

PARLIAMENTARY ASSEMBLY OF THE COUNCIL OF EUROPE

Resolution 1692 (2009)¹ Functioning of democratic institutions in Moldova: implementation of Resolution 1666 (2009)

1. The Parliamentary Assembly, which has been monitoring the democratic development of Moldova since the monitoring procedure in respect of this country began in 1996, and which has supported the progressive establishment of its institutions, regretted the post-electoral events of April 2009.

2. Accordingly, in its Resolution 1666 (2009) on the functioning of democratic institutions in Moldova, the Assembly condemned the acts of violence which took place during and after the post-electoral protests and urged the authorities to conduct an independent and thorough investigation of all allegations of violence and to establish an independent and transparent inquiry into the post-electoral events and the circumstances which led to them.

3. The Assembly welcomes the release of all persons who were arrested in connection with the post-electoral events of April 2009. It is closely following the ongoing investigations. At the same time, the Assembly calls upon the competent Moldovan authorities to implement, with all due diligence, the recommendations of the Council of Europe Commissioner for Human Rights, as well as those contained in its Resolution 1666 (2009). In particular, it urges the authorities to take action to bring police practice in line with Article 3 of the European Convention on Human Rights and to establish an independent administrative body competent to deal with complaints against police and law-enforcement personnel. Moreover, in accordance with a well-established practice, the Assembly calls upon the Moldovan authorities to authorise the publication of the report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on the CPT's visit to Moldova from 27 to 31 July 2009, as soon as it is received.

4. The Assembly notes that, according to the international election observation mission, the fresh parliamentary elections, which were held on 29 July 2009 following the dissolution of the parliament as a result of its failure to elect a president of the republic, were administered in an orderly manner and were able to be contested by political parties representing a plurality of views. Many of the international commitments were met. However, the campaign was still negatively affected by subtle intimidation and bias in media coverage.

5. The Assembly congratulates the Moldovan people for the high rate of participation in the elections and for having expressed their political choice in a democratic manner; it also congratulates the national authorities for having managed to organise smoothly administered elections within a very brief time frame. However, it notes that the main flaws in the electoral process detected by the election observers are identical to those reported in previous elections and, in particular, the

parliamentary elections of 5 April 2009. In this respect, the Assembly reiterates its earlier recommendations and calls upon the new parliament to apply itself most speedily, in co-operation with the European Commission for Democracy through Law (Venice Commission), to improving the Electoral Code and electoral practice in order to create a sound basis for free and fair elections in the future.

6. The Assembly notes that the elections of 29 July 2009 have changed the balance of Moldova's political forces. It also notes that the political transition is taking place democratically and in compliance with the constitution. It welcomes the appointment of the new government, and expects it to start on the necessary reforms requested by the Assembly in its previous resolutions in the near future, in full co-operation with the Council of Europe.

7. However, the Assembly notes that, following the elections of 29 July 2009, no political force in parliament has the majority required to elect a president of the republic, for which 61 votes are required. The Assembly therefore calls upon the new majority coalition and the opposition to engage in meaningful negotiations in order to break the deadlock and bring about the election of a president of the republic. In this context, the Assembly reiterates that a peaceful and successful alternation in power is the ultimate test of the maturity of the political system and of the quality of democracy in a country.

8. The Assembly believes that once the new state institutions are put in place, they should, with the active assistance of the Council of Europe, immediately begin working on a far-reaching institutional and legislative reform, including constitutional amendments where relevant, in order to establish genuine democratic safeguards against similar situations of institutional and political deadlock.

9. The Assembly invites the Committee of Ministers and other Council of Europe institutions to prepare a package of targeted co-operation programmes to assist the Republic of Moldova in consolidating its democratic institutions and further promoting the rule of law. In this endeavour, urgent attention should be given to the electoral framework and the freedom of the media, as well as to the reform of the judiciary. The Council of Europe has also to take into account the need to ensure synergies with other organisations' assistance activities.

10. The Assembly considers that the implementation of this resolution, Resolution 1666 (2009) and the Assembly's earlier resolutions on the honouring of Moldova's obligations and commitments, should constitute a priority for the new state institutions and invites its Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) to monitor this matter closely and to report to it on the progress made at one of its forthcoming part-sessions.

1. *Assembly debate* on 2 October 2009 (35th Sitting) (see Doc.12011, report of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee), co-rapporteurs: Mrs Durrieu and Mr Vareikis). *Text adopted by the Assembly* on 2 October 2009 (35th Sitting).