

**THE INSTITUTE OF PARLIAMENTARY
ADVOCATES (OBBUDSMAN) IN THE REPUBLIC
OF MOLDOVA: PART OF THE NATIONAL
MECHANISM FOR PROTECTION OF
HUMAN RIGHTS**

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Present situation with human rights in Moldova is very typical for many developing countries, where government has officially proclaimed protection of human rights and freedoms as a priority in the public affairs. However, due to the difficult social-economic conditions and authoritarian legacy of the past these declarations often remain on paper.

One would hardly argue that Moldova didn't move since the proclamation of its independence to the better protection of human rights. National Constitution adopted in 1994 contains the majority of the civil, political and economic rights and liberties guaranteed by the state in the majority of democratic nations. Moldovan legislation has been continuously reformed in order to correspond to the international standards in this area. Moldova has joined several international and regional treaties that provide certain mechanisms for monitoring the situation of human rights in the country, addressing the causes of violations and encouraging the government to undertake proper steps in combating the identified violations.

Thus, Moldova is a part in both International Covenants on political, economic, social and cultural rights; it has ratified Universal Declaration of Human Rights and several international documents

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addressing particular categories of individuals and their rights such as Convention of the Rights of the Child and other. Within the Community of Independent States Republic of Moldova is part to the Convention of the Community of Independent States on Human Rights of May 26, 1995 and Law of the Community of Independent States regarding Human Rights Committee of September 24, 1993. However, these two documents remain merely declarations; they are amorphous legal instruments that lack basic enforcement mechanisms.¹

Among regional treaties the most important is European Convention of Human Rights and Fundamental Liberties, which Moldova ratified in order to become a member in Council of Europe. This regional treaty creates an effective mechanism that is aimed to protect human rights under the Convention even in case when Member-state allows or fails to prosecute the violation. It is the European Court of Human Rights that accepts individual complaints against the governments of Member-states when all domestic remedies were exhausted. Unfortunately, citizens of Moldova, due to certain objective factors, cannot fully take advantage of this method when deprived of their rights and liberties. However, there were several decisions of the ECHR against Moldovan government that had a great impact on the situation with human rights in certain areas.²

National judiciary is aimed to be the key institution, which should provide effective reestablishment of citizens in their rights in case of violations committed by the government officials or private parties. There were several judicial reforms that shaped the structure and internal hierarchy of the judicial system, trying to provide maximum level of accessibility to justice for the ordinary citizen. New Code of Criminal Procedure provides more guarantees for the suspects, accused, victims, and witnesses in protection of their constitutional rights during

¹ *Parliamentary Advocate*, Newsletter of the CHRM, Oct-Dec 2000, Number 5, Volume 1, p. 2

² Alexandr Svetlicinii, *Republic of Moldova as a Respondent State in the European Court of Human Rights*, Eastern European Human Rights Law Journal, Volume 2, Number 2 (April 18,2005) p. 8

the course of investigation, interrogation, trial, appeal and other stages during the process of criminal justice. Thus, with the introduction of the position of special judge for criminal investigation, every action taken by the investigator and prosecutor, that cause limitation or intrusion with constitutional rights of the citizens, now require the prior approval of that judge.

Another important and active player in the field of human rights protection that is continuously increasing its capabilities is civil society represented by numerous non-governmental organizations, grass root groups, representatives of local administration and responsible citizens. They have been very active in fighting against violations filing law suits, writing petitions and legislative proposals and assisting individual citizens in their cases. Majority of the complaints filed with the European Court of Human Rights against Moldovan authorities were filed by lawyers and legal experts, members of the non-governmental human rights organizations.³

But this panorama of national, regional and international mechanisms for protection of human rights applicable to the Republic of Moldova wouldn't be comprehensive without mentioning another important element in the national protection system. It is the institute of the Parliamentary Advocates (*ombudsman*) that are appointed by the Parliament in order to guarantee the observance of constitutional rights and freedoms by central and local public administration, institutions, organizations and enterprises regardless of their type of ownership, by public associations, as well as by officials at all levels.

At present *ombudsman* institutions are in operation in over ninety countries world-wide. They complement and expand the traditional parliamentary control over the executive authorities, and yet do not take over the functions of other institutions, such as courts. In 1995-1996

³ Two most active nonprofit organization in this matter were Lawyers for Human Rights and Moldova Helsinki Committee for Human Rights, both Chisinau-based NGOs

special expert missions, on an assignment of the United Nations Development Programme, made a rigorous assessment of the exercise of fundamental human rights in Moldova and found it expedient that a national institution for protection of human rights be established in the republic. In its report experts have also found that there must be actions, conditions and mechanisms by which to ensure the protection of the life of individuals, their honor, their dignity and their property. These mechanisms were still ineffective in Moldova.⁴

In 1996 United Nations Development Programme and the United Nations Office of High Commissioner for Human Rights have initiated a project “Support to Democratic Initiatives in the Field of Human Rights in the Republic of Moldova”. One of the goals was the creation and capacity building of the independent national institution for promotion and protection of human rights. This project has been also supported financially by the Governments of Sweden and the Netherlands. The Second International Conference on Ombudsman and Human Rights Institutions that was held in spring of 1996 in Chisinau arrived at similar conclusion, this time in the context of international experience, though. All these experiences were later embodied into the Law on Parliamentary Advocates enacted in October 1997 by Moldovan Parliament. Administering the above Law, in February 1998 the Parliament appointed three Parliamentary Advocates and assigned equal rights and responsibilities to each of them.⁵

To incorporate this newly established institution into a separate agency, Moldovan Government has adopted a statute of the Center for Human Rights of Moldova (CHRM) – office of Parliamentary Advocates that should provide them with necessary logistical and technical support and

⁴ Republic of Moldova Human Development Report 1996, Chapter 2 Political Reforms – Conditions for Building a State and Integration of Society, United Nations Development Programme (UNDP), available at <http://www.undp.org/rbec/nhdr/1996/moldova/>

⁵ <http://www.iatp.md/cpdom/en/ombudsmen.htm>

assistance.⁶ When analyzing the legal status of the CHRM, we can easily identify the provisions that since the beginning undermine the efficiency of the Center in achieving its objectives. According to the provisions that regulate the internal structure of the Center, its staff is composed of only 22 employees including Parliamentary Advocates. Leaving auxiliary personnel outside discussion we have 17 persons of whom 12 are lawyers and 5 are of supporting personnel.⁷ Several employees work on behalf of UNDP program in supporting the Center, as, for instance, the project manager and legal specialist responsible for hot line established to consult the citizens on legal matters. CHRM has also three branch offices in Balti, Cahul and Comrat that were established to ensure the access of the citizens in these areas (North, Center and South of the Republic) to the Parliamentary Advocates.⁸ Currently, only two Parliamentary Advocates work at the CHRM: Ms. Raisa Apolschii (Director) and Mr. Iurie Perevoznic. Third Parliamentary Advocate Ms. Alina Ianucenco has been recently appointed, as a judge in the Constitutional Court and her position is vacant waiting for another person to be appointed by the newly elected Parliament. The three Parliamentary Advocates concentrations area is drawn on the mechanical criteria of division of laws in Moldova: Civil Law-Labor Law-Land Law; Criminal Law-Administrative Law-Penitentiary Law; Social Security Law-Family Law.

It is obvious that if the Center is aimed to be a key organization in the human rights area, if it has to research each petition and effectively react

⁶ Hotarirea Parlamentului Republicii Moldova cu privire la aprobarea Regulamentului privind Centrul pentru Drepturile Omului, a structurii, statului de functii si modului de finantare a acestuia Nr.1484 din 05.02.98, Monitorul Oficial al R. Moldova nr.22-23 din 12.03.1998

⁷ For detailed table of the internal structure of the CHRM see Anexa nr.2 la Hotarirea Parlamentului nr.1484-XIII din 5 februarie 1998 Structura si statul de functii ale Centrului pentru Drepturile Omului

⁸ Anexa nr. 3 la Hotarirea Parlamentului nr. 1484-XIII din 5 februarie 1998 structura si statul de functii ale filialelor Centrului pentru Drepturile Omului din judetele Balti, Cahul si U.T.A. Gagauzia

on the identified violations, it has to be provided with sufficient amount of human resources, i.e. competent personnel of legal specialists, attorneys, program managers, administrative and technical assistance staff. The structure of the regional branches of the Center was developed in the same way: each branch employs only five people including specialists and administrative staff. Throughout the years of Center's existence the situation hasn't changed: the structure and the budget remain strictly limited and doesn't include the resources necessary for providing qualified public service.

In 2001 Chamber of State Auditors has conducted an inspection aimed at assuring that the Center is properly managing the financial resources allocated for its activity as a part of the state budget. In this report Chamber of State Auditors has revealed that Center failed to follow several regulations that are related to the accounting and financial transactions. Specifically, the Chamber notes that Center had no right to increase certain categories of expenses such as salary for its staff. Regarding these violations, state auditors recommend the Government to decrease next year Center's budget proportionally to the amount that was overspent.⁹ These failures and violations can be viewed from different perspectives, first of all they show the lack of competence of the Center's employees responsible for accountancy matters. But at the same time it is an obvious factor of the deficiency of the Center's budget that does not allow this institution to function properly. Article 37 of the Law on Parliamentary Advocates stipulates that Center has its own budget that with preliminary evaluation of the Ministry of Finances shall be approved by the Parliament along with the state budget. In reality, Ministry of Finances sets the annual volume of CHRM financing at its own competence. As a result, it is difficult to carry out surveys, attract experts, run projects, and invite foreign experts. CHRM

⁹ Curtea de Conturi, Hotarire privind rezultatele controlului asupra utilizarii mijloacelor bugetare alocate pentru intretinerea Centrului pentru Drepturile Omului in anul 2000 Nr.25 din 14.03.2001 Monitorul Oficial al R.Moldova nr.35-38 din 29.03.2001

simply works on examining petitions, which is more affordable in present funding conditions.¹⁰

Thus, in 2000 Parliamentary Advocates had to increase the salaries and authorize some other payments related to reparations and supplies that were necessary for the Center's efficient work and were not reflected in the budget.

It would be logical to start the analysis of the activity of Parliamentary Advocates with the commentary on the annual reports – the official documents produced by the CHRM on the yearly basis that supposed to reflect the situation with respect for human rights in Moldova. Throughout the year CHRM collects and processes the information that later on will be put in the basis of its annual report that should be presented to the Parliament. This report also regards the activity of Parliamentary Advocates according to their mandate.

Although established in 1997, CHRM did not release publicly any reports until 1999. The Annual Report of 1999 states that its purpose is to present to the legislative authority, in accordance with the Law on Parliamentary Advocates, an ample information regarding “the observance of human rights in the Republic of Moldova during the previous year”, based on received complaints, highlighting the areas in which the most gross violations of human rights and freedoms took place, the causes of such violations as well as the measures taken by the Parliamentary Advocates in accordance with their mandate in order to reinstate citizens in their rights, the perfection of the national legislation and its adjustment to the international instruments, the education of the community in human rights.¹¹

Starting with its first report, CHRM has demonstrated obvious inconsistency and subjective approach to the assessment of the situation

¹⁰ *Parliamentary Advocate*, Newsletter of the CHRM, Jan-Dec 2005, Number 1, from the interview with Parliamentary Advocate Mr. Iurie Perevoznic

¹¹ 1999 Annual Report, Center for Human Rights of Moldova, Chisinau, p. 5

with human rights in Moldova. First of all, Parliamentary Advocates have divided human rights not by the “right” criteria itself, but according to the social categories, such as rights of the elderly people, rights of the disabled people, rights of the children, etc. This approach suggests that Parliamentary Advocates assume the authority to judge what rights are more important to the particular category of the citizens. For instance, all above mentioned chapters of the Annual Report of 1999 focus exclusively on the social and economic rights describing difficult economic situation of these categories of the citizens and criticizing governmental decisions to cut certain social benefits or privileges. Secondly, quantitative data provided by the center is based on the content of the petitions and on the statistical information that is publicly available from the government agencies. Many conclusions produced in the report rely on the information from the Department of Statistics and Sociology and written complaints submitted to the CHRM by the applicants who claim that their rights were violated. All these facts show that CHRM in its official reports cannot provide credible and comprehensive data regarding the true situation with human rights.

Adding some more statistical data approved by the CHRM to be used in its annual reports will help to support this statement. From 1999 to 2003 only about 30%-40% of the petitions fell under the authority of the Center to launch its own investigation in order to verify the facts provided by the complaining parties. This means that the rest (up to 60%) of the complaints were simply redirected for consideration to the competent authorities. Moreover, continuously, every year about 60% of the complaints come from the Chisinau municipality alone, which means extreme “under-representation” of other regions of the country where human rights violations is much harder to track. This again shows, that CHRM when describing human rights situation in Moldova either paraphrases publicly available information from governmental sources, or depicts very subjective, one-sided and often unrealistic image based on the incoming complaints.

Annual Report of 2000 reflects very similar pattern. Human rights situation is again linked to the difficult social and economic conditions

in the country. Chapters about the right to assistance and social protection, right to education, right to labor and right to property are dominated by the numerous examples of different claims, material in nature, made to the government on the behalf of the applicants. Other important issues such as trafficking in persons and inhuman treatment of detainees are addressed only slightly, despite the increased attention of international organizations and governments to these problems.¹² CHRM admitted that despite numerous complaints about degrading treatment, physical violence and tortures that detainees experience from penitentiary officers, during 1998-2000 there was only one registered case of inhuman, humiliating behavior towards the convicts on the part of penitentiary officer.¹³

In Annual Report of 2001 again, all human rights' violations noted by the CHRM are limited to the inadequate funding and social assistance from the Government: right to private property and social assistance, right to social protection and assistance, right to labor, right to health. The overall analysis by CHRM concludes that government should provide more social assistance, create more jobs, pay higher salaries, provide free medical treatment, etc. For the first time CHRM has mentioned a very important political right, crucial to the stable democratic governance – right to elect and to be elected. Remarkably, CHRM confirmed that it had received no complaints concerning violation of this right, thus explaining why this right is not addressed in the official reports. This once again proves that the assessment of human rights situation in Moldova provided by the CHRM is incomplete and subjective.

In Annual report of 2002 CHRM for the first time has addresses civil rights in a separate, although very short and incomprehensive chapter. Parliamentary Advocates have addressed the situation discussing increasing crime rates in Moldova and expressing concerns about

¹² *Supporting human rights and democracy: the U.S. record 2004-2005*, Department of State Publication 11237, Bureau of Democracy, Human Rights and Labor, Bureau of Public Affairs, Released March 2005, p. 139-143

¹³ 2000 Annual Report, Center for Human Rights of Moldova, Chisinau, p. 23

inhuman treatment of detainees. Under subtitle *Justice* no factual information was provided. All problems of detainees were linked to the poor financing of the penitentiary system. The rest of the Report dedicated to the human rights situation assessment presents a simple listing of statistical data from governmental sources that depicts difficult economic situation, poverty, low salary and benefit rates and insufficient spending on the health care system.

Annual Report of 2003 draws more comprehensive situation with respect to the political and civil rights in Moldova. Issues of discrimination, access to public records and right to defense are evaluated separately. Chapter II *Social and Economic Rights* present traditional for the CHRM evaluation and attitude.

Summarizing the analysis of the annual reports released by the CHRM and presented to the Parliament, we can conclude that they do not create a clear and objective picture of the human rights situation in the country. The cause for this failure is two-folded. First is the insufficient information that CHRM uses in preparing its reports, as it was proved in the above passages. Governmentally produced statistical data and information derived from the written complaints cannot provide for a comprehensive and objective analysis. As a result, such issues as governmental control over media, human trafficking, violations during local elections of 2003 and other problems of this sort noted by other observers, are almost completely absent from the CHRM reports. Second is subjective attitude of Parliamentary Advocates and their personal judgment about the priorities in the field of human rights. Obviously, throughout its history, CHRM has emphasized the importance of social and economic and called the government to increase spending on social programs. This subjective attitude has marginalized political and civil rights that constitute the foundation of the democratic society. Ignoring the fact that political rights should be first secured in order for democratically elected governance to perform its functions being accountable for the people, Parliamentary Advocates continue to push for the social assistance as a remedy for the majority of problems with human rights in the country.

As a result, CHRM's annual reports create a misleading assessment of the observance of human rights. An uninformed reader can form an impression that difficult economic situation is the cause of all problems. Talking about Members of Parliament and ordinary citizens, the reports do not present any original conclusions or suggestions that cannot be derived from the media, public sources, or human rights watchdogs' reports. At the same time political and civil rights should draw special attention of independent observers. Their observance is the indicator of democratic development in Moldova, which is on its way to join the family of European democracies.

On July 28, 2005 Parliament of the Republic of Moldova has adopted a decision regarding the Report presented by the CHRM about the situation with human rights and activity of the Center in 2004. After analysis of the statistics concerning the complaints received and investigated by the Center, Members of Parliament have assessed that human rights situation in Moldova hasn't changed significantly comparing with the indications of the previous year.¹⁴ Their decision also emphasizes that Parliamentary Advocates haven't demonstrated sufficient initiative when existing information confirmed massive violation of constitutional freedoms and liberties of the citizens. Parliament has also estimated that CHRM hasn't succeeded in reaching the objectives of the National Actions Plan in the Field of Human Rights for 2004-2008. National legislature has adopted several suggestions for the perfection of the situation with human rights and efficiency of the CHRM activities. This area became one of major concern taking into account political course towards European integration and fulfillment of the provisions of the Actions Plan European Union - Republic of Moldova, agreed in 2004.

In their Annual Report of 1999 Parliamentary Advocates proudly acclaimed that as a result of the action taken in 1999 by the CHRM in accordance with art. 31 of the Law on Parliamentary Advocates,

¹⁴ <http://www.parliament.md/news/plenaryday/28.07-29.07.2005/>

800,000 people have been reinstated in their constitutional rights.¹⁵ Indeed, art. 31 of the above mentioned law gives Parliamentary Advocates a very powerful tool to use in their fighting for better human rights protection. This is the authority to petition Constitutional Court asking to examine the constitutionality of the complete laws or their parts that according to the Parliamentary Advocates violate certain rights of the citizens guaranteed by the national Constitution. Due to the fact that the right to petition Constitutional Court directly has been attributed only to the limited number of state agencies, Parliamentary Advocates have a unique opportunity to get unconstitutional laws that violate constitutional rights cancelled or amended. The analysis of this important element in the activity of the Parliamentary Advocates can add to the overall assessment of their effectiveness.

In 1999 Parliamentary Advocates have succeeded in several applications to the Constitutional Court. Among these cases: petition regarding constitutional control of the Decision #338 26/05/95 of the Government on "Returning of property, reimbursement of its value and payment of compensation to the victims of political repression" which violated the right of this category of the citizens for fair compensation. Parliamentary Advocates have also petitioned the Constitutional Court on the suspension of the art. 32 of the Law regarding the status of judges as unconstitutional stipulating the social rights of judges for pension upon retirement. Analyzing the content of Parliamentary Advocates petitions one can clearly see the tendency for "over-representing" the professional interests of strong interest groups of the Moldovan society: prosecutors, lawyers, judges, investigators, state employees, notaries, etc. The majority of the hearings in 1999 in the Constitutional Court initiated by the Parliamentary Advocates were regarding the right for social assistance and benefits of the above mentioned categories of citizens.¹⁶

¹⁵ 1999 Annual Report, Center for Human Rights of Moldova, Chisinau, p. 39

¹⁶ *Moldova: Two years under the communist rule in the new millennium /* Moldova Helsinki Committee for Human Rights, editor Serghei Ostaf, Colograf-Com, 2003, 632 p Observations on the Center for Human Rights Ombudsman Office in Moldova p 7-17

In 2000 Parliamentary Advocates were preoccupied with defending professional rights of the Moldovan legal community. New Law of the Bar has obliged all practicing lawyers who have obtained a license from the Department of Justice to join Lawyers' Union. This was considered as a limit of the access to the legal profession and declared unconstitutional by the Constitutional Court. The Parliamentary Advocates also submitted another petition, addressing the exclusion of social and material guarantees for the prosecutors and judges.

In 2001 CHRM was not very active in petitioning the Constitutional Court. Archives of the Center show that the Court rejected numerous petitions this year. They included several problematic issues of the military organization, judiciary structure, citizenship by naturalization and few other questions of minor importance, that do not address massive human rights violations.

In 2002 CHRM has defended political rights of the citizens to elect their local representatives in city councils when Parliament first adopted a law regarding the administrative reform and assigned a date for the new local election. This has terminated the authority of the elected officials to continue serving their terms and ignored the choice of the population made during the previous elections. Although supported by the Constitutional Court, petition of the Parliamentary Advocates wasn't the only one – both opposition and coalition parties have submitted their petitions claiming the law to be unconstitutional.

Several petitions were again rejected. For example, on January 28, 2002 Parliamentary Advocate considered that Code of Administrative Violations contains unconstitutional provisions because appointment decisions by the Parliament, President and Government cannot be argued before the court. Constitutional Court has rejected this petition as unmotivated, containing mistakes and not following the Code of Constitutional Procedure.

On March 21, 2002 Parliamentary Advocate sent a petition to the Constitutional Court arguing that provision of the Code of Criminal Procedure that requires that decision about the termination of investigation should first be attacked before the prosecutor, and then before the court, as limiting free access to justice. Constitutional Court has rejected to hear the matter of this case because other law has already corrected this deficiency. These two examples can indicate the level of professional competence of the office of Parliamentary Advocates.

Annual Report 2003 contains no examples when Parliamentary Advocates have petitioned the Constitutional Court. Indeed, CHRM archives show that Parliamentary Advocates were not very active in this regard. One of the few cases filed with Constitutional Court this year was the case about right for defense, when Parliamentary Advocates argued that the requirement to have a lawyer when taking the case to the Supreme Court of Justice violates the right of the citizens to defend themselves in the court using various means, including direct representation of one's own interests.

Analyzing the history of petitioning the Constitutional Court by the Parliamentary Advocates, there can be found several tendencies that shift the activity of CHRM in this direction and explain the only average performance if judging by the number of petitions supported by the Court.

First of all, Parliamentary Advocates have been continuously prioritizing social and economic rights over civil and political rights. Only few petitions address right to elect and to be elected and freedom of association. The majority of the petitions pursue the reinstatement of social or material benefits revoked by the legislature.

Secondly, CHRM has served as another channel used by the professional interest groups such as lawyers, judges, prosecutors, notaries and others to protect their professional interests and privileges. Note, that these groups also have powerful voices in Parliament,

Supreme Court of Justice and other institutions that have the authority to petition Constitutional Court.

Significant number of petitions that have been rejected as unmotivated and beyond the authority of Parliamentary Advocates can be used as a proof of lack of professional competence of the CHRM staff.

Clearly, the authority to petition Constitutional Court is may be the only truly efficient tool that is granted to the CHRM by the legislature that, if wisely utilized, could produce a significant impact on human rights situation in the country and reinstatement of particular groups of citizens in their rights. However, because the limited capability of the Center, Parliamentary Advocates were unable to filter every legislative act and its impact on the observance of human rights. Majority of the petitions resulted from the previous written complaints submitted to the CHRM by the interested parties. As a result, poor, marginalized and uninformed majority of the population can seldom call for justice using this initiative. This also helps to understand why some well organized professional communities are “over-represented” in Parliamentary Advocates petitions to the Constitutional Courts.

Another important element in the activity of the Parliamentary Advocates consists in the research and investigation of the possible causes of human rights violation and collecting necessary data for their annual reports, publications and legislative proposals. Being constantly involved in investigating the alleged human rights violations claimed by the applicants in their petitions addressed to the CHRM, Parliamentary Advocates lack resources and power to find the truth. First and foremost, current budget of the Center does not allow its employees to make on-site visits and investigations. The only method of investigation commonly used by the CHRM – written requests to the competent authorities – often proves to be inefficient because responsible officials are reluctant in investigating violations committed under their own jurisdiction.

Audience of the citizens is another component of CHRM daily activity. Legal counselors are on duty every day to interview the visitors and offer them free of charge legal advise. Audience of the citizens follows the same pattern as analysis of written complaints. Current activity has demonstrated that the population does not yet know the rights stipulated in different legal instruments and how they can enjoy them. Many citizens address continuously to the CHRM with legal issues that are beyond the mandate of Parliamentary Advocates.¹⁷ Often happens that individuals use audience service for their own advantage to receive free legal advice from counselors, that otherwise would require significant attorney's fees. We believe that this activity proved to be very unproductive and should be replaced by the scheduled appointments that would follow after the written complaint has been accepted for the examination. This will increase the usefulness of these appointments and give CHRM counselors more time to work on the accepted complaints. Following chart, compiled from the annual reports of the CHRM illustrate the quantitative features of the Center's activity including audience of the citizens:

Year	Written Complaints	Signatories	Audience
1999	1368	4654	2049
2000	1005	3264	4036
2001	902	2651	2668
2002	1214	3349	3107
2003	1217	1907	1422
2004	1102	1517	????

Finally, the most successful, but unfortunately not the most powerful component of the CHRM's activity consists in educational and informational campaigns that are aimed to increase the awareness of the general population and particular groups of citizens such as civil society

¹⁷ *Parliamentary Advocate*, Newsletter of the CHRM, Aug-Oct 2000, Number 4, Volume 1, p. 2

activists, lawyers, and teachers about human rights and legal ways to protect them. So far, Center has managing this part of its activity well enough, actively cooperating with various human rights organizations, local administrations and government agencies. In its annual reports, Parliamentary Advocates allocate almost one third of its content for the description of their publications and educational events they have conducted.

International experts assessing the efficiency of the activity of the CHRM has noted educational and informational components are the strongest elements. Thus, senior consultant at the United Nations Office of the High Commissioner for Human Rights Mr. Peter Hosking has stated in an interview evaluating the activity of the Center that educational and training activities are perhaps most effective, while complaints team needs more skills in investigation techniques, legislative analysis and human rights policy advise. An example of this deficiency will be the situations of the penitentiary system, where policies and legislative amendments should be proposed and investigation in prisons should be carried out.¹⁸

Finalizing the analysis of the activity of the Center for Human Rights in Moldova, we can admit that the institution of Parliamentary Advocates constitutes a part of the national mechanism for protection of human rights and fundamental freedoms, which could be extremely potential and efficient, since by the law regulating the activity of the present institution, the national *ombudsmen* have been attributed great functions and significant possibilities.¹⁹ However, there are certain objective and subjective obstacles that do not allow Parliamentary Advocates to perform their functions efficiently and to make a difference improving overall respect for human rights in the country.

¹⁸ *Parliamentary Advocate*, Newsletter of the CHRM, Oct-Dec 2000, Number 5, Volume 1, p. 3-4

¹⁹ This opinion has been supported by Petru Ciuchitu, Chief of the Petitions and Audience section of the CHRM, for details see *Parliamentary Advocate*, Newsletter of the CHRM, Aug-Oct 2000, Number 4, Volume 1

These objective obstacles include insufficient funding and overall disregarding attitude of the Parliament and central authorities to the work of the Parliamentary Advocates. Basically, because of this lack of attention from the part of the country's authorities Center for Human Rights looks more like a non-governmental organization, which, however being financed from the public budget, does not exercise any significant authority or influence attributed to other state agencies. At the same time, Parliamentary Advocates do not enjoy any special respect or authority among nonprofit sector either. Human rights NGOs have been continuously criticizing CHRM for the lack of strategic policies and initiative.²⁰

Among the subjective weaknesses in the activity of the CHRM are lack of leadership and result-oriented management. All of current Parliamentary Advocates have been holding public service offices of judges, prosecutors, and investigators previously to their appointment. Their professional backgrounds might constrain them from taking radical initiative, criticizing current policies and demanding change in the respect for human rights in the country.

All the above mentioned reasons make us to conclude that the institution of Parliamentary Advocates in Moldova requires significant reforms, external and internal, in order to improve its efficiency. Moldova does not yet have sufficient experience in human rights protection. Unfortunately, this institution fails to provide an effective redress in rights of the applicants and does not have any significant influence on the general state policies regarding human rights, which is much more influenced by the recommendations of the Council of Europe, European Union and other regional and international organizations.

²⁰ *Moldova: Two years under the communist rule in the new millennium / Moldova Helsinki Committee for Human Rights, editor Serghei Ostaf, Colograf-Com, 2003, 632 p* Observations on the Center for Human Rights Ombudsman Office in Moldova p 7-17

The key directions in the reforming the Center's ability to effectively fulfill its mission could be following: concentration on the legislative proposals and analysis of the proposed legislative acts that have negative impact on the human rights situation. This could be achieved through an increased level of cooperation with parliamentary commission on human rights. CHRM must revise its attitude towards cooperation with the non-governmental human rights organizations and other civic society groups. Its policy should be shifted from the pure informational and educational activity towards policy building and advocacy. It could serve as a link between government and civic society in matters concerning human rights and their protection.

Parliament and central authorities in their turn should realize that without sufficient funding, internal reform and revision of the strategic directions of the Center's activity, national mechanism for protection of human rights will remain incomplete, lacking an independent, self-sufficient, lucrative and objective state agency that will be able to produce clear and unbiased picture of the human rights situation and assist legislative body in drafting national legislation for the better human rights protection.