

## Republic of Moldova

1	<p>a) The normative framework that regulates the activity of the National Institution for Human Rights Promotion and Protection - Center for Human Rights in the Republic of Moldova:</p> <ul style="list-style-type: none"><li>• Law on Parliamentary Advocates No. 1349 of 17.10.1997</li><li>• Parliament Decision of approving the Regulations of the Centre for Human Rights, structure, status of the positions and the method of its financing No. 57 of 20.03.2008</li></ul> <p>Currently the legislation concerning the Centre for Human Rights of the Republic of Moldova is in the process of being amended, reform aimed at ensuring the efficiency and independence of the Ombudsman institution, in line with the 2009 <i>Sub-committee on Accreditation (SCA) of the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights (ICC)</i> Recommendations and other relevant international recommendations, with a view to providing the circumstances for a possible application for re-accreditation with A status, according to the Paris Principles.</p> <p>b) At the second session of the SCA (16-18 November, Geneva) the Moldovan Institution for Human Rights Protection has been accredited with B status, recognizing that the institution complies partially with the Paris Principles due to the lack of transparency in the selection and appointment of Parliamentary Advocates, lack of adequate funding which is a structural problem of the institution and inadequate endowment of the institution for the plenary improvement of the functional performances.</p>
2	<p>a) The main tasks of the Centre for Human Rights in Moldova:</p> <ul style="list-style-type: none"><li>• To ensure the activity of parliamentary advocates, aimed at guaranteeing the observance of constitutional human rights and freedoms in the Republic of Moldova by the central and local public authorities, by companies, institutions and organizations, irrespective of ownership type and legal form of organization, by public associations and officials of all levels;</li><li>• To improve the legislation related to human rights protection sphere;</li><li>• To promote human rights.</li></ul> <p>In carrying out these tasks, the Centre:</p> <ul style="list-style-type: none"><li>• investigates the complaints of citizens whose rights and freedoms have been violated, as well as the cases of special social importance;</li><li>• examines on a periodical basis matters concerning the treatment received by persons deprived of freedom, in their place of detention, in order to increase, if necessary, their protection against torture and other cruel, inhuman or degrading treatment or punishment;</li><li>• based on data analysis on infringement of constitutional human rights and freedoms, it prepares and remits to the central and local public authorities general objections and proposals regarding the assurance of the citizens' constitutional rights and freedoms, the improvement of the activity of the managing administrative apparatus and the amelioration of the behavior towards persons deprived of liberty, as well as the conditions of their detention;</li><li>• disseminates amongst the population informative materials on human rights;</li><li>• collaborates with means of mass communication and public organizations activating in the human rights protection field, in country and abroad;</li><li>• presents to the Parliament the annual report on human rights in the Republic of</li></ul>

	<p>Moldova;</p> <ul style="list-style-type: none"> <li>• develops proposals for improving the legislation in the sphere of human rights and freedoms;</li> <li>• prepares and submits to the Constitutional Court projects containing notifications regarding constitutionality of laws and decisions of Parliament, Decrees of the President of the Republic of Moldova, decisions and provisions of the Government, their compliance with the generally accepted principles and international laws in the area of human rights;</li> <li>• develops opinions on draft normative acts in the field of constitutional human rights and freedoms, submitted to the Centre;</li> <li>• contributes with relevant information to the preparation of national reports for conventional bodies on honoring commitments and, if necessary, presents its views on the subject.</li> </ul> <p>b) The Parliamentary Advocates examine the complaints of citizens of the Republic of Moldova, of foreign citizens and stateless persons permanently or temporary residing in its territory, whose rights and lawful interests has been infringed in the Republic of Moldova.</p> <p>c) According to the mandate given by law, the Parliamentary Advocates examine complaints regarding decisions or actions (or lack thereof) by the local and central public administration bodies, institutions, organizations or enterprises irrespective to the type of ownership, by public organizations and officials of all levels, which, in the complainant's opinion have infringed his/her constitutional rights and freedoms.</p> <p>d) The Law on Parliamentary Advocates is not indicating specific mechanisms for protecting the victims whose rights have been violated, except for maintaining of confidentiality during the investigation of cases, as well as during preventive visits.</p>
3	<p>a) The Parliamentary Advocate, being a mediator, undertakes all possible actions to resolve the complaints by reconciliation of parties and by searching a mutually acceptable solution.</p> <p>Also, during the examination of complaints the Parliamentary Advocate is entitled to:</p> <ul style="list-style-type: none"> <li>• have free access to all central and local public authorities, attend their sessions, including sessions of their collegial bodies;</li> <li>• have free access to institutions, organizations and enterprises, irrespective of the ownership type, public associations, police stations and detention places facilities within them, penitentiary institutions, temporary detention isolators, military units, placement centers of immigrants or asylum seekers, institutions providing social, medical or psychiatric assistance, special schools for children with deviant behavior and other similar institutions;</li> <li>• require and obtain from central and local public administration bodies and officials data, documents and materials necessary for the examination of the complaint;</li> <li>• have unlimited access to any information on the treatment and conditions of detention of persons deprived of liberty;</li> <li>• receive explanations from officials of all levels regarding issues to be elucidated in the course of the check process;</li> <li>• notify the respective state institutions in order to conduct investigations and prepare expert reports on issues to be examined;</li> <li>• have unlimited meetings and personal conversations without witnesses, and if necessary, through the interpreter, with the person in places where they are or may be persons deprived of liberty, as well as with any other person who, in his opinion, could provide the necessary information;</li> <li>• attract, at preventive visits in places where they are or may be persons deprived of</li> </ul>

	<p>liberty, specialists and independent experts from different fields, including lawyers, doctors, psychologists, representatives of civil society;</p> <ul style="list-style-type: none"> <li>• collaborate with means of mass communication and public organizations activating in the human rights protection field, both in country and abroad;</li> <li>• apply to court with a statement defending the interests of the complainant, whose constitutional rights and freedoms have been infringed;</li> <li>• apply to the respective bodies with the requirement for initiating a disciplinary or administrative action or an action in criminal court in respect to the official who has admitted the action resulting in significant infringement of human rights and freedoms;</li> <li>• notify the respective officials or civil servants at all levels about the neglect of duties, unethical conduct in performing the duties, procrastination and bureaucracy;</li> <li>• present a report in one of the sessions of Parliament, with the proposal to create a Parliamentary Commission with aim to investigate the facts of serious or widespread infringements of human constitutional rights and freedoms.</li> </ul> <p>b) The normative framework which regulates the activity of the Institution does not provide a specific mechanism for ensuring the Human Rights Defenders.</p>
4.	<p>a) Until present, there are no cases of staff members as victims of ill treatments or harassment as a result of the activity carried out in the interest of the institution.</p> <p>e) The current normative framework does not provide mechanisms for the protection of the institution members investigating human rights violations.</p>
5	<p>The main financing source of the institution is the state budget.</p> <p>Currently, the draft budget of the Centre for Human Rights is approved by the Parliament along with the state budget, with preliminary notification of the Ministry of Finance.</p>
6	<p>According to the current procedure, the parliamentary advocates are nominated with a majority of votes of the elected parliamentarians for a five year term.</p> <p>The proposals regarding candidates for Parliamentary Advocates positions are moved in the Parliament by the President of the Republic of Moldova, a group of no less than 20 parliamentarians, within one month before the end of the mandate of the previous Parliamentary Advocates.</p> <p>For each of the candidates a reference of the Parliamentary Committee on Human Rights and National Minorities is provided to the Parliament.</p> <p>The current process of amending the Law on Parliamentary Advocates envisages also changes in the procedure for appointment and selection of candidates for parliamentary advocate positions.</p> <p>When performing their duties the Parliamentary Advocates are independent of Parliamentary Deputies, of President of the Republic of Moldova, of central and local public administration bodies and officials of all levels.</p> <p>The personality of Parliamentary Advocate is inviolable for the whole period of authority. The inviolability of the Parliamentary Advocates also extends to their residence, offices, transportation and communication means, correspondence, documents and personal property.</p>

