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Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee)

Honouring of obligations and commitments by the Republic of Moldova

Information Note by the co-rapporteurs on their visit to Chisinau and Comrat (5 to 7 February 2024)

Co-rapporteurs: Mr Pierre-Alain Fridez, Switzerland, Socialists, Democrats and Greens Group and Ms Zanda Kalniņa-Lukaševica, Latvia, Group of the European People's Party

1. Introduction

1. The last report on the honouring of obligations and commitments by the Republic of Moldova ([Doc. 15680](#)), was debated by the Parliamentary Assembly on 26 January 2023 and led to the adoption of [Resolution 2484 \(2023\)](#). On 20 June 2023, Ms Zanda Kalniņa-Lukaševica was appointed co-rapporteur to replace Ms Inese Lībiņa-Egnere, who had left the Assembly. This was the first visit that took place since the adoption of [Resolution 2484 \(2023\)](#) and focussed on the reforms that had been implemented since its adoption to strengthen the democratic institutions and system of checks and balances; to ensure the independence of the judiciary and efficient administration of justice; as well as the fight against the still endemic corruption and "state capture" in the Republic of Moldova.

2. In addition to the meetings in Chisinau, we visited Comrat, the capital of the Autonomous Territorial Unit of Gagauzia (ATUG) for meetings with the People's Assembly of Gagauzia and local civil society organisations to discuss the developments in Gagauzia and the relations between Comrat and Chisinau, especially in the light of the outcome of the elections for the local governor, or *Bashkan*, of Gagauzia in April/May 2023.

3. During our visit we met with, inter alia: the President of the Republic of Moldova; the Speaker of the Parliament, the Prime Minister, the Deputy Prime Minister and Minister of Foreign Affairs, The Deputy Prime Minister for Reintegration; the Minister of Justice and the Secretary of State for Justice; the acting President of the Supreme Court of Justice, the acting Prosecutor General; the Head of the Anti-Corruption Prosecutor's Office; the chairpersons and members of the Supreme Council of the Magistracy and Superior Council of Prosecutors; representatives of all political factions in the Parliament of the Republic of Moldova, the chairperson and members of the Moldovan delegation to PACE; the President and members of the People's Assembly of Gagauzia; as well as representatives of civil society organisations and of the diplomatic community. The programme of our visit is attached to this note in appendix 1.

4. We would like to thank the Moldovan Parliament and Moldovan delegation to PACE for the excellent programme and hospitality, and the Head of the Council of Europe Office in Chisinau and his staff for the support given to our delegation. The statement issued at the end of our visit is attached in appendix 2.

¹ Document declassified by the Monitoring Committee on 17 May 2024.

2. Political Environment

5. The political agenda in the Republic of Moldova in 2023 was dominated by the implementation of an ambitious and far-reaching reform of democratic and rule of law institutions that resulted in obtaining a favourable decision by the Council of the European Union with regard to the opening of accession negotiations with the European Union. Many of these reforms were developed and implemented in close cooperation and consultation with the Council of Europe, in particular with the Venice Commission. These reforms closely coincide with several of the country's commitments and obligations to the Council of Europe. We strongly welcome this close co-operation as well as the clearly present political will among the authorities to implement the recommendations of the Venice Commission and other Council of Europe bodies.

6. The ambitious reform agenda paid off. On 8 November 2023, the European Commission published its 2023 communication on the EU enlargement policy. Welcoming the significant reform efforts demonstrated by the Republic of Moldova, despite the severe impact of the Russian Federation's war of aggression against Ukraine, the European Commission recommended opening accession negotiations with the Republic of Moldova – under the understanding that the Republic of Moldova continues its reform efforts on the 9 steps needed to open accession negotiations – as soon as it: continues to make significant progress in appointing vetted Supreme Court Judges, members of judicial and prosecutorial self-governance bodies, and in nominating a new Prosecutor General in a merit-based and transparent process; assigns adequate resources and structures to the Anticorruption Prosecutor's office of the Republic of Moldova; undertakes further steps on de-oligarchisation. Moreover, the European Commission considered that the Republic of Moldova has to continue strengthening its fight against corruption by further building a track record of corruption investigations and convictions. This advice and conditions were taken over by the European Council Summit on 14 and 15 December that agreed to open accession negotiations with the Republic of Moldova – based on the criteria outlined above².

7. The Political environment in the Republic of Moldova remains very polarised with the political forces divided over questions related to Moldova's future perspective, values, and foreign policy alignment. We note the high vulnerability of the country to foreign interference and there are forces outside the country which try to interfere in the domestic politics of the country with a view to undermine the ongoing reform processes.

8. As already noticed by the Assembly in the report of January 2023, dialogue between opposition and ruling majority is limited and contentious. Several stakeholders we met felt that some of the reforms had been drafted in a rather hasty manner without proper consultation with the stakeholders involved. This was also noted in [Doc. 15680](#) and [Resolution 2484 \(2023\)](#), as well as number of opinions³ of the Venice Commission. We have called upon authorities to address these concerns as an inclusive and transparent reform process is essential to ensure the broad support and acceptance of the reforms by the Moldovan population, in turn needed to ensure the irreversibility of the reform process.

3. Democratic Institutions

9. A new electoral code was adopted in December 2022. This code was welcomed by Venice Commission and OSCE ODIHR for addressing several of its key recommendations for the conduct of elections. The rapporteurs, in their report to the Assembly in January 2023, regretted the lack of a broad political consensus on the adopted legislation and called upon all stakeholders to ensure that future elections would conduct fully in line with European standards.

10. On 19 June 2023, the Constitutional Court of the Republic of Moldova found the Şhor Party to be unconstitutional as a result of the fact that the party and its leaders had persistently engaged in actions that were detrimental to the sovereignty and independence of the Republic of Moldova. Subsequently, on 31 July 2023, the Moldovan Parliament adopted a series of amendments to the electoral legislation introducing the possibility to ban, for five years, members of the executive body and members who hold an elected office of political parties that have been declared unconstitutional by the Constitutional Court of the Republic of Moldova. These amendments were declared unconstitutional by the Constitutional Court on 3 October 2023. The day after the Constitutional Court judgment, new amendments were introduced – and later adopted – by the parliament that – in its view – would allow the banning of certain members of unconstitutional parties in conformity with the Constitutional Court decision. As noted by the Venice Commission in its opinion on the original amendments, these restrictions affect the right to stand for elections as enshrined in Article 3, Protocol

² The Europeans Council also agreed to grant Georgia EU candidate status and to start accession negotiations with Ukraine on the understanding that a number of reforms would be implemented, and remaining concerns addressed.

³ See for example [CDL-AD\(2023\)048](#) §17-21.

1 of the European Convention on Human Rights (ETS No. 9 – “The Convention”) and should therefore be very strictly limited to clearly defined legal grounds, with the possibility of judicial review.

11. Following the adoption of the amendments, the Commission for Exceptional Situations of the Republic of Moldova adopted a decision, on 4 October 2023, prohibiting certain categories of persons from standing in elections. This decision corresponded in substance to the law adopted by the parliament that morning, however before the law was promulgated. It should be noted that this decision was taken 3 days before the deadline for registration of candidates, limiting the possibility of appeal against this decision.

12. The Venice Commission and OSCE ODIHR prepared a joint opinion⁴ on these amendments that was adopted at the plenary of the Venice Commission on 15 and 16 December 2023. The Venice Commission welcomed the limitation of the deprivation of the right to be elected from five to 3 years as well as the attempts to provide for more personalised criteria to justify the grounds for the deprivation of the right to stand, instead of mere association with a party that has been declared unconstitutional. In addition, the Venice Commission welcomed the possibility for a person deprived of their passive voting rights to challenge the decision in front of the court. While the opinion recognises the legitimacy of the possibility of revoking a person’s right to stand in an election on the basis of a criminal conviction for serious offences aimed at undermining the Constitutional Order of a country, it notes that the law allows the deprivation for persons not only convicted but also of suspected, accused or indicted of such acts, which is problematic under Article 3, Protocol 1 of the Convention. In addition, with regard to the right of appeal, the opinion notes that it is on the accused to provide unequivocal proof that they tried to make the party decide against the acts that made it unconstitutional. This level of proof is higher than in normal civil and criminal cases and in effects amounts to a presumption of guilt instead of innocence. In addition, such high level of proof needed to challenge a decision in practice renders it ineffective as a mechanism against arbitrary or disproportional sanctions. The Venice Commission therefore concluded that “*While the amendments may respond to the legitimate aim to defend the Constitution and the integrity of the State, the restrictions imposed are not in line with Article 3 of Protocol 1 to the ECHR and Article 25 ICCPR as they do not seem to be fully foreseeable nor to fully respect the principle of proportionality*”⁵.

13. Some important developments with regard to these amendments and their implementation (see below) have taken place since our visit. On 12 March 2024, the ECtHR (“The Court”), after a preliminary examination of the case’s admissibility, communicated to the Government of the Republic of Moldova the appeal of the Șor Party against its banning by the Constitutional Court of the Republic of Moldova, and asked the Government to submit their observations on its admissibility and merits by 1st July 2024. On 28 March 2024, the Constitutional Court of the Republic of Moldova judged that the banning of individuals associated by the former Șor party from participating in elections was unconstitutional as the legislation was overly vague and overbroad. The authorities subsequently announced that they would adopt amendments to the relevant legislation to address the concerns expressed in the Constitutional Court judgment.

14. Local elections took place in the Republic of Moldova on 5 November 2023. They were organised under a state of emergency declared as a result of the war in Ukraine. These elections were observed by the Congress of Local and Regional authorities of the Council of Europe in the framework of an International Election Observation Mission (IEOM), together with the European Parliament and the OSCE/ODIHR. The IEOM concluded that, while conducted peacefully and efficiently, interference from abroad and restrictive measures imposed due to national security concerns, negatively affected the elections. As mentioned above, 3 days before the deadline to register as a candidate for the local elections, the Commission for Exceptional Situations of the Republic of Moldova prohibited certain categories of persons from standing the local elections on the basis of the amendments to the electoral code that allowed for the banning of persons that were involved in a party that was declared unconstitutional by the Moldovan Constitutional Court. Two days before the day of the vote, all 8.605 candidates from the Change Party – which is considered to be a successor to the Șor Party – were deregistered without a realistic possibility for appeal. According to the IEOM, “*The blanket exclusion of candidates without a possibility for effective legal remedy is contrary to OSCE commitments and international standards*”⁶. The Commission for Exceptional Situations also suspended 12 TV stations over concerns about misinformation and threats to national security, while the Security Service blocked access to 73 websites on similar grounds. Although in the view of the IEOM, together these decisions limited freedom of speech in a disproportionate manner, it is worth to take into account that similar decisions were made in the EU countries to defend democracies from malicious disinformation as well as to fully implement EU sanctions imposed against Russia and persons supporting and sponsoring Russia’s full-scale aggression against Ukraine.

⁴ [CDL-AD\(2023\)048](#).

⁵ *Ibid*, §53.

⁶ [IEOM](#), Local Elections in the Republic of Moldova, Preliminary conclusions.

15. A second round for those mayoral races where none of the candidates obtained 50% of the votes took place on 19 November 2023. The results of the local elections were widely seen as an early barometer for the upcoming Presidential election in 2024 and parliamentary elections in 2025. President Sandu and her PAS party won around 32% of the mayoral races and obtained, overall, 40% of the votes cast for mayors and local councils. However, PAS failed to win the mayoral races in the main urban areas and large cities, including Chisinau where incumbent mayor Ion Ceban of the National Alternative Movement was re-elected.

16. As noted in the 2023 report⁷ of the European Commission on the Republic of Moldova, the Moldovan Parliament has played an active and important role in drafting and implementing the reform agenda in the Republic of Moldova. Regrettably the polarised political climate, characterised by mutual distrust and lack of transparency have limited co-operation between ruling majority and opposition and has affected parliamentary oversight over the executive.

17. In the light of the Russian aggression towards Ukraine and attempts by the Russian Federation to undermine the Country's stability, the authorities introduced, with approval of the parliament, the state of emergency in the Republic of Moldova. The state of emergency has been renewed every 60 days and lasted until 31 December 2023. The state of emergency foresaw a number of special measures⁸ which are managed by the Commission for Emergency Situations. Following the end of the state of emergency some of its provisions were reportedly moved into normal law allowing them to be used without declaring a new state of emergency. A number of CSO have expressed concern about these new mechanisms⁹.

18. During our visit we were informed by the authorities of their intention to organise a Constitutional Referendum on Moldova's European Union integration in parallel with the Presidential elections. On 28 December 2023, the Moldovan parliament passed amendments to the electoral code allowing for the simultaneous holding of elections and referendums, which until then had been prohibited by the electoral legislation. Some interlocutors, including PROM-LEX expressed concern about the possible holding of a national referendum in combination with the elections. According to the Revised Code of Good Practice on Referendums of the Venice Commission there should be no possibility for confusions between the electoral and referendum subject and process¹⁰. At the moment of writing the Presidential Elections and referendum are foreseen to take place on 20 October with a possible second round for the Presidential election on 3 November 2024.

19. Therefore, while we welcome the unwavering support of the authorities for further European integration of the country, and their wish to make this integration process irreversible, we expect the authorities to ensure that European standards on the conduct of democratic elections and referendums are fully respected.

4. Reform of the Judiciary

20. The reform of the judiciary is a key priority for the Republic of Moldova and important point of attention within the monitoring procedure. Since the adoption of [Resolution 2484 \(2023\)](#) the Republic of Moldova has continued to make marked and tangible progress with the reform of its justice system, which we warmly welcome. Most of the judicial reforms have been drafted in close cooperation with the Council of Europe, and

⁷ [European Commission](#) (DG Near), Republic of Moldova.

⁸ See the [Decision](#) for the full text of these special measures.

⁹ See [cso meter](#).

¹⁰ According to the Revised Code of Good Practice on Referendums of the Venice Commission: "*While the simultaneous holding of elections and referendums can be expedient from a practical point of view, confusion should be avoided between the issues at stake in an election and in a referendum. In some cases, differences in suffrage rights in elections and referendums may add to confusion. For those reasons, the guidelines recommend not to hold elections and referendums on the same day if the referendum is about the institution facing election (point III.9.c).*"¹⁰. In other words, there should be no possibility for confusions between the electoral and referendum subject and process. This is especially important in relation to the issue of equality of the contestants. According to paragraph 5 of the Revised Code of Good Practice on Referendums "*Respect for equality of opportunity is crucial for both referendums and elections. While in elections equality must be ensured between parties and between candidates, simply replicating this principle in the case of referendums may lead to an unsatisfactory situation. In countries with popular initiatives or optional referendums, these are often not instigated by a political party, and may even propose an option that is rejected by the largest parties – such as reducing the number of members of Parliament or public funding of parties. Accordingly, the guidelines emphasise equality between the supporters and opponents of the proposal, notably as concerns the coverage by the media, in particular in news broadcasts, as well as public subsidies and other forms of backing (points I.2.2.a-e).*" This is also important in relation to the role of the authorities, whereas "*in the case of elections, intervention by the authorities in support of a list or a candidate is unacceptable [...]* The situation is different in the case of referendums, since it is legitimate for the different organs of government to convey their viewpoint in the debate for or against the text put to the vote [...]" [CDL-AD\(2022\)015](#) - Venice Commission Revised Code of Good Practice On Referendums.

especially the Venice Commission, which has provided numerous opinions and follow-up opinions on the draft legislation that underpins these reforms.

21. A key component of the justice reform, as well as fight against corruption and “state capture”, are the different vetting processes put in place to ensure the integrity of judges and prosecutors. The pre-vetting process for the candidates for the Superior Council of Magistrates (SCM) and Superior Council of Prosecutors (SCP) – the main self-governing bodies of the judiciary – and for their specialised bodies was finalised in January 2023. The Commission for the Assessment of Judges’ and Prosecutors’ Activities (“Pre-Vetting Commission”) was set up in April 2022 and was composed of national and international members. Only eight candidates for the SCM passed the vetting process – five judge candidates and three non-judge candidates.

22. On 30 March 2023, the Moldovan parliament adopted a law on the external evaluation of sitting judges and candidates for the Supreme Court of Justice. When this draft law was announced in February 2023, 20 of the 25 Supreme Court of Justice judges resigned in protest. However, this did not affect the adoption of the law and judges from lower-level courts were transferred to the Supreme Court of Justice to assure its continued function. In addition, in July 2023, the parliament adopted a law extending the pre-vetting procedure to all judges and prosecutors in high-level positions. This law was further amended to address Venice Commission recommendations. These amendments were sent to the Venice Commission for opinion in September 2023. In its follow-up opinion¹¹, adopted during its session on 6 and 7 October 2023, the Venice Commission welcomed that all its recommendations had been addressed by these amendments but still recommended that a “*provision ensuring the principle of non-retroactivity of law, which was present at the drafting stage of the Law, be reintroduced in the final text of the Law.*”¹²

23. The reform of the two self-governing bodies of the Judiciary, the SCM and the SCP has been described in detail in our report presented to the Assembly in January 2023¹³. In a welcome development, in March 2023, three non-judge members were appointed to the SCM and four judge members in April 2023. These appointments gave the SCM the required quorum to start making judicial appointments, which until then had been stalled for more than three years.

24. In another welcome development, on 30 March 2023, the Moldovan Parliament adopted the law on the Supreme Court of Justice which had been drafted in close consultation with the Venice Commission. This law established a Supreme Court of Justice (SCJ) that is essentially a court of cassation tasked with adjudicating on questions related to the uniform application of the law. The number of judges on the SCJ was reduced from 30 to 20. According to the law, 11 of the SCJ members will be appointed from among judges, while 9 members will be appointed from among lawyers, prosecutors, and university professors in the field of law. As already mentioned, and as an extraordinary measure to ensure the integrity of this reformed institution, all members and candidate members will be subjected to a vetting procedure.

25. We welcome these vetting procedures, which will help ensure the integrity of the judiciary, and raise the public trust in these institutions. The high rate of dismissals and withdrawal of candidates as a result of the various vetting procedures underscores both the necessity and timeliness of these procedures. At the same time, several of the representatives of the judicial institutions we met informed us about the enormous impact of these procedures have had on the judiciary and judicial process. This has affected the efficient administration of justice. We therefore urge the vetting bodies to ensure that the vetting process is conducted swiftly and expediently to ensure that it is completed within the foreseen deadlines, thereby keeping any negative effects to a minimum.

26. In our report to the Assembly of January 2023, we raised some questions with regard to the procedures followed for the dismissal of General Prosecutor Stoianoglo. Mr Stoianoglo appealed to the ECtHR against his dismissal (application no. 19371/22). On October 24, 2023, the ECtHR issued its judgment in which it unanimously held that there had been a violation of Article 6 § 1 (right of access to a court) of the Convention. While the Court noted that the suspension itself could in principle be justified by the applicant’s status as Prosecutor General, the Court held that procedural safeguards should be implemented to ensure that the suspension mechanism was not used arbitrarily and, in that connection, Mr Stoianoglo had not been afforded any form of judicial protection in relation to his suspension. The procedure to appoint a new Prosecutor General is still ongoing. The length of time this procedure is taking, has raised some concerns. As mentioned in §6, the opening of EU accession negotiations was agreed under the understanding that a new Prosecutor General would soon be nominated on the basis of a merit-based and transparent process. However, on 29 February

¹¹ [CDL-AD\(2023\)035](#).

¹² *ibid*, paragraph 26.

¹³ [Doc 15680](#).

2023, the SCP cancelled the nomination procedure as a result of questions about the candidate evaluation process.

27. Despite the far-reaching reforms of the judiciary, judicial efficiency remains an issue of concern, as noted in the recent report of the European Commission on the Republic of Moldova. Additional measures should be taken to address the backlog of cases before the courts (approximately 22.000 before first instance courts and more than 3000 cases before second instance courts) and on the relatively low clearance rate of cases and their execution.

5. Fight against Corruption

28. The fight against the endemic corruption and against the “state capture” by oligarchic interests are key priorities for the authorities. A series of reforms to create the necessary institutional capacity to fight corruption have been initiated and clear progress had been made in this respect. Nevertheless, concrete results, especially regarding high-level corruption cases, are still limited and many obstacles to the successful prosecution of corruption cases remain. This was underscored by the authorities themselves in their explanatory note for the draft law on the establishment of special anti-corruption courts. According to the authorities, despite the reform of the justice system, the courts still do not have the will to pursue anti-corruption cases, especially against members of the judiciary itself. The authorities note that in corruption cases against members of the judiciary, courts still, more often than not, side with the defendants. Moreover, the authorities point to the disproportionately long time periods for adjudicating in corruption cases, which is averagely 3,5 years and can be up to over 10 years (!). According to the authorities this average is 4 times longer than the clearing time in criminal cases, and 2,5 times slower than the European average. In order to address these shortcomings, the authorities have proposed a draft law to set up a specialised Anti-Corruption Court (ACA) composed of 15 judges, and a specialised Anti-Corruption Chamber of the Chisinau Court of Appeal (ACCCA) consisting of 6 judges. In addition, they propose to designate the SCJ as the third level court in anti-corruption cases. It should be noted that the draft law does not propose to set up a specialised chamber for this purpose within the SCJ.

29. In its opinion on the draft law¹⁴, the Venice Commission expressed some doubts about the efficacy of setting up a specialised court system instead of strengthening the existing court system for this purpose, especially given the small size of the country and with the vetting of judges only having started recently. A number of stakeholders, including the acting President of the Supreme Court of Justice, expressed similar reservations. The Venice Commission therefore recommended that the authorities also study alternative remedies to address the current obstacles to the adjudication of corruption cases. However, if the idea of a specialised court system is maintained, the Venice Commission recommended that the principle of the unity of the judicial system should be respected, including with regard to the appointment process for the judges on these specialised bodies and their integration in the normal judicial system¹⁵.

30. A new institutional structure comprising of a special Anti-Corruption Prosecutor’s Office, a National Anti-Corruption Centre and a National Integrity Authority has been established in the Republic of Moldova to investigate and prosecute corruption cases. In addition, a Criminal Assets Recovery Agency has been established, which in 2022 seized more than 108 million euro’s worth of criminal assets, approximately 35 million of them proceeds from corruption.

31. On 24 March 2023, GRECO adopted its second interim compliance report in the framework of the fourth evaluation round¹⁶ (on Corruption prevention in respect of members of parliament, judges, and prosecutors). GRECO noted that in its first compliance report, adopted in September 2020, only 6 of its 18 recommendations were considered to have been implemented and that the level of compliance was globally unsatisfactory¹⁷. However, in the second report, GRECO concludes that the continuing low level of compliance remains globally unsatisfactory, which the authorities need to address as a priority. In its report, GRECO, inter alia, notes that, despite several initiatives and drafts, no Code of Ethics and Conduct for parliamentarians has been adopted and that the National Integrity Authority (NIA) remains understaffed and without institutional operating strategy. In addition, attempts to amend the Constitution to allow for the lifting of immunity of MPs without prior approval by the parliament have failed and the current constitutional provisions still prevent full investigations against

¹⁴ [CDL-AD\(2023\)032](#).

¹⁵ In this context it is noted that different, higher, salaries for these judges would be justified as long as proportionality would be maintained.

¹⁶ [GrecoRC4\(2023\)3](#), published on 19 May 2023.

¹⁷ The second interim compliance report was adopted when a number of judicial reforms, in particular with regard to the SCM and SCJ were in the process of being implemented and therefore not taken into account in that report.

MPs from taking place. Nevertheless, GRECO notes that the number of requests for the lifting of immunity, and the number of those granted, have increased in recent years, which is a positive development.

32. Several categories of persons, including members of government and parliament, judges, prosecutors and high-level members of the law enforcement agencies, need to file declaration of assets. In 2022 more than 72.000 declarations of assets were filed. The NIA is responsible for the verification of these declarations, which are made public on the NIA website. The NIA has 31 inspectors to check these declarations (although most declarations receive a first check via the automated e-declaration system). According to data provided by GRECO, between January and September 2022, the NIA checked 1000 declarations. The report of the European Commission states that in 2023 declarations were checked of 91% of all judges and 99% of all prosecutors including 2 out of 9 SCM and 3 out of 10 SCP members. In its second interim compliance report in the framework of the fourth evaluation round on “*the prevention of corruption in respect of members of parliament, judges and prosecutors*”¹⁸, GRECO expressed concern about the low level of staffing and resources available to the NIA in comparison to its tasks, which affects the efficacy of the declaration regime.

33. The fight against the “state capture” and excessive influence by oligarchs and financial interests in public life is a key challenge for the country. In order to address this issue, the authorities produced a draft law “on limiting excessive economic and political influence in public life (de-oligarchisation)” that was based on the anti-oligarch legislation adopted by the Ukrainian Verkhovna Rada. As was the case for the Ukrainian Law and similar legislation in Georgia, the Venice Commission expressed misgivings about the so-called “personal approach” taken in this law which raised questions about its compatibility with international standards including the European Convention on Human Rights and which is vulnerable to political abuse. The Venice Commission therefore recommended the adoption of a so-called systemic approach that would focus on strengthening the existing legal tools and institutional mechanisms to fight corruption and excessive political influence by vested economic interests. This recommendation was taken over by the authorities and in May 2023, following public consultation, they adopted an action plan to strengthen existing mechanisms and tools to fight the excessive influence of oligarchic interest in public life.

6. Relations between Comrat and Chisinau

34. During our stay in the Republic of Moldova, we visited Comrat, the capital of the Autonomous Territorial Unit of Gagauzia and had meetings with the President and members of the People’s Assembly of Gagauzia and local civil society organisations. To recall, Gagauzia is an autonomous region in the Republic of Moldova which has a Turkic ethnic minority. It has been historically close to Moscow and during the dissolution of the Soviet Union originally favoured remaining part of the Soviet Union over Moldovan Independence. The region has a special constitutionally recognised autonomous status within the Moldovan Republic. The locally elected governor, or Bashkan, of Gagauzia is ex officio a member of the government of the Republic of Moldova. The ongoing military aggression of the Russian Federation against Ukraine have caused the relations between Comrat and Chisinau to deteriorate and become more tense, while there are clear indications that the Russian Federation is trying to use its (covert) influence in Gagauzia to destabilise the country.

35. As mentioned, the election of Evghenia Guțul as Bashkan of Gagauzia came as a surprise to the authorities and many observers. Ms Guțul was the candidate of the Shor party and ran on a decidedly pro-Russian platform seemingly aimed at fomenting tensions between Gagauzia and the authorities in Chisinau. The elections for the Bashkan were marred by allegations of foreign interference and vote buying. As a result of these allegations, as well as the unexpected outcome¹⁹, the Prosecutor General initiated formal investigations into her election, as well as the financing of her campaign. On 24 April 2024, the Anticorruption Prosecutor’s Office (APO) filed criminal charges against Ms Guțul for obtaining illegal financing for, as well as paying participants in protests organised by the now banned Shor party. The alleged offences reportedly carry penalties of fines ranging from 57,500 to 92,500 Lei or imprisonment from 2 to 7 years, as well as a ban on holding certain public offices and functions for a period between 2 to 5 years.

36. All the representatives we met in Comrat, both from the Supreme Council, as well as from Civil society, expressed their concern about the impact of the ongoing standoff over the election of the Bashkan on the overall relations between Gagauzia and Chisinau. Many Gagauzians feel reportedly ostracised and stigmatised by these developments which is feeding resentment towards Chisinau. Some NGOs mentioned that they had lost funding from international donors for programmes they were implementing as Gagauzia had become a toxic topic. This was also affecting programmes specifically aimed at improving relations between the Gagauzian society and the rest of the Moldovan population.

¹⁸ [GrecoRC4\(2023\)3](#).

¹⁹ The authorities informed us that they do not contest the number of votes Ms Gutul obtained, but the manner in which she obtained them, allegedly through widespread vote-buying and fraud.

37. The protracted standoff over the election of the Baskhan is affecting the internal stability of the country and increasing its vulnerability to malicious interference by external actors and state parties. The swift conclusion of the above-mentioned criminal cases against Ms Guțul is essential for a solution for this standoff in line with rule of law principles. In that context we also wish to emphasize that the visits of the Bashan to Moscow after her election, and her requests for “protection” by the Russian Federation of “Gagauzian interest”, seemingly with no other purpose than to increase tensions and destabilise the fragile situation, are unacceptable and do not contribute to finding a satisfactory solution for this delicate problem.

38. We intend to visit the Republic of Moldova again before the Presidential elections in order to provide the Monitoring Committee, as well as PACE election observation delegation, with an up-to-date view of the political environment and framework for the conduct of the elections and possible referendum.

**Final programme of the fact-finding visit to Chisinau and Comrat
(4 to 7 February 2024)**

Co-rapporteurs: Mr Pierre-Alain FRIDEZ, Switzerland, Socialists, Democrats and Greens Group
Ms Zanda KALNIŅA-LUKAŠEVICA, Latvia, Group of the European People's Party

Secretariat: Mr Bas KLEIN, Deputy Head of Secretariat, Monitoring Committee

CoE Office: Mr Falk LANGE, Head of the Office of the Council of Europe in Chisinau

Main topics:

- Recent Political Developments
- Electoral reform and elections in the Republic of Moldova; parliamentary oversight and system of checks and balances
- Reform of the judiciary, judicial independence and efficiency, vetting of judges
- Fight against corruption and "state capture"

Sunday, 4 February 2024

20:00 Informal delegation meeting with the Head of the Council Office in Chisinau (dinner meeting) (*)

Monday, 5 February 2024

09:00 Roundtable on elections, electoral reform and functioning of the system of checks and balances (*)
CMI – Martti Ahtisaari Peace Foundation
ADEPT
APEL
PA "RADIOVISION"
CONTACT Center
Promo-LEX Association

11:00 Roundtable on Judicial reforms and the fight against corruption and "state capture" (*)
Soros Foundation
IPRE – Institute for European Policies and Reforms
Amnesty International Moldova
Legal Resources Center of Moldova

12:30 Lunch

14:00-14:45 Meeting with H.E. Mr Igor GROSU, Speaker of the Parliament of the Republic of Moldova

14:50-15:35 Meeting with Ms Doina GHERMAN, Chair of the parliamentary faction of the Action and Solidarity Party and the members of the faction

15:40-16:25 Meeting with Mr Vlad BATRÎNCEA, Chair of the parliamentary faction of the Bloc of communists and socialists and the members of the faction

16:30-17:15 Meeting with the Chair and members of the Moldovan delegation to PACE

19:00 Dinner hosted by Ms Doina GHERMAN, Vice-President of the Parliament

Tuesday, 6 February 2024

- 09:00-09:30 Meeting with H.E. Maia SANDU, President of the Republic of Moldova
- 10:00-10:45 Meeting with H.E. Mr Dorin RECEAN, Prime Minister of the Republic of Moldova
- 10:50-11:35 Meeting with Ms Veronica MIHAILOV-MORARU, Minister of Justice of the Republic of Moldova and Mr Stanislav COPEȚCHI, State Secretary, Ministry of Justice of the Republic of Moldova
- 11:50-12:35 Meeting with Mr Oleg SEREBRIAN, Vice Prime Minister for Reintegration
- 12:40-14:10 Working Lunch offered by Mr Ion GROZA, Chairperson of the Moldovan delegation to PACE
- 14:15 Departure to Comrat
- 16:00-16:45 Meeting with Mr Dmitri KONSTANTINOV, President of the People's Assembly of Gagauzia
- 16:50- 17:35 Meeting with the representatives of the parties and factions of the People's Assembly of Gagauzia
- 17:40-18:15 Meeting with the local organisations of the civil society (*)
"Youth of Gagauzia" NGO
PA "Media Birlii"
PA "Center for Regional Policies and Reforms"
PA European Center "Pro-Europe" Comrat
- 18:20 Departure to Chisinau
- 20:00 Informal working dinner with representatives of the international community hosted by the Parliamentary Assembly

Wednesday, 7 February 2024

- 08:20-08:50 Meeting with H.E. Mr Mihail POPȘOI, Deputy Prime Minister and Minister of Foreign Affairs of the Republic of Moldova
- 09:00-09:45 Meeting with the Chairs and members of the Supreme Council of the Magistracy and Superior Council of Prosecutors
- 10:00-10:45 Meeting with Mr Ion MUNTEANU, Acting Prosecutor General
- 11:00-11:40 Meeting with Ms Aliona MIRON, Acting President of the Supreme Court of Justice
- 12:00 – 12:40 Meeting with Mr Lilian CHIȘCA, Chair of the National Integrity Authority
- 12:50 – 13:30 Meeting with Mr Pavel POSTICA, Vice-President of the Central Electoral Commission

(*) Meetings organised by Council of Europe Office in Chisinau.

PACE monitors welcome continued progress on reforms in Moldova, which should now deliver tangible results

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Following a visit to Chişinău and Comrat from 4 to 7 February 2024, the PACE co-rapporteurs for the monitoring of the Republic of Moldova, Pierre-Alain Fridez (Switzerland, SOC) and Zanda Kalniņa-Lukaševica (Latvia, EPP/CD), have welcomed continued progress on the far-reaching reforms of democratic and rule of law institutions in Moldova, which resulted in the well-deserved opening of EU accession negotiations. At the same time, they noted that some of the stakeholders felt they were not sufficiently consulted or could have been more involved in the drafting process. The rapporteurs recommended that the authorities take note and, where needed, address these concerns as an inclusive and transparent reform process is essential to ensure the broad support and acceptance of Moldovan citizens, ensuring the irreversibility of the reform process.

Reform of the judiciary, with a view to ensuring its independence and integrity, has been a long-standing priority for the co-rapporteurs. They therefore welcomed the successful conclusion of the pre-vetting of the members of the Supreme Council of Magistrates and Supreme Prosecutorial Council and the start of vetting of Supreme Court and other key judicial positions. The co-rapporteurs expressed their full support for these vetting procedures and noted that the high rate of dismissals and withdrawal of candidates underscores both the necessity and timeliness of this procedure. At the same time, mindful of its impact on the judiciary and judicial process, the rapporteurs urged the vetting bodies to ensure that the vetting process is conducted swiftly and expediently to ensure that it is completed within the foreseen deadlines, thereby keeping any negative effects to a minimum.

In the course of the visit, the rapporteurs discussed preparations for the upcoming presidential and parliamentary elections with the relevant stakeholders, including with the Central Election Commission. They were informed by the authorities of their intention to organise a constitutional referendum related to the further European integration of Moldova in parallel with the Presidential elections. Welcoming the unwavering support of the authorities for further European integration of the country, they noted the concerns expressed about the timing of this referendum. They therefore expect the authorities to ensure that European standards on the conduct of democratic [elections](#) and [referendums](#) are fully respected when deciding on the question and date of the referendum.

The rapporteurs paid a visit to Comrat to observe and discuss at first hand the recent developments in relation to the autonomous region of Gagauzia. They noted that as a result of these developments many of the counterparts felt isolated, if not ostracised, which is of concern in the context of the internal stability of the country and its vulnerability to malicious interference by external actors and state parties. In the view of the rapporteurs, the authorities in Chisinau and in Comrat should resolve the stand-off in relation to the election of the Bashkan swiftly and in a way which fully respects the rule of law and due process. The swift conclusion of the investigations started by the Prosecutor General into alleged violations of political party and campaign financing regulations by the elected Bashkan is, according to the rapporteurs, essential in this context.

The rapporteurs intend to visit the country again before the forthcoming elections take place.