charter;
- improving knowledge and capacities of Ombudsman mechanisms and NGOs with regards the implementation of international standards on independent monitoring of human rights protection within psychiatric institutions; and
- applying legal expertise in drafting appropriate legislation concerning criminal justice;
- strengthening co-operation between education professionals on both sides of the river Dniestr/Nistru, in particular with relation to teaching methods in the field of languages, intercultural communication and promotion of competency-based approach in education.

Considering the specific nature of the CBMs, the Council of Europe might receive requests for further involvement in joint activities and expertise. In that respect, the Organisation will, as per usual practice following discussions with authorities in Chisinau and relevant interlocutors in Tiraspol, propose new activities, in line with its mandate and experience.

Expected outcomes

- ✓ an environment conducive to building confidence on both banks of the river Nistru/Dniestr is created through sustained dialogue between non-state actors specifically in such fields as media, human rights in places of detention and psychiatric institutions, human rights of persons with disabilities and social rights of youth.

Main national partners: Bureau for Reintegration and Ministry of Foreign Affairs and European Integration; State Chancellery; General Prosecutor's Office; Administration of the President; Superior Council of Magistracy; National Anti-Corruption Centre; Customs Service; Parliamentary Legal Committee for appointments and immunities; Parliamentary Committee on National Security, Defence and Public Order.

III.2. Promoting participation and diversity

Education for Democratic Citizenship/Human Rights Education

Relevant Council of Europe recommendations in this field relate to integration and/or further development of education for democratic citizenship and human rights education in national education systems and youth sector activities³¹.

Through this Action Plan, the Organisation will assist the development and introduction of specific school programmes based on the Council of Europe Charter on Education for Democratic Citizenship/Human Rights Education (EDC/HRE) and the Council of Europe Framework of Competences for Democratic Culture promoting democratic values, student self-governance and preventing all forms of discrimination in schools and high education of the Republic of Moldova. Similar initiatives with the youth sector will focus on prevention of all forms of discrimination.

Expected outcomes

- ✓ national authorities develop and introduce education programmes with an emphasis on democratic values, student self-governance and prevention of all forms of discrimination in schools;
- ✓ increased awareness of young people on the need to prevent all forms of discrimination.

Main national partners: Ministry of Education, Ministry of Youth and Sports

³¹Council of Europe's Charter on Education for Democratic Citizenship and Human Rights Education

Remembrance of the Holocaust and prevention of crimes against humanity

Following the training course organised in 2016, the Council of Europe will assist the inclusion within school curricula of materials relating to the Holocaust. This assistance will be extended to include in curricula the recognition of the history of minorities.

Expected outcomes

- ✓ national authorities develop and introduce education programmes covering the Holocaust;
- ✓ increased awareness of young people, flowing from remembrance of the Holocaust, about the need to prevent all forms of discrimination especially against minorities.

Main national partners: Ministry of Education, Bureau of Inter-Ethnic Relations

Urban and heritage policies

Relevant Council of Europe conventions in this field, particularly the Framework Convention on the Value of Cultural Heritage for Society, highlight the need to effectively implement national and local rehabilitation policies of historical heritage contributing to a sustainable social and economic development³². Through this Action Plan, the Council of Europe will continue providing assistance to the authorities including at the local level to assess the existing urban and heritage policies, and to identify the potential role of heritage in processes relating to urban development and the improvement of citizens' well-being.

Expected outcomes

- ✓ national and local authorities promote diversity and dialogue through access to heritage to foster better understanding within and between communities; notion of heritage and landscape is promoted as a community resource.

Main national partners: Ministry of Culture and municipal authorities

PART III – IMPLEMENTATION

1. Methodology

The overall coordination of technical co-operation implemented by the Council of Europe falls within the remit of the Office of the Directorate General of Programmes (ODGP) which steers the programming of and fund-raising for co-operation actions whilst ensuring the good 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. The Council of Europe's Office in Chisinau³³ plays a key role in coordinating and supporting the implementation of the projects in the field in accordance with the decentralisation policy applying to co-operation. As of October 2016, the Office's human resources counted 20 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 aims to reinforce the ownership of national stakeholders and to ensure the sustainability of the outcomes.

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 Ombudsman local and regional authorities, and civil society, in order to create a unique leverage for comprehensive, inclusive, successful and sustainable reforms.

Gender equality is mainstreamed throughout the Council of Europe's projects. Similarly, the Organisation promotes the active participation of civil society in project activities. Inclusiveness is approached in accordance with the Guidelines on gender mainstreaming³⁴ and Guidelines on civil society organisations participation in Council of Europe's co-operation activities³⁵.

³² The European heritage standards:<http://www.coe.int/en/web/culture-and-heritage/standards>

³³ <http://www.coe.int/en/web/chisinau/home>

³⁴ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680656cf0>

³⁵ <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680656cef>

The present Action Plan also takes into account the **lessons learned** during implementation of the Action Plan 2013-2016, including:

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

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 implementation of the Action Plan as well as possible mitigation strategies are identified in Appendix II of the present Action Plan on the basis of the Council of Europe risk management guidelines.

2. Coordination

Coordination to ensure an 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.

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

To ensure the relevance of its actions, the Council of Europe works in close coordination with relevant international partners, notably the European Union and in particular the EU Delegation in Chisinau. The present Action Plan will be also implemented in the context of the government programme geared towards the EU integration process and following the provisions of the Association Agreement between the Republic of Moldova and the EU (AA) ratified by the Republic of Moldova in July 2016.

From 2015, the Republic of Moldova benefits from participation in the EU/CoE Programmatic Co-operation Framework for Eastern Partnership Countries 2015–2017 (PCF) which covers following areas: protecting and promoting human rights; ensuring justice; combating threats to the rule of law; addressing challenges of the information society; and promoting democratic governance. In this context, the Council of Europe's Office in Chisinau holds bi-monthly follow up meetings with EU Delegation programming staff where all project activities under the PCF are reviewed and co-ordination and complementarity with EU projects ensured.

Coordination is also ensured with the United Nations (UN) and the Organisation for Security and Co-operation in Europe (OSCE). Regular meetings between the Council of Europe and the UN System programming staff and the Ministry of Foreign Affairs and European Integration are held to ensure co-ordination and synergy, and avoid the overlapping of activities. Finally, the present document takes into account considerations of the International Covenant on Civil and Political Rights on the third periodic report of the Republic of Moldova.

Whenever appropriate, coordination platforms with other international organisations are set-up and joint activities undertaken.

The Council of Europe also keeps close contact with development agencies of the Council of Europe member states.

3. Funding

The overall budget of the Action Plan is approximately € 17.8 million. Funding amounting to €4.9 million (28% of the total budget) has been secured.

Projects in the Action Plan are to be funded from multiple sources. Funding is to be provided from the Council of Europe's ordinary budget, as well as voluntary contributions from donor countries and international organisations, including the European Union/Council of Europe Programmatic Co-operation Framework for Armenia, Azerbaijan, Georgia, Republic of Moldova, Ukraine and Belarus (PCF) for 2015-2017.

The coordination of the Action Plan implementation is carried out with the help of general management costs amounting to maximum 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 are concentrated on the Action Plan as a whole.

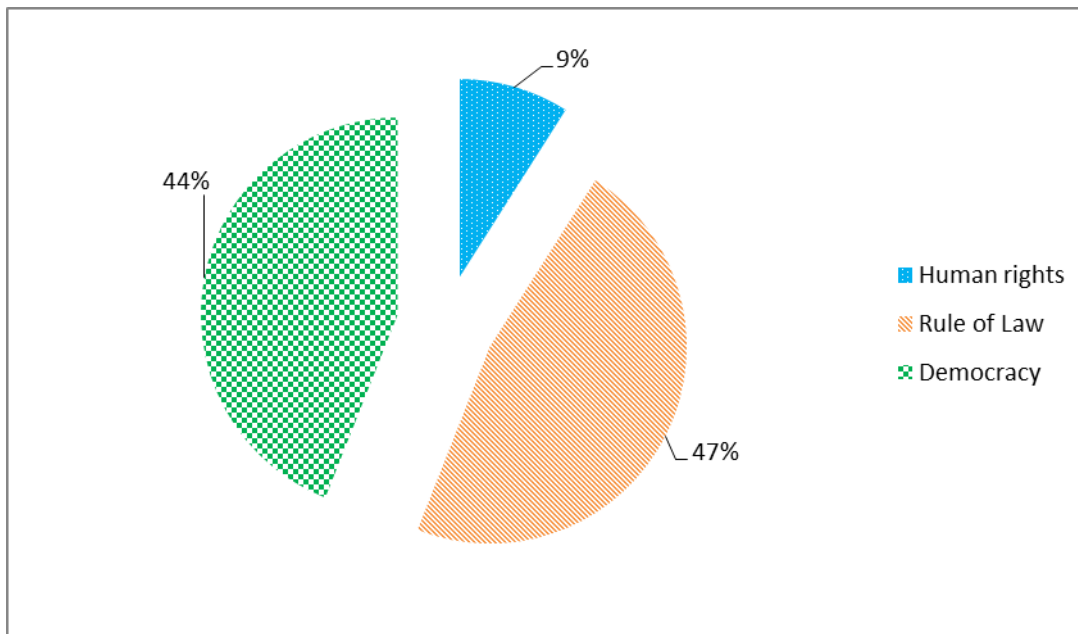


Figure 1: Estimated budget per theme of the Council of Europe Action Plan for the Republic of Moldova 2017-2020

The present Action Plan structure from 2017 to 2020 is aligned with the structure of the Programme and Budget of the Council of Europe and is aligned with 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.

4. Action Plan Governance

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

The Council of Europe will provide regular updates on the progress and outcomes of the Action Plan. To this end, the Office of the Directorate General of Programmes will submit interim and final reports to the Committee of Ministers as follows:

- oral report 12 months after the adoption of the Action Plan, to present the state of advancement after the Action Plan's official launching;
- comprehensive mid-term Progress Review Report, 24 months after the adoption of the Action Plan;
- final Progress Review Report at the end of 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 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 relevant proposals for future co-operation and challenges faced, and recommend any measures to improve 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. In addition, the ODGP will address annual Action Plan Reports to those donors contributing at the level of the Action Plan, in line with reporting requirements.

Action Plan contacts

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APPENDIX 1. LOGFRAME OF THE COE ACTION PLAN FOR THE REPUBLIC OF MOLDOVA 2017-2020

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

- **Gender equality** is mainstreamed throughout the Council of Europe's projects in accordance with the Guidelines on gender mainstreaming
- **Civil participation** in decision making 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 ensure successful reforms in the Republic of Moldova which will bring its 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 its efforts in meeting its obligations as a Council of Europe member State.

Action Plan's areas of cooperation:

The Council of Europe will continue to support the authorities of the Republic of Moldova in progressing with (and completing where possible) the reforms undertaken in strategic areas, notably:

- fighting ill-treatment and impunity;
- protecting the rights of persons belonging to minorities and anti-discrimination;
- fighting human trafficking;
- strengthening the capacities of the human rights institutions;
- reform of the electoral system;
- increasing effectiveness, accountability and transparency of the judiciary, the prosecution service, Moldovan Bar Association and law enforcement agencies;
- bringing policy and practice with regard to data protection in line with European standards;
- building confidence among communities on both banks of the river Nistru/Dniestr.

The Council of Europe and the authorities of the Republic of Moldova jointly identified new areas of cooperation on the basis of the more recent work carried out by the Organisation's institutions, monitoring mechanisms and expert advisory bodies, notably:

- fighting corruption and money laundering;
- enhancing media pluralism and building genuine public media;
- increasing transparency and effectiveness of the public administration at central and local levels (including the Autonomous Territorial Unit of Gagauzia (ATU));
- ensuring social rights;
- enhancing capacity of national stakeholders to protect human rights online;
- developing legislative framework and capacity to tackle cybercrime;
- promoting human rights education and democratic citizenship through formal education and youth activities;
- promoting cultural heritage;
- increasing social cohesion and democratic participation in society;
- promoting equal opportunities for vulnerable groups (with emphasis on women and youth).

Human Rights	
Thematic outcome: enhancement of human rights protection and strengthening of anti-discrimination by supporting the further alignment of Human Rights policies and practice with European standards.	
Outcomes	Indicators
<p>I.1. Protecting Human Rights Compliance of legislative and regulatory frameworks with European standards, increased capacity of legal professionals and national Human Rights institutions to implement European standards and reinforced Ombudsman Office through: development and implementation of the National Human Rights Action Plan; making fully operational the National Preventive Mechanism; enhancing capacity of Ombudsman Office to monitor and report on human rights violations; improving public trust in People Advocate's Office; d strengthening cooperation among institutions within the justice system (courts, prosecution, Bar).</p>	<ul style="list-style-type: none"> • Extent to which national legislation is in place and/or amended in line with European Human Rights standards. • Institutional mechanisms and structures are in place and/or operational (e.g. Human Rights Centers, Focal Points and mechanisms at national and local levels as required by conventions, institutionalized consultation procedures). • Level of knowledge about human rights standards and extent of their application by relevant professional groups in their work. • Degree of conformity with the European standards of the legal framework on protection and promotion of minority rights . • Relevant national training organisations have strengthened capacity to sustainably train their target groups on human rights standards.
<p>I.2. Promoting Human Rights and Dignity National authorities align Human Rights legislative and regulatory frameworks with European standards to eliminate all forms of discrimination; improve capacity to provide coherent statistical data on racism and racial discrimination; improve identification of victims trafficking in human beings and investigation of relevant cases; protect and assist the victims of human trafficking, especially children; enhance women access to justice; enhance capacity of authorities to support local national minority languages; adopt and implement strategies to protect human rights of Roma;</p>	<ul style="list-style-type: none"> • Extent to which national legislation is in place and/or amended in line with European Human Rights standards (criminal justice, non-discrimination, data protection). • Level of knowledge about human rights standards and extent of their application by relevant professional groups in their work. • Relevant national training organisations have strengthened capacity to sustainably train their target groups on human rights standards
<p>I.3. Ensuring Social Rights National authorities ensure better protection of the social rights in compliance with European standards, enhance capacity to collect and analyse necessary data as regards the implementation of the accepted provisions of the European Social Charter, prepare legislative package for the acceptance of the collective complaints procedure.</p>	<ul style="list-style-type: none"> • Extent to which national legislation is in place and/or amended in line with European standards. • Domestic legislation and practice in the field of social rights allows to accept the collective complaints procedure at the appropriate time.

Rule of Law	
Thematic outcome: Enhanced implementation of the existing legislation, the legislative and institutional frameworks (judiciary, prosecution, penitentiary and police) are aligned with European standards, independence and accountability of the justice system are strengthened.	
Outcomes	Indicators
<p>II.1. Ensuring Justice National authorities enhance and optimise legal and institutional frameworks in line with European and international standards; improve implementation of the relevant legislation; strengthen independence and efficiency of justice; promote rehabilitative approach in the criminal justice system; improve provision of health care in prison; prevent and effectively investigate ill-treatment; improve constitutional framework for prosecutors. The justice system enhances its capacity to deliver judgments in conformity with European standards of constitutional justice (independence and accountability of the judiciary).</p>	<ul style="list-style-type: none"> • Extent to which national legislation is in place and/or amended in line with relevant European standards. • Institutional mechanisms and structures are in place and/or operational (e.g. probation service, investigative bodies). • Level of knowledge about legislation and European standards and extent of their application by professional groups in their work.
<p>II.2. Strengthening the Rule of Law National authorities improve the regulatory framework related to media pluralism and Internet in line with the European standards; enhance the independence and transparency of the public service broadcasters. The public broadcasters' capacity is increased to provide unbiased and trustworthy coverage of the events. Public awareness and respect for freedom of expression and private life are raised.</p>	<ul style="list-style-type: none"> • Extent to which national legislation and media regulation are in compliance with European standards, notably in the following areas: public-service broadcasting; independence of broadcasting regulators; concentration and transparency of media ownership; freedom of expression, including on the Internet.
<p>II.3. Countering Threats to the Rule of Law National authorities reform the legal and regulatory frameworks to fight corruption, money-laundering and terrorism financing in line with European and international standards; enhance analytical and reporting capacity and reinforce co-operation among national and international specialised law enforcement and prevention systems.</p>	<ul style="list-style-type: none"> • Existing legislative and institutional frameworks to fight corruption, money laundering and terrorism financing are in line with the European and international standards. • Appropriate reporting on public finance. • 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.

Democracy

Thematic outcome: Enhanced democratic functioning of political institutions, increased transparency of the legislative work of the parliament, modernised public administration at all levels with improved decision making capacity and effective management of resources.

Outcomes	Indicators
<p>III.1. Strengthening Democratic Governance and Fostering Innovation</p> <p>National authorities increase transparency and accountability of decision making, including legislative work of Parliament.</p> <p>Electoral stakeholders conduct elections in a transparent and impartial manner with election results fully accepted by citizens and politicians</p> <p>Capacity of public administration to implement legislation and policy effectively is enhanced through optimisation of regulations, enhanced inter-institutional co-operation, and improved public administration policies and practices. In selected regions and municipalities, quality of self-governance is improved, local authorities actively participate in the overall political decision-making system and provide reliable and effective public service through enhanced inter-municipal cooperation, citizens participation and modern public management and financial practices. Capacity of the authorities in the Autonomous Territorial Unit of Gagauzia to take legislative and policy initiatives as well as to provide effective public service is further developed.</p> <p>An environment conducive to building confidence on both banks of the river Nistru/Dniestr is created through sustained dialogue between non-state actors specifically in such fields as media, human rights in places of detention and psychiatric institutions, human rights of persons with disabilities, social rights of youth and education.</p>	<ul style="list-style-type: none"> • Members of Parliament ensure good-quality national legislation which is cost-efficient, evidence-based, well understood by public. • Members of the Gagauzian People's Assembly adopt laws compatible with the overall legislation of the Republic of Moldova. • Regular Regularity of consultations between parliamentarians and members of the civil society on legislative process are in place. • Extent to which adopted legislation related to elections and political parties is in line with the European and international standards. • Level to which electoral process is improved through introduction of the electronic vote, increased participation of women and other groups, increased transparency of political party funding, and enhanced internal democratic functioning of political parties. • Level of efficiency, transparency and compliance with ethical standards of the governance at national and local level. • Extent to which legislation and regulations are in line with European good practices on local finance benchmarking. • Increased number of participants from both banks of the river Nistru/Dniestr in the programmes. • Increased regularity of the participation in the activities as well as increased scope of such activities, including opening of the new themes.

III.2. Promoting participation and diversity

Promoting democratic values, student self-governance and prevention of all forms of discrimination in schools. Similar initiatives are introduced in the youth sector to prevent forms of discrimination.

Better understanding within and between communities.

- Increased number of educational programmes (formal and informal) introduced in the selected institutions and regions in line with Education for Democratic Citizenship and Human Rights Education (EDC/HRE) standards.
- awareness of young people about the need to prevent all forms of discrimination especially against minorities is increased.
- Increased number of identified heritage items (places and objects) covered by protection frameworks.
- Enhanced awareness of the communities about heritage places and objects.

APPENDIX 2. RISK ASSESSMENT

Scenarios	Mitigation strategies
Risks related to political context	
<p>Best case scenario- sustained political stability facilitating reform process</p> <ul style="list-style-type: none"> • Consensus among wide political spectrum on reforms is established • Reforms and existing legislation are effectively implemented 	<p>Stronger support to national institutions, extending support to regions</p> <p>Extended capacity-building activities, especially for the partners promoting CoE standards</p> <p>Increased awareness raising about CoE involvement in the reforms process</p>
<p>Base case scenario- government in place entails slowing down the pace of reforms</p> <ul style="list-style-type: none"> • Partial/difficult implementation of reforms • Increased influence of political forces in o-going reforms 	<p>Support national authorities to ensure compliance of legislative and regulatory frameworks with CoE standards, build capacity of institutions to implement these standards, enhance awareness of the population on those standards.</p> <p>Raise awareness of institutional partners who promote CoE standards</p>
<p>Worst case scenario- increased political instability/ absence of reforms</p> <ul style="list-style-type: none"> • End of coalition government before 2018 elections • Reform process slows down or stops 	<p>Awareness raising among CoE target groups to sensitise them on importance of application of the CoE standards</p> <p>Promote dialogue between authorities and civil society on application of the standards</p> <p>Focus on protection of rights of the vulnerable groups</p> <p>Discuss mitigation strategies with international partners (EU in particular)</p>

Project/programme delivery risks

- Lack of sufficient funding for implementation of the Action Plan
- Lack of effective coordination mechanisms with national and international partners are in place to avoid overlaps and to ensure synergies among programmes

Increase resource mobilisation efforts in coordinated manner within the country .

Allocate funding for programmes which have strong potential for synergy between each other

Focus on legislative and regulatory framework reviews and related capacity building

Increased number of joint activities with international partners with whom coordination of plans is already achieved and in order to strengthen common message, achieve economic efficiency and increase acceptance of the reforms

Communication risks

- Lack of transparency and consensus on priorities and scope of the programmes among international partners.
- Lack of knowledge among main international and national partners, target groups and general population about Council of Europe contribution to the reforms in the country

Increase scope of communication activities to inform professional groups, international partners and general public about CoE contribution to the reforms.

Every programme develops its communication strategy to foster interest in the activities of the Organisation among major stakeholders; increase professional and public awareness of the Organisation contribution to the reforms; and increase the speed at which information is exchanged.

APPENDIX 3. FINANCIAL TABLE OF THE COUNCIL OF EUROPE ACTION PLAN FOR THE REPUBLIC OF MOLDOVA 2017-2020

(All amounts in Euros)

	Sectors	Total budget	Funded OB*	Funded EU*	Funded VC	Total funds secured	Unfunded
1	Human rights	1,808,000	55,000	502,000		557,000	1,251,000
	1. Protecting Human Rights	405,000	40,000	364,000		404,000	1,000
	2. Promoting Human Rights and Dignity	553,000	15,000	138,000		153,000	400,000
	3. Ensuring Social Rights	850,000					850,000
2	Rule of Law	8,336,000	366,000	2,870,000	700,000	3,936,000	4,400,000
	1. Ensuring justice	5,111,000	141,000	870,000	700,000		3,400,000
	2. Strengthening the Rule of Law	1,000,000					1,000,000
	3. Countering Threats to the Rule of Law	2,225,000	225,000	2,000,000		2,225,000	
3	Democracy	7,655,000	35,000	320,000	45,000	400,000	7,255,000
	1. Strengthening Democratic Governance and Fostering Innovation	7,400,000	10,000	90,000	45,000	145,000	7,255,000
	2. Promoting participation and diversity	255,000	25,000	230,000		255,000	
	TOTAL	17,799,000	456,000	3,692,000	745,000	4,893,000	12,906,000

* includes regional EU/CoE joint programmes

APPENDIX 4. LIST OF SOURCES / RELEVANT DOCUMENTS

Council of Europe's documents

1. Relevant treaties of the Council of Europe

[The Statute of the Council of Europe](#)

[European Convention on Human Rights](#)

[European Convention on Human Rights Protocol No.12](#)

[CoE Charter on Education for Democratic Citizenship and Human Rights Education](#)

[The European Heritage Conventions](#)

[Convention on Protection of Children against Sexual Exploitation and Sexual Abuse](#)

2. Relevant documents of the European Court of Human Rights

[European Court of Human Rights' case-law in relation to the Republic of Moldova](#)

3. Technical co-operation with the Republic of Moldova

[CoE Action Plan to support democratic reforms in the Republic of Moldova 2013-2016](#)

[CoE Action Plan to support democratic reforms in the Republic of Moldova 2013-2016, Progress Review Report](#)

[CoE Action Plan to support democratic reforms in the Republic of Moldova 2013-2016, Final Report](#)

4. Relevant documents of the Parliamentary Assembly

[Parliamentary Assembly Opinion 188 \(1995\) on the application by the Republic of Moldova for membership of the Council of Europe](#)

5. Relevant documents of the Committee of Ministers

[Supervision of the execution of judgements and decisions of the European Court of Human Rights, 9th Annual Report of the Committee of Ministers, published in March 2016](#)

[CoE Committee of Ministers' Resolution on the implementation of the Framework Convention for the Protection of National Minorities by Moldova, CM/ResCMN\(2010\)6](#)

[CoE Committee of Ministers' decision in the Ciorap/Becciev/Paladi groups of cases adopted at the 1265th meeting \(September 2016\)\(DH\).](#)

[CoE Committee of Ministers' Recommendation 2000\(21\) on the Freedom of exercise of the Profession of Lawyer](#)

[Declaration by the CoE Committee of Ministers on Internet Governance Principles \(2011\)](#)

[CoE Committee of Ministers Recommendation on protecting and promoting the right to freedom of expression and the right to private life with regard to network neutrality, CM/Rec\(2016\)1](#)

[CoE Committee of Ministers' Recommendation on a Guide to human rights for Internet users, CM/Rec\(2014\)6](#)

6. Relevant documents of the Congress of Local and Regional Authorities of the Council of Europe

[Recommendation 322 \(2012\)1 Local and regional democracy in the Republic of Moldova and the roadmap for the implementation signed on 7 July 2016](#)

[Observation of the local elections in the Republic of Moldova \(14 June 2015\), CPL/2015\(29\)3FINAL](#)

7. Relevant documents of monitoring and advisory bodies

Reports by the Secretary General of the Council of Europe State of democracy, human rights and the rule of law in Europe for the years [2014](#), [2015](#) and [2016](#)

[The European Commission against Racism and Intolerance \(ECRI\) report on the Republic of Moldova \(fourth monitoring cycle\), ECRI\(2013\)38](#)

[Report concerning the implementation of the CoE Convention on Action against Trafficking in Human Beings by the Republic of Moldova, 2nd evaluation round, GRETA\(2016\)9](#)

[The Republic of Moldova and the European Social Charter factsheet, November 2015](#)

[Report by Nils Muižnieks, Commissioner for Human Rights of the Council of Europe, following his visit to the Republic of Moldova, on 4-7 March 2013, CommDH\(2013\)19](#)

[Amicus Curiae Brief for the Constitutional Court on the Right of Recourse by the State against Judges, adopted by the Venice Commission at its 107th Plenary Session \(Venice, 10-11 June 2016\)](#)

[Reference documents of the European Commission for Efficiency of Justice \(CEPEJ\)](#)

[Report on the CoE's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\) visit to the Republic of Moldova, CPT/Inf \(2016\)16](#)

[CoE's Group of States against Corruption \(GRECO\), Fourth Evaluation Round, GrecoEval4Rep\(2016\)6](#)

[The Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism \(Moneyval\), Report on Fourth Assessment Visit, Anti-Money Laundering and Combating the Financing of Terrorism, Republic of Moldova, MONEYVAL\(2012\)28](#)

[Opinions of the Venice Commission in the field of legislation on elections and political parties](#)

[Joint Opinion on the draft law on changes to the electoral code, adopted by the Council of Democratic Elections at its 55th meeting and by the Venice Commission at its 107th Plenary session, CDL-AD\(2016\)021](#)

[Joint Opinion on Draft Legislation of the Republic of Moldova pertaining to financing political parties and election campaigns, CDL-AD\(2013\)002](#)

8. Relevant guidelines

[Guidelines on gender mainstreaming in Council of Europe's co-operation activities](#)

[Guidelines on Civil Society Organisations' participation in Council of Europe's co-operation activities](#)

9. National policy documents of the Republic of Moldova

[National Development Strategy "Moldova 2020"](#)

[Strategy for Justice Sector Reform 2011-2015 \(extended till end 2016\)](#)

[Public Administration Reform Strategy 2016-2020](#)