



European Network of
National Human Rights Institutions

Implementing the Council of Europe Recommendation on National Human Rights Institutions: The State of Play

The situation in Moldova



Moldova Country Report

Overview

Name of NHRI and mandate:

- Office of the People's Advocate (OPA)
- NHRI, and also: Ombuds-institution, NPM and People's Advocate for Children (PAC).

Sources:

- NHRI: [ENNHRI, State of the Rule of Law in Europe in 2022, Moldova Country Report](#)
- Sub-Committee on Accreditation (SCA): [SCA Report May 2018](#)
- CoE Independent Bodies: [Venice Commission Opinion on Moldova \(2021\)](#); [CPT Report on Moldova \(2020\)](#)

Good practices and improvements:

- **CM Principle 1:** the Office of the People's Advocate (OPA) is **an A-Status institution**.
- **CM Principle 2:** **the OPA has a broad constitutional mandate** to promote and protect human rights.
- **CM Principle 3§6: strong mandate to contribute to an effective justice system:** including through complaints handling, strategic litigation before courts, providing legal assistance to individuals and awareness-raising.

Key areas where improvement is needed:

- **CM Principle 6, 7 & 10: adequate and independent provision of resources:** the SCA (2018) reports that the OPA budget is not sufficient to carry out its mandate, notwithstanding budgetary increases. Moreover, the NHRI stresses issues related to inadequate working conditions and a lack of financial independence. Especially, it emphasizes that the lack of independence in determining its own budget, as it must be previously approved by the Ministry of Finance.
- **CM Principle 4 & 5: pluralistic, transparent and participatory selection and appointment of NHRI leadership:** the SCA (2018) notes that the People's Advocate is appointed by Parliament by a simple majority vote, suggesting instead an absolute majority vote. The SCA (2018) recommends the selection and appointment process to be improved in terms of ensuring pluralism, transparency and participation.
- **CM Principle 15, a): communication and cooperation with counterparts institutions and mandates:** In line with the findings of the Venice Commission (2021), the institutional set-up of the PA, and in particular the potential addition of a "Public Advocate on Entrepreneur Rights", within the NHRI entails a high risk of internal conflict between the various mandates, while also being detrimental for the external credibility of the NHRI. Moreover, the CPT (2018) reported a lack of smooth cooperation between different entities of the NPM, including the NHRI. The NHRI made a legislative proposal to review the current structure of the NPM and to establish a new model for its functioning, but no changes have been made thus far.

Specific findings per Principle

The tables below include data on the assessment of the implementation of each Principle (i.e. the individual parts) within the Recommendation from three sources: the National Human Rights Institutions, the Sub-Committee on Accreditation of GANHRI and the Council of Europe independent bodies. Overall, the findings are considered in four overall groups: the establishment of NHRIs; the strengthening of NHRIs; a safe and enabling environment for NHRIs; and cooperation with and support for NHRIs.

I. Establishment of NHRIs

Principle 1	Member States should ensure that NHRIs are in place and that they are established, accredited and function in full compliance with the Paris Principles
Assessment of implementation by the NHRI	<p><i>Information provided by the NHRI in 2023</i></p> <p>The People's Advocate Office in the Republic of Moldova was granted an "A" accreditation status during the May 14-18, 2018 session based on the recommendation of the sub-committee on accreditation.</p>
Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI	<p><i>SCA Report May 2018, p. 25</i></p> <p>The SCA recommends that the OPA be re-accredited with A Status.</p>

<p>Principle 2</p>	<p>Member States should provide a firm legal basis for NHRIs, preferably at the constitutional level, and/or in a law which defines the mandates and functions of such institutions, guarantees their independence and provides them with the means necessary to accomplish their functions effectively, both at national and international levels, bearing in mind existing standards and recommendations on NHRIs, in particular the Paris Principles and their interpretation developed by GANHRI's Sub-Committee on Accreditation.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>The Ombudsman institution operates in accordance with Article 59¹ of the Constitution of the Republic of Moldova and Law 52/2014 concerning the People's Advocate. It operates independently and autonomously in terms of budgeting.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>Venice Commission opinion on Moldova 2021, p. 5: (Para. 21)</i></p> <p>The constitutional provision is applicable to both the institution of the PA as such and the specialised People's Advocate for Children (PAC) established within the PA. The PAC was already in place when the constitutional provision came into force. The tasks of the PAC to deal with children's rights clearly fall within the ambit to ensure "promotion and protection of human rights and fundamental freedoms" of Article 59¹ of the Constitution.</p>

II. Strengthening of NHRIs

<p>Principle 3.1</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor and analyse the human rights situation in the country, publish reports on these findings and address recommendations to public authorities at national, regional and local levels and, when applicable, to private entities, and present an annual report to the relevant authorities, including before parliament, for its consideration.
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>In accordance with art.16 of the Law no.52/2014 on the People’s Advocate, the People’s Advocate’s general powers include inter alia:</p> <ul style="list-style-type: none"> - presents proposals and recommendations to the authorities and/or responsible persons regarding the reinstatement of persons in respect of whom rights and liberties have been found to be violated; - presents proposals and recommendations for ratification or accession to international instruments in the field of human rights and freedoms and provides methodological support to ensure their implementation; - elaborates independent reports on the respect and promotion of human rights and freedoms in the Republic of Moldova and presents them to international and regional institutions and organizations for human rights.

	<p>In accordance with art.29 of the Law no.52/2014 by March 15 of each year, the People's Advocate presents to the Parliament the annual report on the observance of human rights and freedoms in the Republic of Moldova.</p> <p>Also, the People's Advocate can publicly present thematic reports regarding human rights and freedoms observance. At the same time, in case of mass or severe violations of human rights and freedoms, the People's Advocate has the right to present special reports at Parliament meetings and propose the establishment of special commissions to investigate these facts.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report May 2018, p. 27</i></p> <p>The OPA reports to have developed a framework to independently monitor the implementation by government of the National Human Rights Action Plan in cooperation with other human rights bodies, including civil society. The SCA welcomes this initiative.</p>
<p>Principle 3.2</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - freely address public opinion, raise public awareness on human rights and carry out education and training programmes;

<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>The legal powers of the People’s Advocate and of the People’s Advocate for children rights include:</p> <ul style="list-style-type: none"> - promotes human rights in society, which takes place through the organization of information sessions, round tables, conferences, the development of informational materials for the general public; <p>in order to ensure the possibility to address freely public opinion, raise public awareness on human rights, the People’s Advocate and the People’s Advocate for children rights have legal base for: mediating cases of violation of human rights and freedoms; raising awareness of society in order to respect human rights and freedoms through the mass media and other available means; the public exposure of his opinions and recommendations regarding a concrete case or a systemic problem.</p>
<p>Principle 3.3</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - fully address all alleged human rights violations by all administrative authorities, other relevant State entities and, when applicable, private entities
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>In accordance with the Law no.52/2014, the People’s Advocate examines individual complaints regardless of race or ethnic origin, color, sex, language, religion, political opinion or any other opinion, of national or social origin, wealth, birth or any other circumstances, which are or have been under the jurisdiction of the Republic of Moldova, of whose rights and freedoms are supposed to have been violated by the Republic of Moldova.</p>

	<p>The People's Advocate reviews complaints on decisions, actions or inactions of the public authorities, organizations and companies, no matter of the type of property and legal organization form, of the officials which in petitioner's opinion violated his rights and freedoms.</p> <p>Following the examination of the complaint, if it is found from its content that a violation of human rights has been committed, the People's Advocate has the following possibilities of intervention:</p> <ul style="list-style-type: none"> - The People's Advocate presents to the authority or the responsible person an opinion with recommendations on the measures that should be taken for immediate reinstatement of petitioner's rights; - to submit a request to the court in defense of the interests of the petitioner whose fundamental rights and freedoms were violated; - to intervene alongside the competent authorities with an approach to initiate a disciplinary, contraventional or criminal procedure regarding the responsible person who committed violations that caused the violation of human rights and freedoms; - to notify the prosecutor regarding the commission of the contravention provided for in art. 320 of the Contravention Code of the Republic of Moldova (Interference in the activity of the People's Advocate and the People's Advocate for children rights); <p>to notify persons with positions of responsibility of all levels on cases of negligence in office, violation of ethics of service, delay and bureaucracy.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>Venice Commission opinion on Moldova 2021, p. 13: (Para.73)</i></p> <p>73. Under Article 18(3) of the Law on the PA, the PA reviews complaints on decisions etc. of the "public authorities, organizations and companies, no matter of the type of property and legal organization form ...".</p>

<p>Principle 3.4</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - have unfettered access to all relevant premises, including places of deprivation of liberty, and to all relevant individuals, in order to be able to carry out a credible examination of all issues covered by their mandate and to all relevant information, subject to possible restrictions stemming from the protection of other rights and legitimate interests and with due respect for the confidentiality of information obtained;
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>In accordance with art. 36 of the Law no.52/2014 the civil servants of the People’s Advocate Office have free access to places of detention and unlimited access to any information regarding the treatment and conditions of detention of persons deprived of liberty.</p> <p>So, when presenting in such places, the staff of the institution is obliged to present the service card, which ensures access to places of deprivation of liberty, and to all relevant individuals.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>CPT Report on Moldova 2020, p. 74 (Para.189)</i></p> <p>As regards inspections, both establishments visited were regularly visited by the Ombudsperson, the NPM and/or various non-governmental organisations.</p>

<p>Principle 3.5</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <ul style="list-style-type: none"> - monitor existing and draft policies and legislation with human rights implications before, during and after their adoption in order to advise the State about the impact of such policies and legislation on human rights and on the activities of human rights defenders, including by making relevant and concrete recommendations.
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>In order to improve the legislation in the field of human rights and freedoms, the People's Advocate:</p> <ul style="list-style-type: none"> a) presents to the subjects with the right of legislative initiative proposals and recommendations for improving the legislation in order to eliminate the causes and conditions that create premises for the violation of human rights and freedoms; b) issues opinions on the normative act's drafts in the field of human rights; c) issues opinions on the compatibility of national legislation with international legal instruments in the field of human rights and freedoms.

<p>Principle 3.6</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <p>- contribute to an effective justice system for all, through awareness-raising measures and facilitating access to rights and remedies and, as applicable, by providing legal assistance, being a party before the courts or, when applicable, receiving individual complaints;</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>The Moldovan NHRI has the mandate to contribute to access to justice for individuals, including through complaints handling, strategic litigation before courts, providing legal assistance to individuals and awareness-raising.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>CPT Report on Moldova 2020, p. 61, (Para.128) :</i></p> <p>[...], complaints may also be addressed to the People’s Advocate (Ombudsperson).</p> <p><i>Venice Commission opinion on Moldova, p.8 (Para.36)</i></p> <p>In the 2014 Law on the PA, the right to complain before the PA is regulated in Article 18.1 according to which “The People’s Advocate reviews the complaints of individuals, no matter of citizenship, age, gender, political or religious beliefs, living permanently, being or having been temporarily on the territory of the country (hereinafter - petitioners), whose rights and freedoms were allegedly violated by the Republic of Moldova”. The 2015 Opinion of the Venice Commission on the law of 2014 observed with concern that the wording of the law was "a fundamental impediment to exclude legal persons -including NGOs- from the protection of the PA". [...] This provision was taken into account by the Moldovan legislator [...]</p>

<p>Principle 3.7</p>	<p>Member States should ensure that the mandate given to NHRIs to protect and promote human rights is as broad as possible and in full compliance with the Paris Principles and that it allows them, inter alia, to:</p> <p>- encourage the signature, ratification of and accession to international human rights treaties and contribute to the effective implementation of such treaties, as well as related judgments, decisions and recommendations as well as to monitor States' compliance with them.</p>
<p>Assessment of implementation by the NHRI</p>	<p>Under Art. 16 of Law 52/2014, one of the responsibilities of the Ombudsman is to present proposals and recommendations for ratification or accession to international instruments in the human rights and freedoms field and provide methodological support to ensure their implementation.</p> <p>The National Human Rights Institution of the Republic of Moldova has sent alternative reports to several international and regional bodies, including GREVIO, CPT, and UN Committees.</p>
<p>Principle 4</p>	<p>The process of selection and appointment of the leadership of a NHRI should be competence based, transparent and participatory, in order to guarantee the independence and pluralist representation of these institutions. It should also be based on clear, predetermined, objective and publicly accessible criteria.</p> <p>The duration of the appointment should be clearly set out in the founding legislation, so that the leadership posts of the NHRI do not stay vacant for any significant period of time.</p>

<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>The People's Advocate is appointed by the Parliament. The term of office is set at 7 years and is non-renewable.</p> <p>The candidate for the function must meet the following conditions:</p> <ul style="list-style-type: none"> a) to be the citizen of the Republic of Moldova; b) should not be the subject to a judicial protection measure in the form of guardianship; c) holds a bachelor's degree or its equivalent; d) has a working experience of at least 10 years and a notorious activity in the field of defense and promotion of human rights; e) to have an impeccable reputation; f) to know Romanian language; g) should not have, in the last 5 years, in the professional integrity file, any entries regarding the negative result of the professional integrity test. <p>For the selection of the People's Advocate is established the special parliamentary committee. The special parliamentary committee selects all the candidates who have passed the public competition for each position of People's Advocate, and presents them to the plenum of the Parliament for appointment. A reasoned opinion is drawn up for each candidate.</p> <p>The candidate who obtained the vote of the majority of the elected deputies is appointed to the position of People's Advocate. If in the first round of voting no candidate obtains the required number of votes, the candidate/candidates with the most votes advance to the next round of voting.</p>
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<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report May 2018, p. 26</i></p> <p>The Law is silent on the requirement for pluralism and diversity in the composition of the OPA. The SCA acknowledges that the OPA reports that its composition is reflective of these principles. However, as a good practice, the SCA is of the view that the enabling law of an NHRI should include a requirement to ensure pluralism and diversity, as this facilitates its appreciation of, and capacity to engage on, all human rights issues affecting the society in which it operates. In addition, it promotes the accessibility of the NHRI for all people in Republic of Moldova. The SCA encourages the OPA to advocate for the inclusion in its enabling law of a requirement to ensure that its composition is broadly reflective of all of the segments of Moldovan society.</p> <p>(...)</p> <p>In accordance with Article 591 3 of the Constitution, the People’s Advocate is appointed by Parliament by a simple majority vote of the elected members of Parliament. The SCA acknowledges that the OPA reports that, in practice, its selection and appointment process is transparent and participatory, and that civil society can participate in the process both by submitting names of candidates and by offering comments to the Special Parliamentary Commission regarding candidates. The SCA notes that the OPA is advocating for amendments to its enabling law to include a provision stating that the OPA shall be appointed by the Parliament with an absolute majority vote based on a transparent and participatory selection process. The SCA encourages the OPA to continue to advocate for passage of this amendment.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>Venice Commission Opinion on Moldova 2021, p.9 (Para.48)</i></p> <p>The term of office is set at 7 years and is non-renewable. This provision is fully in line with Principle 10 of the Venice Principles which states: The term of office of the Ombudsman shall be longer than the mandate of the appointing body.</p>

<p>Principle 5</p>	<p>To ensure independence, the enabling legislation of a NHRI should contain an objective dismissal process for the NHRI leadership, with clearly defined terms in a constitutional or legislative text. The dismissal process should be fair and ensure objectivity and impartiality and should be confined to only those actions which impact adversely on the capacity of the leaders of NHRIs to fulfil their mandate.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>As per Article 59¹ of the Constitution of the Republic of Moldova, the People's Advocate can only be removed from their position if two-thirds of the elected deputies vote in favour of their dismissal. This can only be done following the legal procedure, which includes giving the advocate the opportunity to be heard beforehand.</p>
<p>Principle 6</p>	<p>Member States should provide NHRIs with adequate, sufficient and sustainable resources to allow them to carry out their mandate, including to engage with all relevant stakeholders in a fully independent manner and freely determine their priorities and activities.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>ENNHRI, State of the Rule of Law in Europe in 2022, p. 2</i></p> <p>The challenges mentioned include:</p> <ul style="list-style-type: none"> • Inadequate working conditions. The headquarters of the Office of the People's Advocate is in a damaged condition and represents a danger to the life and health of the PAO's staff and as well for its beneficiaries (people visiting the NHRI and submitting complaints); • Insufficient human resources;

	<p>(...)</p> <ul style="list-style-type: none"> • Lack of financial independence of the People's Advocate Office - the People's Advocate Office budget is approved by Ministry of Finance and adopted by Parliament and this does not meet the standards established in Paris Principles
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report May 2018, p. 26</i></p> <p>The OPA reports that its present budget is not sufficient to carry out its mandate, despite having received budgetary increases for the past three years.</p> <p>[...]</p> <p>The SCA encourages the OPA to continue to advocate for adequate funding to effectively carry out its mandate, including that as the NPM</p>
<p>Principle 7</p>	<p>NHRIs should have the authority to determine their staffing profile and recruit their own staff, as well as sufficient resources available, in order to fulfil their mandate, so as to permit the employment and retention of staff and to ensure that they receive adequate training.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>See above Principle 6 on adequate, sufficient and sustainable resources.</i></p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>Venice Commission's opinion on Moldova 2021, p.10 (Para. 54)</i></p> <p>In addition, it is the PA who approves the organisational structure, organisation chart and staff of the Office (point 11), the Subdivision Regulation (point 12), and carries out the overall management of the Office (point 23).</p>

<p>Principle 8</p>	<p>Member States should ensure that NHRIs enjoy adequate access to information and to policy makers and legislators, including timely consultations on the human rights implications of draft legislation and policy strategies.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>The Moldovan Ombudsman institution participates in legislative approval and can independently submit proposals to amend the legislation. Thus, the legislation even allows the institution to develop a legislative initiative.</p>
<p>Principle 9</p>	<p>Member States should implement the recommendations of NHRIs and are encouraged:</p> <ul style="list-style-type: none"> - to make it a legal obligation for all addressees of NHRI recommendations to provide a reasoned reply within an appropriate time frame, - to develop processes to facilitate effective follow-up of NHRI recommendations, in a timely fashion and - include information thereon in their relevant documents and reports.
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>If the People’s Advocate issues an opinion with recommendations on the case of human rights violations, resulting from an individual application, the authority or the responsible person which</p>

	<p>received the PA's opinion has the duty to examine in 30 days and to report in writing to the People's Advocate the measures taken in order to remedy the problem.</p> <p>The NHRI further emphasizes the importance of ongoing efforts to involve authorities in implementing the recommendations put forth by the People's Advocate.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>SCA Report May 2018, p. 28</i></p> <p>Public authorities are encouraged to respond to recommendations from NHRIs in a timely manner, and to provide detailed information on practical and systematic follow-up action, as appropriate, to the NHRI's recommendations.</p>
<p>Principle 10</p>	<p>When member States grant NHRIs additional competences to perform functions foreseen by international conventions in the field of human rights, such as the United Nations Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Convention on the Rights of Persons with Disabilities, the NHRI should have access to sufficient resources to develop the capacity to effectively discharge its functions, including having appropriately qualified and trained staff.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>The National Mechanism for the Prevention of Torture operates under the mandate outlined in Chapter V of Law 52/2014, which pertains to the People's Advocate (Ombudsman) and the Regulation governing the Council for the Prevention of Torture as of 07.05.2016. According to Article 31, Point 8, the necessary resources for the Council to carry out its duties, including hiring specialists and experts, are allocated a separate budget line, which is an integral part of the Office of the People's Advocate budget. Council members, excluding legal members, receive remuneration equivalent to 10% of the average monthly salary in the economy for each day they conduct</p>

	<p>preventive visits to detention centres or attend Council meetings. Additional resources to support the Council's activities include transportation expenses, measurement and photography equipment, car maintenance services, and web page maintenance.</p>
<p>Assessment of implementation by Sub-Committee on Accreditation (SCA) of GANHRI</p>	<p><i>See Principle 6 on adequate, sufficient and sustainable resources.</i></p> <p><i>SCA Report 2018, p. 26:</i></p> <p>The OPA reports that its present budget is not sufficient to carry out its mandate, despite having received budgetary increases for the past three years. The SCA notes that, in addition to its mandate as an NHRI, the OPA has been designated as the NPM under OPCAT.</p>

III. Safe and Enabling Environment

<p>Principle 11</p>	<p>Member States should ensure that NHRIs can operate independently, in an environment which is conducive to them carrying out their mandate in an effective manner and in a climate of impartiality, integrity, transparency and fairness.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>Moldovan Parliament has adopted the amendments to the Law on the People's Advocate nr.52/2014.</p> <p>The main changes refer to:</p> <ul style="list-style-type: none"> - granting immunity to the Ombudsman. Thus, he cannot be detained, arrested or searched without the consent of the Parliament, and deputies – without prior information of the Parliament. However, in the event of a flagrant offence, Parliament's consent is not required. However, in addition to this, Parliament's consent is not required for detaining, arresting or searching the People's Advocate in the cases of the crimes provided in art.243, 324-328 and 330² Criminal Code of the Republic of Moldova (no.985/2022), which we consider to be an interference in independence and inviolability of the Ombudsman. This must be considered as a limitation of rights and freedoms of the NHRI. - the procedure for selecting, appointing and dismissing the Ombudsman was amended. So, in the plenary of the Parliament will be proposed all the candidates who promoted the contest held by the Parliament, not just two candidates, as was the case so far. - the dismissal of the Ombudsman will be possible only after his hearing in the plenary of the Parliament. - the powers of the Ombudsman were expanded. He will also examine applications submitted by legal entities, not just those of individuals.

- Extending the deadline for verifying the admissibility of applications, from 10 days to 15 days, which can be extended by no more than 15 days;
- Referral and presenting the amicus curia to the Constitutional Court ex officio;
- Elaboration of the independent reports on the human rights and freedoms observance in the Republic of Moldova and its submission to the international and regional institutions in the human rights field;
- Examination of the whistleblower's applications and contribution to their protection;
- Officials who action in the name of Ombudsman exercising service activities benefits from People's Advocate immunity, which extends over their working place, correspondence and means of telecommunication used in the exercise of the function, respecting the law.

People's Advocate Office consider that in the regulatory framework is still present the issue refers to lack of financial independence of the People's Advocate Office - the People's Advocate Office budget is approved by Ministry of Finance and adopted by Parliament and this does not meet the standards established in Paris Principles.

Also, we consider that there should be changed provisions on the remuneration of People's Advocate Office staff, to follow the third principle of the Principles on the protection and promotion of the Ombudsman Institution (Venice Principles), which affirm that the Ombudsman Institution shall be given an appropriately high rank, also reflected in the remuneration of the Ombudsman and in the retirement compensation. Reporting it to the current situation, we observe that the remuneration of the People's Advocate, the People's Advocate for children rights, as well as of the institution's staff is lower comparative to the remuneration of the staff of the Parliament, the Supreme Court of Justice, the Constitutional Court, the Prosecutor's Office, the National Anticorruption Centre, the National Integrity Authority, the General Police Inspectorate, etc., although the activity complexity is the same, and in some cases is higher.

	<p>Also, due to the low remuneration level, the institution faces the problem of staff retention in the sense of developing a career within the OAP. Respectively, the institutional efforts to train staff to carry out our tasks are canceled by the departures of already trained employees, including the contribution of development partners, this fact constituting an impediment to the achievement of the institution's mandate.</p>
<p>Principle 12</p>	<p>Member States should foster awareness and the co-operation of all relevant public authorities in relation to the mandate, independence and role of NHRIs, including through training and awareness-raising activities.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>The NHRI, according to the Paris Principles, prioritizes education, information, and training activities related to human rights. These activities aim to formulate education and research programs and implement them in schools, universities, and professional circles. The Office of the People's Advocate has developed various training courses, such as preventing torture and ill-treatment of persons in state custody for employees of the penitentiary system, respecting human rights during the process of ensuring freedom of assembly for carabinieri, and preventing hate speech and discrimination in the media for journalists. Additionally, the Office of the People's Advocate has created an e-learning platform called E-LEARNING in 2020, which provides free access to information on various human rights subjects to internet users in a flexible and comfortable environment. The platform aims to contribute to developing human rights education and promoting human rights knowledge.</p>

<p>Principle 13</p>	<p>Member States should take all measures necessary to protect and support NHRIs against threats and harassment and any other forms of intimidation, including through ensuring functional immunity. Any cases of alleged reprisals or intimidation against NHRIs, their membership and staff, or against those who co-operate or seek to co-operate with them, should be promptly and thoroughly investigated and the perpetrators brought to justice.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>The People's Advocate and his deputies cannot be persecuted or held legally responsible for the opinions expressed and their actions in compliance with the law.</p> <p>The People's Advocate cannot be detained, arrested, or searched without the consent of the Parliament and his deputies - without the prior information of the Parliament. In the case of a flagrant crime and the case of the crimes provided for in art. 243, 324–328, and 3302 of the Criminal Code no. 985/2002, the consent of the Parliament for detention, arrest, or search is not necessary. All procedural actions regarding the People's Advocate, except for cases of flagrant crime, can only be carried out after the issuance of the order to initiate the criminal prosecution in compliance with the guarantees established by the constitutional norms and international acts.</p> <p>Officials of the Office cannot be obliged to present explanations or statements on the cases examined by the People's Advocate or in the examination procedure; they cannot be persecuted or held accountable for the actions or opinions expressed in the exercise of their duties.</p>
<p>Assessment of implementation by CoE independent bodies</p>	<p><i>Venice Commission opinion on Moldova, 2021, p.5</i></p> <p>The People's Advocate has no legal liability for his/her opinions expressed while executing his/her mandate</p>

<p>Principle 14</p>	<p>Member States should ensure that confidential information collected by NHRIs in the context of their mandate is privileged and is not unduly made public.</p>
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>The officials at the Office are not required to give explanations or statements regarding cases examined by the People's Advocate or during the examination process. They cannot be prosecuted or held accountable for their actions or opinions expressed while performing their duties. Additionally, they are not allowed to disclose confidential information or personal data obtained during their work, unless given consent by the person it pertains to.</p>

IV. Co-operation and Support

<p>Principle 15</p>	<p>Member States should take effective measures to enable NHRIs to communicate and co-operate with, in addition to the various levels of administration in the member States, in particular:</p> <ul style="list-style-type: none"> a. counterpart institutions, where appropriate through networking and exchange of information and practices, as well as through regular meetings such as those taking place within the framework of ENNHRI and GANHRI; b. civil society stakeholders, in particular non-governmental organisations and human rights defenders, who should enjoy easy and safe access to NHRIs as part of an enabling environment; c. other human rights structures, including regional, local and/or specialised institutions, notably Ombudsman institutions and equality bodies and their respective networks, where appropriate through jointly organised activities; d. international and regional organisations working in related or similar fields.
<p>Assessment of implementation by the NHRI</p>	<p><i>Information provided by the NHRI in 2023.</i></p> <p>NHRI has the ability to access all public authorities and works together with civil society in a cooperative manner.</p>

<p>Assessment of implementation by CoE independent bodies</p>	<p><i>Venice Commission opinion on Moldova 2021, p. 12: (Para.72)</i></p> <p>, introducing a [People Advocate for Entrepreneur Rights] PAER within the PA institution could very likely lead to a distorted perception of the institution and its primary and core missions. The Venice Commission recommends that the authorities take this important point into account. Thus, if the choice of a separate institution were to prevail, it would be appropriate not to give it a name like "Advocate of Entrepreneurs" or "Ombudsman of Entrepreneurs". [...] For most Ombudsman institutions – including the Moldovan PA – their real powers lie in the respect and authority they build based on their identity as genuine protectors of human rights and fundamental freedoms. It is therefore very probable that an Ombudsman institution having (also) a more general mandate of protecting entrepreneurs will find it very difficult to maintain its identity as a protector of human rights and fundamental freedoms.</p> <p>72. Therefore, introducing a PAER within the PA institution could very likely lead to a distorted perception of the institution and its primary and core missions. The Venice Commission recommends that the authorities take this important point into account. Thus, if the choice of a separate institution were to prevail, it would be appropriate not to give it a name like "Advocate of Entrepreneurs" or "Ombudsman of Entrepreneurs".</p> <p><i>[...]p.10 (Para. 58)</i></p> <p>The risk of internal conflicts between the PA, the PAC and the PAER when fulfilling their different and sometimes contradictory or overlapping tasks is obvious.</p> <p><i>CPT Report on Moldova, 2020, p. 13 (Para 13)</i></p> <p>That being said, the information received from several interlocutors met by the CPT's delegation during the 2020 visit and the information available in the public domain indicates that the practical operation of the NPM poses a number of challenges. In particular, there appeared to be a certain lack of co-ordination of the activities among the various parts of the NPM structure and diverging opinions on their part about their respective roles, functions and powers, as well as about the</p>
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expected level of co-operation and mutual support. It is noteworthy in this connection that “preventive” and “monitoring” visits to places of deprivation of liberty were independently carried out by both the NPM and the Ombudsperson, acting in his separate capacity.

The delegation was also informed that, in 2019, the Ombudsperson submitted a legislative initiative to the Ministry of Justice to review the current structure of the NPM and to establish a new model for its functioning. The initiative was pending before the Ministry at the time of the visit. The CPT would like to receive the comments of the Moldovan authorities on these issues, including more details about the legislative initiative to establish a new model for the functioning of the NPM.