

HUMAN RIGHTS ISSUES IN EU ACCESSION NEGOTIATIONS WITH CANDIDATE STATES: REPUBLIC OF MOLDOVA

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ABSTRACT

Since its emergence as an independent state on the political map of Europe, the Republic of Moldova has firmly proclaimed its intention to integrate into the European community. Assistance provided over the years by the European Union has enabled the implementation of structural reforms in various areas of cooperation and has contributed to the reconceptualisation of legal institutions in the field of fundamental human rights and freedoms, culminating in the evaluation of the institutional framework, particularly in the area of justice.

In this article, we analyse the development of the instruments that have formed the basis of Moldova's cooperation, initially with the European Communities and, subsequently, with the European Union. We focus specifically on the evaluation of cooperation in the field of fundamental human rights and freedoms. At the time of writing, the screening procedure for Moldova's accession to the European Union is ongoing. The status of the Republic of Moldova concerning Chapters 23 and 24 of the EU acquis is reflected in the 2023 European Commission Report and, subsequently, in the 2025 Republic of Moldova Country Report, part of the EU Enlargement Package.

Analysis of the documents underpinning negotiations with the Republic of Moldova reveals that certain areas remain insufficiently addressed. Consequently, this article aims to highlight additional domains within Chapters 23 and 24 of the EU acquis that could have a significant impact on Moldova's accession process to the European Union.

KEYWORDS

*accession negotiation
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1. Introduction

The emergence of the Republic of Moldova on the political map of the world took place during a period of profound geopolitical upheaval. The dissolution of the Union of Soviet Socialist Republics, the fall of the Berlin Wall, the end of the Cold War, and the outbreak of the Yugoslav conflict were key developments that shaped the aspirations of this young state in Southeastern Europe to pursue integration into the European Union.

From the earliest stages of its existence, the Republic of Moldova has taken clear steps towards accession to the European Union. Throughout this time, the state has demonstrated a commitment to European values and has upheld the obligations assumed in the context of cooperation in various forms with the European Union.

The text of the Declaration of Independence of the Republic of Moldova, adopted on 27 August 1991, expressly contains provisions guaranteeing: the exercise of social, economic, cultural and political rights for all citizens of the Republic of Moldova, including those of national, ethnic, religious and linguistic groups, in conformity with the provisions of the Helsinki Final Act and documents adopted afterwards, as well as the Paris Charta for a new Europe.²

Upon proclaiming its independence, the Republic of Moldova requested international recognition and explicitly expressed its desire to establish political, economic, and social relations with European states and countries around the world. In the period that followed, the young state consistently expressed clear intentions to join the European Union, and these aspirations have laid the foundation for the systemic reforms initiated since the establishment of the state and still ongoing today.

An extraordinary ministerial meeting of European Political Cooperation was convened in Brussels on December 16, 1991, to assess the transformations taking place in Eastern Europe and the USSR, including to draft a declaration concerning the European Community's relations with the newly independent states. In this context, the EC expressed its readiness to recognize, subject to the normal standards of international practice and political realities, those new states which, following the historical changes in the region, were established on a democratic basis, accepted the corresponding international obligations, and committed in good faith to respect peace and engage through diplomatic negotiations. The common position of the European Political Cooperation regarding the recognition of new states, adopted on December 16, 1991, emphasized the requirement for these newly independent states to adhere to the provisions of the UN Charter, the Helsinki Final Act, and the Paris Charter, particularly with respect to the rule of law, democracy, and human rights; to provide guarantees to ethnic, national, and minority groups in accordance with the obligations undertaken within the CSCE framework; to respect the inviolability of all borders, which may only be altered through peaceful means and mutual agreement; to accept all relevant commitments concerning disarmament and nuclear non-proliferation, as well as regional security and stability;

2 | Declaration of Independence of the Republic of Moldova, 1991.

and to undertake the obligation to resolve, through agreement – including arbitration – all matters relating to state succession and regional disputes.³

2. The Regulatory Framework of EU-Republic of Moldova Cooperation: A Human Rights Perspective

In broad terms, the evolution of the Republic of Moldova's relations with the European Union, as reflected in the texts of bilateral agreements and national legislation, through which the state aligns itself with European values – particularly in the area of human rights – appears as a succession of measures that have enabled the progressive development of this field.

The political dialogue between the Republic of Moldova and the European Union was officially established with the signing of the Partnership and Cooperation Agreement on 28 November 1994, and the initiation of the dialogue after the entry into force of the Partnership and Cooperation Agreement on 1 July 1998.⁴

The Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Moldova, of the other part,⁵ was concluded with the parties' conviction of the paramount importance of the rule of law and respect for human rights, particularly those of minorities, the establishment of a multiparty system with free and democratic elections, and economic liberalisation aimed at setting up a market economy. In this field, the signing of this agreement granted recognition to the efforts of the Republic of Moldova to create political and economic systems that respect the rule of law and human rights, including the rights of persons belonging to minorities, as well as to the fact that the Republic of Moldova operates a multiparty system with free and democratic elections and provides for economic liberalisation. Respect for democracy, principles of international law, and human rights are established as general principles of the agreement (Article 2), and minority rights have been expressly included in the political dialogue initiated under the Agreement (Article 6).

On 8 February 1995, the Parliament approved the Concept of the foreign policy of the Republic of Moldova⁶ (which remains in force to this day, the text having not been amended) establishing that the Republic of Moldova will expand and deepen its relations with the countries of Central and Western Europe. This is highly important due to their geographical position, economic potential, international prestige, and role in maintaining and strengthening peace, stability, and security on the continent, as well as due to the support provided by these countries to the Republic of Moldova in promoting socio-economic reforms, strengthening its independence, and integrating into European and

3 | Gavriluța, 2023, p. 50.

4 | Osmochescu, 2021, p. 163.

5 | Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, 1998.

6 | Decision of the Parliament of the Republic of Moldova on the Approval of the Concept of Foreign Policy of the Republic of Moldova, 1995.

global structures. The text of the Concept, in the section referring to regional and sub-regional cooperation, explicitly states that a major and long-term objective of the Republic of Moldova's foreign policy is gradual integration into the European Union.

On 28 June 2001, the Republic of Moldova became a member of the Stability Pact for South Eastern Europe. One of the main objectives of this Pact is to prepare the countries of the Balkan region for accession to the European Union. In the case of the Central and Eastern European countries obtaining the status of associated members of the EU, political considerations were primarily taken into account, as well as their geographical belonging to the European continent. In other words, the eastward enlargement of the EU was carried out in accordance with the decisions of the Madrid Conference (December 1995), according to which 'EU enlargement stems both from a political necessity and from the need to ensure stability and security across the continent.'⁷

Following the European Union's enlargement on 1 May 2004 – which marked a historic transformation for the EU and provided an opportunity for the Republic of Moldova to further strengthen its rapprochement with the Union – the EU–Moldova Action Plan was adopted on 22 February 2005. On 24 March 2005, the Parliament of the Republic of Moldova, by general consensus, adopted the Declaration on the European Integration of the Republic of Moldova, which identified as key reference points the need to ensure, in accordance with democratic principles, the independence of the judiciary, the fight against corruption, the protection of minorities, and the resolution of the Transnistrian conflict.

An analysis of the content of the Action Plan reveals that the requirements regarding the protection of human rights are addressed in the chapters concerning the strengthening of the judiciary, the fight against terrorism, and efforts to resolve the Transnistrian conflict. In the section specifically dedicated to fundamental human rights and freedoms and the measures to be undertaken to ensure their protection in line with EU standards, the Action Plan makes explicit reference to the protection of national minorities, prevention and combatting of human trafficking, eradication of ill-treatment and torture, safeguarding of children's rights, continuation of efforts to ensure equal opportunities for men and women, guarantee of freedom of expression, protection of freedom of association, and support for civil society development, as well as respect for trade union rights and core labour standards. Furthermore, within the same section, on the protection of fundamental human rights and freedoms, the need for the ratification of the Rome Statute of the International Criminal Court is expressly mentioned; the Statute was signed by the Republic of Moldova on 8 September 2000.

It is worth mentioning, in connection with the latter objective, that in order to implement the provisions of the Action Plan, the Government of the Republic of Moldova, prior to ratifying the Statute of the International Criminal Court, submitted a request to the Constitutional Court of the Republic of Moldova to assess its compatibility with the Constitution of the Republic of Moldova. In the opinion of the author of the referral, it was specifically the provisions concerning the Court's jurisdiction, the irrelevance of official capacity, and the surrender of individuals to the International Criminal Court that required constitutional review. On 2 October 2007, the Constitutional Court declared that the aforementioned provisions of the Rome Statute of the International Criminal Court were compatible with the Constitution of the Republic of Moldova. Subsequently,

7 | Moldovan, 2004, pp. 6–9.

on 9 September 2010, the Parliament of the Republic of Moldova adopted the Law on the ratification of the Rome Statute of the International Criminal Court.

The EU-Moldova Action Plan was established for the period from February 2005 to January 2008, and was later extended until 2009. Nevertheless, Moldova failed to fully implement it even by 2009. The fact that the implementation of the EU-Moldova Action Plan (EUMAP) was extended for an additional year demonstrates that the EU perceived the process as incomplete – particularly in key areas such as respect for human rights, freedom of the press, judicial independence, fight against corruption, and the business climate. According to both local and European experts, to make the European integration process genuinely effective, concrete changes are required. At the same time, the reasons behind the failure to meet these objectives include: the authorities' approach to the EUMAP as a checklist of tasks to be formally completed; the inadequate allocation of financial resources for implementing reforms; the deplorable state of the domestic political class; insufficient administrative capacity; and poor coordination of implementation efforts.⁸

The overall process of European integration has experienced a more dynamic momentum since 2009. The quality of European integration in the Republic of Moldova is assessed through the lens of the progress achieved as a result of implementing reforms in areas such as human rights, justice, technical or economic standards, and legislative harmonisation.⁹

The subsequent stage in the deepening of the Republic of Moldova's cooperative relationship with the European Union was marked by the negotiation of the Association Agreement between 2010 and 2014, which entered into force on 1 July 2016.

The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, having as its aim *inter alia* 'to promote and strengthen cooperation in the area of freedom, security, and justice, with the aim of reinforcing the rule of law and respect for human rights and fundamental freedoms,' devotes a separate chapter to the matter of Freedom, Security, and Justice. In this regard, it is expressly stated that 'Respect for human rights and fundamental freedoms will guide all cooperation on freedom, security, and justice' (Article 12, paragraph 3). Similarly, in this chapter, we find provisions regarding the protection of human rights in the context of the Protection of personal data, Cooperation on migration, asylum and border management, Movement of persons, and Combating terrorism.

Citizens of Moldova have benefited from visa-free travel to the Schengen area since April 2014.

In 2017, the European Parliament voted in favour of granting macro-financial assistance to the Republic of Moldova, aimed at supporting the sound management of public finances, the fight against corruption and money laundering, an independent judiciary, the depoliticisation of public administration, and freedom of the press. The preconditions for receiving this assistance related to the observance of effective democratic mechanisms, such as a multi-party system, the rule of law, and human rights. The European

8 | Solomon, 2023, pp. 87–97.

9 | Gavriluța, 2023.

Commission was granted the right to suspend or temporarily cancel any payment in cases where these conditions were not met.¹⁰

For the implementation of the Association Agreement, on 22 August 2022, Recommendation No 1/2022 of the EU – Republic of Moldova Association Council on the EU – Republic of Moldova Association Agenda was adopted, establishing that

the implementation of the new National Human Rights Action Plan, with a focus on the most vulnerable groups, will be a priority. The Republic of Moldova will ensure the effective execution of judgments made by the European Court of Human Rights (ECtHR) and create an efficient mechanism of Parliamentary control over such execution.

The Recommendation establishes clear actions that the Republic of Moldova is to undertake in this regard:

For the first 3–4 years, the state is expected to ensure that the human rights based approach will be effectively integrated in future governmental policy documents, to ensure the functioning and full independence of the National Preventive Mechanism against Torture, in accordance with Article 18, paragraph 3) of the Optional Protocol of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment; significantly improve the track record in the execution of decisions of the European Court of Human Rights; ratify Protocol no 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms on anti-discrimination etc. Referring similarly to the field of human rights and fundamental freedoms, the Republic of Moldova, within seven years of adopting the Recommendation, will ensure the effective implementation of the Council of Europe’s Framework Convention for the Protection of National Minorities; will enhance the implementation of the legislation on accessibility for persons with disabilities. Increase and improve accessibility to public buildings, transport and information for persons with disabilities; will ensure compliance with and the implementation of international commitments regarding the freedom of religion or belief etc.¹¹

On 3 March 2022, the Republic of Moldova presented its application for membership of the European Union. On 17 June 2022, the European Commission presented the Opinion on the Republic of Moldova’s application for membership of the European Union. In substance, the Commission advocated granting the Republic of Moldova candidate status, with the understanding that the state would implement the nine recommendations outlined at the conclusion of its position statement. These recommendations directly or indirectly affect the manner in which European standards for the protection of fundamental human rights and freedoms are transposed into national legal order and effectively enforced. The recommendations referred to the full implementation of justice sector reform, the continuation of efforts to eradicate corruption at all levels, the fight against organised crime, and, notably, the European Commission explicitly emphasised the need to strengthen the protection of human rights – particularly of vulnerable groups – promote gender equality, and combat violence against women.

10 | Juc and Beniuc, 2019.

11 | Recommendation of the EU-Republic of Moldova Association Council on the EU-Republic of Moldova Association Agenda, 2022.

The first Intergovernmental Conference, which formally launched the accession negotiations, took place on 25 June 2024. Moldova has continued to advance on its path towards EU accession. The constitutional referendum held in October 2024 enshrined EU integration in the Constitution of the Republic of Moldova. The bilateral screening meetings, which began in July 2024, were completed in September 2025. On 4 November 2025, the Commission adopted the Republic of Moldova 2025 Report.¹²

3. Evaluation of the National Normative System and the Main Challenges in Ensuring Compliance With the Standards Arising From the European Union's Aquis in the Field of Human Rights

At the European Council held in Helsinki in December 1999, it was decided that the political criterion – namely the existence of stable democratic institutions, respect for human rights, and the protection of minority rights – would be considered the decisive requirement to be fulfilled prior to the opening of accession negotiations. This circumstance is, to some extent, favourable for the Republic of Moldova, as it is currently closer to meeting the political criteria than the economic ones.¹³

As a result of implementing the provisions of the agreements that have governed the relations between the Republic of Moldova and the European Union since 1994, as well as the Action Plans adopted by the national authorities, both the normative and institutional frameworks have been fundamentally reformed. Thus, each time bilateral cooperation deepened, comprehensive assessments were conducted to identify systemic issues, followed by actions aimed at strengthening the capacity of national actors to identify risks to the association and accession process to the European Union. Regarding the constitutional framework in the field of human rights, it is worth mentioning that general approaches to the supremacy of international treaties (which, in the future, will include the treaties of the European Union) were analysed by the Constitutional Court of the Republic of Moldova in 1999, when it had the opportunity to express its general view on their implementation.¹⁴ This was done in accordance with Article 4 of the Constitution of the Republic of Moldova, adopted on 29 July 1994, which provides:

- (1) Constitutional provisions on human rights and freedoms shall be interpreted and are enforced in accordance with the Universal Declaration of Human Rights, with the conventions and other treaties to which the Republic of Moldova is a party.
- (2) Wherever disagreements appear between the conventions and treaties on fundamental human rights to which the Republic of Moldova is a party and its domestic laws, priority shall be given to international regulations.

12 | Republic of Moldova 2025 Report, 2025.

13 | Moldovan, 2004, p. 8.

14 | Judgment of the Constitutional Court of the on the Interpretation of Certain Provisions of Article 4 of the Constitution of the Republic of Moldova, 1999.

The Constitutional Court of the Republic of Moldova was addressed with the following questions:

What do the terms ‘covenants’ and ‘other treaties’ mean? Which international acts, from a constitutional point of view, fall under the category of covenants and which fall under treaties? What is the distinction between these acts?

Since when is the Republic of Moldova a party to covenants and international treaties: from the date of signing or from the date of ratification?

Which public authority is empowered to determine whether a specific law of the Republic of Moldova is not in accordance with the provisions of covenants and international treaties?

Ruling on the aforementioned questions, the Constitutional Court of the Republic of Moldova found the following:

Article 4 of the Constitution guarantees not only the fundamental human rights and freedoms enshrined in the Constitution but also the universally recognised principles and norms of international law.

The term ‘other treaties to which the Republic of Moldova is a party’, as stated in Article 4 (1) of the Constitution, refers to international treaties ratified by the Republic of Moldova, including international treaties to which it has acceded, which are enforceable for the Republic of Moldova.

The universally recognised principles and norms of international law, the ratified international treaties, and those to which the Republic of Moldova has acceded are an integral part of its legal framework and become norms of its domestic law.

If there are discrepancies between international covenants and treaties on fundamental human rights and the domestic laws of the Republic of Moldova, according to the provisions of Article 4 (2) of the Constitution, legal authorities are obliged to apply the international regulations.

From this, we can conclude that, at present, the Constitution of the Republic of Moldova explicitly recognises the primacy of international law over domestic law in the field of fundamental human rights and freedoms. Therefore, it will be capable of fulfilling its commitments, including those based on the Charter of Fundamental Rights of the European Union.

The regulation and constitutional interpretation in the spirit of the primacy of international treaties in the field of human rights, as well as the implementation of reforms based on the Joint Programmes of the Council of Europe and the European Union, grounded in an approach based on the principles of democracy, human rights, and the rule of law, have undoubtedly enhanced the quality of the judicial process. At the same time, certain challenges to the security of the Republic of Moldova, with imminent implications for fundamental rights and freedoms, are regarded by scholars and practitioners as circumstances that could severely affect the speed and quality of the country’s accession process to the European Union. This particularly refers to the increased number of applications relative to the population of the Republic of Moldova, where the ECtHR has found that the national authorities have failed to fulfil their positive and negative obligations regarding the rights enshrined in the European Convention on Human Rights (ECHR).

Another issue that has sparked endless and, unfortunately, sterile discussions regarding human rights protection is the existence, since 1992, of a secessionist region within the territory of the Republic of Moldova – specifically Transnistria, where constitutional authorities have no access. In its practice, the ECtHR has established, whenever

necessary, that in this part of the Republic of Moldova, the Russian Federation exercises effective control. Consequently, the Russian Federation is held responsible under the ECHR. The exclusion of the Russian Federation from the Council of Europe on 16 March 2022, raises an essential issue in achieving international justice under the ECHR, as this has sometimes been the only hope for litigants from the left bank of the Dniester to have their cases judged by an independent and impartial court, which, based on the 'law', ensures that they benefit from all guarantees of a fair trial.

Other human rights issues that remain central to discussions in the context of the Republic of Moldova's rapprochement with the European Union include freedom of the press and media pluralism, protection of minorities, gender equality, and treatment of individuals held in state custody.

3.1. Findings of the European Court of Human Rights in Cases Against the Republic of Moldova: A Benchmark in Assessing Compliance With the European Union Accession Criteria

Both in the RM-EU Action Plans and their implementation strategies, as well as in the official documents of the European institutions responsible for evaluating candidate states for accession, references are consistently made – whenever arguments are formulated or initiatives justified – to statistics and high-profile cases that reveal systemic issues highlighted by the ECtHR. The trends recorded in the statistical data of the Strasbourg jurisdictional body raise serious concerns.

Between 1998 and 2024, approximately 17,700 applications were submitted to the Court, in which applicants alleged violations by the Republic of Moldova of their fundamental rights and freedoms. During this period, more than 600 judgments were delivered in which the Court found violations of the Convention.

As of the end of 2024, out of a total of 60,530 pending applications before the ECtHR, 1.9% (1,150) concern cases against the Republic of Moldova. These figures place the Republic of Moldova in 9th place among the Member States of the Council of Europe. For a country with a population of approximately 2,400,000 people, this statistic reflects a disproportionately high rate of cases brought before the ECtHR, indicating the persistence of systemic issues in ensuring and effectively protecting fundamental rights and freedoms at the national level.

In total, in 2024, the ECtHR issued 17 judgments in cases against the Republic of Moldova. In 15 of these cases, it found violations by the authorities of rights and freedoms guaranteed by the ECHR. The majority of these rulings concerned the right to a fair trial (5 judgments), prohibition of discrimination (5 judgments), and protection of property (5 judgments). Additionally, by the end of 2024, 163 cases were pending before the Committee of Ministers for supervision of execution.

3.2. The Transnistrian Conflict and the Republic of Moldova's Accession to the European Union

The dissolution of the USSR triggered the emergence of secessionist movements with aggressive messages and actions in several former socialist republics, leading to armed conflicts. One of these was the armed conflict of a non-international character – which later became internationalised – in 1992 in the Republic of Moldova (the Transnistrian conflict). As a result, the central authorities are unable to exercise effective control over the western bank of the Dniester River.

At the time of its accession in 1997 to the Convention for the Protection of Human Rights and Fundamental Freedoms, the Republic of Moldova made several reservations,¹⁵ one of which specifically addressed the applicability of the treaty to a particular part of the state's territory—namely, the region of Transnistria (the left bank of the Dniester River), where, as a result of the armed conflict in 1992, the Government no longer exercises effective control.

The Republic of Moldova declared that it would not be able to ensure compliance with the provisions of the Convention regarding omissions and acts committed by the authorities of the self-proclaimed Transnistrian Republic on the territory effectively controlled by them until a definitive resolution of the dispute in that area is achieved.

It is important to note that, in examining the 'jurisdiction' of the Republic of Moldova under Article 1 of the ECHR during the admissibility stage of the case of *Ilie Ilașcu and Others vs. Moldova and the Russian Federation*,¹⁶ the ECtHR had the opportunity to rule on the effect of the reservation made by the Republic of Moldova. It stated that it would not be able to ensure compliance with the provisions of the Convention regarding omissions and acts committed by the authorities of the self-proclaimed Transnistrian Republic on the territory effectively controlled by them until a definitive resolution of the conflict in that area. The Court clearly established: ... firstly, Moldova's declaration does not refer to any particular provision of the Convention. [...] Secondly, the Court notes that the declaration does not refer to a specific law in force in Moldova. The words used by the Moldovan Government – 'omissions and acts committed ... within the territory actually controlled by such organs, until the conflict in the region is finally definitively resolved' – instead indicate that the declaration in question is of general scope, unlimited as to the provisions of the Convention but limited in space and time, whose effect would be that persons on that 'territory' would be wholly deprived of the protection of the Convention for an indefinite period.

In view of the foregoing, the Court considered that the aforementioned declaration cannot be equated with a reservation within the meaning of the Convention, so that it must be deemed invalid. The Court consequently dismissed the Moldovan Government's preliminary objection based on the existence of the declaration.

Nevertheless, we observe how the High Court in Strasbourg admits the applications submitted against the governments of the Russian Federation and the Republic of Moldova, declaring them admissible, as they concern violations of the rights guaranteed by the Convention. At the same time, in establishing the jurisdiction of the Republic of Moldova under Article 1 of the Convention, the reasoning established in the case of *Ilașcu and Others v. Moldova and Russia*¹⁷ is repeated, namely:

the Court considers that the Moldovan Government, the only legitimate government of the Republic of Moldova under international law, does not exercise authority over part of its territory, namely that part which is under the effective control of the 'Moldavian Republic of Transdnistria'.

15 | Decision on the Ratification of the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as of Certain Additional Protocols thereto, 1997.

16 | *Ilașcu and Others v. Moldova and Russia* (GC), 2001.

17 | *Ilașcu and Others v. Moldova and Russia* (GC), 2004.

Specifically, in the spirit of this finding, the Russian Federation was held responsible both in the case of *Ilașcu and Others* and in the cases subsequently submitted to the jurisdiction of the ECtHR, where the applicants invoked violations of the right to education,¹⁸ illegal detention, and inhuman and degrading treatment in coercive contexts within detention facilities in Transnistria,¹⁹ the right to life,²⁰ protection of property,²¹ etc on the left bank of the Dniester River.

Given that an international judicial body has repeatedly established that the Government of the Republic of Moldova does not exercise effective control over the secessionist region, considering the military presence of foreign armed forces in that territory, and based on the unclear and sometimes contradictory political statements made by representatives of both the Republic of Moldova and the European Union, it remains entirely unclear to what extent, in the event of Moldova's accession to the European Union, the state will be able to fulfil the obligations arising from the EU acquis, particularly in the area of ensuring fundamental rights and freedoms.

4. Assessment of the Compatibility of the Normative Framework of the Republic of Moldova in the Field of Human Rights With the Provisions of Chapters 23 and 24 of the EU Acquis

| 4.1. *Functioning of the Judiciary and Prosecution Service*

To align national legislation with European Union standards concerning impartiality, anti-corruption efforts, and integrity within the legal order of the Republic of Moldova, a series of reforms were undertaken targeting the judiciary and the prosecution service. Specifically, new evaluation mechanisms for magistrates were developed, aimed at ensuring their integrity and enhancing public confidence in the justice system as a whole.

A first step in this direction was the introduction of the pre-vetting procedure through the Law on Certain Measures Related to the Selection of Candidates for Membership in the Self-Governing Bodies of Judges and Prosecutors, adopted on 10 March 2022. This law applies to the integrity assessment of candidates for membership in the following bodies: the Superior Council of Magistracy; the Board for the Selection and Career of Judges; the Judicial Performance Evaluation Board; the Disciplinary Board of Judges; the Superior Council of Prosecutors; the Board for the Selection and Career of Prosecutors; the Prosecutorial Performance Evaluation Board; and the Disciplinary and Ethics Board under the Superior Council of Prosecutors. Following the enforcement of this law, new compositions of the Superior Council of Magistracy and the Superior Council of Prosecutors, as well as of their subordinate boards, were established.

18 | *Catan and Others v. Moldova and Russia* (GC), 2012.

19 | *Mozer v. Moldova and Russia*, 2016.

20 | *Pisari v. Moldova and Russia*, 2015.

21 | *Turturica and Casian v. Moldova and Russia*, 2017. *Pădureț v. Moldova and Russia*, 2017.

In the context of the measures taken by the Government of the Republic of Moldova as an EU candidate country, and in order to fulfil the justice sector conditionalities – particularly those concerning judicial reform and the cleansing of the judiciary – on 30 March 2023, the Law on the External Evaluation of Judges and Candidates for the Position of Judge at the Supreme Court of Justice was adopted. This law established a procedure for the external evaluation of the ethical and financial integrity of sitting Supreme Court judges and candidates for that position. The evaluation is conducted by an Evaluation Commission whose members are appointed by the Parliament of the Republic of Moldova. Following the evaluation, the Commission issues a reasoned report containing a recommendation for passing or failing the evaluation. The report is submitted to the Superior Council of Magistracy, which may, in general terms, accept or reject the Commission's findings. A decision by the Council not to confirm the evaluation results in the dismissal of the judge concerned. However, such a decision may be challenged before the Supreme Court of Justice.

In a related development, on 17 August 2023, the Parliament of the Republic of Moldova adopted the Law on the External Evaluation of Judges and Prosecutors and the Amendment of Certain Normative Acts. In the explanatory note to the bill, the Ministry of Justice explicitly stated that the external evaluation of judges and prosecutors constitutes a national and international commitment of the Republic of Moldova. This reform is one of the key conditionalities stemming from the Republic of Moldova–European Union Association Agreement.

Under the new law, the subjects of the evaluation procedures include: presidents and vice-presidents of courts; judges of the courts of appeal; the Prosecutor General and Deputy Prosecutors General; heads of divisions within the General Prosecutor's Office; prosecutors holding the position of chief prosecutor or deputy chief prosecutor of a territorial prosecution office; and prosecutors within specialised prosecution offices. As with the earlier procedure, the members of the Evaluation Commission are appointed by the Parliament of the Republic of Moldova. The resulting reports – whether recommending the passing or failing of the evaluation – are submitted to the Superior Council of Magistracy or, as applicable, the Superior Council of Prosecutors, with the possibility of appealing the self-governing bodies' decisions to the Supreme Court of Justice.

The implementation of the above-mentioned legal framework has had unforeseen consequences. In 2024 alone, more than 50 judges from the courts of appeal and the Supreme Court of Justice chose to resign in order to avoid undergoing the evaluation process. As a result, the judiciary entered an unprecedented crisis, as the caseload of the departing judges was redistributed to the remaining ones, while the procedures for appointing new judges have been delayed.

Regarding the organisation and functioning of the Public Prosecution Service of the Republic of Moldova, it should be noted that, starting from 2019, the legal framework in this area has undergone substantial amendments aimed at meeting the requirements of improved management, transparency, and accountability.

In the report published on 4 November 2025, the European Commission found, with regard to the functioning of the judiciary, that while the implementation of strategic documents is satisfactory, independence and impartiality are improving, including through the continued vetting of judges and prosecutors, and the framework for regulating accountability is also satisfactory, the quality and efficiency of justice still need to improve.

In this context, the most recent amendments to the national regulatory framework and the reforms carried out within the National Institute of Justice and the Constitutional Court were reviewed, as well as the establishment of the Agency for Digitalization in Justice and Judicial Administration.

The Commission issued several recommendations, noting that in the coming year, Moldova should focus in particular on introducing a randomised system for the allocation of cases to prosecutors based on clear and objective criteria, as well as significantly improving court clearance rates and disposition time in courts.

| 4.2. *Fundamental Rights*

In the 2025 Republic of Moldova Report, the European Commission noted that the implementation of the national human rights action programme is ongoing. Detention conditions remain a concern, as does the treatment of persons with disabilities in specialised institutions. In the period ahead, Moldova should, in particular:

- Improve interinstitutional cooperation, especially with the Equality Council and the People’s Advocate Office, and ensure that adequate resources are available.
- Improve detention conditions to implement judgments of the ECtHR and address all the recommendations of the 2023 report of the Committee on the Prevention of Torture, including by improving medical treatment of persons deprived of their liberty.
- Adopt the National Social Inclusion Programme of People with Disabilities, step up safe deinstitutionalisation of adults and children with disabilities through community-based solutions.

As part of the harmonisation of national legislation with European Union standards in the field of equality and non-discrimination, and in order to promote and ensure gender equality, Moldovan authorities have undertaken a series of positive actions. Among these is an amendment, on 15 August 2024, of the Law on Preventing and Combating Violence Against Women and Domestic Violence,²² which introduced, inter alia, the concept of femicide. Femicide is defined as an act of violence against women, including girls, resulting in the victim’s death, as a consequence of intentional homicide, serious bodily injury, or domestic violence, or suicide of the victim caused or facilitated by domestic abuse, or committed based on gender-based prejudice.

This legislative initiative was based on several European instruments, including: Directive (EU) 2024/1385 of the European Parliament and of the Council of 14 May 2024 on combating violence against women and domestic violence; the European Parliament Resolution of 11 October 2007 on the murders of women (femicide) in Mexico and Central America and the role of the European Union in combating this phenomenon; and the 2007 report by the European Parliament’s Committee on Women’s Rights and Gender Equality regarding femicide in Mexico and Central America and the EU’s role in addressing it.

As it is a fundamental obligation of the state, the protection of victims of domestic violence must be ensured through timely and effective measures, aimed both at preventing such violence and at bringing perpetrators to justice.²³ Furthermore, the November 2025

22 | Law No. 45 of 01 March 2007 on Preventing and Combating Violence against Women and Domestic Violence. Published: 18-03-2008 în Monitorul Oficial Nr. 55-56 Article 178.

23 | Nastas, 2025, p. 9.

Report on the Republic of Moldova contains the recommendation addressed to the Moldovan authorities to strengthen the institutional capacities, data management, funding, and implementation of the national programmes on gender equality and gender-based violence.

In addition, regarding equality and non-discrimination, the Commission recommends that the Republic of Moldova proceed with the ratification of Protocol No. 12 to the ECHR, which provides for a general prohibition of discrimination.

In the area of freedom of expression, although notable progress has been recorded, including the adoption of new legislation on access to information and the protection of journalists, significant challenges remain. In particular, media ownership concentration and political influence persist, while intimidation of journalists by private actors has increased. In the coming year, Moldova should, in particular:

- Review the mechanism allowing for the withdrawal of TV and radio broadcasting licences under the Law on Strategic Investments to bring it into line with the EU acquis and international standards, as well as extend media ownership transparency requirements to online and print media.
- Adopt a new Law on Mass Media to strengthen the regulatory framework for freedom of expression, including enhanced transparency provisions for print and online media.
- Ensure adequate protection of journalists against intimidation and attacks, including through thorough and impartial law enforcement investigations.

Regarding property rights, the European Commission noted in 2025 that the legal and institutional framework for the protection and enforcement of property rights is largely established. However, procedures for the restitution and reinstatement of property rights remain complex and time-consuming. In addition, Moldova needs to strengthen the enforcement of court rulings related to property rights.

| **4.3. Human Rights Issues in the Area of Justice, Freedom, and Security**

With reference to the latest findings under Chapter 24: Justice, Freedom, and Security, as outlined by the European Commission in its November 2025 Report on the Republic of Moldova, a number of key human rights concerns remain relevant.

The protection of children's rights remains a major concern. The criminalisation of all forms of child sexual abuse has not yet been fully completed, and relevant legislation is still being aligned with the EU acquis. While specialised structures and services for victims have been established, investigative and protection capacities require further strengthening.

Trafficking in human beings continues to pose a serious human rights challenge. Although a national strategy and coordination mechanisms are in place, the legal framework remains only partially aligned with EU standards. Stronger measures are needed to ensure early identification of victims, effective protection, and the prosecution of new forms of exploitation, including online exploitation and cases involving minors.

The rights of migrants, refugees and asylum seekers represent a particularly sensitive issue in light of the significant increase in persons displaced by the war in Ukraine. While the legal framework is partially aligned with the EU acquis and temporary protection has been granted, national authorities face persistent resource constraints. Access

to information, legal assistance, and safeguards against refoulement need to be further improved, particularly at border crossing points.

Protection of the right to asylum and of persons with special needs requires stronger referral mechanisms and enhanced institutional capacity of the authorities responsible for asylum and migration management.

Security and counter-terrorism measures raise potential concerns for fundamental rights, notably in relation to entry refusals and expulsions on national security grounds. The absence of a comprehensive framework for preventing radicalisation highlights the need to ensure an appropriate balance between security objectives and the protection of human rights.

5. Conclusions

The Republic of Moldova has come a long way in establishing sufficient credibility in the eyes of the European Union and each EU member state in order to obtain candidate status. Since its emergence as an independent state on the political map of the world, the country has 'tried on' multiple roles in its cooperation with the European Communities – now the European Union – always pursuing the goal of European integration by obtaining EU membership.

The successful development and implementation of reforms impacting the field of fundamental human rights and freedoms – currently closely monitored by European Union institutions – will logically lead to increased public awareness in the Republic of Moldova of the internal processes of the European Union. This will contribute to the cultivation of European values and, ultimately, to the effective enhancement of legal culture within the national society.

At the time of writing this article, the degree of compliance of Moldova, a candidate country, with the provisions of the EU *acquis* had already been assessed. Overall, the European Commission's reports highly appreciate the measures undertaken to implement the Association Agreement and to align the legislation of the Republic of Moldova with the EU *acquis*. However, persistent challenges remain, particularly under Chapters 23 and 24 of the *acquis*. These include ongoing concerns related to the protection of minorities, children and persons with disabilities, as well as gender-based violence, the protection of victims of trafficking in human beings, and the rights of refugees, displaced persons, and asylum seekers.

In the context of this research, we found it appropriate to refer to the situation in Transnistria, part of the territory of the state where the Government of the Republic of Moldova has not exercised effective control since 1992.

The actual situation in this part of the territory of the Republic of Moldova reveals a significant threat to regional security and a tangible inability of the Republic of Moldova to exercise its sovereignty over the areas controlled by the secessionist regime. Since 2004, the ECtHR has issued a series of rulings establishing the Russian Federation's responsibility for violations of fundamental rights and freedoms, as guaranteed by the ECHR, occurring in Transnistria. While the Russian authorities broadly rejected these judgments as politically motivated during the time the Russian Federation was a party to the Convention, the mechanism nonetheless offered a measure of hope to individuals

residing on the left bank of the Dniester that their cases would be heard and their rights restored. Following the expulsion of the Russian Federation from the Council of Europe, even this last remaining hope has been extinguished, and the region on the left bank of the Dniester has effectively become a true shadow zone of human rights protection. In the context of the present study, a logical question arises as to whether the Moldovan authorities will be able to ensure the implementation of the provisions of the European Union *acquis* in the secessionist region, where even the mechanisms of the ECHR cannot be applied due to the lack of 'jurisdiction' of the Republic of Moldova, as defined under Article 1 of the Convention.

The success of the Republic of Moldova's pre-accession negotiations with the European Union depends on the continuation and efficiency of measures aimed at resolving the Transnistrian conflict through the unconditional reintegration of the country, on efforts to prevent and combat the scourge of corruption, on ensuring freedom of the press, the integration of minorities, and other key reforms.

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