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PERMANENT REPRESENTATION OF THE REPUBLIC OF MOLDOVA  
TO THE ORGANIZATION FOR SECURITY AND CO-OPERATION IN EUROPE

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NOTE VERBALE

The Permanent Representation of the Republic of Moldova to the Organization for Security and Co-operation in Europe (OSCE) presents its compliments to the Permanent Missions/Delegations of the participating States to the OSCE and to the Conflict Prevention Center (CPC) and has the honour to submit the Republic of Moldova's response to the Questionnaire on the "Code of Conduct on Politico-Military Aspects of Security" for 2021.

The Permanent Representation of the Republic of Moldova to the OSCE avails itself of this opportunity to renew to the Permanent Missions/Delegations of the participating States to the OSCE and to the CPC the assurances of its highest consideration. *DR*



Vienna, 6 April 2022

Encl.

- Permanent Missions/Delegations of the participating States to the OSCE
- Conflict Prevention Center

Vienna

## QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO- MILITARY ASPECTS OF SECURITY

### Section I: Inter-State elements

#### 1. Account of measures to prevent and combat terrorism

1.1 To which agreements and arrangements (universal, regional, subregional and bilateral) related to preventing and combating terrorism is your State a party?

*The Government of the Republic of Moldova does not support any forms of terrorism and entirely co-operates to counter the threats of terrorist activities by participating at various international conventions and protocols on counter-terrorism as follows:*

- *Convention on offences and certain acts committed on board aircraft, signed in Tokyo on 14.09.1963;*
- *Convention for the suppression of unlawful acts against the safety of civil aviation, signed in Montreal on 23.09.1973;*
- *Protocol for the suppression of unlawful acts of violence at airports Serving International Civil Aviation, signed in Montreal on 24.02.1988;*
- *Convention for the suppression of unlawful seizure of aircraft, signed in Hague on 16.12.1970;*
- *Convention on prevention and punishment of crimes against internationally protected persons, including diplomatic agents, signed in New York on 14.12.1973;*
- *Convention on the physical protection of nuclear material, signed in Vienna on 28.10.1979;*
- *The European Convention on the suppression of terrorism, signed in Strasbourg on 27.01.1977;*
- *Convention for the suppression of the financing of terrorism, signed in New York on 09.12.1999;*
- *Protocol Amending the European Convention on the Suppression of Terrorism, concluded at Strasbourg on 15.05.2003;*
- *International convention on the suppression acts of nuclear terrorism, signed in New York on 13.04.2005*
- *International convention for the suppression of terrorist bombings, signed in New York on 12.01.1998;*
- *International convention against the hostage- taking, signed in New York on 18.12.1979;*
- *Convention on marking of plastic explosives for the purposes of detection, signed in Montreal on 01.03.1991;*
- *Convention of Council of Europe on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism, signed in Warsaw on 16.05.2005;*
- *Council of Europe Convention on the prevention of terrorism, done at Warsaw on 16.05.2005;*

- *Amendment to the Council of Europe Convention on the prevention of terrorism, adopted in Warsaw on 16.05.2005;*
- *Agreement of co-operation among governments of the participating states at the Black Sea Economic Co-operation on countering crime, with special emphasis on its organized aspects, signed in Kerkyra on 02.10.1998;*
- *The Yalta Charter of GUUAM from 07.06.2001;*
- *Agreement on co-operation between the Governments of the state-participants GUUAM in sphere of struggle against terrorism, the organized crime and other dangerous kinds of crimes, signed in Yalta on 20.07.2002;*
- *Additional Protocol to the Agreement on co-operation between the Governments of the state-participants GUUAM in sphere of struggle against terrorism, the organized crime and other dangerous kinds of crimes from 20 July 2002, signed in Helsinki on 04.12.2008;*
- *Agreement on creation of virtual centre GUAM on struggle against terrorism, the organized crime, illegal circulation of drugs and other serious crimes and the Interstate information-analytical system GUAM, signed in Yalta on 04.07.2003;*
- *The Council of Europe Cooperation Group to Combat Drug Abuse and Illicit Trafficking in Drugs (Pompidou Group), on 12.04.2012;*
- *Agreement between the European Union and the Republic of Moldova establishing a framework for the participation of the Republic of Moldova in European Union crisis management operations, signed in Bruxelles on 13.12.2012;*
- *The arms trade treaty, adopted on 02.04.2013, ratified by Republic of Moldova on 28.05.2015;*
- *Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism 22.10.2015, ratified by Republic of Moldova on 16.12.2016;*
- *Council of Europe Convention on an Integrated Safety, Security and Service Approach at Football Matches and Other Sports Events, dated on 03.07.2016.*

*Additionally to the above-stated legal acts, the Republic of Moldova supports the counter-terrorism initiatives in the framework of the Commonwealth of Independent States (CIS), namely:*

- *The Decision of the CIS's Council of the Heads of Governments regarding financing the activity of the CIS Anti-terrorism Centre, signed on 30.11.2000;*
- *The Agreement of co-operation on countering economic crimes, signed in Moscow on 12.04.1996;*
- *The Agreement of co-operation among CIS's member states on countering terrorism, signed in Minsk on 04.06.1999;*
- *The Agreement of co-operation among CIS's member states on countering crime, signed in Moscow on 25.11.1998;*
- *The Agreement of co-operation among CIS's member states on countering crimes in the informational technology field, signed in Moscow on 01.06.2001;*
- *Protocol on the adopting of regulations about the order of the organizing and conducting joint antiterrorist actions on territories of CIS's member states, signed in Chisinau on 07.10.2002.*

- *The Decision of the CIS's Council of Heads of States regarding the 2008-2010 Programme of cooperation of the CIS member states in combating terrorism and other violent manifestations of extremism, signed in Dushanbe on 05.10.2007;*
- *The Decision of the CIS's Council of Heads of States regarding the Concept of cooperation of the CIS member states in combating terrorism and other violent manifestations of extremism, signed in Kazan on 26.08.2005;*
- *Agreement on cooperation in the training of specialists from the subdivisions terrorism in educational institutions of the competent bodies of the CIS member states, signed in Ashgabat on 05.12.2012;*
- *Agreement on cooperation of the CIS member states in order to provide technical and material support for competent authorities in combating terrorism and other violent manifestations of extremism, signed in Ashgabat on 05.12.2012;*
- *Agreement between the Governments of the CIS member states on the exchange of information in the fight against crime, done in Astana on 22.05.2009.*
- *The Decision of the CIS's Council of Heads of States regarding the 2017-2019 Programme of cooperation of the CIS member states in combating terrorism and other violent manifestations of extremism, approved by Republic of Moldova on 05.04.2018;*

*The Moldovan government has signed a number of bilateral agreements concerning co-operation in the fields of counter-terrorism, money-laundering, financing of terrorism, illicit drugs trafficking and countering organized criminal activities, with the following countries: the Republic of Hungary (1997); the United Kingdom of Great Britain and Northern Ireland (2001); Romania (2000); the Republic of Ukraine (1999;2005); the Republic of Uzbekistan (2000); Turkey (1994, 2007); the Republic of Belarus (1993; 2002; 2006); the Republic of Bulgaria (1993; 2004); the Czech Republic (2003); the Republic of Poland (2003; 2009); the Republic of Latvia (2003; 2009); the Republic of Estonia (2005); the Republic of Georgia (2007); the Republic of Croatia (2006, 2007); the Kingdom of Belgium (2007); the Republic of Indonesia (2008); the Kingdom of the Netherlands (2008); the Republic of Albania (2006); the Republic of Slovenia (2008); the Republic of Austria (2010); the Republic of San Marino (2010); the Republic of South Africa (2010); the Republic of Serbia (2010); the State of Israel (2010); the French Republic (2010); the Principality of Monaco (2010); Montenegro (2010); the Bahamas (2010); the Republic of Armenia (2011); the Republic of Kazakhstan (2011); the Federal Republic of Nigeria (2011); the Republic of Portugal (2011); the British Virgin Islands (2011); the Republic of Mongolia (2011); the Aruba (2011); the Republic of Finland (2011); Bosnia and Herzegovina (2012); the United Mexican States (2012); the Republic of Azerbaijan (2013); the Kingdom of Spain (2013); the Republic of Turkmenistan (2015).*

1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

*The following internal legislative documents stipulate the prevention and combating terrorism:*

- *The Law on State Security, dated on 31.10.1995;*
- *The Law on State Security Bodies, dated on 31.10.1995;*
- *The Criminal Code, dated on 18.04.2002;*
- *The Law for approval Concept of National Security of Republic of Moldova, dated on 22.05.2008;*
- *The Law on Border Police, dated on 28.12.2011;*
- *The Law on Police activity and status of police dated on 27.12.2012;*
- *The Law for approval National Strategy on the prevention and fighting against money-laundering and financing of terrorism for the years 2013-2017 and Plan of actions for implementation National Strategy on the prevention and fighting against money-laundering and financing of terrorism for the years 2013-2017, dated on 06.06.2013;*
- *The Law on the prevention and combating of terrorism, dated on 21.09.2017;*
- *The Law on the prevention and fighting against money-laundering and financing of terrorism, dated on 22.12.2017;*
- *The Law for approval the Concept of information security, dated on 21.12.2017;*
- *The Law on the conventional weapons and ammunition regime, special means and military devices armed by the National Army and foreign military forces legally in the Republic of Moldova, dated on 14.07.2017;*
- *Law on the procedure for contesting violations in the field of prevention of money laundering and terrorist financing and the application of sanctions, dated on nr. 75 din 21.05.2020;*
- *The Law on the General Inspectorate of Carabineer, dated on 08.11.2018;*
- *The Law on Aeronautical security, dated on 20.12.2019;*
- *The Parliament's Decision on counter-terrorism, dated on 27.09.2001;*
- *The Parliament's Decision on National Security Strategy of the Republic of Moldova, dated on 15.07.2011;*
- *The Parliament's Decision to approve the National Defense Strategy and the Action Plan on the implementation of the National Defense Strategy for the years 2018-2022, dated on 19.07.2018;*
- *The Parliament's Decision on the approval of the Republic of Moldova Information Security Strategy for the years 2019-2024 and the Action Plan for its Implementation, dated on 22.11.2018;*
- *The Parliament's Decision on the approval National Strategy on the prevention and fighting against money-laundering and financing of terrorism for the years 2020-2025 and Plan of actions for implementation National Strategy on the prevention and fighting against money-laundering and financing of terrorism for the years 2020-2025, dated on 16.12.2020;*
- *The Governmental Decision about EU – Moldova Action Plan, dated on 22.02.2005;*
- *The Governmental Decision on the antiterrorist centre of the Security and Intelligence Service, dated on 13.11.2006;*

- *The Governmental Decision on the creation of the National SELEC / GUAM Virtual Centre for the combating terrorism, organized crime, illicit trafficking drugs and other types of serious crime, dated on 27.01.2006;*
- *The Governmental Decision about Regulation on operative group on management of counterterrorism operation, dated on 14.06.2002;*
- *The Governmental Decision about Regulation on the procedure of social rehabilitation of the persons injured with an act of terrorism, dated on 08.07.2002;*
- *The Governmental Decision about National Strategy to prevent and combat money-laundering and financing of terrorism in the 2010-2012, dated on 09.03.2010;*
- *The Government Decision on information and communication Strategy in defence and national security for the years 2012-2016, dated on 03.08.2012;*
- *The Government Decision for approval the Action Plan on risk reduction in the field of money-laundering and financing of terrorism for the years 2017-2019, dated on 11.10.2017;*
- *The Governmental Decision for approval the Action Plan for the years 2018-2019 on the implementation of the National Strategy for Prevention and Combating Organized Crime for the years 2011-2019, dated on 30.01.2018;*
- *The Governmental Decision for approval the Individual Partnership Action Plan Moldova - NATO for the years 2017-2019, dated on 13.09.2017.*
- *The Government Decision for approval the Methodology for identifying activities and suspicious money-laundering transactions and financing of terrorism, dated on 25.05.2018;*
- *The Governmental Decision about Regulation on the organization and conduct of anti-terrorist tests, dated on 17.10.2018;*
- *The Governmental Decision about the National Terrorism Alert System, dated on 17.10.2018;*
- *The Governmental Decision about Regulation on critical infrastructure protection against terrorism, dated on 11.07.2018;*
- *The Government Decision for approval the Military Strategy and the Action Plan for its Implementation for the years 2018-2022, dated on 03.10.2018;*
- *The Government Decision about Regulation on the implementation procedure of financial sanctions related to terrorist activity and proliferation of mass destruction weapons, dated on 28.10.2020.*
- *The Government Decision about National Civil Aviation Security Programme, dated on 12.08.2021;*
- *The Government Decision about Regulation of Operational Counter-Terrorism Command dated on 12.08.2021;*

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

*According to the existing legislation, the Chair of the Parliament of the Republic of Moldova shall coordinate all work on preventing and combating*

*terrorism and the Government is the main authority responsible for organizing the activity of preventing and combating terrorism, as well as providing it with the necessary forces, means and resources.*

*The Information and Security Service is the national body which is directly carrying out activity on fight against terrorism. The Information and Security Service and its territorial bodies carry out struggle against terrorism by means of the prevention, revealing and suppressions of crimes with terrorist character, including pursuing political purposes, and also preventions, revealing and suppressions of the international terrorist activity. The Anti-Terrorist Centre of the Information and Security Service has the status of specialized sub-unit empowered to prevent and combat terrorism.*

*Yet other authorities responsible for the prevention and fight against terrorism are: the General Prosecutor's Office; the Ministry of Internal Affairs; Ministry of Defence; Ministry of Economy and Infrastructure; Ministry of Foreign Affairs and European Integration; Ministry of Health, Labour and Social Protection; State Protection and State Guard Service; Customs Department; Public Services Agency; the National Agency for Nuclear and Radiological Activity; the National Administration of Penitentiaries.*

*With regard to roles and missions, the Ministry of Internal Affairs prevents and combats terrorism by:*

*a) cutting off the attempts of the terrorists to cross the state border of the Republic of Moldova;*

*b)undertaking the urgent measures to eliminate the effects of terrorist activities;*

*c) conducting criminal prosecution in regard to terrorist offenses ascribed by the law to its competence;*

*d) participation in ensuring the legal regime in the area of the anti-terrorist operation with the involvement of the troops from the General Inspectorate of Carabineer;*

*e)participation of its special operations unit in the counterterrorism intervention upon the request of the Antiterrorist Operational Command;*

*f) providing the necessary logistic and operational assistance and special equipment upon the request of the Antiterrorist Operational Command.*

*The Ministry of Defence prevents and combats terrorism by:*

*a) organizing and ensuring, according to the law, the security of the personnel and of the armament, ammunition, explosive substances and the objectives that ensure the defence capability from its management;*

*b) participating, under the law, of the protection of the foreign military forces that are temporarily stationed on the territory of the Republic of Moldova in connection with participation in joint activities;*

*c) ensuring, under the law, the necessary logistical and operational assistance and the provision of fighting equipment, weapons and ammunition in the anti-terrorist operation.*

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

- *Measures to curb terrorist financing;*
- *Border controls;*
- *Travel document security;*
- *Container and supply chain security;*
- *Security of radioactive sources;*
- *Use of the Internet and other information networks for terrorist purposes;*
- *Legal co-operation including extradition;*
- *Safe havens and shelter to terrorists and terrorist organizations.*

## **2. Stationing of armed forces on foreign territory**

2.1 Provide information on stationing of your States armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law. FSC.DEC/2/09 1 April 2009 Annex

*The Republic of Moldova does not have any troops permanently stationed abroad.*

*The Republic of Moldova signed and adopted the Agreement among the States parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace regarding the status of their forces (SOFA), according to the Parliament decision from 16 July 1997 and the Law of the Republic of Moldova 448-XV from 13 November 2003 on the status of foreign military forces in the Republic of Moldova.*

*Yet, in accordance with the Law on participation of the Republic of Moldova in the international missions and operations, nr.219 from 3 December 2015, the Parliament, on the Government's proposal, decides on deployment of Moldovan troops abroad for participation in international peace support operations.*

*In this context, on 1 of November 2013 the Moldovan Parliament approved the deployment of a Moldovan contingent for participation in the international peacekeeping operation in Kosovo.*

*In accordance with the Technical Arrangement between the Ministry of Defence of the Republic of Moldova and the Ministry of the Defence of the Italian Republic, starting with 8 March 2014 a Moldovan Army contingent is deployed on a 6 months tour of duty to Kosovo as part of the Multinational Peacekeeping Force, KFOR.*

*To this day, the Republic of Moldova has deployed sixteen contingents to Kosovo. The 15<sup>th</sup> contingent of the National Army deployed to KFOR was replaced on 12 January 2022, by 16<sup>th</sup> Moldovan contingent. The Moldovan Army contingent is composed of the following elements: infantry platoon (33 PAX), Explosive Ordnance Disposal team (7 PAX) and one Staff Officer. The infantry platoon and the EOD team are stationed within the Multinational Battle Group West (MNBG – G), Camp "VILLAGGIO ITALIA", in Belo POLJE. They are carrying out security, guard and patrol missions. All service members are trained and tested in compliance with the NATO standards prior to being deployed.*



### **3. Implementation of other international commitments related to the Code of Conduct**

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence and security-building as an element of indivisible security are implemented in good faith.

*Annually, the Republic of Moldova is hosting one evaluation visit and 3 specified area inspections according to the provisions of the Vienna Document 2011 (VD11), as well as 1 inspection in accordance with the Conventional Armed Forces in Europe Treaty (CFE). The Republic of Moldova does not currently conduct active inspections.*

*The Republic of Moldova prepares military information exchanges, along with other relevant questionnaires which are being distributed to all OSCE member states on an annual basis, according to the CPC Implementation Calendar.*

3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

*Each year, bilateral training inspections are conducted in the Republic of Moldova in cooperation with inspectors from the Bundeswehr Verification Centre (Federal Republic of Germany) in the spirit of confidence and security-building measures, in order to strengthen and enhance the cooperation between states, and most importantly to contribute to the security and stability in the OSCE area.*

#### **Section II: Intra-State elements**

##### **1. National planning and decision-making process**

1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

*According to Law on National Defence the national defence planning process was institutionalized by outlining procedures and mechanisms to be taken by responsible authorities in drafting strategic documents, and namely: National Security Strategy, National Defence Strategy and Military Strategy of the Republic of Moldova, Strategic Defence Review and Defence Planning Directive of the Ministry of Defence (MOD).*

*At the same time, according to Government Decree No. 386 dated on 17.06.2020 there were created new procedures and instruments for national planning and decision making process. This decree adopts new Regulation that defines the type, structure and content of public policy documents and sets out the planning, development, implementation, monitoring and evaluation phases of public policy documents at central government level.*

*The long-term, medium-term and short-term planning documents are:*

- 1) National Development Strategy;*
- 2) Government Activity Program;*
- 3) The National Development Plan;*
- 4) The Medium-Term Budgetary Framework;*
- 5) Annual Plan of the Government;*

6) *Annual plans of the public authorities.*

*According to new Regulation, the National Development Strategy is the national planning document that sets out the vision, priorities and objectives for the development of the country in the long term.*

*At the same time, Government exercise of its powers based on Government Activity Program, which is the basic political document and determines the main objectives and priorities of the development of the country during the mandate for which the Government was invested. For the implementation of the Government's Activity Program, ministries and other central administrative authorities shall plan the development and implementation of public policy documents in the fields and sub-areas of competence, linked to the National Development Strategy, as well as other legislation in accordance with the legislation.*

*The National Development Plan is a 3-year public Policy planning document prepared by the State Chancellery jointly with other relevant public authorities, which includes the priority directions, objectives and measures for the implementation of the National Development Strategy, the Government's Activity Program and international commitments. The National Development Plan is a cyclical document, which is updated annually and approved by the government by June each year before the Medium-Term Budgetary Framework is approved.*

*In the Republic of Moldova, the Medium-Term Budgetary Framework (MTBF) is a document, which is setting the objectives of fiscal and budgetary policy and determining the resource and expenditure framework of the national public budget and its components in a three-year perspective. MTBF is drawn up by the Ministry of Finance jointly with other responsible public authorities in accordance with the budgetary and fiscal principles and rules laid down in mentioned Law. Annually, in accordance with the budgetary timetable, the Government approves the Medium-Term Budgetary Framework and submit it to Parliament for information.*

*The Government develops the Government's Annual Activity Plan, which contains the measures for the implementation of the National Development Plan for the following year. The State Chancellery develops the Government's Annual Activity Plan, in cooperation with all ministries and central administrative authorities, which is approved by the Government by the end of November or after the adoption of the State Budget Law by the Parliament. The Government's Annual Activity Plan is valid until the end of the year or until the adoption of a new Government's Activity Plan, linked to the Government Activity Program following the commitment of a new Government.*

*After approval of the Government's Annual Activity Plan, ministries and other central administrative authorities had to draw up by December the Annual plans for their ministries in accordance with the priorities set out in the Government's Annual activity Plan.*

*The Parliament of the Republic of Moldova approves the main directions for domestic and foreign policy, controls executive bodies within the Constitution's limits, and approves the state budget. According to new law the Parliament approves National Security Strategy, National Defence Strategy and Military Doctrine, as well*

*as Military Discipline Regulation. It executes the parliamentary control over Armed Forces.*

*The Parliament decides on the following important issues:*

- declaring belligerency state in case of military aggression and decision on peace agreement after the end of military actions;*
- establishing state of war and its cancellation;*
- the use of the Armed Forces for honouring obligations under international treaties, the Republic of Moldova is part of, which concerns to maintaining peace and security.*

*With regard to the Government responsibilities in defence matters, the new amendments envisaged that Government develops National Defence Strategy and presents for examination to the President, who sends it to the Parliament for the approval. It approves Military Strategy and Strategic Defence Review.*

*The MOD is the main specialized authority of the central public administration in the defence and is responsible for the National Army building, development, and combat readiness. It is also responsible for the strategic planning concerning the use of the National Army and for providing appropriate defence capabilities for the national defence. The Minister of defence exercises direct control of the National Army through the General Staff of the National Army.*

*The MOD analyses political-military situation, participates and conducts the National Defence's Strategy drafting process, develops Military Strategy, issues Defence Planning Directive and gives suggestions with regard to military budget as well as other defence-related documents.*

*There are also other ministries and departments responsible for the country defence with tasks of supporting military during the crisis.*

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

*In its international activities on this issue, the Republic of Moldova is governed by international law in force and other instruments of political-military orientation. Actively using on its territory mechanisms such as the Vienna Document 2011 on confidence and security building measures, the Republic of Moldova demonstrates openness and transparency in military activities.*

*As a member of UN, OSCE and other organizations responsible for international security and stability, the Republic of Moldova contributes to these efforts according to internationally recognized norms and procedures. Taking part in national and international peacekeeping operations and missions is one of the National Army's core objectives. This shows our state's attempt to be pro-active in consolidating peace, stability and security both in the country and abroad as a basic means of strengthening peaceful reconciliation in accordance with legitimate security concerns of other States.*

*Since 1997, the Republic of Moldova has actively contributed to OSCE-led international missions to Chechen Republic, Kosovo, Macedonia, Georgia; NATO-*

*led operations to Bosnia and Herzegovina, as well as post-conflict relief missions to Iraq.*

*The Republic of Moldova has also actively contributed to UN-led missions and operations in Liberia, Cote d'Ivoire, Sudan, Central African Republic, Kosovo and Georgia. The National Army began contributing to UN-led peacekeeping operations with military personnel starting with 2003. Since then, 148 Moldovan service members have been engaged in the following missions and operations: UNOMIG in Georgia, UNOCI in Côte d'Ivoire, UNMIL in Liberia, UNMIS in Sudan, UNMISS in the Republic of South Sudan, UNMIK in Kosovo and MINUSCA in the Central African Republic. Currently, 10 service members serve in UN-led peacekeeping missions and 2 officers serve in the UN Department for Peacekeeping Operations, New York, USA.*

*Moreover, the Republic of Moldova has contributed to European Union led multinational training missions in the Central African Republic (EUMAM RCA) and Mali (EUTM), over 2015-2016, and 2018 - up to present, respectively.*

## **2. Existing structures and processes**

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

### ***Armed Forces***

*The democratic control over the Armed Forces (National Army and General Inspectorate of Carabineer) is based on the authority of the political factor over the military one within the civil-military relations.*

*Subordination of the military structures to the democratically-elected civil authorities is an essential element that provides the overall activity of the Armed Forces in accordance with the Republic of Moldova's Constitution and other current legislation.*

*The Parliament's control/oversight over the Armed Forces is executed through a mechanism that provides the following:*

- approves the national security strategy, national defence strategy and military doctrine of the state;*
- approves the structure and the number of the Armed Forces;*
- approves the volume of budgetary allocations for defence needs;*
- approves the regulation on military discipline;*
- declares a state of siege or war;*
- declares mobilization and demobilization.*

*The control/oversight over the Armed Forces is exercised by the Parliament through the following means:*

- receiving defence related reports, analyses, and programs;*
- oversight via appropriate parliamentary committees; the main control is executed by the Parliamentary Committee for National Security, Defence and Public Order;*
- inquires and hearings.*

*The important defence-related issues are examined during parliamentary sessions.*

*The President of the Republic of Moldova as the Head of State and Commander-in-Chief (CINC) of the Armed Forces exercises the highest-level civil control over the military system.*

*The President controls the Armed Forces by:*

*- promulgating defence-related laws, using his right to request the Parliament to re-examine certain laws, and Constitutional Court to confirm the laws constitutionality;*

*- initiating elaboration of the National Security Strategy and National Defence Strategy;*

*- appointing the Minister of Defence, on proposals by the Government;*

*- approving the Regulation of the General Staff;*

*- approving the programs and plans for the construction and development of the Armed Forces;*

*- approving the mobilization plan of the Armed Forces;*

*- approving the plan on the use of the Armed Forces;*

*- approving the military regulations;*

*- approving the composition of the Military Council of the Ministry of Defence;*

*- presenting to the Parliament for the approval drafts of the National Security Strategy, National Defence Strategy, general structure and composure of the components of the Armed Forces, military discipline regulations;*

*- coordinating the international military cooperation;*

*- carrying out general management on accumulation of resources for the needs of the national defence system;*

*- issuing decrees on the enrolling of citizens in military service;*

*- submitting to Parliament proposals for effective participation, weapons and military equipment to international peacekeeping operations or humanitarian purposes.*

*The President is the Chairman of the Supreme Security Council. The Supreme Security Council, an advisory body, makes proposals on the development of the Armed Forces and on defence policy issues.*

*The Republic of Moldova Government exercises control, as an executive body, over the Armed Forces.*

*To exercise the civil control over the Armed Forces, the Government:*

*- forward laws' drafts to the Parliament;*

*- sign agreements on military co-operation with other states;*

*- provide framework for maintaining defence capabilities of the country.*

*To exercise civil control over the Armed Forces, the Prime-minister:*

*- propose to the President a nominee for the Minister of Defence;*

*- confirm with his signature the President's decrees on defence.*

*- approves the authorized number of posts of the General Inspectorate of Carabineer;*

### ***Internal Security Forces***

*The General Inspectorate of Carabineer is a specialized state authority with a military status, subordinated to the Ministry of Internal Affairs, which has the mission to defend the fundamental rights and freedoms of the person by performing the duties of maintaining, securing and restoring public order, preventing and investigating offenses and contraventions. It also executes protection of objectives of particular importance, prevention and combating of terrorism, the ensuring state of emergency, siege or war.*

*During the peace time, the General Inspectorate of Carabineer exercises police powers, but on declaration of the state of siege or war, it performs the specific duties of the Armed Forces under the conditions provided by the law and the normative acts in force.*

*The General Inspectorate of Carabineer is part of the national system of public order and security and of the national defence system.*

### ***Police***

*Being a component part of the Ministry of Internal Affairs, the police are an armed body of the public authorities responsible for protecting citizens' life, health and liberties, as well as society and state interests against criminal or other delinquent attacks.*

*Police consists of the combat crime police and the public order police.*

*Combat crime police (criminal police) - ensuring special investigative measures and actions criminal procedure, performed under legal conditions, preventing and combating crime, detection and investigation of crimes, identifying those who committed them, and where appropriate, the search for them.*

*Public order police - maintenance, restoration and ensurance of public order and security, ensure personal security, crime prevention and violations, finding and sanctioning offenses under the law.*

*Police is a unique and centralized system that includes:*

- General Inspectorate of Police;*
- Specialized subdivisions;*
- Territorial subdivisions;*

*Office of the Prosecutor General and public prosecutors executes general oversight over the police.*

### ***Intelligence Services***

*According to the current legislation (Law on State Security Bodies, nr. 619 from 31.10.1995), the state security system consists of Security and Intelligence Service, State Security and Protection Service, Border Police of the Ministry of Internal Affairs and Customs Service of the Ministry of Finance.*

*The Security and Intelligence Service is a special body, which assures the state security.*

*As a special structure of the executive administration, the State Security and Protection Service has a mission to protect and secure persons, who benefit from governmental protection, as well as objects under special security regime.*

***Border police***

*Border police executes tasks and implements state policy on integrated management of the state border, combating illegal migration and cross-border crime.*

***Customs Service***

*The Customs Service is the law enforcement body of executive authority, which is carrying out a customs policy and a direct management of customs activities in the Republic of Moldova.*

*The Parliament exercises control and oversight over state intelligence structures through parliamentary audiences and investigations. It also examines the accounts of state security bodies during opened or closed parliamentary sessions as well as at the Parliament's National Security, Defence and Public Order Committee hearings or at the Board Sessions of the Security and Intelligence Service.*

*The permanent control and oversight over state security bodies activity is done by the Parliament through the Parliamentary Committee for National Security, Defence and Public Order. State security bodies are required to respond, according to the legislation provisions, inquiring and other legal demands made by Special, Investigation, and Permanent Committees of the Parliament as well as by parliamentarians.*

*The judiciary control over the state security bodies is exercised during the court trials on criminal cases. This control is also exercised during trials referred to crimes and abuses committed by state security members, as well as illegal actions made by citizens against state security members and officeholders.*

*Office of the Prosecutor General and public prosecutors monitor and oversight laws of the state security structures; the financial control of their activities is executed by the Court of Audit.*

2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

*The fulfilment of the required ensured procedures are thoughtfully enumerated and explained in the detailed answer provided above. (point 2.1)*

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

*The military service is satisfied within the military forces, meant for the national defence, guarding the border and maintaining public order, under the main law.*

*The National Army is the basic component of the Armed Forces, which ensures, in peace and war, the integration into a unitary conception of the activities of all the forces participating in the defence actions of the country. Main mission is to ensure*

*national defence by preventing, counteracting and annihilating military threats and aggressions against the country.*

*The use of the National Army in solving the problems that are not directly related to the defence of the state is carried out exclusively under the Parliament's decision and, in extreme situations, by the decree of the President of the Republic of Moldova.*

*The state's security bodies are special structures of the executive authorities designed to ensure, within their responsibilities, the security of the Republic of Moldova.*

*They have the follow-on responsibilities:*

- to defend of Republic of Moldova's independence and territorial integrity, to ensure protection of the state borders, enforce the constitutional order, ensure human rights and liberties;*
- to provide information and intelligence needed for government's activity;*
- to conduct counter-intelligence against illegal activities of special services or organizations of other states;*
- to provide the Parliament, the President and the Government with the information required for solving state security issues;*
- to combat terrorism, organized crime, and corruption, which undermine the country's security;*
- to provide security for national and foreign high officials;*
- to ensure, along with the Border Police, security of the Republic of Moldova's borders.*

### **3. Procedures related to different forces personnel**

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

*According to the Constitution, the military service is considered a basic right and duty of citizens of nation.*

*Thus, the Law on citizens' readiness for the country defence stipulates that only men over 18 years who are citizens of the Republic of Moldova are recruited in the military service. The duration of the conscript service is 12 months. The maximum age for conscription recruitment is 27 years old.*

*Public administration authorities along with military recruiting centres recruit citizens according to Presidential Decrees and Governmental Decisions. The recruitment committees select and further assign recruit to the Armed Forces.*

*According to the Law on Police activity and Policeman statute nr.320 from 27.12.2012, responsibilities in the area of maintaining and restoring of public security, rule of law and public order will be exercised by the General Inspectorate of Carabineer (internal troops) in collaboration with the Police till the time of Carabineers reorganization and integration in the Police. With this in mind, until that time the Carabineers shall be completed by Moldovan citizens, incorporated in the army. According to the Law on the General Inspectorate of Carabineer nr.219*



*issued on 08.11.2018 under the orders of the Minister of Internal Affairs, military on the contract basis could be assigned as soldiers and sergeants.*

*The recruiting committees are authorized to postpone conscription due to family and health problems, studying extension necessity, and executing deputy mandate in local public administration authorities as well as during criminal investigation process.*

### 3.2 What kind of exemptions or alternatives to military service does your State have?

*According to the Law on citizens' readiness for the country defence provisions, citizens can be exempted from obligatory conscription on the follow-on bases, in case if:*

- recognized as unfit for military service during the peacetime;*
- accomplished the military obligatory training;*
- released from execution of military duties on private consciousness bases (for example: religion believes);*
- person has lost his father (mother), brother (sister) who died during military service. Recruit may not use this right;*
- convicted or not rehabilitated according to the legislation.*

*The Republic of Moldova has enacted the legislation that provided the possibility for recruits who refuse to bear arms due to pacifistic and/or religious reasons to be exempted from military service. Such citizens can be offered civilian service, so-called alternative service, in public sector.*

*The Law on citizen service (alternative), dated on 06.07.2007, determines the terms and provisions of such service.*

*The duration of the civil service is 12 months. For people with higher education, the duration of this service is 6 months.*

### 3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts? FSC.DEC/2/09 1 April 2009 Annex

*The military personnel benefit from all constitutional rights and liberties; they can also obtain additional rights due to their special status.*

*According to the Delinquency Code, for committing offences outside of service duties, military personnel, except conscripts, respond under the general provisions. But, conscripts respond under Military Discipline Regulation.*

*According to the Military Discipline Regulation, each military has the right to comply against illegal actions of the commander and against violations of his rights and liberties. The appeal is submitted to the chief of the person whose actions are complained upon; the commander is obliged to examine it during the period of three days in order to make a decision.*

*If the complainer is not satisfied with the decision, he has the right to go on trial according to the general procedures.*

## **4. Implementation of other political norms, principles, decisions and international humanitarian law**

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

*In order to implement provisions of the Geneva Convention from 1949 and its additional protocols from 1977, the National Advisory and Co-ordination Committee for the implementation of the humanitarian law was established within the Government of the Republic of Moldova. The main duty of this committee is to assure the international law compliance, especially its reflection and implementation in the Moldovan legislation. The Ministry of Defence also has a representative at this Committee.*

*The National Army continues co-operating with the Regional Delegation of the International Committee of the Red Cross resulting in an annual co-operation plan. According to this, seminars and conferences are organized with officers, conscripts and students of the Military Academy of the Armed Forces. Additionally, students from the Military Academy participate in international competitions on international humanitarian law.*

*The annual curriculum of the Military Academy consists of 30 academic hours for the international humanitarian law.*

*The international humanitarian law norms are permanently distributed within the Armed Forces with support of the Regional Delegation International Committee of the Red Cross.*

*Since 2006, National Army of the Republic of Moldova complies with the norms outlined in the Minister of Defence Order on Regulation on implementation of the law of armed conflicts norms in the National Army of the Republic of Moldova. This Regulation outlines the order of application of the law of armed conflicts norms in National Army of the Republic of Moldova, establishes duties of officials on the organization of studying, distribution, practical working off and implementation of the law of armed conflicts norms.*

4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

*According to the Internal Service Regulation of the Moldovan Armed Forces, the military personnel are obligated to be familiar with and to respect firmly the international norms concerning the Code of Conduct during military actions.*

*The training and practical exercises on international humanitarian law are conducted for military personnel on the regular bases.*

*At the same time, the military personnel receive knowledge of national and international legislation during their basic military training.*

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

*According to the Constitution of the Republic of Moldova and the Law on national defence, armed forces are subordinate solely to the will of the people to*

*safeguard the sovereignty, independence, unity and territorial integrity of the country and constitutional democracy.*

*The National Army implication in problems solving not directly related to defence shall be made only upon the decision of Parliament, and in extreme cases, by decree of the President.*

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how does your State ensure that the country's armed forces are politically neutral?

*Military personnel benefit from all constitutional rights and guarantees, as the citizens of Moldova, and also have the right to vote and to be elected, except to be part of parties and other socio-political organizations or to conduct political activities in their favour. Therefore it will guarantee political neutrality in the national armed forces.*

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

*The Constitution of the Republic of Moldova recognizes the supremacy of the international laws over the national legislation.*

### **Section III: Public access and contact information**

#### **1. Public access**

1.1 How is the public informed about the provisions of the Code of Conduct?

*Informing the public on issues that displayed in this Code, is carried out by placing information on the official websites of the public authorities mentioned in this Code.*

1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

1.3 How does your State ensure public access to information related to your State's armed forces?

*The Constitution of the Republic of Moldova grants the citizens' rights for access to any information of public interest; public authorities must provide citizens with the correct information. The exercise of this right can be a subject to some restrictions, without prejudicing international law principles, if it is in the national security interest.*

*The Law on Access to Information, dated on 11.05.2000, provides the public access mechanism to official information held by public authorities, including components of the Armed Forces.*

*Additionally, there are various ways to inform public about the Armed Forces activities:*

- *discussing the Armed Forces-related issues in the Parliament;*
- *the Ministry of Defence press-releases;*
- *participation at the press conferences with the Minister of Defence, Chief of the Main Staff and other officeholders within the Ministry of Defence;*
- *organizing the "Open Door Day" in the military units;*

- *broadcasting weekly TV and radio programs on a national channel dedicated to the National Army activity;*
- *publishing monthly journal „Oastea Moldovei”;*
- *the National Army newscast on social networks (Facebook, YouTube, Twitter and Flickr);*
- *conducting media campaigns and media projects (with the participation of media outlets) on different defense issues;*
- *mass-media coverage of defence-related issues.*

## **2. Contact information**

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.