



# Moldova scores 8,6 out of 10 for implementing the Action Plan on Visa Liberalization (1st Phase)



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## INTRODUCTION

This report is both an assessment of the progress made by Republic of Moldova in implementing the Action Plan for visa liberalization and an analysis of the relationship between Chisinau and Brussels regarding visas, through a detailed comparison with the precedent set by Western Balkan countries, where visas were lifted from 2009 to 2010. The report also includes an analysis of how decisions on visas have been taken and will be taken in the EU.

Thus, the report is divided into four chapters:

- an analysis of the process of visa liberalization in the Western Balkans;
- an explanation of the decision-making process in the EU and a recommendation of actions regarding the preparation of a decision;
- an assessment of the actions taken by the Moldovan government until May 2012;
- an analysis of the two major remaining issues – the anti-discrimination law and the delays in anticorruption policies.

**The Romanian version of this report was released in Chisinau in 14 May 2012 in a press conference which was widely reported in the Moldovan media. Our assessment on the Visa Liberalization Action Plan covers the situation until the beginning of May. Significant evolutions took place in the second half of May concerning the two issues we pointed out as registering delays: anti-corruption and anti-discrimination legislation. For the English version we added an update where we describe these evolutions.**

In the monitoring process, the authors conducted interviews with officials from the Ministry of Foreign Affairs and European Integration, Border Guard Service, Center for Personal Data Protection, Ministry of Internal Affairs, Center for Combating Economic Crimes and Corruption, Government Chancellery. We are grateful to the experts from Moldovan NGOs and from the High Level EU Advisers Project, who helped us in drawing our conclusions. We take full responsibility for these conclusions.

## Visa liberalization in the Balkans – how the precedents were set for the Eastern Partnership

The dialogue on visa liberalization between the European Commission and the Western Balkan countries officially started in early 2008. The decision was precipitated because a consensual decision on the status of Kosovo had failed and the region was about to declare its independence<sup>1</sup>. Future elections in Serbia raised dramatic dilemmas and the EU wanted to give an opening signal to Serbian voters. Once the procedure started with Serbia, the decision was taken quickly also in relation to other countries.

### *The visa liberalization process in the Western Balkans*

Country	Start date for dialogue <sup>2</sup>	Final decision on visa liberalization <sup>3</sup>	Anti-discrimination law is passed
<b>Serbia</b>	January 2008	30 November 2009 - EU Council	26 March 2009
<b>Macedonia</b>	February 2008	30 November 2009 - EU Council	13 April 2010
<b>Montenegro</b>	February 2008	30 November 2009 - EU Council	27 July 2010
<b>Albania</b>	March 2008	7 October 2010 – European Parliament 8 November 2010 – EU Council	4 February 2010
<b>Bosnia</b>	May 2008	7 October 2010 – European Parliament 8 November 2010 – EU Council	23 July 2009
<b>Kosovo</b>	It hasn't formally started yet	-	19 September 2004

<sup>1</sup> Alexandra Stiglmeier, "Learning from the Western Balkans Experience", Batory Foundation, Warsaw, January 2011

<sup>2</sup> "Western Balkan Towards White Schengen List - Regional summaries of national reports", Fund for an Open Society – Serbia, December 2009

<sup>3</sup> European Stability Initiative - White List Project, "The EU decision-making process", 20 March 2009

## **Anti-discrimination laws in the Balkans – another sensitive issue in the region**

The delays<sup>4</sup> registered by the Western Balkan countries were similar to those registered now by the Republic of Moldova. In Macedonia, the law passed by the government was criticized by nongovernmental organizations because it did not provide sufficient guarantees for minorities. In all these countries, the issue of gay rights was the most hotly debated. The Serbian government withdrew the original anti-discrimination bill to the hostile reaction of the Church and conservative groups. The bill was resumed and voted in March 2009.

The anti-discrimination bill in Bosnia led to an unexpected unity of views religious groups that otherwise did not get along well. The Inter-religious Council, a body created after the war of 1992 – 1995, which brings together representatives of Catholic, Orthodox and Muslim denominations, took a unified position against the bill. Bosnia and Albania were left behind and received unfavorable reports from the Commission in 2009. Opposition to anti-discrimination legislation came into conflict with the public desire for visa liberalization, an important and relevant lesson to the current situation in Moldova. Zoran Koprivica, Member of the Federal Parliament, said just before the bill was passed: "We know that, because of our customs and traditions, this law will cause a storm. But if we don't adopt it, we will completely distance ourselves from Europe"<sup>5</sup>.

## **Opening the visa dialogue with Ukraine and R. Moldova**

It must be said that the idea of opening borders towards East is not automatically considered welcomed in the EU. Southern EU borders coincide with natural borders of Europe. These voices considered the mission to be completed by including the former Yugoslavia (except Kosovo) and Albania in the free movement area. The impression of "mission accomplished" was reinforced by the fact that Turkey did not receive a roadmap or an action-plan for lifting visas, although it is officially a candidate country for EU membership.

In this context, launching the Eastern Partnership (EaP) in 2009 has created new dilemmas. After the accession of 10 former communist countries from Eastern and Central Europe and the promise of a membership for the Western Balkans the enlargement fatigues was visible. EaP disappointed many in Moldova, Ukraine or Georgia, who were waiting for similar treatment as the Western Balkans<sup>6</sup>. The perspective of Visa Liberalization came quite naturally: it could have been a symbolic gesture of compensation. Thus, the idea of extending free movement area to the East - to EaP countries (and

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<sup>4</sup> Wendy Zeldin, "Bosnia-Herzegovina: Draft Anti-Discrimination Law Creates Controversy over Gay Marriage Rights", Library of Congress, July 10th 2009

<sup>5</sup> European Commission against Racism and Intolerance, "ECRI report on Bosnia and Herzegovina (fourth monitoring cycle)", adopted on December 7th 2010, published on February 8th 2011

<sup>6</sup> Cristian Ghinea and Paul Ivan, "The Eastern Partnership – instructions", CRPE Policy Memo no. 13, September 2010

possibly Russia) – was considered. The visas liberalization process used for the Western Balkans set the model for the next wave of the East<sup>7</sup>.

The Prague Summit Declaration (May 7, 2009), which launched the Eastern Partnership, announces EU's "long term" objective "to fully liberalize the visa regime for individual partner countries, if conditions are met". The Prague Declaration plays for the Eastern Partnership the role that the Thessaloniki Declaration in 2003 played for the Western Balkans: then, the EU declared its decision to provide a liberalization perspective for the Balkans. Note that there have been five years between Thessaloniki and the agreement on roadmaps for visa liberalization with Balkan countries. Between Prague and providing Action Plans for Ukraine and Moldova only one year and a half has passed. Ukraine (in November 2010) and Moldova (in January 2011) are the only countries in the EaP which have received an Action Plan<sup>8</sup> so far, leading the way for the others. Providing such a document for Georgia is expected in 2012.

As for Russia, EU officials have tried to open a dialogue with Moscow on the same logic followed in the Balkans, Moldova and Ukraine: internal reforms and benchmarks against the gradual lifting of visas. Russia refuses to discuss conditions with the EU, considering that its political and strategic importance are reason enough to enjoy a special status. Basically, Russia refuses the idea of being conditioned and monitored by the EU and offers a political deal to lift visas. Thus, in EU - Russia relation there is talk about "common steps" to lift visas. But it's just talking for now, as Russia is not willing to accept the EU method and the EU is divided<sup>9</sup> on how it should work with Russia on this issue (and others), so the status quo option is the only one that they can agree on in Brussels.

Parallel monitoring reports of the European Commission to Moldova and Ukraine, published together in February 2012, show that Moldova is moving faster than Ukraine in all four blocks of the Action Plan. Adding this to the recent political tensions between the EU and Kiev on the Timoshenko case, which will likely lead to a slowdown in implementing the Action Plan, we see the fact that Moldova remains the only country in the EaP that is seriously advancing with the Action Plan.

From the very beginning, the European Integration Alliance's in Chisinau (from 2009) adopted a strategy that was called "preventive implementation". Given the lack of haste from European Commission in providing an Action Plan, Moldovan officials have been well advised to take the plans made by Serbia and Montenegro and start a self-assessment of preparedness and even start to take some measures, although the Commission<sup>10</sup> had not required it yet. The strategy succeeded at the political level and the EU offered an Action Plan, as a sign of openness.

European Parliament's involvement could be a chance, as it is more liberal than the Council in matters concerning the movement of persons.

<sup>7</sup> Alexandra Stiglmyer, "Learning from the Western Balkans Experience", Batory Foundation, Warsaw, January 2011

<sup>8</sup> European Stability Initiative, "The Eastern Partnership countries and visa-free travel", August 2011

<sup>9</sup> Nicu Popescu, "On EU-Russia visa-free travel (Part 2)", EUobserver blogs, October 26, 2011

<sup>10</sup> Cristian Ghinea and Victor Chirilă, "EU-Moldova negotiations. What is to be discussed, what could be achieved?", May 2010

While the Western Balkans worked on documents called `Roadmaps`, in the case of Ukraine and Moldova they are called `Action Plans`. The substance remains the same, the difference is in how the EU governments relate to the document: the Roadmaps for the Balkans made it clear that lifting the visas was an automatic process once the conditions would have been met (and the Commission certified it), while for Action Plans there is a presumption (required by some Member States, as France) that there will be a political decision at the time of the complete fulfillment of conditions. Obviously, we are talking about assumptions and they could change. However, renaming the Roadmaps and the possibility of a negative decision even if all conditions are met, have affected the power of conditionalities and the credibility of the EU.

### **How will the decision be made?**

The proposal for lifting the visas should come from the European Commission. Pending the entry into force of the Lisbon Treaty, the Commission proposal was only subject to vote by the EU Council. After 2009, the Commission's proposal must also be approved by the European Parliament under the codecision procedure. Regarding Macedonia, Montenegro and Serbia, visas were lifted before entry into force of the Treaty, but Albania and Bosnia Herzegovina have followed the new procedure and received a favorable vote also from the Parliament<sup>11</sup>.

The EU Council decided to lift visas for Macedonia, Montenegro and Serbia on November 30, 2009. The European Parliament voted in favor of Albania and Bosnia Herzegovina on October 7, 2010 and the Council on November 8, 2010. Approval procedures lasted about 7 months<sup>12</sup>.

Although there are some who fear the European Parliament's involvement could complicate and hinder the visa liberalization, we believe, on the contrary, that in the case of Moldova the Parliament may represent a chance. For the national governments, the free movement of persons has become a sensitive theme, especially after the economic crisis that caused the public in many European countries to have hostile attitudes towards immigration. Europe's political climate is not favorable to the liberalization and even Schengen rules are questioned.

So we can assume that the EU Council may defer a decision in the happy (and also realistic) event in which Moldova will do well in the second stage of the Action Plan. Moreover, the decision is taken in the Justice and Home Affairs Council, comprising Ministers of Interior of the EU countries, who generally tend to be conservative concerning free movement of persons and to treat visas primary as crime control instrument. Council's decisions are taken by qualified majority, so formally it takes 228 votes out of 309<sup>13</sup> (each country has a different number of votes depending on its size). However, custom tends to promote unanimity in matters of Home Affairs.

In general, the European Parliament is more liberal with regard to the movement of persons than the EU Council. Within the Parliament, the Committee responsible for preparing the report is the Civil Liberties, Justice and Home Affairs (LIBE) Committee, with the contribution of the Foreign Affairs Committee (AFET). The LIBE Committee is known as one of the most liberal on the issues of civil rights. It is therefore expected that if the European Commission will take the initiative of a proposal

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<sup>11</sup> European Stability Initiative – White List Project, "The EU decision-making process", March 1st 2010

<sup>12</sup> idem

<sup>13</sup> idem

An opportunity is given by the Romanian MEPs present in the two EP committees

to lift visas, it will find greater understanding in the Parliament and particularly in the LIBE Committee.

**The Moldovan government should prepare a preliminary dialogue with the Parliament and to inform it on the Action Plan implementation.** A

great opportunity is given by Romanian MEPs present in the two committees: LIBE - Monica

Macovei (Popular Group), Ioan Enciu (Socialist Group), Renate Weber (Liberal Group). Ioan Mircea Pascu (Socialist Group) is the vice-chairman of the AFET Committee, and Cristian Preda (Popular) is a member. AFET chairman Elmar Brok has a good knowledge of the Eastern area and good contacts with the government in Chisinau, whilst another member, Graham Watson, is also familiar with the Moldovan realities, as the Parliament's rapporteur for the Republic of Moldova.

Slovenia, which held the Council Presidency in the first half of 2008, was a powerful ally for the Western Balkan countries, as it got the visa issue on the EU agenda<sup>14</sup>. Also, the LIBE rapporteur on the dossier was a Slovenian MEP<sup>15</sup>.

Unfortunately, the Polish presidency came too early in the implementation process of the Action Plan to be able to promote decisive action in this regard. In a somewhat longer timeframe, it could be that the Lithuanian Presidency (second half of 2013) will be able to put the issue on the agenda in a consistent way, if things will not be resolved favorably before then. However, allies of Moldova in the EU (Poland, Romania, Sweden, the Baltic states) should follow the process and seek support from other countries for Moldova's assessment procedure to be correct and the political decision to pursue automatically this evaluation.

The President of the Moldovan Parliament Marian Lupu recently made a statement<sup>16</sup> that the EU has deliberately set impossible conditions for Moldova, because too many EU countries would not want the extension of free movement area. Marian Lupu is wrong in his analysis. As we show here, the Action Plan with Moldova is following the logic applied by the EU in other areas, and the controversial topic of anti-discrimination legislation gave birth to the same worries in other countries. On the other hand, **Lupu's statements reflect a widespread demoralization in official circles in Chisinau. During our interviews in Chisinau we have also met this idea that the EU really doesn't want visa liberalization for Moldova, regardless of what this country would do.** This perception weakens the credibility of benchmarks and of the whole process of internal reforms that Moldova has committed to.

### **Dividing the process in two phases – how will the EU evaluate the implementation of legislation?**

The working documents - Roadmaps and Action Plans - are similar: the same objectives to be achieved, the same four condition blocks. But one very important difference occurs in the

<sup>14</sup> Alexandra Stiglmeier, "Learning from the Western Balkans Experience", Batory Foundation, Warsaw, January 2011

<sup>15</sup> European Stability Initiative - White List Project, "The EU decision-making process", 1st of March 2010

<sup>16</sup> "Exclusive! Lupu, from unofficial sources: EU sets unrealizable conditions for Moldova in order to avoid liberalizing visa regime " Publika.md, May 5th, 2012



implementation and monitoring of the process: two separate phases were created for EaP countries, the first one regarding the adoption of legislation, and the second one regarding the actual implementation.

***Evaluating progress- the Balkans vs. Eastern Partnership***

	<i>Phase I</i>	<i>Phase II</i>
<i>Balkans</i>	<i>Adoption and implementation</i>	
<i>Republic of Moldova and Ukraine</i>	<i>Adoption</i>	<i>Implementation</i>

Leonid Litră<sup>17</sup> and other experts explain this division by the fact that a rapid lifting of visas in the Balkans led to criticism in many EU countries and the Commission sought to reassure these countries that monitoring will be comprehensive and will cover the actual change of the situation, not just the adoption of new laws. In practice, the process got complicated. On the one hand, it is clear that the Commission's evaluation reports on the Balkans rather analyzed the adoption of laws than their actual implementation. One can conclude this looking at the timing: some laws were passed just shortly before the decision on lifting visas (even afterwards, in exceptional cases), and therefore the implementation could not be evaluated. On the other hand, it is unclear how long it takes for Commission experts to consider that a reform is sustainable. Ultimately, the decision will be political.

Another difference from the situation in Balkan countries was the requirement of an impact assessment of visa liberalization on countries in the EU (from our sources, the requirement was made by France). For Balkan countries, the impact study was done after lifting the visas. From a methodological point of view, it is difficult to evaluate the impact of a phenomenon (like the lifting of visas) that did not happen yet.

In the case of Ukraine and Moldova, such a study<sup>18</sup> was published in January 2012 by the Migration Policy Centre of the European University Institute. Financed by the EU, the study is based on indirect measurements - survey on experts from both countries and in-depth interviews with migrants from Ukraine and Moldova already living in EU countries.

<sup>17</sup> Leonid Litră, "Moldova on the EU visa liberalisation path: taking stock of achievements and failures. In-depth study", IDIS Viitorul, Chişinău, 2011

<sup>18</sup> Agnieszka Weinar, Oleg Korneev, Shushanik Makaryan, Sergo Mananashvili, "Consequences of Schengen visa liberalisation for the Citizens of Ukraine and the Republic of Moldova", Migration Policy Centre, MPC Research Report 01 / 2012, January 2012

*"Those who wanted to leave already did it. Therefore, lifting visas would hardly increase the influx of immigrants and the number of those who would seek asylum in EU countries"*

impact study funded by the European Union

**The findings of this study are encouraging and they make a solid argument for lifting the visas.** Trying to close the EU labor market for Eastern citizens failed, however the attempt itself has perverse effects, the study concludes. People come to the EU with visas and decide to stay there for fear that they could not return if they would visit Moldova. **Visas and the current regime are pushing these people to violate / circumvent the law, staying longer than the legal period permitted by visas. That means they are forced to work in the gray economy,** they cannot return home frequently (causing family drama) and they become vulnerable to organized crime networks (human trafficking in particular). **During 2008 - 2011, immigrants from Ukraine and Moldova have made on average only one home visit per year, the authors show.**

The study even speaks about "destructive effects" on social life in their home countries, Moldova and Ukraine in this case. At the same time, the authors estimate that lifting of visas would not increase the influx of immigrants and the number of those who would seek asylum in EU countries. Interviews made by the authors with immigrants from Moldova who live in Western states show – perhaps surprisingly if one considers the whole debate on Romanian citizenship - that "while many Moldovans can obtain Romanian citizenship and then go to other EU states, Moldovan migrants rarely choose that option. Citizens who wanted to emigrate to a EU country have already done that in the 1990s. Therefore, Moldovan and Ukrainian migrants insist that migration towards the EU has stabilized over the past 10 years and this will not change after the visa liberalization"<sup>19</sup>.

Given the uncertainty of the impact assessment, the Moldovan government made its own draft and sent it to Brussels, using data collected by embassies in EU countries regarding Moldovan citizens that were already living there. This document, consulted by CRPE, states that asylum risk is minimal (**only 150 asylum applications belonged to Moldovan citizens in 2011 in all EU countries, compared to a total of 58,544 applications from other countries**), that crime rate among immigrants from Moldova is minimal and that they tend to integrate rapidly in their adoptive country.

### **Evaluating the implementation of Action Plan (1<sup>st</sup> phase): 86% of conditions are either accomplished or very close to accomplishment**

Based on the Action Plan received from the European Commission, the Moldovan government has developed a "National Implementation Plan for the Republic of Moldova - European Union Action Plan on visa liberalization", adopted by the government in March 2011.

To facilitate understanding, we will further refer to the two documents as Action Plan (the one sent by the EU) and National Plan (the one adopted by the Moldovan government). In practice, the National Plan takes each condition from the Action Plan and divides it into several sub-specific measures which are easier to monitor (the National Plan, a public document, is basically a table consisting of a first column with each action proposed by the Commission and a second column with

<sup>19</sup> Id., p. 13

specific activities aimed at accomplishing each action). Thus, the 87 actions were divided within the National Plan into 163 sub-actions. Our evaluation followed these 163 sub-actions (see table in Annex).

	Measures in the Action Plan	Sub-actions in the National Plan
Block 1	15	30
Block 2	22	54
Block 3	35	75
Block 4	15	34
<b>Total</b>	<b>87</b>	<b>163</b>

The Action Plan (and hence the National Plan) contains four thematic blocks, as follows:

1. Document security, including biometric passports;
2. Illegal migration (divided into Border Management, Migration Management and Asylum Policy);
3. Public order and security (divided into Personal Data Protection, Cooperation in Criminal Matters, Cooperation in Law Enforcement, Preventing and Combating Corruption and Financial Crimes, Preventing and Combating Organized Crime, including Human Trafficking);
4. External relations and fundamental rights.

While within the first two blocks the actions were implemented almost entirely, the last two have seen some legislative reforms (in the responsibility of the Ministry of Interior) started but delayed. It should be noted that some of these benchmarks are not related exclusively to the authorities in Chisinau, but also to the willingness of European institutions to collaborate in this process (Europol, Eurojust).

The Action Plan is a complex document requiring implementation in parallel and inter-/intra-governmental responsibilities of several strategies, policies, laws and other specific instruments of public management. To provide an overview of Moldova's efforts in this endeavor we express the numerical structure of the action plan below. **We also mention that we will use the numerical expression only for quantifying this effort and assessing the state of implementation, without considering the difference in effort required by the implementation of a measure or another.**

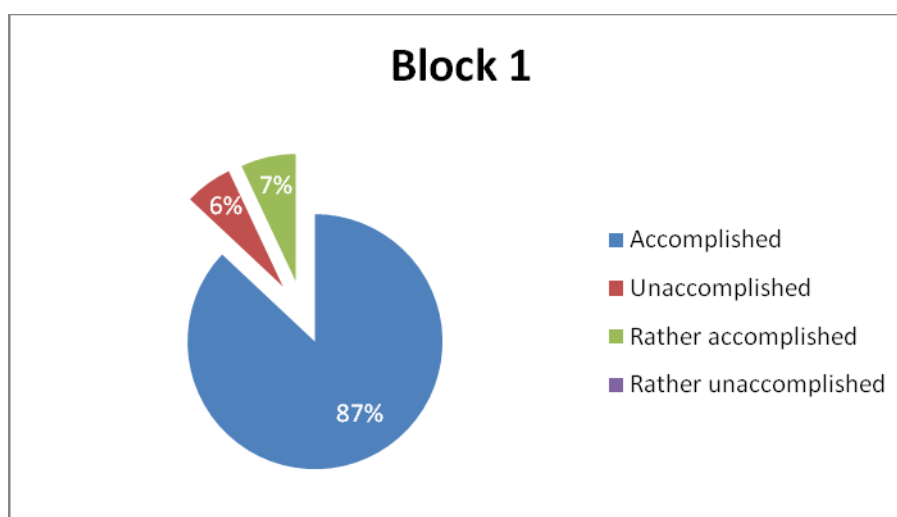
Some activities only involve adopting specific legislation, while other involve acquiring complex equipment, while funding from the European Union or other donors present in Moldova is not always available.

Our monitoring scale had four values:

- **Not accomplished (NA)**, where actions have not been implemented, nor initiated, within the specified timeframe;
- **Rather not accomplished (RNA)**, where actions have not been implemented within the specified timeframe, but they have been however initiated;
- **Rather accomplished (RA)**, where actions have been implemented within the specified timeframe, but have not been completed yet;
- **Accomplished (A)**, where actions have been implemented within the specified timeframe.

Below, we show the results of our assessment, which is based on the analysis of progress reports submitted by the Republic of Moldova to the European Commission, on interviews with Moldovan government officials and independent experts from the nongovernmental sector and on secondary sources (independent reports, websites of the institutions involved in the process, press articles).

### Block 1 - Document security, including biometric passports

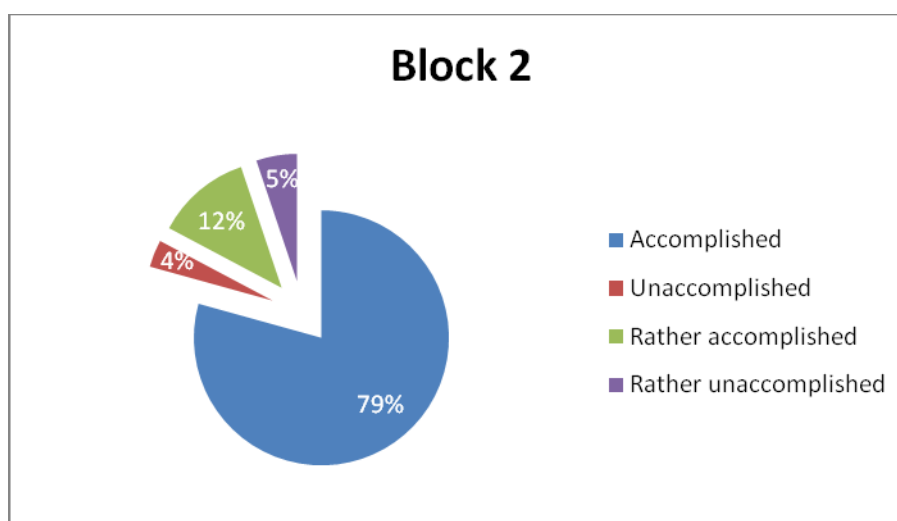


- **87% Accomplished**
- **6% Unaccomplished**
- **7% Rather Accomplished**

Actions related to Block 1 were almost fully met (93%, totaling A + RA results). The actions that were not accomplished are:

- *Digitization of primary documents of civil status;*
- *Preparing for the implementation of facial recognition technology.*

### Block 2 – Illegal Migration, including readmission



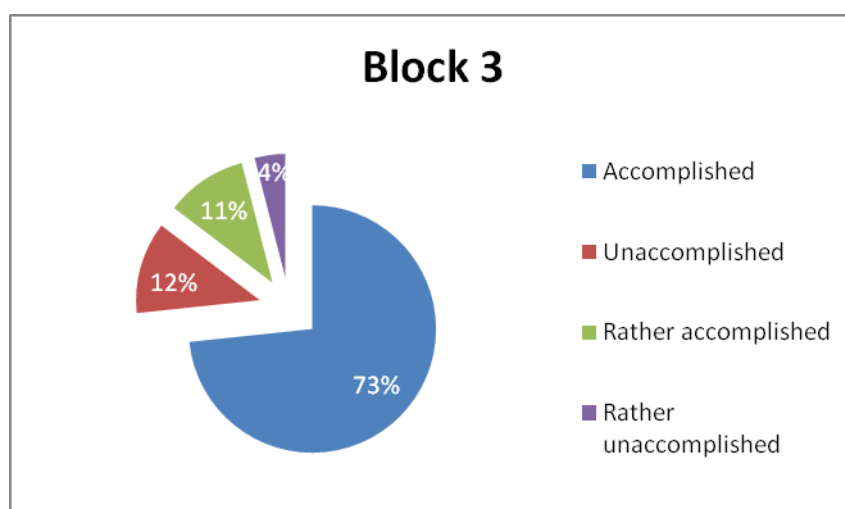
- **79% Accomplished**
- **4% Unaccomplished**
- **12% Rather Accomplished**

Actions in Block 2 have been implemented at a rate of 91%, totaling A+RA results. Actions not accomplished and rather not accomplished are as follows:

- *Construction and reconstruction of border pickets, of crossing points at the state border (including common auto control points), according to EU / Schengen requirements and standards;*
- *Creation of a 24/7 National Coordination Center inside the Border Guard Service (coordination of joint operations, joint training activities, etc.), as well as local contact points;*
- *Creating subsystems (design and creation of programs – software - for the Ministry of Foreign Affairs and European Integration, Ministry of Labor, Social Protection and Family - National Agency for Employment, Ministry of Education, Information and Security Service);*

- *Developing a National Strategy for data management;*
- *Developing a plan for regular updating and dissemination of Extended Migration Profile (for 2 years);*
- *Effective implementation of methodologies for detecting illegal immigrants in the country.*

### Block 3: Public order and security



- **73% Accomplished**
- **12% Unaccomplished**

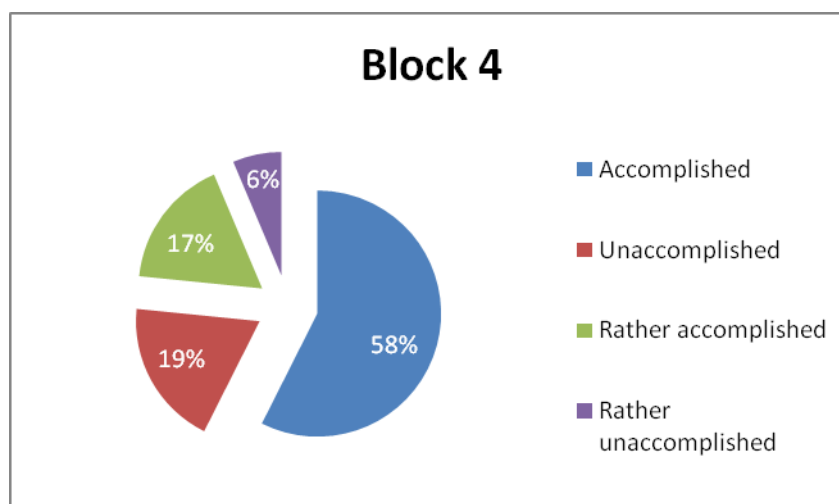
Block 3 is implemented to a satisfactory extent, but there are also reforms that were not initiated or were delayed. As seen from the NA/RNA actions below, a rather big number of these do not depend on the Government, but on the availability of institutions such as Eurojust and Europol to cooperate with Moldovan authorities. A lot of steps made by Moldova to complete the joint actions with the two institutions registered delays that can't be attributed to the Republic of Moldova. **Officials we spoke with complain about the lack of reaction of these two European institutions, thereby explaining the failure of these conditions, that otherwise seem quite easy to achieve.**

*"We have met the standards for cooperation with Europol and Eurojust, and now these institutions must obtain mandate from the Council to negotiate with Chisinau, but they are not undergoing the necessary steps"*  
Moldovan official

On the other hand, the remaining actions included in this block, especially those related to the fight against corruption, are fully in the responsibility area of the Republic. This block counted 85% A and RA actions. The NA actions are:

- *Signing a cooperation agreement with Eurojust*
- *Conducting a study tour at Eurojust in order to become acquainted with the procedures*
- *Creating a Unit of information and analysis in the Police Department of the Ministry of Internal Affairs and making it operational*
- *Completing the assessment mission from Europol to analyze the situation of personal data protection*
- *Evaluating the results of the mission. Approval to start negotiations for signing the Operational Agreement by the Management Board of Europol, as a result of the evaluation mission*
- *Police cooperation: Organizing meetings of liaison officers accredited for cooperation between law enforcement agencies*
- *Ensuring adequate human and material resources within the subdivision for preventing and combating corruption at the Centre for Combating Economic Crimes and Corruption*
- *Developing a draft law amending Law no.1104-XV of 6 February 2002 on the Center for Combating Economic Crimes and Corruption to ensure its independent functioning*
- *Capacity building in special investigative techniques and activities*
- *Capacity building of forensic laboratories (DNA analysis).*

## Block 4 - External relations and fundamental rights



- **58% Accomplished**
- **19% Unaccomplished**
- **17% Rather Accomplished**
- **6% Rather Unaccomplished**

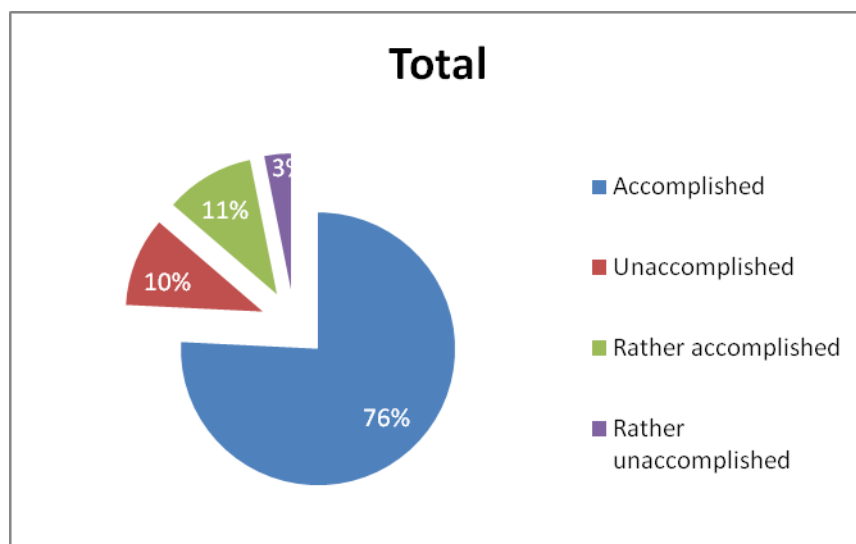
Block 4 contains fewer actions to be implemented (only 27), which explains the lower percentage of NA actions from the total percentage, 77%. Unimplemented actions are related to the **adoption of a draft law on preventing and combating discrimination in Moldova**, an issue that remains an obstacle for the country and that we will further explain in subsequent chapters.

NA actions are:

- *Approval by the Government of the draft law on preventing and combating discrimination*
- *Presenting the bill to the Parliament*
- *Adoption by the Parliament of the Law on preventing and combating discrimination in the first and last readings*
- *Create hearing rooms for child victims / witnesses of crime, with specific staff training*

**Overall, Moldova has fully accomplished 76% of actions undertaken in the Action Plan and has rather accomplished almost 10% of them (which will be carried out without problems in the near future), leading to a good score of approx. 86%.**





On the other hand, some actions related to the second phase of the visa liberalization process are already being implemented, which - combined with results obtained in implementing the Action Plan and by comparison with the experiences of other states that have gone through this more or less similar process - provides a good position in negotiations with the European Union.

#### **Procedural blur – how is the decision on transition to 2<sup>nd</sup> phase taken?**

The European Commission published in February a evaluation report on the Action Plan (which reflects the situation up to November 2011, when teams of independent experts evaluated the situation on the ground). In early May 2012, the Moldovan authorities have sent the third progress report (*complementary report*) to the Commission, including further developments (our assessment also included these developments, following interviews conducted by the authors with officials from a number of institutions in Chisinau).

Moldovan authorities expect  
the transition to phase two  
in June.

The Ministry of Foreign Affairs and European Integration is expecting a report of the Commission's findings in May or June. This is also the moment when the Moldovan authorities hope to officially mark the transition to 2<sup>nd</sup> phase of the Action Plan.

The Commission now has the data it needs to propose the European Council a transition to 2<sup>nd</sup> phase. But the procedure is not clear. Moldova sets the precedent of going from 1<sup>st</sup> to the 2<sup>nd</sup> phase, when we write this report, and it is not clear if a recommendation of the Commission would be enough or a formal vote in the Council would be necessary. According to officials in Chisinau, the Commission did not say what the procedure was, whether Moldova should submit a request to that effect or whether, based on its conclusions, the Council will come to a decision.

It is almost certain that the European Parliament is not involved at this stage - involving the EP in the final vote (as was the case with Albania and Bosnia) is due to the fact that getting on the White List of

countries that do not need visas requires a regulation change, thus a codecision procedure under the Lisbon Treaty. The transition from 1<sup>st</sup> to the 2<sup>nd</sup> phase does not require such a change, so the Parliament is not yet formally involved. However, according to our interpretation, nothing prevents the Parliament to take steps for involvement if considered appropriate. Since the parliament will codecide equally with the Council at the end of the process, it should also have a say during the process.

**It is interesting that, in fact, the Moldovan government has already started implementing some of the measures in the 2<sup>nd</sup> phase II (the legislation adopted in 1<sup>st</sup> phase started to be implemented). It would be fair that this effort be assessed by the Commission, otherwise the division in two phases is translated into practice by slowing down reforms that the Commission itself asked for.**

### **Political issues – the problem of anti-discrimination laws and corruption**

For the pro-European government in Chisinau, the visa issue was a major one and the politicians in government were expecting to find greater openness in the EU. Prime Minister Vlad Filat and Foreign Minister Iurie Leancă have raised the expectation level of the public, speaking about visa liberalization in 2012. The same thing was said in Ukraine by President Viktor Yanukovich<sup>20</sup>. However, the Moldovan head of government recently indicated the new target of 2013 for the accomplishment of this objective.

Two thorny political remains to be deal with: the anti-discrimination law and the anti-corruption framework, especially the reform of the Center for Combating Economic Crimes and Corruption. We believe that the two issues are mistreated by the authorities and the general public: **there is too much talk about anti-discrimination and very little about anti-corruption.**

#### *The Anti - discrimination Benchmarks in Moldova and Montenegro*

	<b>Phase I</b>	<b>Phase II</b>
<b>Montenegro</b>	Montenegro should adopt and implement legislation to ensure effective protection against discrimination.	
<b>Moldova</b>	Adopting a comprehensive anti-discrimination legislation as recommended by the UN monitoring bodies and the Council of Europe, which would provide effective protection against discrimination.	Effectively implementing anti-discrimination legislation and policies, according to relevant UN and Council of Europe instruments.

<sup>20</sup> Raul Hernandez i Sagrera, "Visa Liberalization Seen From Within the EU: <<Mission Impossible>>?", International Centre for Policy Studies (ICPS), Kiev, Ukraine, 2011

There is an impression in Moldova that the EU makes up special conditions in a sensitive area. In fact, Moldova is undergoing a similar process as other countries and a situation that the European Commission has faced before.

As described above, anti-discrimination laws were required in the Roadmaps for all Western Balkan countries and in most cases they were among the last conditions met. Political and public reactions were mainly against it in those countries also. We bring this argument forward because there is an impression in Moldova that the EU makes up special conditions in a sensitive area. In fact, Moldova is undergoing a similar process as other countries and this is a situation that the European Commission has faced before.

The anti-discrimination law has become a political hot potato that politicians in Moldova throw to one another. The opposition has found an opportunity to attack the government, forgetting that the first project for such a law was proposed by a Communist Party government in 2006 (related to the regular political dialogue with the EU, and without any connection to the Visa situation).

The Government proposed a revised bill in February 2011 and, following independent evaluations, another form of the bill in September 2011. In its latest assessment report, the European Commission states that a serious public debate will provide an opportunity to calm the conflict with opponents of the law. **We believe that in this respect the Commission is naïve or over optimistic. The campaign against the law is not born out of ignorance, but out of political strategy. Also a political strategy was to focus the debate on homosexuality,** just one of many issues covered by the legislation required by the EU.

The opposition is taking advantage of the overwhelmingly negative views of the public towards other sexual orientations: only 14% say in polls that they would accept homosexuals as neighbors, 10% would accept them as friends and only 4% would accept a family relationship with someone of this orientation<sup>21</sup>. In the face of such intolerance, the bill promoters are always in defensive and those who criticize the project are on the offensive. Such a law would not legalize gay marriage, nor would it "homosexualize" the country, as stated by alarmist interventions. But such a rational debate will not be able to tackle myths based on fear and ignorance that already dominate the subject in Moldova, especially since these myths are carefully manipulated politically.

It is not a coincidence that the cities which adopted resolutions against homosexuality (that have no practical effect) have local councils dominated by the Communist Party. As it is not a coincidence that religious figures such as Bishop of Bălți (which is subordinated to the Russian Orthodox Church), who rages against the law, or that a TV channel as NIT, that showed a biased display of the topic, are part of the Communist Party's network of institutions and organizations.

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<sup>21</sup> Soros Foundation – Moldova, "Perceptions of the population in Moldova in fighting discrimination: a sociological study", January 2011

This scandal led to a number of really outrageous statements by some politicians both in opposition and in power, because politicians preferred the comfortable anti-law posture.

*"We do not accept gays and lesbians in the Liberal Democratic Party. In our party we are only accepting young people with normal sexual orientation, and we first verify them. If they are gay, they remain in the Communist Party. We can check by asking their friends "*  
*(Peter Vlah, member of the Parliament, Liberal Democrat Party)<sup>22</sup>*

*"They want to bring about this abomination of homosexuality and to instill this habit in Moldova. We must say a definite no to such nonsense. Each city has to declare its independence from this nonsense that we get from Europe"*  
*(Vladimir Voronin, Leader of the Opposition)<sup>23</sup>*

The European Commission and EU diplomats in Moldova must act in partnership with the government in Chisinau on this subject. Anti-discrimination is a relevant and important issue for the European Union and for Moldova, but it should not be a deal-breaker for switching to the second phase of the Action Plan. **The European Commission cannot be neutral between a government which is just shy in promoting its European agenda and a Communist Party led by Vladimir Voronin who speaks of the gay community as "abomination".** The intransigent current position of the EU favors only Voronin and puts the government in a difficult situation.

As shown in our monitoring, the government has met most requirements of 1<sup>st</sup> phase and the Commission should accept the transition to the 2<sup>nd</sup> phase. The promise of reward (lifting of visa) will change the internal debate in Moldova and will put the critics of the law on the defensive. Precedents in the Balkan countries have shown just that: the anti-discrimination law is a sensitive subject that is easier to solve when the reward is near.

On the other hand, Prime Minister Filat made a mistake by removing the project from Parliament. **He gave the impression that he is solely responsible for this problem, which made it convenient for European Integration Alliance partners to position themselves against the law, leaving him alone.**

The government should:

- Persuade the European Commission to accept the transition to the second phase without an anti-discrimination law. **The most convincing argument is that Moldova loses valuable time in other areas where reforms have advanced.**

- **To refer the draft back to Parliament and let the political leaders there to justify their refusal to the EU.** As time passes, they will have to explain to their voters why they were actually opposing the lifting of visas.

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<sup>22</sup> "LDP MP: We do not receive gays and lesbians in the party!" Unimedia.md, April 17, 2012

<sup>24</sup> Voronin: << abominable gays>>, at a PCRPM protest, Unimedia.md, February 25, 2012

In fact, this was the logic of the actions undertaken by the Government within the National Plan adopted in 2011:

- *Approval by the Government of the draft law on preventing and combating discrimination*
- *Presenting the bill to the Parliament*
- *Adoption by the Parliament of the Law on preventing and combating discrimination in the first and last readings.*

**In our monitoring we considered all three conditions not to be fulfilled**, although the government initially sent the draft to the Parliament, but later withdrew it.

**Postponing the anti-discrimination law would not mean that Moldova would escape this obligation, but that the steps would change according to developments on the ground.** Anti-discrimination law has become a political opportunity abusively manipulated, and the response of the EU and the Moldovan government must be flexible. The current stalemate is detrimental to the massive reforms undertaken in other areas of the Action Plan, much less controversial but with an important role in Moldova (for example, the reform of the Ministry of Interior or the measures to control the trafficking human beings).

### **Corruption – a matter of political will**

The two major drawbacks in the matter of anticorruption policy are:

- *The strategy for reforming the Center for Combating Economic Crimes and Corruption (CCECC)*
- *The establishment and functioning of the National Integrity Commission.*

CCECC is an institution that focuses the attention and public debate on the issue of corruption. The conditionalities are now focused on ensuring the independent functioning of the Center. The appointment of its Director by the Government arises suspicions, especially as the head of the institution changes with every new government. There is a reform strategy draft prepared by the CCECC with European assistance. The draft was published and sent to the government, where the decision was delayed. Our interviews show that the prime-minister

*"Everybody is asking for the Center to do the job. But it can't, if the Prosecutor is killing files. It is important to put the responsibility under one hat" - anticorruption expert*

is reluctant because the draft Strategy proposes the chief of CCECC to be appointed and controlled by the Parliament. Nevertheless a decision regarding this strategy must be taken.

There are different opinions within the expert community in Moldova regarding this problem. Some say that the main problem is CCECC's lack of independence and thus subordination to the Parliament can solve it. Others say that CCECC's inefficiency is not produced by its form of subordination but it does not have the proper tools to fight corruption. This view is also supported by those who argue that the Center cannot be the one who is proposing its own strategy for reform and that the reform of CCCEC should be included in an overall vision to change in the judicial system.

Given the experience of other countries in Southeast Europe, we can say that the **parliamentary control does not improve the performance of anti-corruption institutions**<sup>24</sup>.

Parliamentary oversight works as an instrument of efficiency and accountability when it comes to consensual issues. But fighting corruption is not a consensus issue in countries where politicians themselves are deeply involved in corruption. To be successful in anticorruption policies in such countries - as the ones analyzed in the book edited by CRPE in 2011: Romania, Bulgaria, Serbia, Macedonia, Croatia, Moldova and Ukraine – you have to deconstruct corrupted networks controlled by politicians. In other words, you have to send politicians, businessmen and powerful people involved in corruption to jail. Parliamentary scrutiny can offer these people the opportunity to block anti-corruption institutions. Furthermore, Moldova has already tried this method subordinating the General Prosecutor to the Parliament (which has its own anticorruption section). And it didn't work.

*"Everyone says that they want CCECC to be independent, but what they actually mean by this is: I want it to be independent, but to be owned by me"*  
lawyer and NGO activist

*"However, the CCECC does not need a strategy to work. The current management proposes an independent appointing and says that's the reason it cannot work. But how come it can't work? What prevents them, let them make it public" – anticorruption expert*

The main problem of the CCECC (which is correctly identified in the strategy developed by the Center) is its limited role – CCECC is only one link in the chain of preparing corruption cases. Basically, CCECC opens investigation and it sends them to the General Prosecutor's anticorruption section. In this context, we think that just changing CCCEC's subordination won't solve much of the problem. The Center is a police body, when it should be much more. The obvious solution is to put anticorruption police and prosecutors into a single institution, giving them a clear responsibility.

The appointment by the government is not a problem in itself, the important issue is that those who make the appointment should respond if the appointees are not performing. In the current institutional framework, no one can perform because CCECC and the Prosecution are rather sabotaging each other, although they should cooperate in order to be successful.

<sup>24</sup> Cristian Ghinea and Laura Ștefan (Ed.), "EU approach to justice reform in southeastern and eastern Europe", Romanian Center for European Policies (CRPE), Bucharest, September 2011

At the same time, the draft strategy speaks about political influence on CCECC as if it was a myth: "The first myth of this kind is that CCECC is obeying political orders. To dispel this myth, there is a strong belief that CCECC should obtain and enjoy real independence from any undue pressure, as proposed in the Strategy"<sup>25</sup>. However, it is a vicious circle: if the political influence on CCECC is a myth, then why is independence the first priority and why is a solution as drastic as its passing under parliamentary control being proposed?

We do not reject parliamentary control per se. Unfortunately there are no miracle solutions in this area, and each solution has advantages and disadvantages, depending on the internal context of each country. **But we note that other countries that have tried this solution failed: parliamentary control can provide a political balance, but also create new veto players** (instead of one or several ministers who presumably can intervene to block investigations, there will be dozens of MPs that can do it and can negotiate votes in exchange for burying files).

Especially since the other emergency related to corruption in the Action Plan is caused exclusively by Parliament. The National Integrity Commission (NIC) was established by a law passed in 2011 and would have been functional from March 1st, 2012. This did not happen. NIC should have been led by five members appointed by Parliament - three appointed by the parliamentary majority, one from the opposition and one civil society representative. Coalition members failed to agree on the representative of civil society (two candidates remained in the race after being five in the beginning).

Although they have been very active in making statements about anti-discrimination law, EU officials and diplomats from member states tend to place anti-corruption issues further down the list of priorities. **Paradoxically, the EU insists on a very unpopular issue in Moldova, and disregards a popular theme - fighting corruption. It is a wrong setting of priorities.** Moldovan politicians will have no interest in moving things forward and creating an institutional and legal framework that can perform without pressure from Brussels.

*"The principle of differentiation and more-for-more should be firmly applied. If not for visas, then I don't know where else"*  
Moldovan Official

*"We fear that we will be prepared technically, but we will have to face a political decision against us"*

*"We understand that we can be treated in the same way as Ukraine, but we are much more advanced."*  
Moldovan Officials

<sup>25</sup> Idem, pg. 32

## Conclusions and recommendations

- ✓ The decision on visas has a great political stake, as it was for the Western Balkans, especially Serbia, where the EU has sought to maintain pro-European trend. This logic should also be applied for Moldova, and the visas liberalization would be a bubble of oxygen for the Alliance for European Integration.
  
- ✓ The competition among states can have beneficial effects in adopting reforms. In Bosnia and Albania, reforms have been accelerated when political elites realized that other countries in the region escaped the visa regime, and the public pressure for adoption of reforms increased. This is the regatta principle<sup>26</sup>, which may have beneficial effects in the regional competition between Moldova, Ukraine and possibly Georgia next in line. But for the regatta to encourage progress, one needs:
  - a) transparency on the performance of each government
  - b) firm application by the European Commission of the principle of `more for more`.
  
- ✓ There is a kind of fatalism in Chisinau among officials, who feel that because Ukraine is behind with implementing the Action Plan, Moldova is postponed, because the EU prefers to work with a block of the two countries. The Commission should prevent confirming this feeling. **The Moldovan state was in the middle of a serious effort of reform / coordination for the implementation of the Action Plan. Our evaluation shows that Moldova did a good job - beyond the large backlog on discrimination and corruption.** This effort deserves to be encouraged; otherwise the power of incentives will tend to decrease.
  
- ✓ The Action Plan for visas covers a broad spectrum of reforms. **These reforms should be popularized. During research interviews, we were surprised to hear how many things happen which are barely known outside official circles.** The reform of the Ministry of Interior (an unreformed institution that just three years ago was involved in serious abuses against human rights) has just begun through the laws adopted in the 1<sup>st</sup> phase. These laws will have to be applied. Resistance inside the system is strong, as, for example, the officer corps, many of whom are inherited from the USSR period, will resist demilitarization. Reformists in the system will need the EU and the pressure to apply the Action Plan in order to move things forward.

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<sup>29</sup> Alexandra Stiglmeier, "Learning from the Western Balkans Experience", Batory Foundation, Warsaw, January 2011



**UPDATE for the English version (8 June 2012)**

This report was presented in Chisinau in the middle of May. We pointed out the two major issues that still had to be solved to end the 1<sup>st</sup> phase of the Visa Liberalization Action Plan: anti-discrimination law and the strategy to reform the Center for Combating Economic Crimes and Corruption (CCECC). Essential evolutions occurred in the bold fields after the release of the Romanian version.

The Moldovan Parliament adopted on 31 May the Law concerning to the reform of CCECC and the antidiscrimination law. While the first one was voted by all the present MPs, the strongly controversial law on anti-discrimination passed by a small margin. The name of the law was changed into `law concerning the equality of chances` and its provisions were watered down. According to insiders into negotiations, the Moldovan government and the European Commission agreed on the new text before making it public. The law does not include the enumeration of anti-discrimination criteria (among them the sexual orientation, which triggered the protests), but the implicit principles are still there. The Commission was flexible in its demands, as we recommended in our report, and allowed the Moldovan government a face saving solution to overpass the political deadlock (the government said that it took into consideration legitimate reactions of the society).

Nevertheless, the conservative groups and the opposition continued to attack the government for passing the law. The Orthodox Church threatened President Timofti with excommunication for approving the law. Within the Church itself a conflict occurred between the extremists (supported by the Patriarch Kiril of Moscow) and more moderate elements who were accused of not protesting enough.

After passing these two crucial laws, the Moldovan Government expects a rapid decision from the European Commission for passing into the 2<sup>nd</sup> phase.

## ANNEX - the implementation of the National Action Plan for Visas Liberalization (1<sup>st</sup> Phase)

BLOCK I - Security documents, including the provision of biometric passports		
1. Adjustment and improvement of legislation on the issuance of passports to citizens of the Republic of Moldova, stateless persons and traveling documents to refugees and beneficiaries of humanitarian protection according to Law No. 273-XIII of November 9, 1994 on identity documents from the National Passport System	June 2011	Accomplished
2. Amendment of the legislation on the issuance of diplomatic and service electronic passports with biometric data	June 2011	Accomplished
3. Amendment of Law No. 1549-XV of December 19, 2002 on State fingerprint registration	June 2011	Accomplished
4. Amendment of Government Decision No. 376 of June 6, 1995 "On additional measures to create the national passport system"	June 2011	Accomplished
5. Amendment of Government Decision No. 333 of March 18, 2002 "For the Concept of automated information system" "State Register of Population" and the "Regulations on State Register of Population"	June 2011	Accomplished
6. Amendments to the Law No. 273-XIII of November 9, 1994 on identity documents of the National Passport System	June 2011	Accomplished
7. Implementation of provisional passports for certain categories of persons with disabilities	The 2 <sup>nd</sup> Semester of 2011	Accomplished
8. Adjusting the legislation to the Convention on the Status of Stateless Persons from September 28, 1954, from New York	June 2011	Accomplished
9. Implementation of the Project "Biometric passports for Moldova" funded by the European Commission  Ensuring in a proper way the access of EU diplomatic missions to the State Register of Population to allow them check data while issuing visas, including for the holders of biometric passports	December 2011	Accomplished
10. Establishment of the National Directory for public key certificates applied to biometric passports and its integration with Directories from other states and ICAO	December 2012	Accomplished
11. Development of Ethical Codes for the employees of public authorities responsible for the administration of the process of documentation of population	March 2011	Accomplished
12. Development and approval of continuous training programmes	April 2011	Accomplished
13. Training officials and employees of institutions (central and local) responsible for population registration and documentation in the areas of:  - Ethical Codes - Detection and fight against acts of corruption in the process of issuance of documents	Every semester	Accomplished
14. Development and implementation of a risk management Action Plan regarding the corruption risks in the area of population documentation and civil status registration	December 2011	Accomplished
15. Implementation of the project "Biometric passports for Moldova" funded by the	December	Accomplished

European Commission	2011	
16. Implementation of the Action Plan regarding the issuance of biometric passports approved by the Governmental Decision nr. 317 of 28 April 2010	December 2011	Accomplished
17. Preparation and carry out the tender for procurement of new passport booklets with integrated chip	April 2011	Accomplished
18. Identification of solutions to issue diplomatic and service biometric passports, including for printing of booklets for these passports	December 2012	Accomplished
19. Improvement of the production and personalization process of electronic passports	October 2011	Accomplished
20. Development and adoption of new regulations and procedures for improved identification of persons from the Transnistrian regions through family members and relatives, as well as for recognition of breeder documents and registration in the Transnistrian region	1 <sup>st</sup> Semester 2011	Accomplished
21. Preparing the implementation process of facial recognition technologies	December 2011	Not Accomplished
22. Improvement of the technology of production of biometric passports with the aim to increase the security level of personalization of these passports	December 2012	Rather not accomplished
23. Installation of a production line for provisional electronic passports personalization	2 <sup>nd</sup> semester 2011	Accomplished
24. Development and issuance of civil status breeder documents with a high level of security in order to prevent their forgery	June 2012	Accomplished
25. Digitization of civil status breeder documents	December 2012	Not Accomplished
26. Ensuring continuous electronic reporting to National Central Office of Interpol regarding lost and stolen passports	Permanent	Accomplished
27. Implementation of the Integrated Information System of registration of crimes, criminal cases and persons that committed criminal acts, that would include all the data with criminal character	31 <sup>st</sup> December 2011	Rather accomplished
28. Connecting to the Interpol system I-24/7INSYST of electronic real-time reporting of lost and stolen passports	1 <sup>st</sup> Semester 2011	Accomplished
29. Sending information through the established channel: Ministry of Information Technology and Communication – Ministry of Foreign Affairs and European Integration – EU member states missions	Annually, until September	Accomplished
<b>BLOCK 2 IRREGULAR IMMIGRATION, INCLUDING READMISSION AND BORDER MANAGEMENT</b>		
30. Drafting of the Law on state border of the Republic of Moldova.	March 2011	Accomplished
31. Develop and submit proposals for amending legislation on the demilitarization and professionalization of the Border Guards Service personnel and granting special status, decentralization of decision-making process, optimizing the structure at the tactical level, the allocation of competence throughout the country.	June 2011	Accomplished

32. Develop and submit proposals for amending legislation to ensure to the Border Guard Service competences of prosecution, examination of contraventions, expertise of travel documents, liability of carriers for transportation of foreigners without necessary legal documents, detection and investigation of cross-border crime, human smuggling and trafficking.	June 2011	Accomplished
33. Develop a model agreement and inter-institutional cooperation on migration, border management, visa and foreigners related issues	2 <sup>nd</sup> semester 2011	Accomplished
34. Development of new cooperation agreements and amend the ones existing at the inter-agency level in the area of exchange of information (including the operative information), risks analysis, exchange of experience, education, professional training, research activities, and other.	2 <sup>nd</sup> semester 2011	Accomplished
35. Development of the Action Plan for the effective implementation of the National Strategy for Integrated Border Management	January 2011	Accomplished
36. Presentation of the Action Plan for the implementation of the National Strategy Integrated Border Management	1 <sup>st</sup> semester 2011	Accomplished
37. Develop curricula as well as analytical programs according to the standards applied in EU member states and adapted to circumstances of vulnerability to corruption	March-July 2011	Accomplished
38. Professionalization of the Border Guards Service (replacing conscripts with contract-based employees).	2011-2012	Accomplished
39. Develop and submit proposals for amending laws and regulations in order to set forth the characteristics and technical requirements for construction of the state border crossing points, rules of procedure and standard technological schemes for carrying out controls at the state border crossing points	2 <sup>nd</sup> semester 2011	Accomplished
40. Development of the Internal Regulation of the Border Guards Service on approval of the practical Guideline Manual of state border control and surveillance	1 <sup>st</sup> Semester 2012	Rather accomplished
41. Development of the online electronic system of the Border Guards Service connecting it to the information systems of other national institutions with competences at the state border, including the implementation of the border checks technologies of the biometric passports	2 <sup>nd</sup> semester 2011	Accomplished
42. Construction and rebuilding of state border crossing points and border guard units (including the common border crossing points) according to EU/Schengen requirements and rules.	2011-2013	Rather accomplished
43. Provide supervision and control of subdivisions of the Border Guards Service, the National Coordination Centre, local contact points, secure communication channels, equipment, IT devices, transportation, specific methods, computer systems, independent means of producing energy, and other.	2011-2013	Rather accomplished
44. Development of surveillance and rapid intervention capacities using modern means and equipment and considering the principles of the concept of European System of Border Surveillance (EUROSUR).	2011-2013	Rather accomplished
45. Implementation of the system of mobile communications at the state border.	2 <sup>nd</sup> semester 2012	Rather accomplished
46. Cooperation with neighbouring states in order to finalise the process of state border demarcation	2011-2013	Accomplished

47. Creation of a 24/7 National Center of Coordination within the Border Guards Service (coordination of joint operations, activities of joint preparation, and other), as well as local contact points	2011	Not accomplished
48. Signature of an inter-agency cooperation agreement in the area of migration, border management, visa issuance and foreigners related issues	2 <sup>nd</sup> semester 2011	Rather accomplished
49. Signature of new agreements of cooperation, as well as amendment of the existing ones at the inter-agency level in the area of exchange of information (including the operative information), risks analysis, experience sharing, professional training, research activities, and other.	2 <sup>nd</sup> semester 2011	Accomplished
50. Development of the legal framework of cooperation with the border guard services of neighboring countries, EU and CIS member states, as well as other specialized institutions from EU.	2011-2013	Rather accomplished
51. Protocol of cooperation between the Border Guards Service of the Republic of Moldova and General Inspectorate of Border Police of the Ministry of Administration and Interior of Romania.	1 <sup>st</sup> Semester 2011	Accomplished
52. Joint Action Plan on the development of inter-agency cooperation of border guard institutions of the Republic of Moldova and Romania for 2011.	1 <sup>st</sup> Semester 2011	Accomplished
53. Protocol of cooperation between the Border Guards Service of the Republic of Moldova and Border Guards Service of the Committee of National Security of Kazakhstan.	1 <sup>st</sup> Semester 2011	Accomplished
54. Agreement of cooperation between the Border Guards Service and State Border Guard Committee of Belarus.	2 <sup>nd</sup> semester 2011	Accomplished
55. Protocol of cooperation between the Border Guards Service of the Republic of Moldova and Border Guards Service of Poland.	2 <sup>nd</sup> semester 2011	Accomplished
56. Protocol of cooperation between the Border Guards Service of the Republic of Moldova and Frontier and Immigration Service of Portugal.	2 <sup>nd</sup> semester 2011	Accomplished
57. Protocol of cooperation between the Border Guards Service of the Republic of Moldova and Border Police subordinated to Ministry of Interior of Georgia.	2 <sup>nd</sup> semester 2011	Accomplished
58. Implementation of the Action Plan of cooperation between the Border Guards Service of the Republic of Moldova and FRONTEX Agency for 2009 – 2011.	During 2011	Accomplished
59. Development and conclusion of the Action Plan of cooperation between the Border Guards Service of the Republic of Moldova and FRONTEX Agency for 2012 – 2014.	1 <sup>st</sup> Semester 2011	Accomplished
60. Develop reintegration programmes for Moldovan citizens (returned/repatriated voluntarily or readmitted on the basis of the Agreement with EU on readmission of illegally residing persons)	2 <sup>nd</sup> semester 2011	Accomplished
61. Drafting of the Law on integration of foreigners	3 <sup>rd</sup> trimester 2011- 2 <sup>nd</sup> semester 2012	Accomplished
62. Development of draft law on introducing the necessary amendments in national legislation (Contravention Code) and draft legislation to implement these changes for	1 <sup>st</sup> Semester 2011	Accomplished

identifying the liability of carriers in the transportation of persons from / to the Republic of Moldova. Harmonize the conditions for liability carriers with the requirements of EU legislation		
63. Develop inter-institutional mechanism of cooperation for distribution of skills and efficient process control (put in charge of both state control bodies and carriers), and the process of raising the liability of carriers involved in the illegal transportation of people and trafficking of human beings	1 <sup>st</sup> Semester 2011	Accomplished
64. Development of the National Strategy in the area of migration and asylum on the basis of the evaluation of the National Action Plan in the area of Migration and Asylum	1 <sup>st</sup> Semester 2011	Accomplished
65. Development and adoption of the Action Plan for implementation of the National Strategy in the area of migration and asylum	2 <sup>nd</sup> semester 2011	Accomplished
66. Consolidation of the communication within the inter-agency technical working group (TWG) at national level supervising the entire implementation process of the Extended Migration Profile exercise	1 <sup>st</sup> Semester 2011	Accomplished
67. Development of the Extended Migration Profile of the Republic of Moldova	2 <sup>nd</sup> semester 2011	Accomplished
68. Establishment of responsible institutions for regularly updating of Extended Migration Profile of the Republic of Moldova, collecting and analyzing data on migration stocks and flows	2 <sup>nd</sup> semester 2011	Accomplished
69. Creation of subsystems (separate software) for Ministry of Foreign Affairs and European Integration, Ministry of Labour, Social Protection and Family (National Agency for Employment), Ministry of Education, Service of Intelligence and Security	2 <sup>nd</sup> semester 2011	Rather not accomplished
70. Carrying out readmission procedures on the basis of Readmission agreement with EU	December 2011	Accomplished
71. Negotiation and signature of implementation protocols under the Readmission Agreement between the Republic of Moldova and EU with those EU Member States which so request (priority for 2011: Italy, Bulgaria, France, Czech Republic, etc.)	December 2011	Accomplished
72. Negotiation and signature of readmission agreements with Bosnia and Herzegovina, Serbia, Montenegro, Albania, as well as other third states	2 <sup>nd</sup> semester 2011	Accomplished
73. Implementation of the Law nr. 220 from 16 July 2010 on the regime of foreigners on the Republic of Moldova	1 <sup>st</sup> Semester 2011	Accomplished
74. Development of a mechanism of inter-agency cooperation based on the Law on the regime of foreigners	1 <sup>st</sup> Semester 2011	Accomplished
75. Building capacity of the administrative subordinated structures (Bureau of Migration and Asylum) with human resources in the context of implementation of the Law on the regime of foreigners in the Republic of Moldova	1 <sup>st</sup> Semester 2011	Accomplished
76. Implementation of the National Action Plan in the area of Migration and Asylum for 2010 - 2011	December 2011	Accomplished
77. Developing a National data management strategy	2 <sup>nd</sup> semester 2011	Not accomplished
78. Developing a two-year Government-owned plan for regular update and dissemination of the Extended Migration Profile	2 <sup>nd</sup> semester 2011	Not accomplished

79. Drafting Methodological guidelines for development and updating of the Migration Profile	2 <sup>nd</sup> semester 2011	Not accomplished
80. Efficient implementation of methodologies of inland detection of illegal migrants	December 2011	Rather not accomplished
81. Development and use of the risks analysis methods in the fight against illegal migration and staying of foreigners in the Republic of Moldova	December 2011	Rather not accomplished
82. Identification of needs and development of infrastructure of the Centre of temporary accommodation of foreigners, as well as employment of additional staff	June 2011	Accomplished
83. Strengthening the capacities of the institution responsible for performing the procedures or return and expulsion through seminars, trainings, study visits, training of trainers	2 <sup>nd</sup> semester 2011	Accomplished
84. Training of police officers and public officials involved in the management of migration and asylum through seminars, trainings, study visits, training of trainers	2 <sup>nd</sup> semester 2011	Accomplished
85. Continuous professional formation by coherent human recourses policies	2 <sup>nd</sup> semester 2011	Accomplished
86. Drafting the Law on integration of foreigners	3 <sup>rd</sup> trimester 2011- 2 <sup>nd</sup> semester 2012	Accomplished
87. Implementation of Law on asylum in the Republic of Moldova	2 <sup>nd</sup> semester 2011	Accomplished
88. Identification of solutions to ensure with travel documents refugees and beneficiaries of humanitarian protection (to ensure beneficiaries of international protection to have access to travel documents foreseen by the legislation).  Printing the books of travel documents for refugees and beneficiaries of humanitarian protection	2011	Accomplished
89. Strengthening the institutional capacities by staff training sharing the best practices regarding the procedures on special cases	1 <sup>st</sup> Semester 2011	Accomplished
<b>BLOCK 3 PUBLIC ORDER AND SECURITY DATA PROTECTION</b>		
90. Adoption of the Law on protection of personal data (a new version)	1 <sup>st</sup> trimester 2011	Accomplished
91. Sending to the Government for approval the draft Law introducing amendments to the Law on access to information and Law on state tax	2 <sup>nd</sup> trimester 2011	Accomplished
92. Adoption of the Law introducing amendments to the Law on access to information and Law on state tax	2 <sup>nd</sup> semester 2011	Accomplished
93. Adoption of the Law on ratification of the Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding supervisory authorities and transborder data flows, Strasbourg, 8 November 2001 and signed by the Republic of Moldova on 29 April 2010	1 <sup>st</sup> trimester 2011	Accomplished
94. Approval by Government Decision of the Regulation of the manual register of personal data holders (controllers)	1 <sup>st</sup> trimester 2011	Accomplished

95. Implementation of the Automated Informational System “Register of personal data holders”	2011-2012	Accomplished
96. Submitting to the Government for approval the draft Law on amendment of: Code of Administrative Offences, Law on approval of the Regulation of the National Centre for Personal Data Protection, structure, staff and ways of financing of the Centre, Law on the system of wages in the budgetary sector.	2 <sup>nd</sup> trimester 2011	Accomplished
97. Adoption of the Law on amendment of: Code of Administrative Offences, Law on approval of the Regulation of the National Centre for Personal Data Protection, structure, staff and ways of financing of the Centre, Law on the system of wages in the budgetary sector.	2 <sup>nd</sup> semester 2011	Accomplished
98. Negotiate and conclude the Agreement of cooperation with EUROJUST	31st December 2011	Not accomplished
99. Continuing the cooperation with EUROJUST on concrete cases through international judicial assistance in criminal matters	Permanent	Accomplished
100. Carrying out a study visit to EUROJUST in order to familiarize with the internal procedures of activity	2011	Not accomplished
101. Drafting and approval of the criminal procedural law provisions on international joint investigation teams	December 2011	Accomplished
102. Signature and ratification of the 2 <sup>nd</sup> Protocol of the European Convention of assistance in criminal matters	2011	Accomplished (needs to be ratified)
103. Practical implementation of the international judicial assistance in criminal matters of the provisions of conventions with particular regulatory purpose (fight against corruption, money laundering, fight against cyber crimes, trafficking in human beings, terrorism)	Permanent	Accomplished
104. Study visits of judges and prosecutors from the Republic of Moldova to counterparts from EU	December 2011	Rather accomplished
105. Creating Analytical and Information Unit within the Police Department of the Ministry Interior and making it operational	December 2011	Rather not accomplished
106. Finalization of EUROPOL scrutiny procedure the situation of personal data protection arrangements in the Republic of Moldova	1 <sup>st</sup> Semester 2011	Not accomplished
107. Assessment of the scrutiny procedure. Approval to launch the negotiations on conclusion of an Operational Agreement by the EUROPOL Management Board	2 <sup>nd</sup> semester 2011	Not accomplished
108. Amending of the Law on operative investigation with the view to adjust it to the new provisions on combating cross-border crime	2 <sup>nd</sup> semester 2011	Accomplished
109. Review of national legislation on interception of telephone conversations	2 <sup>nd</sup> semester	Accomplished
110. Review of relevant legislation in the framework of Police Cooperation Convention for South East Europe	2 <sup>nd</sup> semester 2011	Accomplished
111. Interconnection of database owners to ensure an adequate mechanism of	2 <sup>nd</sup> semester	Rather



information exchange	2011	accomplished
112. Strengthening cooperation within the existing joint subdivisions (SECI/GUAM, Galati Common Center, etc)	Permanent	
113. Negotiation and signature of bilateral and multilateral cooperation agreements in the field of law enforcement	Permanent	Rather accomplished
114. Organization of a meeting of liaison officers accredited for cooperation among law enforcement agencies	1 <sup>st</sup> semester 2011	Not accomplished
115. Adoption of drafts of the normative acts and policy documents in accordance with the international anti-corruption standards	1 <sup>st</sup> semester 2011	Accomplished
116. Harmonization of the definition of the term "corruption" with the international standards by adoption of the draft law on amending the Law nr 90-XVI from 25 April 2008 on preventing and fighting corruption	2 <sup>nd</sup> semester 2011	Accomplished
117. Adoption of the draft law on protection of informants	2 <sup>nd</sup> semester 2011	Accomplished
118. Providing the prevention and fighting corruption unit of the Center for Combating Economic Crimes and Corruption with necessary human and material resources	2011-2012	Rather not accomplished
119. Improving the information exchange between the Center for Combating Economic Crimes and Corruption and other authorities responsible for fighting corruption	2 <sup>nd</sup> semester 2011	Accomplished
120. Putting into practice of the mechanism on the implementation of the Law on conflict of interests by drafting the law on Commission on ethics, its structure and functions	2 <sup>nd</sup> semester 2011	Accomplished
121. Development of the draft on the modification of the Law on Code of conduct for civil servants	2 <sup>nd</sup> semester 2011	Accomplished
122. Development of the Draft law on the modification of the Law on the Center for Combating Economic Crimes and Corruption aimed at ensuring its independent activity	2 <sup>nd</sup> semester 2011	Not accomplished
123. Organization of the anti-corruption trainings for the civil servants and judiciary system employees	Periodically	Accomplished
124. Updating the Action Plan on the implementation of the Strategy on prevention and fighting money laundering and financing of terrorism	2 <sup>nd</sup> semester 2011	Accomplished
125. Drafting and adoption of the Law amending the Law no 190 – XVI from 26 July 2007 regarding prevention and fighting money laundering and financing of terrorism aimed at adjusting the legal framework to the international standards	2 <sup>nd</sup> semester 2011	Accomplished
126. Reviewing the legal framework to ensure an independent activity of the Service of prevention and fighting money laundering	2 <sup>nd</sup> semester 2011	Accomplished
127. Ensuring the implementation of the Action plan on the implementation of the National Strategy on prevention and fighting money laundering and financing of terrorism for the years 2010 - 2012	2011-2012	Accomplished
128. Organization of the trainings on best practices in the sphere of confiscation of assets of criminals	2 <sup>nd</sup> semester 2011	Accomplished

129. Finalize drafting the Law on prevention and combating organized crime	1 <sup>st</sup> semester 2011	Accomplished
130. Adoption of the Law on prevention and combating organized crime	2 <sup>nd</sup> semester 2011	Accomplished
131. Drafting of the National Strategy for prevention and Combating organized Crime	1 <sup>st</sup> semester 2011	Accomplished
132. Wide range of consultations with civil society and international organizations of the National Strategy for prevention and combating organized crime	2 <sup>nd</sup> semester 2011	Accomplished
133. Adoption of the National Strategy for prevention and combating organized crime	2 <sup>nd</sup> semester 2011	Accomplished
134. Drafting and adoption of the Action Plan of the National Strategy for prevention and combating organized crime	2 <sup>nd</sup> semester 2011	Accomplished
135. International expertise of the existing legal framework on trafficking in human beings and presenting of relevant recommendations on improving	December 2011	Accomplished
136. Regular update of the National Action Plan on fighting against trafficking in human beings	permanent	Rather accomplished
137. Creation of the Office of the National's Committee Secretariat	1 <sup>st</sup> semester 2011	Accomplished
138. Consolidation of the capacities of the National Drug Observatory (based on Czech Republic best practices )	2 <sup>nd</sup> semester 2011	Accomplished
139. Signature of Cooperation Memorandum with EMCDDA	1 <sup>st</sup> semester 2011	Rather accomplished
140. Implementation of the Action Plan of the Strategy for prevention and combating organized crime	2011	Rather accomplished
141. Strengthening the capacities in the area of special investigative measures and techniques.	2011	Rather accomplished
142. Enhancement of forensic laboratories capacities (including of DNA analysis)	2011	Not accomplished
143. Harmonization of the provisions of the Criminal Code, Procedural Criminal Code, as well the Minister of Interior Instructions in this field to the provisions of the Law and Strategy for prevention and combating organized crime	2 <sup>nd</sup> semester 2011	Accomplished
144. Increasing law enforcement cooperation with civil society and NGOs in: - signing cooperation agreements with interested NGOs; - promotion within the educational institutions democratic values and international human rights standards	Permanent	Rather accomplished
145. Improving monitoring and implementation mechanism of the National Reference System for protection and assistance of victims and potential victims of human trafficking	2 <sup>nd</sup> semester 2011	Rather accomplished
146. Extension of the National Reference System in all regions of Moldova and the active involvement of civil society in protecting and assisting victims and potential victims of human trafficking.	2 <sup>nd</sup> semester 2011	Accomplished
147. Encouraging cooperation between civil society and law enforcement agencies to monitor the fight against trafficking in human beings, impunity and corruption	2011 – 2012	Accomplished

prevention in cases of human trafficking by organizing annual conferences.		
148. Implementation of the Action Plan of the National Anti-drug Strategy for 2011 – 2013 (according the Governmental Decision no. 1208 from 27 December 2010)	2011	Accomplished
149. Amending of the Governmental Decision regarding the creation of the National Anti-drug Committee	1 <sup>st</sup> semester 2011	Accomplished
150. Creating a database on seized drugs and involved persons and sharing this information to the interested institutions	2011	Accomplished
151. Submitting to the Government all required materials necessary for ratification of the Council of Europe Convention (Lanzarote Convention) regarding the child protection against sexual exploitation and abuse	2 <sup>nd</sup> semester 2011	Accomplished
<b>BLOCK 4 EXTERNAL RELATIONS AND FUNDAMENTAL RIGHTS</b>		
152. Approval by the Government of the draft Law on prevention and fighting against discrimination	1 <sup>st</sup> semester 2011	Not accomplished
153. Submitting to the Parliament of the draft Law on prevention and fighting against discrimination	1 <sup>st</sup> semester 2011	Not accomplished
154. Adoption by the Parliament of the Law on prevention and fighting against discrimination in first and final reading	2 <sup>nd</sup> semester 2011	Not accomplished
155. Adoption by the Parliament of the National Human Rights Action Plan for 2011 – 2014 approved by the Decision of the Parliament no. 881 from 23 September 2010 (including its revision and improvement after the first reading according to the comprehensive anti-discrimination legislation, as recommended by UN and Council of Europe monitoring bodies in order to ensure effective protection against discrimination.	2011	Accomplished
156. Revision of the legal framework regarding the registration of the religious cults and the component parts.	August 2011	Accomplished
157. Legislation analysis and the practice of implementation in the field of freedom of conscience and contribution to the tolerance spirit acknowledgment between all the religious confessions within the Republic of Moldova	30 December 2011	Accomplished
158. Organization of public awareness campaigns	30 April 2011	Rather accomplished
159. To increase the level of awareness of population regarding the existence of the discrimination phenomenon in society	April 2011	Rather accomplished
160. Develop an Action Plan on Roma support for 2011 - 2015	1 <sup>st</sup> semester 2011	Accomplished
161. Promoting intercultural dialogue, tolerance spirit through organising of ethno-cultural events (festivals, days of the mother tongue, culture days, etc.)	2011-2014	Accomplished
162. To develop a training curriculum for police staff	September 2011	Accomplished
163. To establish and develop services for victims and aggressors of domestic violence	March 2012	Accomplished
164. To develop and implement rehabilitation programs for convicted persons serving	June 2011	Accomplished

sentences in prisons for cases of family violence and abuse		
165. To draft and approve Joint Instructions regarding the intervention of the sections/units of social assistance and family protection, medical institutions and law enforcement authorities in the cases of domestic violence, designed to determine the goal, necessity and principles of intervention in domestic violence cases, clearly determine the mechanism of action, powers and their limits in dealing with cases of violence within family relationships	April 2011	Accomplished
166. Creating a hearing room for child victims / witnesses of crime and staff training	March 2012	Not accomplished
167. Conducting a study examining the opportunity of recognizing the jurisdiction of the UN Committee against all forms of racial discrimination on individual complaints from Moldova on the basis of art. 14 of the Convention on the Elimination of All Forms of Racial Discrimination	1 <sup>st</sup> semester 2011	Accomplished
168. Drafting of the Law on Amending the Law on Citizenship no. 1024-XIV from 2 June 2000	1 <sup>st</sup> semester 2011	Accomplished
169. Carry out national anti-discrimination campaigns, edit anti-discrimination publications and organize interactive anti-discrimination show on TV and radio, etc.	2011-2014	Accomplished
170. Organizing round tables, conferences, debates and other activities in order to promote international standards on minority rights and to prevent discrimination on the basis of race, nationality, ethnic origin, language, belonging to national minority	2011-2014	Accomplished
171. Carry out social information campaigns in order to rise the level of awareness regarding the rights and obligations of the participants to the public assemblies in accordance with the Law on Assemblies	30 April 2011	Accomplished
172. Development and implementation of the National Information System "Evidence of immigrants and children left without parental care and facilitation of networking between parents and children or parents return to their country of those children having integration, education and care difficulties" (para. 7 from the Action Plan approved by the Governmental Decision no. 450 dated June 2, 2010)	2011	Rather accomplished
173. Amending the Governmental Decision related to the Rules of evidence of people in Moldova	1 <sup>st</sup> semester 2011	Accomplished
174. Revision and adjustment of national legal framework (Law on Citizenship, Law on identity documents from the National Passport System) in order to prevent and exclude cases of stateless persons in relation to the succession of states	1 <sup>st</sup> semester 2011	Accomplished
175. Adopt legal / regulatory framework for creation of a mechanism for determining the status of stateless person	2 <sup>nd</sup> semester 2011	Accomplished
176. Ensuring the freedom of movement and legal staying in the Republic of Moldova according to the national legislation, without applying unjustified restrictions or measures of a discriminatory nature	2011-2012	Accomplished
177. Monitoring of the mechanisms that ensure freedom of movement and legal staying in the Republic of Moldova	2011-2012	Accomplished
178. Training of civil servants and other officials, as well promoting public awareness campaigns for prevention and combat discrimination and ensuring freedom of movement among Republic of Moldova to Moldovan citizens and legally staying foreigners or stateless persons	2011	Accomplished

179. Updating information on the areas of compact residence of minorities	2 <sup>nd</sup> semester 2011	Accomplished
180. Identification of problems related to the process of documentation of persons belonging to minorities (that have a frequent and common character), as well as solutions to them	2 <sup>nd</sup> semester 2011	Accomplished
181. Ensuring the access of persons belonging to minorities the offices of documentation, including use of “mobile one-stop shops”	2 <sup>nd</sup> semester 2011	Accomplished
182. Identification of solutions for documentation of women and children through areas of activity (schools, working places)	2 <sup>nd</sup> semester 2011	Accomplished
183. Evaluation and analysis of issued identity and travel documents, as well refusal cases of issuance such document to all categories of persons, inclusively women, children, persons with disabilities, etc.	Permanent, semester report	Accomplished
184. Ensuring the issuance of documents from the National System of Passports for the persons residing in Transnistrian region according to the Governmental Decision on the safety measures of confirmation of citizenship and documentation of population from the districts situated in Transnistrian region nr. 959 from 09.09.2005 (with amendments)	Permanent	Accomplished
185. Implementation of procedures of identification at first documentation of the persons from Transnistrian region by requesting additional information on family members and relatives (breeder documents of parents, wedding certificates, and other)	2 <sup>nd</sup> semester 2011	Accomplished

## **Disclaimer**

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