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## الجمعية العامة



## مجلس حقوق الإنسان

## الدورة الأربعون

٢٥ شباط/فبراير - ٢٢ آذار/مارس ٢٠١٩

البند ٣ من جدول الأعمال

تعزيز وحماية جميع حقوق الإنسان، المدنية والسياسية والاقتصادية والاجتماعية والثقافية، بما في ذلك الحق في التنمية

## زيارة إلى جمهورية مولدوفا

## تقرير المقرر الخاص المعني بحالة المدافعين عن حقوق الإنسان\*\*

موجز

أجرى المقرر الخاص المعني بحالة المدافعين عن حقوق الإنسان زيارة إلى جمهورية مولدوفا في الفترة من ٢٥ إلى ٢٩ حزيران/يونيه ٢٠١٨. وكان الهدف الرئيسي من الزيارة هو تقييم حالة المدافعين عن حقوق الإنسان في سياق التزامات الدولة وتعهداتها بموجب القانون الدولي لحقوق الإنسان، بما في ذلك الإعلان المتعلق بحق ومسؤولية الأفراد والجماعات وهيئات المجتمع في تعزيز وحماية حقوق الإنسان والحريات الأساسية المعترف بها عالمياً.

ويحلل المقرر الخاص السياق الذي يعمل فيه المدافعون عن حقوق الإنسان، بما في ذلك الإطار القانوني وتمتعهم بأهم حقوق الإنسان والحريات، والآثار الناجمة عن الفساد. ويولي المقرر الخاص اهتماماً كبيراً بالفئات الخاصة من المدافعين عن حقوق الإنسان الأكثر تعرضاً للخطر، مثل المدافعين عن حقوق الإنسان في منطقة ترانسنيستريا. ويقدم المقرر الخاص عدداً من التوصيات بهدف مساعدة الحكومة والجهات الفاعلة الأخرى المعنية فيما تبذله من جهود لتهيئة بيئة آمنة مؤاتية للمدافعين عن حقوق الإنسان.

\* يعمم موجز التقرير بجميع اللغات الرسمية. أما التقرير نفسه، المرفق بهذا الموجز، فيُعمم باللغة التي قُدم بها فقط.

\*\* اتفق على نشر هذا التقرير بعد تاريخ النشر الاعتيادي لظروف خارجة عن إرادة الجهة المقدمة له.



الرجاء إعادة الاستعمال

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## Annex

### Report of the Special Rapporteur on the situation of human rights defenders on his visit to the Republic of Moldova

#### Contents

	<i>Page</i>
I. Introduction .....	3
II. Background .....	3
III. Legal framework .....	5
A. International framework .....	5
B. National framework .....	5
C. Other frameworks .....	5
IV. Situation of human rights defenders .....	7
A. Introduction .....	7
B. Corruption .....	8
C. Civil society .....	8
D. Freedom of expression .....	10
E. Access to information .....	10
F. Freedom of peaceful assembly and association .....	11
G. Access to justice and remedies .....	11
H. Specific groups of human rights defenders at risk .....	12
V. National human rights institution .....	14
VI. Role of the international community .....	15
VII. Conclusion and recommendations .....	16

## I. Introduction

1. The Special Rapporteur on the situation of human rights defenders conducted an official visit to the Republic of Moldova from 25 to 29 June 2018, at the invitation of the Government. The main objective of the visit was to assess the situation of human rights defenders in the context of the State's obligations and commitments under international human rights law, including the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (Declaration on Human Rights Defenders).
2. The Special Rapporteur held meetings in Chisinau and Tiraspol. He met with a wide range of high-level representatives of the Government, including the Ministry of Foreign Affairs and European Integration, the Ministry of Justice and the Ministry of Internal Affairs. He also met with high-level representatives of the parliament, senior officials from the Superior Council of Magistracy, the General Prosecutor's Office, the Security and Intelligence Service, the General Police Inspectorate, the People's Advocate Office (the Office of the Ombudsperson), the Council for preventing and eliminating discrimination and ensuring equality (the Equality Council) and the members of the national preventive mechanism. There were also meetings with the de facto authorities of the Transnistrian region.
3. The Special Rapporteur met with more than 110 human rights defenders, approximately 55 per cent of whom were women, on both banks of the Nistru River. He would like to thank them for their excellent cooperation. Among these human rights defenders, the Special Rapporteur met persons with disabilities, members of different ethnic communities (Armenian, Belarusian, Bulgarian, Gagauzian, Georgian, Jewish, Roma and Ukrainian) and lawyers, journalists, judges and defenders working on issues such as sexual and reproductive rights or sexual orientation and gender identity.
4. The Special Rapporteur is very grateful to the Government of the Republic of Moldova for the invitation and its excellent cooperation and support throughout the visit. He also thanks the de facto authorities of the Transnistrian region for the dialogue that was held. He conveys his appreciation to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in the Republic of Moldova for the valuable support it provided throughout the visit. Finally, the Special Rapporteur would like to thank everyone who took the time to meet with him and share their valuable experiences and insights.

## II. Background

5. The Republic of Moldova has gone through significant and rapid changes over the past three decades. A former Soviet republic, it declared its independence in August 1991. In March 1992, it became a member of the United Nations and started a process of recognizing and integrating international human rights standards into its national legislation, including by ratifying international human rights treaties and adopting, in 1994, a new Constitution containing provisions on civil, political, economic, social and cultural rights (A/HRC/WG.6/12/MDA/1, paras. 4 and 5).
6. In April 2009, protests contesting the results of the parliamentary election were held in the main cities of the country. While the majority of the demonstrations were peaceful, some of the protestors carried out violent actions, such as attacking the parliament and presidential buildings. Law enforcement officers used excessive force during the protests, including beatings. Hundreds of demonstrators were arbitrarily arrested and many were tortured or ill-treated (CAT/C/MDA/CO/2, para. 15), requiring medical attention and hospitalization. Due process guarantees were not respected.<sup>1</sup> The fact that very few criminal cases against law enforcement officers were brought and that the sanctions imposed did not

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<sup>1</sup> See [www.coe.int/en/web/commissioner/country-monitoring/republic-of-moldova/-/asset\\_publisher/MBu2Q6Y0L5pw/content/human-rights-were-violated-in-moldova-concludes-commissioner-hammarberg?inheritRedirect=false](http://www.coe.int/en/web/commissioner/country-monitoring/republic-of-moldova/-/asset_publisher/MBu2Q6Y0L5pw/content/human-rights-were-violated-in-moldova-concludes-commissioner-hammarberg?inheritRedirect=false).

correspond to the gravity of the offences they committed contributed to a situation of impunity.<sup>2</sup>

7. In 2014, a case of bank fraud amounting to \$1 billion (12 per cent of the gross domestic product) was exposed.<sup>3</sup> While the Republic of Moldova adopted financial, legislative and institutional measures following the event, there has been a lack of progress in the finalization of the investigation, on the prosecution of all those involved and in the recovery of the misappropriated funds.<sup>4</sup>

8. In July 2017, the law for amending and completing certain legislative acts (electoral system for the election of the parliament) was adopted. During the visit of the Special Rapporteur, civil society organizations echoed the concern expressed by regional organizations<sup>5</sup> about this reform, in particular with regard to the lack of consensus and the polarization of opinion on the establishment of a mixed electoral system, and the risk that business interests or oligarchs might influence independent candidates. Concern was also expressed about the negative impact this reform might have on the holding of fair and transparent elections and on the multiparty system.<sup>6</sup>

9. The Special Rapporteur conducted his visit when demonstrations were being held to protest against the decision of the Chisinau City Court, the Court of Appeal,<sup>7</sup> and the Supreme Court of Justice on 25 June 2018,<sup>8</sup> to invalidate the election of the Mayor of Chisinau held in May 2018. This decision, which had not been solicited by any of the parties involved in the election, together with the above-mentioned electoral reform, shook civil society and human rights defenders and was indeed raised during most meetings during the visit. The Special Rapporteur heard several testimonies expressing serious concern about how these decisions contributed to undermining democracy and the rule of law, and about the danger they posed to the holding of truly democratic elections in the country, particularly in view of the parliamentary elections to be held in February 2019.<sup>9</sup>

10. During the visit of the Special Rapporteur, lawyers also took to the streets to protest against the lack of effective remedies for their clients, including the excessive use of arrests as a pretrial measure (the Republic of Moldova reportedly has one of the highest rates in Europe) rather than resorting to alternative measures. The Special Rapporteur would like to point out that the demonstrations were carried out peacefully and that the police force ensured the conditions necessary for demonstrators to exercise their rights safely.

<sup>2</sup> See Amnesty International, *Moldova Briefing to the Committee against Torture*, EUR 59/007/2009, p. 7; and CCPR/C/MDA/CO/3, para. 35.

<sup>3</sup> Tim Whewell, "The great Moldovan bank robbery", BBC, 18 June 2015.

<sup>4</sup> European Parliament, *Report on the implementation of the EU Association Agreement with Moldova*, A8-0322/2018, pp. 3 and 11, available at [www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A8-2018-0322+0+DOC+PDF+V0//EN](http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A8-2018-0322+0+DOC+PDF+V0//EN); and Council of the European Union, *Council conclusions on the Republic of Moldova*, 6280/18, p. 5.

<sup>5</sup> See [https://eeas.europa.eu/headquarters/headquarters-homepage/47997/remarks-hrvp-mogherini-breaches-human-rights-democracy-and-rule-law-moldova\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/47997/remarks-hrvp-mogherini-breaches-human-rights-democracy-and-rule-law-moldova_en); and European Commission for Democracy through Law and the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights, *Joint Opinion on the law for amending and completing certain legislative acts (electoral system for the election of the parliament)*, CDL-AD(2018)008, p. 4.

<sup>6</sup> Council of the European Union, *Council conclusions*, p. 3.

<sup>7</sup> See <http://eap-csf.eu/wp-content/uploads/Statement-of-civil-society-on-non-conformation-of-local-elections-Chisinau-2018.pdf>.

<sup>8</sup> See [https://eeas.europa.eu/headquarters/headquarters-homepage/47997/remarks-hrvp-mogherini-breaches-human-rights-democracy-and-rule-law-moldova\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/47997/remarks-hrvp-mogherini-breaches-human-rights-democracy-and-rule-law-moldova_en).

<sup>9</sup> A. Ciobanu, "Next parliamentary polls to be held in Moldova on 24 February 2019", Moldpres, 27 July 2018.

### III. Legal framework

#### A. International framework

11. The Republic of Moldova is party to most core international human rights treaties. However, it has yet to become a party to the International Convention for the Protection of All Persons from Enforced Disappearance (of which it is a signatory); the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; and the Optional Protocol to the Convention on the Rights of Persons with Disabilities (of which it is a signatory). The Special Rapporteur urges the Government to ratify the remaining international human rights treaties. In 2010, the Republic of Moldova issued a standing invitation to all special procedures of the Human Rights Council.

#### B. National framework

12. The Constitution establishes the supremacy of international human rights norms over national law. According to the Constitution, constitutional provisions on human rights and freedoms should be interpreted and applied in accordance with the Universal Declaration of Human Rights and other human rights covenants and treaties to which the Republic of Moldova is party, and in the event of disagreements, international regulations to which the State is bound are to be given priority. In the Constitution, the Republic of Moldova pledges to respect the Charter of the United Nations and the treaties to which it is party (arts. 4 and 8). Those treaties can be directly applied in courts.

13. The Constitution of the Republic of Moldova guarantees the principle of equality (art. 16), free access to justice (art. 20), the presumption of innocence (art. 21), the right to life and physical and mental integrity (art. 24), individual freedom and security of person (art. 25), the right to defence (art. 26), the right to free movement (art. 27), freedom of opinion and expression (art. 32), the right of access to information (art. 34), freedom of assembly (art. 40), the right to lodge petitions (art. 52) and the right of persons prejudiced by a public authority to remedy (art. 53).

#### C. Other frameworks

14. The Republic of Moldova has no national law with the aim of better protecting human rights defenders or recognizing the legitimacy of their work, nor a concrete definition of human rights defenders. Activities to promote human rights are often considered to be of a political nature, which undermines the State's commitment to promote them.

15. In May 2018, the national human rights action plan for 2018–2022 was approved by the parliament.<sup>10</sup> The initial draft of the document was developed by a working group made up of representatives of central public authorities, civil society and development partners. Subsequent drafting was conducted in a more restrictive manner, without the involvement of civil society organizations. The parliament also approved the establishment of a national human rights council and a permanent human rights secretariat at the governmental level, which are responsible for the coordination and monitoring of the implementation of the action plan. The plan is comprehensive, covering most of the recommendations made by the treaty bodies for the Republic of Moldova and most of the recommendations that it accepted during the second cycle of the universal periodic review in November 2016.<sup>11</sup>

<sup>10</sup> A. Zara, "Moldovan parliament approves national action plan in human rights sector for 2018–2022", *Moldpres*, 24 May 2018.

<sup>11</sup> See [www.coe.int/t/commissioner/source/NAP/Moldova-National-Action-Plan-on-Human-Rights-2018-2022.pdf](http://www.coe.int/t/commissioner/source/NAP/Moldova-National-Action-Plan-on-Human-Rights-2018-2022.pdf).

16. Unfortunately, the plan does not include key recommendations made by the Committee against Torture in its concluding observations (CAT/C/MDA/CO/3) on the transfer of responsibility for penitentiary medical units to the Ministry of Health, Labour and Social Protection (para. 20). Measures in response to the recommendation on ensuring that the so-called police isolators or temporary detention facilities have protocols and qualified staff to interact with persons with psychosocial or intellectual disabilities (para. 11) were removed from the plan.

17. Although the plan provided for a two-month time period for the establishment of the national human rights council and the permanent human rights secretariat, they were not yet operational at the time of the drafting of the present report, since the Government had not yet approved their composition or the regulatory framework. No separate financial support had been established either, which might jeopardize the effective implementation of the plan. Also, there is no specific mechanism in the plan to ensure the participation of civil society and human rights defenders in its implementation.

18. In 2016, a working group composed of representatives of the Ministry of Justice and members of civil society was established with the objective of improving the legislation on non-governmental organizations (the Law on Public Associations and the Law on Foundations). An initial draft law in line with international standards and based on the discussions of the working group was proposed and was welcomed by civil society organizations. However, in June 2017, the Ministry of Justice dissolved the working group and introduced three new articles in the draft law without prior consultation with civil society organizations.<sup>12</sup> The articles would restrict freedom of association and undermine the independence of civil society organizations.

19. The new articles were addressed to civil society organizations involved in broadly defined political activities. They limited their activities, imposed additional stringent reporting requirements, prohibited foreign financing and imposed penalties ranging from heavy fines and exclusion from public financing mechanisms, such as the 2 per cent mechanism (see paragraph 21 below) to closure of the organization. The introduction of the articles came after civil society organizations had criticized the new electoral law. Organizations saw their introduction to be a way of targeting government critics. In September 2017, after strong criticism from civil society organizations and OHCHR, the draft law was withdrawn.<sup>13</sup>

20. In 2018, a new draft law on non-governmental organizations was presented to the parliament. It was approved at the first reading and was expected to be subjected to a second reading in July 2018 before its approval. The civil society organizations that the Special Rapporteur met with expressed their satisfaction with the new draft law that had been adopted at the first reading. However, particularly considering their experience with the previous draft law, they feared that last-minute amendments might be introduced without any previous consultation in the second reading, altering the latest draft and introducing new restrictions, such as restrictions on access to international funding. At the time of the drafting of the present report, the draft law had still not had its second reading, so had not yet been adopted.

21. Since 2017, civil society organizations have had the possibility to obtain funding through the 2 per cent designation system (“the 2 per cent law”). This system allows taxpayers to allocate 2 per cent of their paid income tax to civil society organizations of their choice.<sup>14</sup> However, civil society organizations reported to the Special Rapporteur that they faced significant difficulties and deterrents when attempting to gain access to the

<sup>12</sup> See Amnesty International, *Moldova: Last-minute changes to draft NGO law risk stifling civil society*, EUR 59/6920/2017; and <http://crjm.org/wp-content/uploads/2017/07/2017-07-11-Declaration-MJ-initiative-contrary-to-law.pdf>.

<sup>13</sup> See Amnesty International, *Moldova: Last-minute changes to draft NGO law risk stifling civil society*; <http://crjm.org/wp-content/uploads/2017/07/2017-07-11-Declaration-MJ-initiative-contrary-to-law.pdf>; and Gina S. Lentine, “Draft law on NGOs could imperil Moldovan democracy”, Freedom House, 4 August 2017.

<sup>14</sup> See <http://ecnl.org/moldova-launches-new-financing-mechanism-for-civil-society/>.

system and alleged that the procedure for obtaining and maintaining the beneficiary status was too burdensome.

22. The Special Rapporteur welcomes the adoption of the new Strategy for Civil Society Development for 2018–2020, which aims to strengthen the participation of civil society in developing and monitoring the implementation of public policies, to promote and strengthen the financial sustainability of civil society, and to develop an active civic spirit and enthusiasm for volunteering.<sup>15</sup>

23. In the Transnistrian region, the legislation on non-governmental organizations raises serious concerns for human rights defenders, who do not feel that they operate in a safe and enabling environment. The provisions of the relevant legislation were brought to the attention of the Special Rapporteur, and notably the introduction of a restriction on advocacy for activities defined as “political”, which is not in line with international standards.

24. According to the Partnership Framework for Sustainable Development 2018–2022 developed in partnership with the United Nations country team, while the regulatory framework has been improved, the capacity of State institutions to promote and effectively protect human rights is still rather weak. The framework highlights the positive legal developments seen in the areas of non-discrimination and gender equality in recent years.<sup>16</sup>

## IV. Situation of human rights defenders

### A. Introduction

25. According to international human rights law, the primary duty to promote and protect human rights and fundamental freedoms lies with the State. This includes guaranteeing the right of everyone, individually and in association with others, to strive for the protection and realization of human rights. In other words, each of us has the right to defend all human rights of all persons. That is the essence of the Declaration on Human Rights Defenders, which was reinforced by subsequent resolutions adopted by the General Assembly and the Human Rights Council.

26. The Republic of Moldova is therefore under an obligation to take concrete steps to create the necessary conditions, including in the political and legal domains, to ensure that everyone in the country can, in practice, enjoy and promote all human rights and freedoms.

27. As a cornerstone principle of his mandate, the Special Rapporteur has unceasingly emphasized that ensuring a safe and enabling environment for defenders is a principal part of that responsibility. During his visit, the Special Rapporteur analysed whether the Republic of Moldova provided the basic elements of a safe and enabling environment for human rights defenders, or in other words, whether human rights defenders felt safe and empowered in the country, including in the Transnistrian region, since ensuring those conditions is one of the principal responsibilities of all States and authorities.

28. During his visit, the Special Rapporteur therefore focused primarily on assessing some of the basic elements of an enabling environment, namely a conducive legal, institutional and administrative framework; access to justice; the existence of a strong and independent national human rights institution; effective protection policies and mechanisms, paying attention to groups at risk and applying a gender-sensitive approach; non-State actors that respect and support the work of human rights defenders; and a strong and dynamic community of defenders. The Special Rapporteur analyses these elements below.

<sup>15</sup> A. Zara, “Strategy of civil society’s development for 2018–2020 to be published in Moldova’s official journal”, Moldpres, 17 May 2018; see also <http://ecnl.org/civil-society-strategy-moldova-2018-2020/>.

<sup>16</sup> Republic of Moldova and United Nations country team, *Partnership Framework for Sustainable Development 2018–2022* (Chisinau, 16 May 2017), pp. 14–15.

## B. Corruption

29. Endemic corruption is one of the factors jeopardizing the strengthening of the democratic institutions, respect for the rule of law and the promotion of human rights.<sup>17</sup> According to various reports and the information gathered during the visit, oligarchic interests dominate State institutions, including the legislative, executive, judicial and local administrations, as well as political parties and the media.<sup>18</sup> While specialized anti-corruption institutions have been created, the Government has not yet shown a strong or decisive political will to carry out credible and effective reforms<sup>19</sup> to increase the transparency and accountability of State institutions and to fight impunity for high-level corruption,<sup>20</sup> among other measures.

30. The situation in the judicial system is of particular concern (E/C.12/MDA/CO/3, para. 16). Allegations of corruption within the judiciary and the General Prosecutor's Office was one of the main concerns raised by civil society organizations during the visit of the Special Rapporteur. Furthermore, according to reports, the judiciary lacks independence, impartiality and transparency.<sup>21</sup> The Special Rapporteur was informed that the judiciary is influenced by political interests and it is used against those perceived as opponents to the regime, including politicians, businesspersons, judges, lawyers, journalists and human rights defenders.<sup>22</sup> While noting the reports on the slow progress in the reform of the justice sector,<sup>23</sup> the Special Rapporteur welcomes the legislative amendments introduced in July 2018 meant to strengthen the merit-based selection and promotion of judges and their accountability.<sup>24</sup>

## C. Civil society

31. The United Nations has a very extensive and broad definition of human rights defenders, which has been enshrined in the Declaration on Human Rights Defenders adopted by the General Assembly in resolution 53/144 in December 1998. During his visit, the Special Rapporteur had the opportunity, on many occasions, to refer to that definition. He recalled that human rights defenders were persons who, individually or with others, acted to promote or protect human rights, nationally and internationally, in a peaceful manner.

32. Human rights defenders are persons who advocate for freedom of expression, freedom of assembly, access to information, the rule of law, liberty of movement, fair trial and judicial safeguards, equality of rights for men and women, non-discrimination and other human rights. They do not need to belong to any registered organization to be human rights defenders; they can be ordinary women, men or children who believe in the universality of human rights and act to defend them. They are agents of change, safeguarding democracy and ensuring that it remains open, pluralistic and participatory.

33. Human rights defenders in the Republic of Moldova are active in many different fields, including justice, non-discrimination, freedom of expression and other civil and

<sup>17</sup> See Republic of Moldova and United Nations country team, *Partnership Framework*, p. 21; and Council of the European Union, *Council conclusions*, p. 6.

<sup>18</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18550&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=18550&LangID=E).

<sup>19</sup> European Parliament, *Report on the EU Association Agreement*, p. 8; see also <https://freedomhouse.org/report/nations-transit/2018/moldova>.

<sup>20</sup> Republic of Moldova and United Nations country team, *Partnership Framework*, p. 24.

<sup>21</sup> European Parliament, *Report on the EU Association Agreement*, p. 8.

<sup>22</sup> See [https://eeas.europa.eu/headquarters/headquarters-homepage/47472/statement-hrvp-mogherini-and-commissioner-hahn-invalidations-mayoral-elections-chisinau\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/47472/statement-hrvp-mogherini-and-commissioner-hahn-invalidations-mayoral-elections-chisinau_en); and European Parliament, *Report on the EU Association Agreement*, pp. 3 and 11.

<sup>23</sup> See A. Ciobanu, "EU cuts budget support programme for justice reforms in Moldova", Moldpres, 11 October 2017 and [https://eeas.europa.eu/delegations/moldova/33723/moldova-eu-cuts-budget-support-programme-justice-reforms\\_en](https://eeas.europa.eu/delegations/moldova/33723/moldova-eu-cuts-budget-support-programme-justice-reforms_en); and Republic of Moldova and United Nations country team, *Partnership Framework*, p. 21.

<sup>24</sup> European Parliament, *Report on the EU Association Agreement*, p. 11.

political rights, gender equality, and the promotion of the rights of persons with disabilities and the elderly, and of the Roma, Gaugazians and other minorities.

34. The Republic of Moldova has a good body of laws, which in most respects are conducive to an appropriate environment for the operation of human rights defenders. However, and after having carefully considered the information received from the Government, civil society and other stakeholders, the Special Rapporteur regrets to conclude that, despite a globally satisfactory legislative framework, the situation of human rights defenders requires improvement in the Republic of Moldova.

### **Stigmatization and intimidation of human rights defenders**

35. According to the legal framework in place, civil society organizations and human rights defenders can conduct their human rights work freely. In addition, the Government has supported all resolutions and joint statements on human rights defenders made by the General Assembly and the Human Rights Council, and it has publicly declared its openness to engage with them. In practice, however, human rights defenders in the Republic of Moldova face several challenges, including the shrinking of the space for members of civil society to carry out their work.<sup>25</sup>

36. The Special Rapporteur noted with great concern that public authorities and other stakeholders have stigmatized, sometimes vilified, and discredited human rights defenders and their work, including through the mass media.<sup>26</sup> The Special Rapporteur received allegations of intimidation and threats towards human rights defenders by public representatives, particularly when they had criticized decisions taken by the Government. Civil society organizations involved in political rights have been accused of dishonesty, lack of equidistance, and following a foreign agenda not aligned with national interests. The promotion of human rights is portrayed as a political activity by representatives of State political bodies. Such an environment has a chilling effect on the country and weakens the engagement of civil society.

37. Civil society organizations and individual human rights defenders informed the Special Rapporteur that, in practice, their contributions were not taken into consideration by authorities. Furthermore, carrying out human rights advocacy activities has made it difficult for them to engage in a genuine dialogue with public officials.

38. Civil society organizations claimed they had no practical tools to influence decision-making processes and they seldom had the opportunity to be involved in them. Policymaking and implementation processes are often not inclusive or transparent.<sup>27</sup> The principles of participation and accountability are not part of the interaction between the authorities and human rights defenders.

39. Journalists too are victims of stigmatization campaigns, and lawyers face politically motivated charges or they may receive threats whenever they defend dissenting voices. Judges who examine cases or adopt decisions independently and in accordance with national and international legislation on politically sensitive cases risk harassment or dismissal. National human rights institutions feel disregarded in practice.

40. Human rights defenders, journalists, lawyers and independent judges, such as Domnica Manole and Gheorghe Balan, face the risk of having unfounded or disproportionate charges, including criminal charges, being presented against them solely for exercising their work or activities independently. Their independence has led authorities to perceive them as opponents to the Government or influential individuals.<sup>28</sup>

<sup>25</sup> European Parliament, *Report on the EU Association Agreement*, p. 12.

<sup>26</sup> A recent example was the campaign by politicians and media against the young human rights defenders of Amnesty International Moldova, following their intervention in a press conference on 18 October 2018 demanding accountability for the rendition of seven Turkish high school teachers.

<sup>27</sup> Republic of Moldova and United Nations country team, *Partnership Framework*, p. 24.

<sup>28</sup> European Parliament, *Report on the EU Association Agreement*, p. 12.

## D. Freedom of expression

41. Freedom of opinion and expression, and freedom of artistic creation are guaranteed under articles 32 and 33 of the Constitution. Law No. 64 of 2010 on Freedom of Expression explicitly regulates that freedom.<sup>29</sup> While the existing legal framework allows the exercise of freedom of expression and related rights, its poor implementation leads to violations of those rights.

42. Although the Republic of Moldova has taken steps to guarantee freedom of opinion and expression in practice, the lack of media pluralism and transparency and the concentration of media ownership, which is subordinate to the business and political interests of oligarchs, remain a problem.<sup>30</sup> Smaller independent local outlets have difficulty competing in such an environment and they have little access to the advertising market.<sup>31</sup>

43. The Special Rapporteur notes that the Audiovisual Media Services Code was drafted by an inclusive working group that included media representatives and members of civil society. However, he regrets that the final version approved by the parliament contained amendments that had not been properly consulted with civil society organizations.<sup>32</sup>

## E. Access to information

44. Article 34 of the Constitution and the Law on Access to Information of 2000 provide for the legal framework for the right of access to information. The law establishes that the information holder is obliged to deliver information of public interest and with no personal details no later than 15 days after the submission of a request. Compliance with that law, however, remains weak.

45. Journalists face serious challenges when seeking access to information, particularly if it is politically sensitive. They claim that the process of challenging the denial of access to information in court is burdensome. According to the testimonies that the Special Rapporteur received, the Law on Access to Information is outdated, and whenever journalists request information from authorities, they have to wait for weeks before receiving a response, which may not even provide the information requested. On other occasions, authorities prevent access to information by means of fees and bureaucratic obstacles. Reports also refer to restrictions on accessing information even in the case of public meetings of official bodies.

46. On occasion, authorities also invoke the Law on State Secrets or the Law on Access to Information in order to hinder access to information containing public data. In addition, the National Centre for Personal Data Protection often forces independent media representatives to reveal their sources and their means of obtaining information, thereby compromising the confidentiality of the sources.

47. Lawyers pointed out that even though the parties in a criminal trial have equal rights according to the Criminal Procedure Code, they were often denied access to information to which prosecutors had already access.

48. The law on transparency in decision-making processes of 2008 refers to the obligation of public authorities to involve civil society in decision-making processes, including through the publication of information on potential decisions and ensuring consultations with regard to draft laws and regulations.

49. The Special Rapporteur was also informed that the mass media and civil society organizations did not always have access to court hearings, particularly for socially and

<sup>29</sup> Promo-LEX Association, *Freedom of Expression in the Transnistrian Region of the Republic of Moldova*, p. 6.

<sup>30</sup> See <https://freedomhouse.org/report/freedom-world/2018/moldova> and <https://freedomhouse.org/report/nations-transit/2018/moldova>.

<sup>31</sup> See European Parliament, *Report on the EU Association Agreement*, p. 10; and CCPR/C/MDA/CO/3, para. 31.

<sup>32</sup> European Parliament, *Report on the EU Association Agreement*, p. 10.

politically sensitive cases, even if the case did not qualify for a closed-door examination under the Criminal Procedure Code. In the case against Veaceslav Platon, Ilan Shor and Vlad Filat, who were allegedly involved in the \$1 billion bank fraud of 2014, the court hearing was held behind closed doors.

50. The Special Rapporteur regrets to note the lack of relevant and decisive efforts to improve access to information<sup>33</sup> and the lack of concrete steps taken by authorities to protect critical and independent media in the Republic of Moldova in order to ensure access to fair and objective information.

## **F. Freedom of peaceful assembly and association**

51. Freedom of assembly is guaranteed by article 40 of the Constitution and regulated by Law No. 26 of 2008 on Assemblies. According to the provisions of the law, there is no requirement to inform the local authorities of a public assembly if fewer than 50 participants are expected. If that number is exceeded, the organizers of the assembly must submit a declaration to the local authorities at least five days before the meeting.

52. The Special Rapporteur was informed of the problematic implementation of the above-mentioned law and the lack of clear regulations on how to address a situation in which two or more gatherings are organized at the same time and place, and on the assembly of religious organizations, which had led to the prohibition of assemblies of Jehovah's Witnesses and Pentecostals. The Special Rapporteur is pleased that the Pride march 2018, organized by the lesbian, gay, bisexual, transgender and intersex community in Chisinau, took place without any incident.

53. Under article 41 of the Constitution, all citizens are free to associate in parties and other sociopolitical organizations; and under article 42, all employees enjoy the right to establish and join a trade union. Public associations are regulated by the Civil Code and by Law No. 837 of 1996 on Public Associations. The Special Rapporteur notes that a new draft law on non-governmental organizations is waiting for approval at the parliament (see para. 20 above).

54. The registration process for non-governmental organizations involves paying MDL 90 (approximately \$5) and waiting for 15 days for the registration to be completed. However, some civil society and religious organizations reported that they were refused registration on grounds that lacked a clear legal basis (CCPR/C/MDA/CO/3, para. 37). Organizations also reported that they were often requested to resubmit their application owing to minor inaccuracies, leading to a longer period of registration; that the State had a high level of intervention in the activities of public associations; that foreign citizens without permanent residence were not allowed to found a public association; and that individuals without full legal capacity were not allowed to be members of public associations.<sup>34</sup>

## **G. Access to justice and remedies**

55. The Special Rapporteur was informed that judges who examined politically sensitive cases or adopted decisions on such cases, acting independently and following national and international legislation, faced the risk of being harassed, dismissed or having unfounded criminal charges pressed against them (on grounds such as knowingly delivering a decision that it is illegal or wrong).

56. Lawyers reported that judges did not treat them as equal to prosecutors. This is particularly the case regarding the rate of arrest warrants issued by the courts of appeal.

<sup>33</sup> See Freedom House, stakeholder submission for the universal periodic review of the Republic of Moldova; and International Research and Exchanges Board, *Media Sustainability Index 2018: Moldova*, pp. 4–5, available at [www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2018-moldova.pdf](http://www.irex.org/sites/default/files/pdf/media-sustainability-index-europe-eurasia-2018-moldova.pdf).

<sup>34</sup> See Human Rights Information Centre and HomoDiversus, joint alternative submission for the universal periodic review of the Republic of Moldova, pp. 2–3, available at [www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMDStakeholdersInfoS26.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMDStakeholdersInfoS26.aspx).

Reportedly, more than 90 per cent of arrest requests submitted by prosecutors are accepted by the courts. The demonstration of lawyers held during the visit of the Special Rapporteur on 26 June was organized to protest against the lack of effective remedies for their clients.

57. The Office of the Ombudsperson and the Equality Council face limitations in providing effective remedies. The Office of the Ombudsperson is limited in its capacity to make recommendations to public authorities and to effectively litigate cases, owing to the limited resources available. The Equality Council does not yet have the ability to directly sanction discriminatory acts or the right to litigate at the Constitutional Court on issues relating to equality.

58. Lesbian, gay, bisexual, transgender and intersex persons have reported difficulties in obtaining access to justice and being given a fair trial, in particular regarding resistance from the General Prosecutor's Office to investigate bias-motivated crimes and hate speech against lesbian, gay, bisexual, transgender and intersex persons and defenders.<sup>35</sup>

## H. Specific groups of human rights defenders at risk

59. Some groups of human rights defenders are particularly vulnerable owing to the very nature of the rights they are defending, their own identity or the specificities of their work. In the Republic of Moldova, groups particularly at risk include lawyers, journalists, independent judges,<sup>36</sup> defenders of lesbian, gay, bisexual, transgender and intersex rights and women's rights defenders. The prevailing environment in the country and the shrinking of the space for civil society hinder human rights work. Some human rights defenders have left the country and claimed asylum abroad, such as Ghenadie Brega, who was given asylum status in Iceland.<sup>37</sup>

### 1. Lawyers

60. The Special Rapporteur is concerned about several worrying allegations he received during the visit regarding administrative or criminal charges being brought on the basis of unfounded allegations or spurious grounds against lawyers who were defending opposition figures or dissenting voices, or raising awareness about corruption cases or human rights violations.<sup>38</sup> Some lawyers have also been intimidated and received threats to force them not to provide legal assistance to certain clients. In some instances, the threats and unfounded charges have also been addressed to their relatives.

61. In this context, lawyers face risks ranging from losing their licence to practice to serving very long prison sentences. The Special Rapporteur is concerned about the cases of Maxim Belinschi, Eduard Rudenco, Veaceslav Turcan and Ana Ursachi. The trend that had been initiated against political opponents and judges that arose in 2014 has spread to lawyers and other civil society members since the beginning of 2016.

### 2. Journalists and media workers

62. The Special Rapporteur received serious allegations of intimidation of and threats against journalists and media workers, including the use of defamation laws (CCPR/C/MDA/CO/3, para. 31) and trumped up criminal charges. Independent journalists investigating corruption cases or other politically relevant issues are particularly targeted, such as in the cases of journalist Mariana Rata and blogger Nata Scobioala. Some journalists also shared their experience of being subjected to discrediting and defamation campaigns, including through social media. Journalists and other local media workers feared that threats would increase during the period leading to the parliamentary elections in early 2019.

<sup>35</sup> See GENDERDOC-M Information Centre, submission for the universal periodic review of the Republic of Moldova, p. 3, available at [www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMDStakeholdersInfoS26.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMDStakeholdersInfoS26.aspx).

<sup>36</sup> European Parliament, *Report on the EU Association Agreement*, p. 7.

<sup>37</sup> See [www.moldova.org/en/civil-activist-ghenadie-brega-asked-political-asylum-iceland-life-threat-moldova/](http://www.moldova.org/en/civil-activist-ghenadie-brega-asked-political-asylum-iceland-life-threat-moldova/) and [www.worlddata.info/europe/moldova/asylum.php](http://www.worlddata.info/europe/moldova/asylum.php).

<sup>38</sup> Council of the European Union, *Council conclusions*, p. 5.

### 3. Defenders of the rights of lesbian, gay, bisexual, transgender and intersex persons

63. While defenders of lesbian, gay, bisexual, transgender and intersex rights expressed satisfaction with the positive dynamic established during the preparation and running of the Pride march in 2018, during which no threats were reported, the Special Rapporteur is very concerned about allegations of homophobic attitudes, including hate speech, in society,<sup>39</sup> even from relevant public figures.<sup>40</sup> He is also worried about the lack of legislation to specifically address hate crimes and that the prohibition of discrimination on grounds of sexual orientation and gender identity is not specifically established in national legislation.

64. The Special Rapporteur recalls that sexual orientation and gender identity are grounds of discrimination prohibited under international law, and that the Republic of Moldova is party to the relevant human rights treaties. The Committee on Economic, Social and Cultural Rights, in its general comment No. 20 (2009) on non-discrimination in economic, social and cultural rights, established that “other status”, as described in article 2 (2) of the International Covenant on Economic, Social and Cultural Rights, includes sexual orientation.

### 4. Women human rights defenders

65. The Special Rapporteur commends the leading role played by women in the promotion and protection of human rights in the Republic of Moldova, and supports the inspiring work they do.

66. Women human rights defenders, in addition to facing the same risks as their male counterparts, are also exposed to gender-specific threats and attacks. Women human rights defenders in the Republic of Moldova reported facing harassment, intimidation and threats because of their role in defending the rights of women.

67. The Special Rapporteur highlights the measures adopted by the Republic of Moldova in favour of gender equality, including the strategy for ensuring equality between women and men for 2017–2021,<sup>41</sup> and Law No. 71 of 2016, which stipulates a 40 per cent quota of women for party lists during local and parliamentary elections.<sup>42</sup> Despite the measures adopted, however, women still face discrimination and inequality, including in their limited involvement in decision-making processes at the national and local levels.

### 5. Roma mediators

68. The Special Rapporteur was informed that Roma people continued to be victims of widespread discrimination in the Republic of Moldova,<sup>43</sup> particularly Roma women. However, he received positive feedback about the collaboration between Roma members of civil society and the State, in particular regarding the establishment of a network of Roma community mediators, who facilitate interaction between Roma communities and State authorities, and the educational and social integration of Roma people.

69. The Special Rapporteur, however, regrets that the network of mediators is not yet fully operational. A considerable number of community mediators have not been hired owing to the lack of the necessary financial resources for the effective implementation of the network. Roma mediators also referred to the lack of a training curriculum for them and emphasized that no State institution had taken the lead in this particular issue. Other concerns raised included their lack of participation in decisions that affected them.

### 6. Human rights defenders in the Transnistrian region

70. Civil society organizations and human rights defenders do not enjoy a safe and enabling environment in the Transnistrian region.<sup>44</sup> The Special Rapporteur received reports

<sup>39</sup> Republic of Moldova and United Nations country team, *Partnership Framework*, p. 26.

<sup>40</sup> GENDERDOC-M Information Centre, submission for the universal periodic review, p. 2.

<sup>41</sup> See <https://gov.md/en/content/cabinet-approves-strategy-ensuring-equality-between-women-and-men>.

<sup>42</sup> Republic of Moldova and United Nations country team, *Partnership Framework*, p. 26.

<sup>43</sup> Ibid.

<sup>44</sup> See *ibid.*, p. 71; and Conference of International Non-governmental Organisations of the Council of Europe, Recommendation CONF/PLE/(2016)REC1 adopted on 24 June 2016; and communications by special procedures, including by the Special Rapporteur on human rights defenders: A/HRC/28/85, MDA 1/2014 (Mr. Andrey Rezanov) and A/HRC/32/53, MDA 5/2015 (Mr. Ion Manole).

that human rights defenders were not able to work freely in the region, and that they were subjected to various forms of intimidation, threats (including to relatives) attacks, harassment, arbitrary detention and reprisals. They are also under the tight control of security services and law enforcement authorities. The work of human rights defenders is often perceived by authorities as subversive, and security reasons have occasionally been used to restrict their activities.<sup>45</sup> Nevertheless, the Special Rapporteur welcomes the fact that the human rights of people with disabilities are being taken into consideration in the region.<sup>46</sup>

71. According to reports, civil society organizations work in an environment characterized by severe restrictions on freedom of expression, association and assembly. People who are independent sources of information are persecuted and their work is hindered; media outlets are placed under tight control and censorship is exercised; certain websites and online forums have been closed and people are persecuted for their opinions.<sup>47</sup> While the laws allow public assemblies, authorizations for public protests are rarely granted, and when they are granted, they come with restrictions.<sup>48</sup> Freedom of association is similarly circumscribed. All non-governmental activities have to be coordinated with local authorities, and organizations risk reprisals if they do not comply.

72. Civil society organizations working on human rights from the right bank of the Nistru river no longer have access to the region. The Promo-LEX Association was the only known human rights organization working consistently on human rights in the Transnistrian region until 2016, when the de facto authorities prohibited it from working there.<sup>49</sup> Other groups such as journalists, lawyers and public officials, have also had their access to the Transnistrian region limited.<sup>50</sup> The work of development agencies with local non-governmental organizations has to be coordinated with the de facto authorities.

73. A new section introduced to the law on non-governmental organizations in 2017 established that organizations receiving funds from abroad would be included on a register of “foreign agents”, and thus would not be allowed to participate in activities perceived as political. In the event of non-compliance, organizations could be closed down. The fact that human rights were not expressly mentioned in the law as a non-political issue raised concern among civil society organizations working on human rights. The Special Rapporteur notes that the authorities have agreed with civil society organizations based in the region to create a mixed consultative body to develop regulations on the implementation of the new provisions of the law.

74. Reports have been received of threats being made to lawyers and human rights defenders trying to protect the rights of people undergoing judicial proceedings.<sup>51</sup> Journalists and bloggers have also been arbitrarily arrested, intimidated and persecuted.<sup>52</sup>

## V. National human rights institution

75. During his visit, the Special Rapporteur met with the People’s Advocate (the Ombudsperson). According to the information received, the Office of the Ombudsperson

<sup>45</sup> See Promo-LEX Association and the Media Center, joint submission for the universal periodic review of the Republic of Moldova, available at [www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMDStakeholdersInfoS26.aspx](http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRMDStakeholdersInfoS26.aspx). See also [www.fidh.org/spip.php?page=imprimir\\_articulo&id\\_article=16642](http://www.fidh.org/spip.php?page=imprimir_articulo&id_article=16642).

<sup>46</sup> See <http://md.one.un.org/content/unct/moldova/en/home/presscenter/press-releases/statement-by-senior-un-human-rights-expert-thomas-hammarberg-on-.html>.

<sup>47</sup> Promo-LEX Association, alternative report to the Human Rights Committee regarding the third periodic report of the Republic of Moldova, para. 61, available at <https://promolex.md/wp-content/uploads/2016/09/Raport-CCPR-eng-1.pdf>. See also Promo-LEX Association and the Media Center, joint submission for the universal periodic review.

<sup>48</sup> See Promo-LEX Association and the Media Center, joint submission for the universal periodic review.

<sup>49</sup> Ibid.

<sup>50</sup> Promo-LEX Association, alternative report to the Human Rights Committee, para. 58.

<sup>51</sup> Ibid., para. 57.

<sup>52</sup> See Promo-LEX Association and the Media Center, joint submission for the universal periodic review.

does not have the power to enforce its decisions. It receives limited funding and its financial autonomy is restricted. The current staffing and premises do not allow the institution to completely fulfil its mandate. Although the Ombudsperson has submitted his most recent annual report to the parliament, his main recommendations were not discussed.

76. Despite numerous shortcomings, the Subcommittee on Accreditation of the Global Alliance of National Human Rights Institutions recommended in May 2018 that the Office be granted A status, with a large set of recommendations aiming at greater compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). The Special Rapporteur encourages the Government and the Office of the Ombudsperson to seriously consider these recommendations and their implementation.

77. The Equality Council, similar to the Office of the Ombudsperson, is notably underresourced and understaffed. While the Council has a broad mandate to examine cases of discrimination, it cannot impose sanctions.

78. The Office of the Ombudsperson and the Equality Council shared with the Special Rapporteur their concerns about the excessive control exercised over their expenditure, which they perceived as a form of intimidation by the Government.

79. The Special Rapporteur is concerned about the quality of collaboration between civil society members of the national preventive mechanism and the Office of the Ombudsperson, and about the ambiguous status of the mechanism in the provisions of the current Law on the People's Advocate (Ombudsperson).

80. The Special Rapporteur recalls, as he has done on other occasions, that, as part of the institutional architecture of the State, national human rights institutions play a key role in ensuring a safe and conducive environment for human rights defenders. National human rights institutions that comply with the Paris Principles are in a unique position to guide and advise governments on their human rights obligations and ensure that international principles and standards are adequately incorporated into domestic law and mainstreamed into public policies, including those concerning human rights defenders.

81. Evidence shows that when the mandate of national human rights institutions includes the ability to investigate individual complaints and provide effective protection to complainants, and to enjoy adequate resources and control over them, they can play a leading role where the judicial system of the State are unable or unwilling to adjudicate on cases of alleged violations against defenders. National human rights institutions are key partners in promoting and protecting human rights at the national level, and may sometimes face risks for carrying out their mandate independently.

## VI. Role of the international community

82. A large number of civil society organizations and human rights defenders that the Special Rapporteur met during the course of his visit complained about the lack of support from the international community. Many of them, mostly from outside of the capital, explained that they had never met with embassy staff or representatives of the international community, nor been invited to share their concerns with them. The civil society organization sector in the Republic of Moldova is very heavily dependent on resources from foreign donors.<sup>53</sup> Many members of civil society complained about the lack of funding when trying to set up new activities or new organizations, and about not receiving sufficient information on calls for funding applications. They also referred to the absence of international observers when human rights defenders had been brought before a court as a result of their work.

<sup>53</sup> See <http://ecnl.org/moldova-launches-new-financing-mechanism-for-civil-society/>.

## VII. Conclusion and recommendations

83. There is still a gap between the engagement of the Republic of Moldova with international human rights mechanisms and the domestic implementation of its human rights framework. The Special Rapporteur expresses his continued commitment to provide technical support to the relevant authorities.

84. Considering the intention of the Republic of Moldova to apply for membership of the Human Rights Council for the period 2020–2022, the Special Rapporteur would also like to invite the Government to take into consideration the possibility of making voluntary pledges on the protection and promotion of human rights defenders in its candidacy.

85. In the light of his findings, the Special Rapporteur recommends that the Government of the Republic of Moldova:

(a) Ensure full compliance with international standards on democracy (including holding fair and transparent elections), the rule of law and human rights by, inter alia, promptly implementing the outstanding recommendations and decisions made by international and regional human rights mechanisms and courts;

(b) Take all credible, effective and prompt measures to increase the accountability, independence and transparency of State institutions at all levels;

(c) Decisively increase its efforts to eradicate corruption by, inter alia, implementing a zero-tolerance policy and ensuring the efficient functioning of the existing anti-corruption institutions; in this regard, authorities should ensure that all corruption cases, particularly those at the highest level, are subject to thorough, independent, impartial and prompt investigation, and that those responsible are brought to justice and diverted funds recovered;

(d) Ensure the independence, impartiality, accountability and transparency of the judiciary by, inter alia, protecting judges from interference, ensuring thorough, independent, impartial and prompt investigations into any allegations of interference with the independence of the judiciary, and giving civil society the opportunity to monitor and support the implementation of anti-corruption measures;

(e) Foster policies to promote media diversity and pluralism, ensure transparency on media ownership and strengthen efforts to counter excessive concentration of media ownership, support independent media and ensure an enabling environment for journalists, including by allowing them to work without undue interference;

(f) Guarantee effective and prompt access to public information in accordance with international human rights standards, and ensure that public interest is the main factor that determines access to information;

(g) Ensure a safe and enabling environment for human rights defenders so they can work without fear of reprisals, intimidation or threats, and take measures to guarantee that the existing legislation on relevant human rights, such as freedom of expression, participation in public affairs, and access to justice and to information, is effectively applied in accordance and compliance with international human rights standards;

(h) Adopt a zero-tolerance policy in cases of intimidation and stigmatization of human rights defenders, journalists and lawyers; investigate promptly, independently, impartially and effectively any act of reprisal, intimidation or stigmatization against them; and bring their perpetrators to justice and ensure effective remedies for victims;

(i) Guarantee the right to a fair trial, in particular by taking immediate and effective measures to ensure that undue or disproportionate criminal proceedings are not brought about through fabricated accusations; that selective justice is not used against political opponents, independent judges, lawyers, and human rights defenders;

and that civil society groups, international and regional organizations and the general public are allowed to monitor these trials;

(j) Consider developing a national law on human rights defenders based on international standards, aiming at recognizing the legitimacy of the work of human rights defenders and at providing them with effective protection;

(k) Publicly recognize the fundamental role played by human rights defenders and journalists in society, and condemn any intimidation of them and any attempt to discredit them;

(l) Ensure that the new draft law on non-governmental organizations, which is awaiting approval from the parliament, is adopted as agreed with civil society organizations, and if any changes are proposed, they undergo a genuine consultation with civil society organizations;

(m) Continue to adopt measures to ensure gender equality, including by working towards the full and effective implementation of the national strategy for gender equality 2017–2021; increasing the participation of women in decision-making bodies at the national and local levels and in public and political life; and providing gender-based protection measures to women human rights defenders;

(n) Increase the measures to effectively protect the rights of lesbian, gay, bisexual, transgender and intersex persons and defenders, particularly by ensuring the effective investigation of bias-motivated crimes and hate speech, access to a fair trial and remedies, and by taking steps to prevent discrimination on grounds of sexual orientation and gender identity;

(o) Continue efforts to combat discrimination and marginalization of the Roma and encourage their social inclusion, including by allocating sufficient human and financial resources to implement effectively the new Roma action plan for the period 2016–2020 and by hiring Roma community mediators;

(p) Increase measures to effectively protect other groups in vulnerable situations, such as Gaguzians and other minorities, persons with disabilities and elderly persons, and combat their social exclusion and the discrimination they face;

(q) Continue efforts to conduct genuine and meaningful consultations among policymakers, civil society organizations and the Office of the Ombudsperson on legislative and policy processes;

(r) Strengthen the role and independence of the Office of the Ombudsperson and the Equality Council by, inter alia, ensuring they can provide effective remedies and guaranteeing their financial independence with sufficient budgetary and human resources for their adequate and effective functioning; and consider empowering the Office of the Ombudsperson to make recommendations to public authorities and the Equality Council on directly sanctioning all acts of discrimination and on litigating at the Constitutional Court on issues relating to equality.

86. The Special Rapporteur recommends that the Office of the Ombudsperson:

(a) Further support and engage in initiatives focused on the protection of human rights defenders, including by adopting and contributing to preventive and protective measures and developing means for their public recognition;

(b) Engage more consistently with civil society organizations in a genuine dialogue in decision-making processes, and on the promotion of human rights;

(c) Further engage in developing and strengthening alliances with civil society organizations and human rights defenders;

(d) Consider the recommendations made by the Subcommittee on Accreditation aimed at greater compliance with the Paris Principles, and consider their implementation.

87. The Special Rapporteur recommends that the Equality Council:

(a) Further engage with civil society organizations in the activities relating to awareness-raising and the promotion of equality;

(b) Continue to develop and strengthen alliances with specialized civil society organizations and human rights defenders.

88. The Special Rapporteur recommends that human rights defenders:

(a) Publicize the Declaration on Human Rights Defenders widely among society;

(b) Continue to make full use of the human rights mechanisms of the United Nations, the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE) in connection with human rights monitoring and protection;

(c) Continue to develop and strengthen national and local networks and outreach to remote areas in the country, in order to contribute to the protection of defenders and to facilitate coordination.

89. The Special Rapporteur recommends that non-State actors, such as political parties, the media, private companies and other groups, refrain from inciting, organizing or participating in the harassment, intimidation, threatening or stigmatization of human rights defenders.

90. The Special Rapporteur recommends that the international community, the European Union, the Council of Europe and OSCE:

(a) Support the Republic of Moldova in its efforts to ensure that State institutions at all levels are accountable, independent and transparent, and in the effective implementation of measures to address corruption;

(b) Continue to monitor the situation of human rights defenders in the Republic of Moldova and to strengthen efforts to empower and support them, including through trial monitoring and legal and financial assistance;

(c) Increase initiatives to travel and reach out to defenders and communities in remote areas and defenders from the most vulnerable groups, including persons with disabilities, Roma, and ethnolinguistic and religious minorities;

(d) Engage with the Government to encourage a meaningful dialogue between authorities and civil society organizations.

91. The Special Rapporteur recommends that key decision makers in the Transnistrian region:

(a) Ensure that domestic legislation complies with international standards on democracy, the rule of law and human rights law;

(b) Review and abolish all administrative and legislative provisions that restrict the rights of civil society organizations, including the rights to freedom of expression, peaceful assembly and association;

(c) Ensure a safe and enabling environment for human rights defenders, journalists and lawyers, and establish a genuine, meaningful and regular dialogue with civil society organizations;

(d) Grant civil society organizations from the right bank of the Nistru river access to the Transnistrian region.