

ODIHR OPINION ON THE DRAFT CODE ON THE ORGANIZATION AND FUNCTIONING OF THE PARLIAMENT OF MOLDOVA (ASPECTS RELATED TO THE REPRESENTATIVE FUNCTIONS OF THE PARLIAMENT)

REPUBLIC OF MOLDOVA

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Based on an unofficial English translation of the Code commissioned by ODIHR.



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EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS

ODIHR welcomes the initiative of the Parliament of Moldova to undertake a fundamental reform of the Parliament through the *Code on the Organization and Functioning of the Parliament* (hereinafter referred to as “the Draft Code”) with a view to enhance the openness, transparency, accountability and inclusiveness of the institution.

The Draft Code includes a number of positive features that support the representative function of the Parliament. These include the recognition of human rights and freedoms as fundamental principles of parliamentary work, the establishment of mechanisms for civil society and public engagement such as hearings, petitions, and consultations, and references to cooperation with independent oversight institutions and experts. Notably, Chapter X on cooperation with civil society and several provisions on transparency and public access lay a solid foundation for more open, participatory and inclusive parliamentary processes.

At the same time, there are areas where improvements can be made to foster greater engagement with the general public, the national human rights institution and civil society, to strengthen the representative function of the Parliament overall. Some of the mechanisms introduced by the Draft Code are largely discretionary and lack the procedural specificity needed to ensure Parliament’s systematic, consistent, and inclusive engagement when exercising its functions, across all legislative stages. Strengthening the Draft Code through more detailed procedures for public input, transparent and meaningful feedback mechanisms, and structured cooperation with civil society and other relevant stakeholders would help institutionalize inclusive and participatory parliamentary work. In particular, the Draft Code should be strengthened to facilitate the participation of under-represented and marginalized groups and to ensure accessibility and inclusion across all segments of society. Further, it should explicitly reflect the advisory role of the People’s Advocate in human rights-related deliberations. These improvements are essential to reinforce the Parliament’s representative function.

More specifically, and in addition to what is stated above, ODIHR makes the following recommendations to further strengthen the Draft Code’s provisions on the representative function of the Parliament:

- A. To include a specific reference to participatory and inclusive processes as one of the guiding principles for parliamentary activity under Section 2 of the Draft Code, in order to reinforce the representative function of Parliament; [para. 22]
- B. To harmonize the Draft Code with Parliament Decision No. 149/2023 by explicitly reflecting its principles on civic dialogue, inclusiveness, and transparency, and by operationalizing its participatory mechanisms across relevant provisions of the Draft Code; [para. 24]
- C. To strengthen parliamentary transparency, accessibility, and public engagement, it may be considered to elaborate in the Draft Code clear and binding procedures for proactive information-sharing. These should ensure timely and structured public access to legislative documents and consultation opportunities, including through the use of digital tools such as online

platforms for public comment on draft laws – while introducing measures to mitigate the risk of digital divide. The Draft Code should also provide for the availability of key documents in accessible formats and, where relevant, to the access of these documents in minority languages. These provisions should be aligned with Moldova's Law on Access to Information of Public Interest and Law No. 239/2008 on Transparency in the Decision-Making Process, which reinforce obligations related to public access, consultation, and participation. [paras. 33-35]

- D. To amend the Draft Code to include clear minimum standards for meaningful and inclusive public consultation, such as adequate notice periods, accessible formats, and targeted and proactive outreach to affected and/or under-represented stakeholders. The Draft Code should also explicitly require that any exception to public consultations be accompanied by a clearly justified rationale, include alternative forms of rapid public consultation, and be in line with the principles set out in Parliament Decision No. 149/2023; [paras. 40-42]
- E. To introduce specific provisions within relevant Articles 83, 198-201, 232 of the Draft Code aimed at ensuring and proactively facilitating participation from historically marginalized and under-represented groups, including ethnic minorities, persons with disabilities, and Roma and Sinti communities, by addressing potential barriers and promoting accessibility, while having particular regard to gender and intersectionality; [paras. 46-48]
- F. To strengthen the framework for public participation the Draft Code should include clear and detailed procedural standards for key participatory mechanisms, including:
 - 1. the handling, processing, and follow-up of petitions under Article 221;
 - 2. the conduct of legislative hearings under Articles 228–232, with transparent procedures for public participation, speaking rights, and selection of contributors; and
 - 3. the conduct of public consultations under Articles 43 (8), 91 (2), and 94 (1), including standardized methods, minimum timeframes, and guidance on how public input is received, documented, and taken into account; [paras. 54-57]
- G. To enhance the inclusiveness and accessibility of civil society engagement by amending Articles 43 (8) and 197 (3) of the Draft Code to require transparent and objective criteria for parliamentary lists/registers of civil society organizations (CSOs), with the possibility to include informal groups or movements, and by amending Chapter X to include proactive outreach and clear modalities for civil society involvement in parliamentary planning and policy development, in line with Parliament Decision No. 149/2023 and international standards; [para. 60]
- H. To strengthen procedural guarantees for civil society participation by amending Articles 44(d), 83, 221, and 232 to establish clear procedures and objective criteria for CSOs to i) be invited to and participate in committee work and parliamentary hearings, ii) register for participation in hearings, and iii) have petitions processed effectively, including defined timelines and requirements for parliamentary response; [paras. 62-64]

- I. To ensure civil society input is meaningfully acknowledged through amendments to Chapter X and Article 200, by considering to establish a formal feedback mechanism requiring Parliament to inform about results of consultations, including information about the rejected proposals, and to make this information publicly accessible in a timely and consistent manner; [para. 67]
- J. To harmonize the provisions of the Draft Code with international standards on the role of national human rights institutions, by ensuring that the participatory and advisory functions of the People's Advocate are procedurally reflected across relevant provisions of the Draft Code, particularly those regulating committee engagement, parliamentary scrutiny, and follow-up to institutional reports with due regard for the independence of the Advocate. [paras. 69-70]
- K. To consider further enhancing the framework for expert engagement, it is advisable to include in the Draft Code clear, objective, and publicly available guidance for selecting experts based on competence, independence, relevance, and diversity, while requiring public disclosure of expert affiliations and substantive contributions, and promoting integration of expert advice into parliamentary deliberations, especially where it concerns complex or high-impact legislation. [paras. 76-79]

These and additional Recommendations, are included throughout the text of this Opinion, highlighted in bold.

As part of its mandate to assist OSCE participating States in implementing their OSCE human dimension commitments, ODIHR reviews, upon request, draft and existing laws to assess their compliance with international human rights standards and OSCE commitments and provides concrete recommendations for improvement.

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I. INTRODUCTION

1. Throughout 2024, representatives of the OSCE Office for Democratic Institutions and Human Rights (hereinafter “ODIHR”) and the Head of the Committee on Legal Affairs, Appointments and Immunities of the Parliament of Moldova have been discussing ways to support parliamentary reform, more enhanced democratic governance and inclusive political participation in the Republic of Moldova. During a country visit of ODIHR representatives to Moldova in September 2024, the Head of the above-mentioned Committee reiterated interest in requesting ODIHR to prepare a legal review of the *Draft Code on the Organization and Functioning of the Parliament of Moldova* (hereinafter the “Draft Code”). This forms part of the effort to fundamentally reform the Parliament with a view to enhance the openness, transparency, accountability and inclusiveness of the institution.
2. On 26 September 2024, ODIHR confirmed its readiness to assess the compliance of the Draft Code with international human rights standards and OSCE human dimension commitments. Given the broad scope of the Draft Code, ODIHR also informed that several legal opinions on different components of the Draft Code will be prepared.¹ These legal analyses should be read together with the two ODIHR Opinions on the Draft Law on the Status, Conduct and Ethics of the Members of Parliament of the Republic of Moldova published in 2024.²
3. This Opinion was prepared in response to the above request. ODIHR conducted this assessment within its mandate to assist the OSCE participating States in the implementation of their OSCE human dimension commitments.³ This legal review was funded by the Project Stronger Democratic Institutions in Eastern Partnership Countries, an ODIHR project supported and funded by the European Union and co-financed by the Government of France, Italy, Norway, Switzerland.⁴

1 These legal reviews are focusing on the legislative procedure (Chapter III), the constitutional revision procedure (Chapter IV), procedure for declaring a state of emergency, siege or war (Chapter V), inter-institutional relations with other powers (Chapters VI to IX and XI-XII of the Draft Code), parliamentary oversight (Title III of the Draft Code), parliament’s representative role and co-operation with civil society (Chapter X), and/or a combination of these and other issues as deemed appropriate.

2 See ODIHR, *Opinion on Certain Provisions of the Draft Law on the Status, Conduct and Ethics of the Members of Parliament of the Republic of Moldova* (26 March 2024), in [English](#) and in [Romanian](#); and *Opinion on the Draft Law on the Status, Conduct and Ethics of the Members of Parliament of the Republic of Moldova* (11 December 2024), in [English](#) and in [Romanian](#).

3 See in particular specific OSCE human dimension commitments relating to democratic institutions and participation in public decision-making processes, including the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990), which states: “Among those elements of justice that are essential to the full expression of the inherent dignity and of the equal and inalienable rights of human beings are (...) legislation, adopted at the end of a public procedure, and regulations that will be published, that being the conditions of their applicability. Those texts will be accessible to everyone” (para. 5.8); and Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (1991), which provides: “Legislation will be formulated and adopted as the result of an open process reflecting the will of the people, either directly or through their elected representatives” (para. 18.1). OSCE participating States also specifically committed to ensure equal opportunities for the effective participation in political and public life of women, persons belonging to national minorities, Roma and Sinti, especially of Roma and Sinti women, persons with disabilities; see e.g., OSCE, *Action Plan for the Promotion of Gender Equality*, adopted by Decision No. 14/04, MC.DEC/14/04 (2004), para. 44(d); *2003 OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*, para. 88; OSCE Ministerial Council, *Decision No. 4/13 on the enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area, With a Particular Focus on Roma and Sinti Women, Youth and Children* (2013), para 4.2; *Report of the CSCE Meeting of Experts on National Minorities* (Geneva, 1991); OSCE/CSCE *1991 Moscow Document*, para. 41. See also *OSCE Decision No. 7/08 Further Strengthening the Rule of Law in the OSCE Area* (2008), point 4, where the Ministerial Council “[e]ncourages participating States, with the assistance, where appropriate, of relevant OSCE executive structures in accordance with their mandates and within existing resources, to continue and to enhance their efforts to share information and best practices and to strengthen the rule of law [on the issue of] accountability of state institutions and officials, respect for the rule of law in public administration[...].”

4 The content of this legal review represents the views of ODIHR only and the European Commission does not accept any responsibility for use that may be made of the information it contains. *Stronger Democratic Institutions in Eastern Partnership Countries* is a four-year project, implemented between 1 January 2024 and 31 December 2027. The project has the objective to support democratic

II. SCOPE OF THE OPINION

4. The Opinion covers only the Draft Code submitted for review with a particular focus on aspects relating to the representative function of the Parliament, including the engagement with the public, civil society organizations (CSOs), the national human rights institution (People's Advocate), and independent experts. Thus limited, the Opinion does not constitute a full and comprehensive review of the entire Draft Code, nor of the legal and institutional framework regulating the Parliament in Moldova. This Opinion should be read in conjunction with ODIHR's other opinions on this Draft Code covering the following topics: legislative procedure (Chapter III of the Draft Code), constitutional revision procedure (Chapter IV of the Draft Code), procedure for declaring a state of emergency, siege or war (Chapter V of the Draft Code), Inter-institutional Relations (Chapter VI to XII of the Draft Code) and parliamentary oversight (Title III of the Draft Code).
5. The Opinion raises key issues and provides indications of areas of concern. In the interest of conciseness, it primarily focuses on those provisions that require amendments or improvements rather than on positive aspects of the Draft Code. The following legal analysis is based on international and regional human rights and rule of law standards, norms and recommendations as well as relevant OSCE human dimension commitments and international best practices.
6. Moreover, in accordance with the Convention on the Elimination of All Forms of Discrimination against Women⁵ (CEDAW) and the 2004 OSCE Action Plan for the Promotion of Gender Equality⁶ and commitments to mainstream gender into OSCE activities, programmes and projects, as well as the ODIHR Guidelines on Democratic Lawmaking for Better Laws (hereinafter "ODIHR Guidelines on Democratic Lawmaking"),⁷ this Opinion integrates, as appropriate, a gender and diversity perspective.
7. This Opinion is based on an unofficial English translation of the Draft Code, which is attached to this document as an Annex. Errors from translation may result. Should the Opinion be translated in another language, the English version shall prevail.
8. In view of the above, ODIHR would like to stress that this Opinion does not prevent ODIHR from formulating additional written or oral recommendations or comments on respective subject matters in Moldova in the future.

institutions and processes in Armenia, Azerbaijan, Belarus*, Georgia, Republic of Moldova, Ukraine to be more inclusive, accountable, resilient, transparent, human rights and rule of law compliant. Within the framework of this project, states will be offered assistance to benefit from ODIHR's full array of tools. These will be provided in accordance with ODIHR's mandate and established methodology, and in synergy with EU priorities in the region. This will allow States to implement more effective and efficient policies, as well as evaluate progress towards accountable and inclusive democratic institutions, stronger public integrity systems, human rights compliant legal frameworks, political party regulation, as well as participation of historically under-represented groups in political life and decision-making. * *In the implementation of activities, it will be taken into consideration that the EU has stopped engaging with official representatives of Belarus public bodies and state-owned enterprises further to the Council Conclusions of 12 October 2020 and the European Council Conclusions of February 2022.*

5 See the [UN Convention on the Elimination of All Forms of Discrimination against Women](#) (hereinafter "CEDAW"), adopted by General Assembly resolution 34/180 on 18 December 1979. The Republic of Moldova acceded to the Convention on 1 July 1994.

6 See the [OSCE Action Plan for the Promotion of Gender Equality](#), adopted by Decision No. 14/04, MC.DEC/14/04 (2004), para. 32.

7 ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), Principle 3: Human Rights Compliance, provides that "the legislative process should be inclusive and integrate gender and diversity perspectives throughout the legislative cycle to ensure fair results and a positive impact on gender equality, diversity and human rights... to see whether it addresses the different needs of women, men and different societal groups, especially groups that are historically marginalized or under-represented. To ensure such results, the process of legislative design, drafting, consultation, discussion, implementation and evaluation should be inclusive and participatory throughout".

III. LEGAL ANALYSIS AND RECOMMENDATIONS

1. RELEVANT INTERNATIONAL HUMAN RIGHTS STANDARDS AND OSCE HUMAN DIMENSION COMMITMENTS

9. Respect for human rights and fundamental freedoms is an essential part of democracy and the rule of law. Furthermore, OSCE participating States have recognized that human rights are best respected in democratic societies, where decisions are taken with maximum transparency and broad participation⁸ and that political pluralism,⁹ and public accountability are essential elements of a democratic political system.¹⁰ These principles underpin the legitimacy of parliamentary institutions and are fundamental to ensuring effective, transparent, inclusive and representative governance.
10. Parliaments are fundamental pillars of democracy. They embody essential and democratic representation of the people, institutionalise the legislative functions of the state, and provide critical oversight of the executive. OSCE human dimension commitments on democratic institutions recognize that robust democracy depends on the existence of democratic values and practices as well as an extensive range of democratic institutions.¹¹ Parliaments have an essential role in relation to the human rights commitments of the state. As the primary representative and legislative institution, a parliament plays a crucial role in developing and adopting legislation, including laws protecting and advancing human rights, ensuring a state's compliance with its international human rights obligations and translating these into national policies and legislations, as well as highlighting human rights challenges, bringing these to the forefront of political discourse.¹² Recent initiatives by the OSCE, United Nations and others seek to specifically address how parliaments should engage with human rights commitments of their state.¹³
11. Parliamentary engagement with the public, civil society actors, NHRIs, independent experts, and other stakeholders, is integral to its democratic mandate and representative function.¹⁴ Meaningful and inclusive participation by these diverse societal actors significantly enhances the democratic quality, legitimacy, and effectiveness of

8 CSCE/OSCE, [Ministerial Declaration on the Occasion of the 60th Anniversary of the Universal Declaration of Human Rights](#) (Helsinki 2008), 8 December 2008.

9 CSCE/OSCE, [Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE](#) (1991 OSCE Moscow Document), 3 October 1991, para. 5.

10 See e.g., OSCE, [Charter of Paris for a New Europe](#), Paris, 19 - 21 November 1990, which states that "Democracy, with its representative and pluralistic character, entails accountability to the electorate, the obligation of public authorities to comply with the law and justice administered impartially." See also [1999 OSCE Istanbul Document](#), 19 November 1999, where OSCE participating States committed to strengthen their efforts to "promote good government practices and public integrity" in a concerted effort to fight corruption.

11 OSCE, [Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE](#), Copenhagen 5 June – 29 July 1990), para. 26.

12 ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), para 39-40; International IDEA, [Effective Human Rights Engagement for Parliamentary Bodies: A Toolkit](#) (2022).

13 For example, UN HRC Resolution, Contribution of Parliaments to the Work of the Human Rights Council and its Universal Periodic Review, UN document A/HRC/22/L.21, 19 March 2013; UN General Assembly Resolutions 65/123 of 2010 and 66/261 emphasized the importance of co-operation and interaction in the field of human rights between the UN Human Rights Council, national parliaments and the Inter-Parliamentary Union. See also, OHCHR, Draft Principles on Parliaments and Human Rights; Parliaments and Human Rights. Parliamentary Assembly of the Council of Europe, Resolution 1823, National parliaments: guarantors of human rights in Europe, 23 June 2011.

14 CSCE/OSCE, Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (1991), para. 18 (committing states to ensure legislation is formulated and adopted "as a result of an open process reflecting the will of the people"); ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), Principle 7.

parliamentary processes, including lawmaking. In particular, civil society¹⁵ – comprising among others, non-governmental organizations (NGOs) operating at various levels, human rights defenders, associations, women’s advocates, youth groups, minorities, indigenous communities, trade unions, and media representatives – plays a critical role in informing parliamentary work. International standards highlight the importance of enabling civil society to engage freely and effectively in public decision-making processes and legislative activities,¹⁶ emphasizing the need for an environment conducive to peaceful advocacy and input. Additionally, these standards recognize the specific advisory role of NHRIs on legislative matters impacting human rights.¹⁷

12. A truly representative Parliament should allow for political pluralism, within its own structures, also implying that institutional arrangements should be in place to guarantee the role of minority and opposition parties, including a fair access to parliamentary work, committees, debate, and oversight tools to uphold democratic legitimacy and inclusiveness of parliamentary processes¹⁸ (see the ODIHR Preliminary Opinion on the Draft Code on the Organization and Functioning of the Parliament of Moldova (regarding Parliamentary Oversight, Title III),¹⁹ which elaborates in greater details their role in the context of oversight).
13. Parliaments are also essential spaces for the exercise of the right to participation by both individuals and groups, as set out in Article 21 of the UDHR and Article 25 of the International Covenant on Civil and Political Rights (hereinafter “ICCPR”).²⁰ The UN Human Rights Committee in its General Comment No. 25 (1996) noted that the right to participate in public affairs, voting rights and the right of equal access to public service as reflected in ICCPR Article 25 requires that “[c]itizens also take part in the conduct of public affairs by exerting influence through public debate”.²¹ Further, UN Human Rights Council Resolution 32/31²² encourages states to facilitate public participation in public decision-making and legislative processes. In matters pertaining to the environment, the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (or “Aarhus Convention”) – which is legally binding upon Moldova,²³ requires States Parties to provide for early public participation in various categories of environmental decision-making, including policies and generally applicable legally binding normative instruments.
14. Moldova is a Member State of the Council of Europe (CoE), and a number of CoE standards and guidelines provide valuable reference points for enhancing public and civic engagement in parliamentary processes. In particular, this Opinion draws on key CoE guidance documents, including the Code of Good Practice for Civil Participation in the

15 The Council of Europe defines non-governmental organizations as “voluntary self-governing bodies or organizations established to pursue the essentially non-profit-making objectives of their founders or members”, and do not include political parties. non-governmental organizations “encompass bodies or organizations established both by individual persons (natural or legal) and by groups of such persons”. Council of Europe, [Fundamental Principles on the Status of Non-Governmental Organizations in Europe](#), Strasbourg, 13 November 2002; Council of Europe, Recommendation CM/Rec(2007)14 [on the legal status of non-governmental organizations in Europe](#), 10 October 2007, “Basic principles”.

16 UN Human Rights Council, Resolution 32/31 on [Civil Society Space](#), UN Doc. A/HRC/RES/32/31, para. 14 (d).

17 [Principles relating to the Status of National Institutions \(The Paris Principles\)](#), adopted by UN GA Res 48/134 (20 December 1993), Annex, Function (c); Council of Europe, European Commission for Democracy through Law (Venice Commission), [Principles on the Protection and Promotion of the Ombudsman Institution \(“Venice Principles”\)](#), CDL-AD(2019)005, adopted 15–16 March 2019, principle 18.

18 ODIHR, [Guidelines on Political Party Regulation](#) (2nd edition, 2020), paras. 127-128. See also Venice Commission, [Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist](#) (2019).

19 All ODIHR legal reviews on draft and existing laws of the Republic of Moldova are available here: [Moldova | LEGISLATIONLINE](#).

20 See the [UN International Covenant on Civil and Political Rights](#) (hereinafter “ICCPR”), adopted by the UN General Assembly by resolution 2200A (XXI) of 16 December 1966

21 UN Human Rights Committee, [General Comment No. 25](#), 1996, para. 8.

22 UN Human Rights Council Resolution A/HRC/RES/32/31 (2016).

23 Moldova ratified the UNECE Aarhus Convention on 9 August 1999.

- Decision-Making Process (2009), the CoE Guidelines for Civil Participation in Political Decision Making (CM(2017)83-final), the CoE Compilation “Civil Participation in Decision-Making Processes, An Overview of Standards and Practices in Council of Europe Member States”(2016), which are also informative in this regard.
15. The process by which legislation is adopted is central to the democratic operation of parliaments. The 1991 Moscow Document commits OSCE participating States to formulate and adopt legislation “as a result of an open process reflecting the will of the people”.²⁴ OSCE commitments emphasize that lawmaking must be transparent and participatory, ensuring opportunities for the public and relevant stakeholders to engage meaningfully in the formulation of laws and policies.²⁵
 16. Effective participation also requires attention to equality and non-discrimination. OSCE participating States have also committed to ensure equal opportunities for the effective participation in political and public life of women, persons belonging to national minorities, Roma and Sinti, especially of Roma and Sinti women, and persons with disabilities.²⁶ The Ljubljana Guidelines on Integration of Diverse Societies (2012) of the OSCE High Commissioner on National Minorities notes that “[d]iversity is a feature of all contemporary societies and of the groups that comprise them²⁷” and recommends that the legislative and policy framework should allow for the recognition that individual identities may be multiple, multi-layered, contextual and dynamic. The OSCE Parliamentary Assembly Resolution on the Role of National Parliament in Enhancing Participation of Civil Society in Parliamentary and Decision-Making Processes (2023) is also of particular relevance to the present Opinion.²⁸
 17. As emphasized in the ODIHR Guidelines on Democratic Lawmaking, “it is essential to strengthen democratic institutions and processes by promoting openness, transparency, inclusiveness and accountability in lawmaking.”²⁹ Further, the “[l]awmaking procedures and practices should follow democratic principles, adhere to the rule of law and comply with the international human rights obligations and standards to which OSCE participating States have committed.”³⁰ A transparent, accountable, inclusive, and democratic lawmaking process also requires that the public be granted access to draft legislation and afforded a meaningful opportunity to provide input.³¹
 18. Given the EU candidate status of the Republic of Moldova and its aim to open ‘Cluster 1: Fundamentals’ of the EU accession negotiations, which focuses *inter alia* on the functioning of democratic institutions and public administration reform, the reform of parliamentary processes should be among the key priority for the country. Article 2 of the Treaty on European Union (TEU) provides that the EU is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for

24 Document of the Moscow Meeting of the Conference on the Human Dimension of the CSCE (Moscow Document), OSCE, 3 October 1991, para. 18.1.

25 ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), para 10, citing “Especially with regard to the effective and full participation of women, people belonging to national minorities and Roma and Sinti; see e.g., Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area (Action Plan), OSCE, 27 November 2003,

26 See OSCE, [Action Plan for the Promotion of Gender Equality](#), adopted by Decision No. 14/04, MC.DEC/14/04 (2004), para. 44(d); [2003 OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area](#), para. 88; OSCE Ministerial Council, [Decision No. 4/13 on the enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area, With a Particular Focus on Roma and Sinti Women, Youth and Children](#) (2013), para 4.2; [Report of the CSCE Meeting of Experts on National Minorities](#) (Geneva, 1991); OSCE/CSCE [1991 Moscow Document](#), para. 41..

27 See [Ljubljana Guidelines on Integration of Diverse Societies](#), 7 November 2012

28 OSCE Parliamentary Assembly, [Vancouver Declaration - Resolution on the Role of National Parliament in Enhancing Participation of Civil Society in Parliamentary and Decision-Making Processes](#), on p. 67.

29 ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), Introduction.

30 ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), Foreword.

31 Venice Commission, Rule of Law Checklist, Benchmark A.5. Lawmaking procedures.

human rights, while Article 10 (3) TEU provides to every citizen the right to participate in the democratic life of the Union and requires that decisions are taken as openly and as closely as possible to the citizen. The European Commission specifically calls upon EU Member States to actively promote inclusive and effective engagement of public authorities with citizens, CSOs and human rights defenders in their public policy-making processes while creating and maintaining a safe and enabling environment for this purpose,³² while in addition encouraging the participation of children and young people in democratic life. Among others, accessibility for persons with disabilities should be ensured in line with the accessibility requirements laid down in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council and reasonable accommodation should be provided to ensure the participation of persons with disabilities to public policy-making processes on equal basis with others. In addition, the [EU Roadmap for engagement with Civil Society in the Republic of Moldova for the period 2021-2027](#) as well as the key findings and recommendations from the European Commission's Republic of Moldova 2024 Report³³ and from the OECD-EU Joint Initiative Support for Improvement in Governance and Management in Central and Eastern European (SIGMA) Monitoring Report on Public Administration in the Republic of Moldova (hereinafter "2023 SIGMA Monitoring Report"),³⁴ are of particular relevance and will be referred to as appropriate in this Opinion.

19. A number of other documents of a non-binding nature elaborated in various international and regional fora are useful as they provide more practical guidance and examples of practices to enhance the inclusiveness of the Parliament of Moldova, such as:
- the 2019 ODIHR Guidelines on Promoting the Political Participation of Persons with Disabilities;³⁵
 - the 2022 ODIHR Tool on Addressing Violence against Women in Parliament;³⁶
 - the 2021 ODIHR Guide on Realizing Gender Equality in Parliament;³⁷
 - the 2017 ODIHR Practical Guide on Gender-Sensitive Legislation;³⁸
 - the publications of the Inter-Parliamentary Union (IPU), including the 2012 Plan of Action for Gender-sensitive Parliaments,³⁹ the 2010 resolution on Youth Participation in Democratic Process⁴⁰ and the 2022 Report on Public Engagement in the Work of Parliament,⁴¹ among others;
 - OECD's publications relating to good public governance and accountable and effective public institutions; and

32 See e.g., European Commission, [Recommendation 2023/2836 of 12 December 2023 on promoting the engagement and effective participation of citizens and civil society organisations in public policy-making processes](#).

33 See European Commission, [Republic of Moldova 2024 Report - Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of Regions](#), 30 October 2024, especially Sub-Section 2.1.

34 EU-OECD SIGMA, [Monitoring Report on Public Administration in the Republic of Moldova - Assessment against the Principles of Public Administration](#) (October 2023), covering 2023 up until September.

35 See OSCE/ODIHR, [Guidelines on Promoting the Political Participation of Persons with Disabilities](#) (2019)

36 See ODIHR, [Addressing Violence against Women in Politics in the OSCE Region: ODIHR Toolkit](#) (2022), including specific Tool 2 on Addressing Violence against Women in Parliament (2022).

37 See ODIHR, [Realizing Gender Equality in Parliament: A Guide for Parliaments in the OSCE Region](#) (2021).

38 See ODIHR, [Making Laws Work for Women and Men: A Practical Guide to Gender-Sensitive Legislation](#) (2017).

39 IPU, [Plan of Actions for Gender-sensitive Parliaments](#) (2012), pages 8-9, which defines a gender-sensitive parliament as "a parliament that responds to the needs and interests of both men and women in its composition, structures, operations, methods and work. Gender sensitive parliaments remove the barriers to women's full participation and offer a positive example or model to society at large. They ensure that their operations and resources are used effectively towards promoting gender equality. [...] A gender-sensitive parliament is therefore a modern parliament; one that addresses and reflects the equality demands of a modern society. Ultimately, it is a parliament that is more efficient, effective and legitimate". See also the 2022 IPU Kigali Declaration and IPU Strategy 2017-2021.

40 IPU, Youth Participation in Democratic Process, 2010

41 IPU, [Global Parliamentary Report 2022](#) - Public engagement in the work of parliament, which also provides guidelines on establishing independent bodies to monitor and enforce accountability within legislative processes.

- the Venice Commission’s Rule of Law Checklist.⁴²

2. BACKGROUND

20. The Draft Code is a comprehensive document, covering a wide range of aspects of the functioning of the Parliament. Of particular relevance for the purposes of this Opinion are Parliament Decision No. 149/2023 regarding the approval of the Platform for Dialogue and Civic Participation in the Parliament's decision-making process,⁴³ Law No. 148/2023 on access to information in the public interest,⁴⁴ and Law No. 52/2014 on the People’s Advocate, which governs the mandate, functions, and parliamentary engagement of the national human rights institution.⁴⁵
21. The present Opinion focuses on the representative function of Parliament, with particular emphasis on how inclusiveness and participatory processes—through engagement with the general public, CSOs, NHRI, and independent experts – can strengthen Parliament’s legitimacy, transparency, accountability, and effectiveness across all areas of parliamentary work. These elements are not treated as separate functions, but rather as interlinked and mutually reinforcing aspects of parliamentary representation. Effective representation requires ensuring that diverse societal views are meaningfully considered throughout parliamentary processes, and this includes establishing clear mechanisms for public consultation and civil society input.⁴⁶ Further, aspects of the Draft Code examined in the other aforementioned ODIHR opinions that relate to the same request from the Parliament may also touch on issues of representation and civil society engagement.
22. Section 2 of the Draft Code outlines the principles of parliamentary activity, which are legality, democracy and political pluralism, parliamentary autonomy, protection of human rights and freedoms, the public nature of parliaments work, proportional representation and deliberation. **Given the importance of these principles to the understanding of the rest of the provisions of the Draft Code, the addition of a reference to participatory and inclusive processes would ensure that this is understood as a guiding principle for the Parliament.**
23. Articles 2 and 4 of the Draft Code underscore the centrality of representation to the Parliament’s mandate. This is reinforced in Section 2, through Article 6 (1), which emphasizes that democracy is based on pluralism of opinions, the prioritisation of human rights and freedoms in Article 8, and the public nature of the parliament’s work in Article 9. Article 8 on the protection of human rights and freedoms is of particular note, which provides that the protection of human rights and freedoms “*is a fundamental principle and a priority of the Parliament.*” This is an important inclusion that is also in line with international standards which emphasize that upholding human rights is essential for genuine representation.⁴⁷ Nonetheless, this provision could be further strengthened by referencing the source of these human rights.

42 Council of Europe’s Venice Commission, [Rule of Law Checklist](#), adopted by the Venice Commission at its 106th Plenary Session (Venice, 11-12 March 2016), para. 18.

43 Parlamentul Hotărâre Nr. 149 din 09-06-2023 privind aprobarea Platformei de dialog și participare civică la procesul decizional al Parlamentului, 20-06-2023, Monitorul Oficial Nr. 200-203 art. 345 https://www.legis.md/cautare/getResults?doc_id=137492&lang=ro

44 Lege Nr. 148 din 09-06-2023 privind accesul la informațiile de interes public Publicat : 08-07-2023 în Monitorul Oficial Nr. 234 art. 410.

45 Law No. 52/2014 on the People’s Advocate (Ombudsman), adopted on 3 April 2014.Moldova, available: [LP52/2014](#)

46 ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), para 25.

47 UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms (1998).

24. The Draft Code takes important steps toward institutionalizing participatory approaches, particularly through Chapter X, which establishes a legal basis for cooperation with civil society. These provisions complement the participatory structures envisaged under Parliament Decision No. 149/2023, which promotes dialogue, civic participation, transparency, and parliamentary credibility. In this respect, further **harmonization between the Draft Code and Parliament Decision No. 149/2023 would strengthen legal coherence and improve the predictability, inclusiveness, and accessibility of civic engagement processes across the legislative cycle.**
25. Beyond civil society engagement, the Draft Code also outlines mechanisms for public participation (e.g., hearings, petitions, consultations), engagement by and with the People's Advocate (NHRI), and the involvement of independent experts. These provisions provide a valuable foundation and reflect a clear intention to promote openness and inclusion. At the same time, some of the participatory mechanisms are formulated in general or discretionary terms. **Enhancing procedural clarity, transparency safeguards, and meaningful feedback mechanisms would further support the systematic integration of external contributions and reinforce the quality, legitimacy, and human rights compliance of parliamentary work.**
26. Overall, the Draft Code offers a solid foundation for reinforcing Parliament's representative function through participatory processes. At the same time, translating its general provisions into practice will require more detailed and binding procedural rules to ensure systematic, transparent, inclusive, and accountable engagement with external actors throughout all stages of parliamentary activity.

RECOMMENDATION A.

To include a specific reference to participatory and inclusive processes as one of the guiding principles for parliamentary activity under Section 2 of the Draft Code, in order to reinforce the representative function of Parliament.

RECOMMENDATION B.

To harmonize the Draft Code with Parliament Decision No. 149/2023 by explicitly reflecting its principles on civic dialogue, inclusiveness, and transparency, and by operationalizing its participatory mechanisms across relevant provisions of the Draft Code.

3. THE REPRESENTATIVE FUNCTION OF THE PARLIAMENT

27. The representative function lies at the heart of democratic parliaments. It entails the ability of parliament to reflect the will and interests of the population and to ensure that diverse voices — including those of marginalized and under-represented groups — are meaningfully included in public decision-making processes.⁴⁸ Therefore, effective representation ensures that the composition, planning and decisions of parliament reflect,

48 Inter-Parliamentary Union (IPU), [Parliament and democracy in the twenty-first century: A guide to good practice](#) (Geneva: IPU, 2006), pp. 13-15.

to the greatest extent possible, the plurality of views and social makeup of the society it serves.

28. The OSCE participating States have committed to upholding representative democracy, based on pluralism, equality before the law, and respect for human rights. The 1990 Copenhagen Document explicitly affirms that the authority of government must be based on the will of the people, expressed through genuine, periodic elections, and reinforced through democratic institutions that ensure transparency and accountability.⁴⁹
29. In line with these commitments, the ODIHR *Guidelines on Democratic Lawmaking* underscore that a functioning representative democracy requires that “*all interested parties and stakeholders should have the opportunity to access the lawmaking process, be informed about it, and be able meaningfully to participate and contribute.*”⁵⁰ Representation is therefore not limited to parliamentary composition but extends to procedures that are open, participatory, inclusive and reflective of societal needs.⁵¹
30. Against this backdrop, the Draft Code provides an opportunity to further institutionalize the representative function of Parliament by embedding enforceable standards on transparency, participation, inclusiveness, accountability, and non-discrimination. The sections that follow assess the extent to which the Draft Code realizes these principles and identify areas for improvement in line with OSCE commitments and international human rights standards and recommendations.

3.1. Openness and Transparency

31. Open communication and transparency in parliamentary activities strengthen its representative function.⁵² According to Principle 1 of the ODIHR *Guidelines on Democratic Lawmaking*, “*Legislation should also be prepared, debated, verified, adopted, enforced, monitored and evaluated following participatory and representative procedures that are set out in a stable, clear, foreseeable, open and transparent legal framework.*”⁵³ The importance of openness is further emphasized in Principle 6, which states that the entire legislative process should, as a rule, be open and transparent.⁵⁴ Transparency in parliamentary proceedings is also crucial for civil society engagement⁵⁵ and ensures that the wider public is informed about parliamentary processes and has meaningful opportunities to participate throughout the legislative cycle.
32. Article 9 of the Draft Code, which sets out the principles of parliamentary activity, provides for the public nature of Parliament’s work including transparency in decision-making, transparency of activities and access to information. This is a welcome inclusion that explicitly underscores the open nature of the Parliament and provides guidance for the interpretation of subsequent provisions of the Draft Code. The public nature of parliament’s work as set out in Article 9 is further supported by Article 11 which provides that the debates in the working bodies and in the plenary of the parliament shall be public, subject to exceptions established by law. Further, Article 55 of the Draft Code lists persons who may attend public sittings of parliament. While the provision includes the

49 OSCE, Copenhagen Document (1990), paras 6, 7.5, and 7.6.

50 ODIHR, *Guidelines on Democratic Lawmaking for Better Laws* (2024), Principle 7.

51 *Ibid.*, Principle 5.

52 Council of Europe’s *12 Principles of Good Democratic Governance*, Principle 6: Openness and Transparency.

53 ODIHR, *Guidelines on Democratic Lawmaking for Better Laws* (2024), Principle 1.

54 ODIHR, *Guidelines on Democratic Lawmaking for Better Laws* (2024), Principle 6.

55 See for example, Council of Europe Convention on Access to Official Documents (ETS No. 205), which entered into force in Moldova on 1st December 2020 <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treatynum=205> (Council of Europe Convention on Access to Official Documents, 2009.)

broad term “other persons **civil society representatives could be explicitly mentioned in Article 55.** The explicit inclusion of civil society would also reflect the participatory engagement with civil society envisaged in Parliament Decision No. 149/2023.

33. There are a number of specific provisions in the Draft Code that provide mechanisms to ensure the openness and transparency of the Parliament through the publication and dissemination of information.⁵⁶ The Draft Code should be read in conjunction with Moldova’s law regarding access to information of public interest, which provides for the presumption that all information held by public authorities is public — subject only to specific legal exceptions, such as personal data protection — and requires the proactive publication of such information.⁵⁷ The Law No. 239/2008 on Transparency in the Decision-Making Process, which further reinforces obligations related to consultation and public access to draft decisions, is also of relevance. Information-sharing is a critical component of the representative function of parliament, as well as effective engagement between parliament and civil society. Without free and easy access to relevant and accurate information, it is difficult to develop policies and programs that are responsive to the needs and priorities of the communities that parliamentarians represent.⁵⁸ Limited access to information and changes in the legislative agenda without notification (or with last-minute notification) has been noted as a particular issue by civil society experts and other relevant stakeholders.⁵⁹ The European Commission’s Republic of Moldova 2024 Report also notes that advanced publication of draft laws and increased publication of supporting documents, with longer consultation deadlines would help increase transparency and the predictability of the legislative process.⁶⁰
34. While the Draft Code provides for publication of information (e.g., Articles 9, 40 (12)-(15), and 54 (2)), leveraging a broader range of technologies could further enhance both transparency and participation. Consideration could be given to utilizing tools such as interactive online portals for consultations allowing public commenting on drafts, expanding live streaming and archiving beyond plenary sessions to relevant committee meetings, developing digital tools for petition submission (complementing Article 221), and using diverse online channels, including social media, for disseminating information about parliamentary activities and consultation opportunities. When putting such mechanisms in place, it is also essential to mitigate the risk of digital divide⁶¹ and depending on the circumstances, consider diversifying the structures, methods, mechanisms, tools and types of public participation and of targeted public outreach to certain groups, especially to those who will be impacted by the contemplated policy.⁶² **The Draft Code could mandate the development of specific information sharing strategies by the Parliament/its Secretariat through complementary internal regulations or guidance tools, which can be more easily adapted to evolving needs**

56 Articles 9 and 15 provide for the publication of parliamentary documents, and Article 11 sets out the principle of open debates. Live broadcasting is dealt with in Article 52 (1) and online access to debate transcripts is provided for in Article 54 (2). Other provisions detail transparency requirements in relation to specific functions of parliament, such as Article 224 (9) which provides for the publication of advisory opinions. Meetings are recorded in minutes signed by the President of the sitting and posted on Parliament’s official website (Article 40 (12)-(13)). Decisions are published on the official website of the parliament (Article 40 (15)). Articles 167-177 of the Draft Code includes provisions for government presentations and publication of reports. Articles 194-196 emphasize publication of government decisions and co-operation with local administrations.

57 Lege Nr. 148 din 09-06-2023 privind accesul la informațiile de interes public Publicat : 08-07-2023 în Monitorul Oficial Nr. 234 art.3, 7, 10-12;

58 See generally, Council of Europe Convention on Access to Official Documents (ETS No. 205).

59 See [EU Roadmap for engagement with Civil Society in the Republic of Moldova for the period 2021-2027](#), p. 3.

60 See European Commission, [Republic of Moldova 2024 Report - Accompanying the document Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee, and the Committee of Regions](#), 30 October 2024, p. 22.

61 i.e., the exclusion of certain people who may not have access to, or the capacity to use the Internet and new technologies.

62 ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), para. 107.

and technologies. This could be done through developing a separate guidelines and protocols for the sharing of information, including defining what information can be shared, who can share it, and how it can be shared. Technology could be utilized to facilitate information sharing, such as online portals or databases, social media, and webinars⁶³ – while ensuring measures to mitigate the risk of digital divide.

35. Principle 17 of the ODIHR Guidelines on Democratic Lawmaking underscores the need for timely publication of laws, draft laws, and legislative documents, as well as accessibility in multiple formats and languages to the maximum extent possible. Consolidated version of draft laws reflecting amendments adopted during the different parliamentary committee meetings as well as parliamentary readings, should be easily accessible to the public, prior to adoption of the bills in plenary. In addition, consolidated and updated versions of adopted legal texts should be available and easily accessible to the public. The requirements in the Draft Code for publication of government decisions and reports in official gazettes could be further detailed. In this respect, it is worth recalling the latest opinion of the CoE Advisory Committee on the Framework Convention for the Protection of National Minorities, explicitly calling on the authorities *“to ensure that persons belonging to national minorities are systematically consulted and effectively participate in all decision-making processes, not only on cultural matters but also on other policies and legislation immediately relevant to their access to minority rights, including on any envisaged reforms of public administration”*, thereby also requiring access to relevant documents and information in the minority languages.⁶⁴ **While the Draft Code mandates the publication of debates and decisions, it should include specific provisions for providing documents in the minority languages, as relevant to the access to minority rights, and in accessible formats.**

RECOMMENDATION C.

To strengthen parliamentary transparency, accessibility, and public engagement, it may be considered to elaborate in the Draft Code clear and binding procedures for proactive information-sharing. These should ensure timely and structured public access to legislative documents and consultation opportunities, including through the use of digital tools such as online platforms for public comment on draft laws – while introducing measures to mitigate the risk of digital divide. The Draft Code should also provide for the availability of key documents in accessible formats and, where relevant to the access of these documents in minority languages. These provisions should be aligned with Moldova’s Law on Access to Information of Public Interest and Law No. 239/2008 on Transparency in the Decision-Making Process, which reinforce obligations related to public access, consultation, and participation.

⁶³ UN Human Rights Council, *Equal participation in political and public affairs*, 12 October 2015, A/HRC/RES/30/9.

⁶⁴ CoE Advisory Committee on the Framework Convention for the Protection of National Minorities, *Fifth Opinion on the Republic of Moldova* (2023), paras. 24 and 124-131.

3.2. Participation and Consultation

36. Participatory processes are essential to parliamentary activity.⁶⁵ Principle 7 of the ODIHR Guidelines on Democratic Lawmaking emphasises that participation and inclusiveness requires that “[a]ll interested parties and stakeholders should have the opportunity to access the lawmaking process, be informed about it and be able meaningfully to participate and contribute.” This is because “the quality of those laws is intrinsically linked to the process that led to their adoption.” This is reinforced in Principle 5 which provides that “[i]n general, laws and public decision-making should be prepared, discussed and adopted on the basis of well-founded arguments, scientific evidence and data, including information deriving from impact assessments and consultations with the public and other stakeholders.”
37. A proper consultation process promotes transparency, accountability and inclusiveness in the public decision-making process, and serves to improve awareness and understanding of the policies pursued among relevant stakeholders and the public.⁶⁶ The requirement on parliaments to ensure that they consult on draft policies and laws derives from the overall need for transparency and good governance in public institutions.⁶⁷
38. A primary means of public, experts and civil society, engagement with the Parliament per the Draft Code is through standing committees. Under the Draft Code, standing committees may be mandated to carry out public consultations (Article 43 (1)). Committees can set up working groups with experts, specialists, and representatives of interested parties (Article 43 (7)). To facilitate public consultations, standing committees maintain a list of associations and interested parties (Article 43 (8)) (see further comments on committees’ lists in para 60 *infra*).
39. Ensuring external engagement requires parliaments to conduct inclusive and participatory consultations, that not only promote democratic legitimacy but also enhance evidence-based lawmaking by drawing on the perspectives, expertise, and experiences of diverse societal actors.⁶⁸ Consultations should be result-oriented, meaning that they should, in principle, be able to have an actual impact on the content of the decision, policy or legislation.⁶⁹ Meaningful meetings and consultations can be ensured by preparing a clear agenda and objectives, setting out clear guidelines and procedures,⁷⁰ inviting all relevant voices and perspectives – with targeted and proactive outreach to affected and/or under-represented stakeholders or groups as appropriate and relevant, providing adequate resources to support participation, taking into account specific needs, including those of persons with disabilities, and publicizing and responding to feedback of organizations on their input.
40. Bearing in mind that the scope of this Opinion is limited to the Draft Code submitted for review, and without prejudice to the fact that certain procedural aspects of public consultations are governed by other legislative acts of the Republic of Moldova —

65 OSCE High Commissioner on National Minorities, Ljubljana Guidelines on the Integration of Diverse Societies (2012). UN Human Rights Council, Civil society space: engagement with international and regional organizations (2018).

66 See ODIHR, [Opinion on the Rules of Procedure of the Jogorku Kenesh of the Kyrgyz Republic](#) (2023) para 49, referencing According to recommendations issued by international and regional bodies and good practices within the OSCE area, public consultations generally last from a minimum of 15 days to two or three months, although this should be extended as necessary, taking into account, the nature, complexity and size of the proposed draft act and supporting data/information; see ODIHR, [Opinion on the Draft Law of Ukraine “On Public Consultations”](#) (2016), para. 40. See also Venice Commission, [Rule of Law Checklist](#), Part II.A.5.

67 Venice Commission, [Rule of Law Checklist](#), Benchmark A.5. Lawmaking procedures.

68 ODIHR, [Comprehensive Assessment Report on the Lawmaking Process in Montenegro](#) (November 2024) paras.125-133

69 The European Center for Not-for-profit Law, [Civil Participation in Decision-Making Processes, An Overview of Standards and Practices in Council of Europe Member States](#), (May 2016) p.31-36

70 Legislation or other binding standards should reflect the minimum standards stated in the Council of Europe’s Code of Good Practice for Civil Participation in the Decision-Making Process (2009).

including the Law No. 239/2008 on transparency in the decision-making process, Law No. 100/2017 on normative acts, and Parliament Decision No. 149/2023—the Draft Code should nevertheless include clear cross-references and minimum guarantees to ensure coherence and legal certainty. To this end, the **Draft Code should clarify that public consultations must be conducted in an open, transparent, accessible, inclusive and effective manner, and be guided by publicly available principles of meaningful consultation, as reflected in the Platform for Dialogue and Civic Participation.** In particular, standing committees should consider using different types of public consultation mechanisms — including public hearings — adapting the format to the nature and significance of the legislative initiative, in line with the procedures established under the Platform, and stakeholder inputs received through consultations should be systematically documented and, where relevant, reflected in the legislative summaries prepared under Article 91 of the Draft Code.

41. Accelerated procedures are regulated by Articles 71-74 of the Draft Code. Such procedures “*should be used rarely and only in exceptional cases of genuine urgency to pass a specific law, as the process entails a lack of legislative planning and less or no time for in-depth consultations on draft laws, nor for adequate parliamentary scrutiny.*”⁷¹ It is important that any exception to public consultations is absolutely necessary, and the cases need to be justified properly. Parliament Decision No. 149/2023 provides that in cases of urgency the Parliament may set a deadline for the presentation of recommendations by interested parties of not less than 3 working days. (Article 6.1 point (3)). **The Draft Code should be amended to provide that expedited legislative procedures include mechanisms for meaningful civil society and public input, such as maintaining the minimum review period as reflected in Parliament Decision No. 149/2023 and utilizing digital platforms for rapid consultations. It should also ensure timely and proactive notification to relevant stakeholders — including via direct outreach where feasible — to enable meaningful engagement within the limited timeframe. Any exception to this rule, in the context of expedited procedures, would need to be properly justified.**
42. A further issue relates to the regulation of public consultation in the context of fast-track legislative procedures. As underscored in the ODIHR Guidelines on Democratic Lawmaking, accelerated procedures must not serve as a means to avoid meaningful public consultation, impact assessments, or parliamentary scrutiny.⁷² Similarly, ODIHR’s previous legal opinion on the Draft Code on the Organization and Functioning of the Parliament (regarding the Legislative Procedure, Chapter III) has stressed that laws adopted through accelerated processes should be subject to mandatory ex post evaluation, particularly where participatory guarantees could not be upheld prior to adoption.⁷³
43. While this section provides a general overview of participatory principles and consultation frameworks, a more detailed analysis of the Draft Code’s regulation of the participation of external actors is provided in Section 4 of this Opinion. Section 4 examines the specific modalities established for the engagement of the general public, civil society, People’s Advocate and independent experts, highlighting positive developments as well as areas where improvements are necessary to ensure systematic, inclusive, and transparent participation throughout parliamentary processes.

⁷¹ ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), Principle 11.

⁷² *Ibid.*, paras. 186, 238

⁷³ ODIHR’s Preliminary Opinion on the Draft Code on the Organization and Functioning of the Parliament (regarding the Legislative Procedure, Chapter III), para.85

RECOMMENDATION D.

To amend the Draft Code to include clear minimum standards for meaningful and inclusive public consultation, such as adequate notice periods, accessible formats, and targeted and proactive outreach to affected and/or under-represented stakeholders. The Draft Code should also explicitly require that any exception to public consultations be accompanied by a clearly justified rationale, include alternative forms of rapid public consultation, and be in line with the principles set out in Parliament Decision No. 149/2023.

3.3. Inclusiveness

44. Representation requires inclusiveness, which entails ensuring that marginalized and under-represented groups are meaningfully involved in parliamentary processes.⁷⁴ Pursuant to Article 83 of the Draft Code committees may invite “interested persons” to their meetings. However, the Draft Code does not explicitly address the representation of ethnic minorities, linguistic groups, persons with disabilities, or other marginalized communities and under-represented persons/groups within parliamentary structures. **The Draft Code should explicitly recognise the importance of representation and perspectives of gender diversity as well as other diverse groups including youth, persons with disabilities, Roma and Sinti and other marginalized communities.**⁷⁵ Special attention to **intersectional discrimination** affecting those who experience multiple and overlapping forms of disadvantage should also be reflected.
45. Additionally, relevant international recommendations concerning the rights of the child require that children are also consulted on draft policies and laws that impact them, in a manner appropriate to their age and evolving capacities.⁷⁶ States thus have a duty to systematically create appropriate conditions to help all children and young people express their views, through the creation of institutionalized structures entrusted with mainstreaming youth issues in parliament’s work, anchored in law and policy, and targeted measures.⁷⁷ Though appropriate consultation mechanisms should be ensured for younger children, engagement with older children and youth may take other forms to foster active participation through, for instance, discussion platforms involving a wide range of youth-led advocacy and interest groups throughout the policy- and law-making process.⁷⁸ While the Draft Code does not refer to either children or youth participation, **this could be addressed through provisions that encourage distinct and age-appropriate mechanisms for both general child consultation and more active youth engagement** consistent with the UN Convention on the Rights of the Child and other

74 UN Human Rights Council Resolution A/HRC/24/L.24 (2013) on creating a safe and enabling environment for civil society. OSCE PA, Draft Report on Civil Society Engagement (July 2022), para. 10; OSCE Ministerial Council Decision No. 7/09 on Women’s Participation in Political and Public Life; OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area (2003);

75 OSCE/ODIHR, Guidelines on Promoting the Political Participation of Persons with Disabilities (2019). Council of Europe, Committee of Ministers, Guidelines for Civil Participation in Political Decision Making (CM(2017)83-final).

76 ODIHR, [Opinion on the Law on Youth of Serbia](#), 8 November 2021, para. 15.

77 See e.g., IPU Assembly, [Resolution on Youth Participation In The Democratic Process](#) (2010). See also [Compilation of OSCE Commitments on Youth and Education](#).

78 ODIHR, *Opinion on the Rules of Procedure of the Jogorku Kenesh of the Kyrgyz Republic*, para. 53, citing Committee on the Rights of the Child, General Comment No.12: The right of the child to be heard, CRC/C/GC/12, para. 127, noting that that local youth parliaments, municipal children’s councils, ad hoc consultations, extending consulting hours of politicians and officials, and school visits can help children engage in their communities at the local and national level to the greatest extent possible.

international and regional recommendations on youth participation in public-decision making.⁷⁹

46. To ensure inclusive democratic processes, accessibility in multiple forms must be taken into account for persons with disabilities, linguistic minorities, and others facing barriers. This includes **physical access** to the parliament building and its facilities, **informational access** through parliamentary documents, records and website,⁸⁰ and **communicational access** during proceedings. Article 29 of the Convention on the Rights of Persons with Disabilities⁸¹ requires States Parties to guarantee political rights and the opportunity for persons with disabilities to participate in public affairs. Parliamentary proceedings and documents must be accessible to persons with disabilities, in line with international obligations.⁸² **The Draft Code should be reviewed from this perspective, and consideration given to amending specific articles, including those relating to consultations and dissemination of information (e.g., Article 52 on public sittings, Article 54 on verbatim reports, Article 83 on committee participation, and Articles 198-201 in Chapter X) to encourage or require measures ensuring accessibility for persons with disabilities (such as accessible formats, sign language interpretation where appropriate) and linguistic minorities, where relevant.**
47. Facilitating the participation of historically marginalized or under-represented groups should be a particular priority.⁸³ Promoting inclusiveness and diversity in engagement with civil society is essential so that all voices are heard and civil society from different backgrounds is represented. Moreover, individuals or organizations should not be excluded from engaging with parliament because they hold critical views. Parliaments should actively seek engagement **with civil society from different sectors and regions, providing support to marginalized groups, and ensuring that their engagement is meaningful and effective.** In this regard, when determining the number of participants in hearings or consultations in line with point 6.1(2) of Parliament Decision No. 149/2023, measures should be taken to ensure the fair inclusion of marginalized or less-represented groups, beyond a strict first-come, first-served approach. The IPU Global Parliamentary Report 2022 contains an inclusion checklist that can assist parliaments in being accessible to diverse communities. Incorporating this approach would help ensure that the Draft Code aligns with the equality and non-discrimination principle outlined in Parliament Decision No. 149/2023 (Section II.2(5)), and supports effective access for persons with disabilities, linguistic minorities, and other groups facing barriers.
48. Articles 87-94 of the Draft Code provide for the approval process of draft normative acts. Article 89 (1) (i) explicitly references assessment of draft normative acts in terms of respect for rights and gender equality, which is welcome. Strengthening the overarching provision on human rights in Article 8 (as mentioned above) of the Draft Code would also reinforce Article 89. Further, respect for rights and gender equality should be considered in all stages of the legislative cycle. **It is therefore recommended to integrate gender and diversity perspectives throughout the legislative cycle, gender and diversity impact assessments should be required for all major legislative proposals and ensuring their inclusion in the design, drafting, consultation, and evaluation stages.**⁸⁴

79 See e.g., IPU Assembly, [Resolution on Youth Participation In The Democratic Process](#) (2010).

80 With respect to website accessibility, see in particular [Home | Web Accessibility Initiative \(WAI\) | W3C](#).

81 Ratified by the Republic of Moldova on 21 September 2010.

82 OSCE/ODIHR Guidelines on Promoting the Political Participation of Persons with Disabilities (2019).

83 OSCE High Commissioner on National Minorities, Ljubljana Guidelines on the Integration of Diverse Societies (2012).

84 See ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), section 8.1.

49. To fully implement gender mainstreaming in parliamentary processes, the Draft Code should include provisions that ensure the participation of women across all participatory mechanisms, including public consultations, hearings, expert groups, and advisory bodies. This may require proactive outreach to women's rights organizations and other equality-focused civil society actors. Gender-balanced representation should also be promoted within parliamentary working bodies and leadership structures, in line with the OSCE Action Plan for the Promotion of Gender Equality and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). **The use of sex-disaggregated data, gender-responsive consultation formats, and regular monitoring of gender equality outcomes should be encouraged to strengthen both participation and legislative quality.**
50. Training of parliamentarians and parliamentary staff would further support the realization of gender diversity, inclusiveness and non-discrimination. Dedicated resources should be provided for training on inclusive lawmaking and participation, more broadly. Initiatives should be developed to engage with specific groups including women, youth, persons with disabilities and ethnic minorities. Training and resources⁸⁵ to parliamentary staff should also aim to facilitate engagement with civil society and to promote a culture of inclusivity.

RECOMMENDATION E.

To introduce specific provisions within relevant Articles 83, 198-201, 232 aimed at ensuring and proactively facilitating participation from historically marginalized and under-represented groups, including ethnic minorities, persons with disabilities, and Roma and Sinti communities, by addressing potential barriers and promoting accessibility, while having particular regard to gender and intersectionality.

4. THE ROLE AND PARTICIPATION OF EXTERNAL ACTORS IN PARLIAMENTARY PROCESSES

51. Further to the examination of participation and consultation as integral components of Parliament's representative function (Section 3), this section analyses the specific legal frameworks established by the Draft Code to govern the engagement of key external actors in parliamentary processes. While the preceding sections outlined the general importance of participatory processes to effective representation, translating these principles into practice requires clear and concrete mechanisms that enable meaningful interaction with the general public, civil society, the NHRI, and independent experts.
52. The Draft Code acknowledges the importance of external participation through various mechanisms, including public access to sittings, legislative hearings, consultations, and engagement with specialized actors such as the People's Advocate and external experts. These elements contribute positively to parliamentary openness. However, while the

85 IPU, [Common principles for support to parliaments](#) (2014), principle 7; "Long-term partner engagement will require national staff and resources to complement the sharing of international experience and enhance the knowledge of international staff on the local context. National expertise within partner-sponsored work normally permits a much richer mix of support than would be available from international experts alone."

general framework for participation is outlined, further procedural refinements are needed to ensure that **engagement is systematic, inclusive, transparent, and effective across all stages of the legislative process and parliamentary work more generally**. The following sections examine in more detail the specific modalities of participation for the public, CSOs, the NHRI, and independent experts under the Draft Code, and provide recommendations for strengthening these participatory mechanisms in line with international standards and recommendations.

4.1. Participation by the General Public

53. The Draft Code lays important foundations for public participation in parliamentary processes. It affirms the public nature of Parliament's work (Article 9) and debates (Article 11), mandates the publication of draft laws and committee minutes online (Articles 69 (8) and 81 (2)), and guarantees public access to plenary and committee sittings, subject to security considerations and Standing Bureau regulations (Articles 9 (5), 52, and 55). These provisions contribute to promoting transparency and enabling public scrutiny of parliamentary activities. However, ensuring meaningful public participation requires not only access to information but also opportunities for active engagement and the systematic consideration of public input throughout the lawmaking and other parliamentary processes.
54. A key aspect of public participation is the ability of individuals to directly observe parliamentary proceedings. The Draft Code allows for public attendance at committee and plenary sittings by "interested persons" or "other persons" (Articles 9 (5) and 55 (1)), subject to security measures and rules established by the Standing Bureau. While this reflects a general commitment to openness, the absence of defined criteria for when and how access may be restricted—particularly to committee meetings—creates the potential for inconsistent or overly restrictive application. To ensure genuine openness and informed public scrutiny of parliamentary work, **the Draft Code should establish a presumption of public access as the default rule, with subsequent norms regulating access, as well as narrowly defined and clearly articulated restrictions or exceptions for closed sessions. These exceptions should be subject to transparent procedures and made publicly accessible.**
55. A specific mechanism for direct public input is provided through the right to petition Parliament, its working bodies, or individual MPs on specified matters (Article 221). This mechanism for direct citizen engagement is commendable. At the same time, **the Draft Code could benefit from procedural specifications regarding the handling, processing times, and feedback mechanisms for such petitions, to ensure their practical effectiveness.**
56. Legislative hearings, regulated under Article 228, are defined as means for consulting citizens and interested parties on draft normative acts. The requirement for advance public notice (Article 231 (2)) is a positive feature supporting planned participation. Yet, the effectiveness of hearings as a participatory tool requires further procedural elaboration within the Code. Specifically, **clarity is needed regarding the process for members of the public to request participation or speaking opportunities, the criteria for selecting speakers beyond those formally invited by the committee (Article 232), and the precise scope for public contribution during the hearing itself, which remains ambiguous under Article 232.**

57. The Draft Code makes reference to "public consultations" (e.g., Articles 43 (8), 91 (2), 94 (1)) and sets deadlines for submitting recommendations (Article 200 (3)), implying an expectation of consultative processes beyond hearings. However, it does not elaborate modalities for these consultations (e.g., online platforms, written submissions), neither it establishes clear minimum consultation periods applicable across all legislative initiatives, or how received input is processed and considered by committees. This lack of procedural clarity may lead to inconsistent practices and hinder meaningful engagement. Furthermore, the provisions on expedited procedures (Articles 71-74) do not explicitly safeguard minimum consultation opportunities, risking the circumvention of public input in cases deemed urgent (see also para 41 above). To ensure meaningful engagement, committees may consider applying different forms of consultation depending on the type of stakeholder and the stage of the legislative process. These may include, for example, written calls for input through the parliament's website, roundtable discussions with specific interest groups and the publication of consultation summaries detailing how input was taken into account in the final draft.⁸⁶

RECOMMENDATION F.

To strengthen the framework for public participation, the Draft Code should include clear and detailed procedural standards for key participatory mechanisms, including: (i) the handling, processing, and follow-up of petitions under Article 221; (ii) the conduct of legislative hearings under Articles 228–232, with transparent procedures for public participation, speaking rights, and selection of contributors; and (iii) the conduct of public consultations under Articles 43 (8), 91 (2), and 94 (1), including standardized methods, minimum timeframes, and guidance on how public input is received, documented, and taken into account.

4.2. Civil Society Participation

58. Civil society, including Civil Society Organizations (CSOs), play an essential role as a partner in the democratic process and a key component of the representative function of parliament. Their contributions enrich legislative quality, enhance transparency and accountability, and promote broader public engagement. The inclusion of Chapter X in the Draft Code, which lays the foundation for cooperation between parliament and civil society, is therefore a positive development.
59. Articles 198 and 199 of the Draft Code outline various forms of cooperation with civil society, such as stakeholder information, consultation, and active participation. Good practice suggests that civil society should be able to contribute not only during hearings but also at earlier and later stages of the legislative cycle—such as pre-legislative agenda setting, committee deliberations, and post-legislative review. **Ensuring systematic engagement across these stages would help institutionalize participation and give effect to the Parliament Decision No. 149/2023.**
60. Identifying relevant civil society actors is a crucial first step towards meaningful engagement. The Draft Code addresses this through provisions for parliamentary committees to maintain lists of associations 'established in accordance with the law' and interested parties (Article 43 (8)), and for the Secretariat to keep a register of 'registered'

⁸⁶ ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), paras. 175-180

CSOs (Article 197 (3)). While establishing such lists is a reasonable step, the emphasis on legal establishment or registration could potentially limit engagement to more formalized entities, excluding grassroots movements or newly formed groups. **To ensure inclusiveness, the lists envisaged in Articles 43 (8) and 197 (3) should allow for flexibility and openness, potentially through regular updates and transparent criteria for inclusion, reflecting the approach mentioned in Parliament Decision No. 149/2023**, and by remaining open to less formalized associations that may not be officially registered. Furthermore, the Parliament should provide publicly available information detailing how these lists are compiled and utilized in practice when selecting specific civil society organizations for engagement, thereby ensuring the process is transparent and avoids potential bias, aligning with broad and non-discriminatory participation.

61. While Chapter X provides a basis for co-operation, translating this into practice requires structured procedures.⁸⁷ While Article 267 of the Draft Code assigns the Secretariat responsibility for organizing communication with civil society, this provision lacks sufficient detail. **It would benefit from the adoption of clear and publicly available engagement guidelines—ideally developed in consultation with civil society—setting out the objectives, formats, timelines, and follow-up mechanisms for participation.** The Parliament could also consider establishing a dedicated liaison role or contact point within the Secretariat to co-ordinate participation, provide guidance on parliamentary processes, and support accessibility and inclusiveness.
62. Civil society is referenced explicitly in the Draft Code in relation to the work of committees. Article 44 (d), provides that standing committee chairpersons may invite CSO representatives to participate in committee work. Article 83 allows for the committee members to invite civil society representatives to committee meetings and organize consultation meetings. This is a positive inclusion. While the Committee Chairperson may play a coordinating role, particularly for more in-depth or formalized engagement such as participation in working groups (e.g., under Article 43 (7)), the broad discretionary power seemingly vested in the Chairperson by Article 44 (d), if not guided by a clear framework, may risk selective engagement. As noted above, **the Draft Code should be accompanied by clear procedures and guiding criteria for engaging with and inviting civil society to engage with parliamentary committees.**
63. Participation in parliamentary hearings is another important avenue for civil society engagement. Article 232 allows for external contributions during hearings, however does not establish a clear process through which civil society can request participation. To ensure openness and predictability, **the Draft Code should include procedural guarantees enabling civil society to register for hearings, and require that hearings be publicized in advance.** Furthermore, hearing reports under Article 233 should reflect the contributions made by civil society and outline how these were considered in the legislative process.
64. As previously addressed in Section 4.1 (see para. 55), the Draft Code grants the right to petition Parliament, including by civil society (Article 221). However, from a civil society perspective, the absence of procedural detail—such as clear timelines, acknowledgement of receipt, and mandatory responses—may reduce the utility of petitions as a tool for engagement. To ensure transparency and accountability, **Article**

⁸⁷ ODIHR, *Guidelines on Democratic Lawmaking for Better Laws* (2024), Principle 7; Council of Europe, *Code of Good Practice for Civil Participation in the Decision-Making Process* (2009).

221 should be amended to provide specific guidance on how civil society petitions are submitted, processed, and acted upon.

65. Moreover, civil society participation often requires specific accommodations, including financial and logistical support. Underrepresented groups in particular may lack the capacity or resources to participate effectively. Parliament should consider measures to ensure that all civil society actors, including those from remote regions or representing marginalized communities, can access and contribute to legislative processes on an equal footing. Such measures might include covering reasonable participation costs, offering digital access options, and ensuring documents and events are accessible to persons with disabilities.
66. Civil society may also be engaged in parliamentary procedures beyond the lawmaking process, including in the consideration of candidates for public office. Transparency and openness in such procedures are essential to building public trust and ensuring the quality and legitimacy of appointments. **Articles 204–205 of the Draft Code could be strengthened by explicitly providing for civil society input in the consideration of candidates, particularly for appointments to oversight bodies or other roles requiring public confidence.** While such engagement may not be suitable for all public offices, the Draft Code could introduce a feedback mechanism or consultation process for key appointments. This would enable civil society to contribute views and reinforce accountability, without imposing binding obligations on decision-makers.
67. As discussed in Section 4.1 the Draft Code provides that civil society input may be submitted during consultations (Article 200 (1)), and Article 91 (2) requires committee reports to include summaries and justifications. However, these provisions do not establish a clear feedback loop tailored to civil society participants. To strengthen trust and encourage continued engagement, Chapter X should be amended to require that consultation outcomes are proactively communicated to civil society actors—particularly where their proposals are not accepted—along with accessible, timely justifications. Where the complexity of the legislation and the volume of public input make providing such individualized detail impracticable, the Parliament should ensure that a summary outlining the main categories of proposals and the principal reasons for the non-acceptance is **communicated to participating civil society actors**. Such feedback should be made publicly available in a consistent manner.

RECOMMENDATION G.

To enhance the inclusiveness and accessibility of civil society engagement by amending Articles 43 (8) and 197 (3) to require transparent and objective criteria for parliamentary lists/registers of CSOs, with the possibility to include informal groups or movements, and by amending Chapter X to include proactive outreach and clear modalities for civil society involvement in parliamentary planning and policy development, in line with Parliament Decision No. 149/2023 and international standards.

RECOMMENDATION H.

To strengthen procedural guarantees for civil society participation by amending Articles 44(d), 83, 221, and 232 to establish clear procedures and objective criteria for civil society to i) be invited to and participate in committee work and parliamentary hearings, ii) register for participation in hearings, and iii) have

petitions processed effectively, including defined timelines and requirements for parliamentary response.

RECOMMENDATION I.

To ensure civil society input is meaningfully acknowledged through amendments to Chapter X and Article 200, by considering to establish a formal feedback mechanism requiring Parliament to inform about results of consultations, including information about the rejected proposals, and to make this information publicly accessible in a timely and consistent manner.

4.3. People's Advocate

68. NHRIs, such as Moldova's People's Advocate, play a key role in supporting parliamentary participation and promoting inclusive, rights-based lawmaking and parliamentary activities. As independent bodies mandated to promote and protect human rights and potentially contribute to legislative developments – in the case of Moldova, their effective co-operation with parliament is an important element of democratic representation.⁸⁸ International standards—including the **Paris Principles**, the **Venice Principles**,⁸⁹ and the OSCE/ODIHR *Guidance Tool on Strengthening the Resilience of NHRIs*⁹⁰—encourage structured and predictable mechanisms to ensure NHRI participation in parliamentary processes, especially where legislation has human rights implications. In the Moldovan context, the mandate and duties of the People's Advocate are defined by Law No. 52/2014.⁹¹ The Draft Code provides a number of references to this institution but does not yet **fully reflect or operationalize the Advocate's participatory role within the legislative process.**
69. Article 213 (3) of the Draft Code recognizes the People's Advocate as an actor in the exercise of indirect parliamentary scrutiny, as regulated by Law No. 52/2014. While this corresponds to the Advocate's oversight mandate, it does not reflect the broader advisory and participatory roles that the Advocate may play in relation to draft legislation. In particular Article 11(c) of the Law No. 52/2014 explicitly grants the Advocate the right "*to attend and take the floor (speak) at the meetings of the Parliament*", and Article 11(d) confers the right "*to submit recommendations to the Parliament ... for the improvement of legislation in the field of ensuring human rights and freedoms*". These rights are further supported by general access provisions, such as attending meetings of parliamentary subdivisions under Article 11 (h). To align with international standards, including the Venice Principles and ODIHR's guidance, **the Draft Code could more clearly articulate that co-operation with the Advocate should include structured**

88 General Assembly, [Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights \(Paris Principles\)](#), adopted by UNGA Resolution 48/134 of 20 December 1993, esp. under "Competence and responsibilities" 3 (a).

89 Council of Europe, European Commission for Democracy through Law (Venice Commission), *Principles on the Protection and Promotion of the Ombudsman Institution* ("Venice Principles"), CDL-AD(2019)005, Principles 18 and 22.

90 OSCE/ODIHR, [Strengthening the Resilience of NHRIs and Responding to Threats – Guidance Tool](#) (2022), p. 21-22.

91 Law No. 52/2014 on the People's Advocate (Ombudsman), adopted on 3 April 2014. Moldova, available: [LP52/2014](#).

involvement in the legislative process, especially in areas with significant human rights implications.

70. Article 230 (4) allows standing committees to conduct supervisory hearings based on reports submitted by the People's Advocate. This provision supports post-factum scrutiny, but its application appears limited to retrospective analysis. **In line with good practices in democratic lawmaking, parliamentary committees may benefit from engaging the People's Advocate also in ex ante deliberations, especially when draft legislation under review raises complex human rights questions.** A broader formulation could help ensure that committee hearings not only follow reports of violations but also include preventive, consultative engagement during legislative review. To facilitate timely engagement, the Draft Code could also require that the People's Advocate be systematically notified of committee agendas, particularly where human rights-related matters are under consideration
71. Article 237 of the Draft Code regulates the submission and hearing of the Advocate's annual report, which is to be presented to Parliament by 15 March and may be followed by a decision. Notably, Article 237 (5) of the Draft Code empowers Parliament to request additional information and follow-up from the Advocate, including targeted investigations or clarification of issues raised in the report. While this is a welcome provision for enhancing post-report accountability, neither the Law on People's Advocate nor the Draft Code requires Parliament to respond specifically to recommendations or findings made in the report. Parliament may wish **to consider amending Article 237 to include an additional paragraph that encourages a formal response process—such as requiring the competent standing committee to consider and, where appropriate, issue a written response to the recommendations contained in the report.** Additionally, to further enhance parliamentary engagement and in line with good practice, dedicated plenary debates could be considered for particularly significant findings or recommendations within the Advocate's report. This would contribute to institutional dialogue, strengthen the follow-up function of Parliament, and align more closely with Venice Principle 22, which emphasizes the importance of appropriate follow-up to Ombudsman proposals.
72. Article 55 (1) lists the People's Advocate among those permitted to attend public sittings of Parliament, alongside other institutional actors and observers. While this reflects the Advocate's general access rights, it does not clarify the scope or nature of participation. Given that Law No. 52/2014 provides for the Advocate to attend and speak at parliamentary sittings, **it may be helpful for the Draft Code to explicitly affirm this right, ensuring clarity in practice and reducing reliance on interpretative discretion.**
73. Article 83(1) of the Draft Code regulates participation in committee proceedings. It allows committees to invite representatives of public authorities, specialists, and **other interested persons.** The provision does not explicitly name the Advocate or cross-reference relevant legal provisions from Law No. 52/2014—specifically Article 27, which grants the Advocate the right to provide opinions on draft legislation, and Article 29, which sets out the Advocate's role in submitting public reports relevant to parliamentary scrutiny. To ensure legal clarity and consistent practice, **Parliament may wish to amend Article 83 (1) to explicitly mention the People's Advocate as one of the actors who may participate in committee deliberations, particularly when proposed legislation concerns fundamental rights and freedoms.**
74. While Law No. 52/2014 provides the legal basis for many of the Advocate's powers, the Draft Code on the Organization and Functioning of Parliament plays a distinct role in setting out the internal procedures through which Parliament exercises its functions. To

ensure that the rights and responsibilities established in Law No. 52/2014 are realized in practice, they also need to be reflected procedurally in the Draft Code. Without corresponding provisions in the Code, implementation may be inconsistent or subject to discretionary interpretation, which can diminish the effectiveness of the Advocate's engagement and weaken participatory lawmaking.

RECOMMENDATION J.

To harmonize the provisions of the Draft Code with international standards on the role of national human rights institutions, by ensuring that the participatory and advisory functions of the People's Advocate are procedurally reflected across relevant provisions of the Draft Code, particularly those regulating committee engagement, parliamentary scrutiny, and follow-up to institutional reports with due regard for the independence of the Advocate.

4.4. Participation of Experts

75. The engagement of independent and qualified experts is essential for ensuring evidence-based, effective, and rights-compliant legislation. According to the ODIHR Guidelines on Democratic Lawmaking, parliaments should be open for inclusion of expert input throughout all stages of the legislative cycle⁹²—ranging from the initial drafting of laws, through committee deliberations and hearings, to ex-post evaluations. Given the complexity of contemporary legislation, additional technical information or expertise provided by extra-institutional actors can also help inform policymakers about different policy choices.⁹³ Expertise may be sourced from academia, professional associations, civil society, regional or international organizations or ad hoc commissions, and should encompass technical, legal, scientific, human rights, and socio-economic dimensions, particularly for complex or high-impact laws.
76. The Draft Code acknowledges the value of expert input across several stages of the legislative process. Standing committees may form working groups and invite experts to participate in meetings (Articles 43 (7), 44 (d), 83 (1)), including during parliamentary hearings (Articles 228 (1), 232). Experts may also contribute to ex-post evaluations and inquiries (Articles 227 (9), 245), and parliamentary factions may consult experts independently (Article 24 (5)). These provisions collectively represent a positive foundation for integrating expert advice into parliamentary processes. At the same time, **the Draft Code could be strengthened to ensure that expert participation is inclusive and transparent through all stages of the legislative process.**
77. A notable gap is the absence of defined criteria for the selection of experts invited to participate in committee work or working groups (Articles 43 (7), 44 (d), and 83 (1)). The ODIHR Guidelines recommend that institutions “*have procedures in place to ensure diversity and objectivity with respect to the experts who are proactively invited,*” and that selection should be “*based on neutral and objective criteria*” to ensure “*a range of views is heard on a given topic by a plurality of different experts from diverse backgrounds.*”⁹⁴ In the absence of such safeguards, there is a risk that the selection process may lack

⁹² ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), paras. 87-88

⁹³ *Ibid*, para. 85

⁹⁴ ODIHR, [Guidelines on Democratic Lawmaking for Better Laws](#) (2024), para. 88

transparency or consistency, which could affect the perceived impartiality, quality, and credibility of the expert advice informing parliamentary deliberations.

78. The Draft Code does not require standing committees or working groups to maintain a publicly accessible register of experts consulted or to publish information about the selection process or the terms of reference for expert engagements. Furthermore, while expert input might be implicitly reflected in committee summaries (Article 91(2)) or hearing reports (Article 233), there is no explicit requirement to make formal expert opinions or reports publicly available, nor to systematically disclose expert affiliations. Transparency in the use of external expertise is essential for safeguarding public confidence in legislative deliberations, ensuring accountability, and demonstrating that a plurality of perspectives has been considered.
79. Moreover, while the engagement of external expertise may largely remain discretionary, the Draft Code could benefit from better guidance, clear criteria or procedures for experts' selection and engagement. While the Parliament possesses internal legal expertise via the Directorate-General for Legal Affairs (Article 89), this may be insufficient for legislation with significant technical, economic, or societal implications. Establishing a more structured approach to identifying when and how external expert input is sought especially when it concerns complex or high-impact draft laws—would help ensure that lawmaking is consistently informed by relevant, high-quality evidence in line with the ODIHR Guidelines on Democratic Lawmaking.

RECOMMENDATION K.

To consider further enhancing the framework for expert engagement, it is advisable to include in the Draft Code clear, objective, and publicly available guidance for selecting experts based on competence, independence, relevance, and diversity, while requiring public disclosure of expert affiliations and substantive contributions, and promoting integration of expert advice into parliamentary deliberations, especially where it concerns complex or high-impact legislation.

[END OF TEXT]