

Comments to the draft Report on Access to Justice in Information Cases

Republic of Moldova

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After examining the draft Report on Access to Justice in Information Cases, we would like to provide the following comments and proposals in the part concerning the legal provisions of the Republic of Moldova.

Regarding the legal framework:

It should be mentioned that the Law on Administrative Contentious provides for the subject and object of an administrative action, jurisdiction of the administrative court, as well as procedure of initiating proceedings before the administrative court.

In point 2:

It should be noted that according to law provisions the People's Advocate does not substitute by his/her competencies the public authorities, legal bodies or courts. The People's Advocate may advise the person to address the complaint to another authority.

Complaints submitted to the People's Advocate not affect time-limits for appeals in administrative or judicial proceedings.

In point 3:

We would suggest rewording the statement "Ignorance in abiding recommendations from the People's Advocate is criminalized" as follows: "Although the People's Advocate issues recommendations, ignorance in their abiding is sanctioned".

In point 6:

Concerning availability of decisions to public, according to the Law no 154/1995 on judicial system, all decisions of courts are published on the website.

To questions:

- As it has been mentioned in answer to Q2, any person who considers that his/her rights or freedoms have been violated by public authorities, enterprises, non-profit organizations, responsible officials at all levels may submit a complaint to the People's Advocate. This rule applies also to the environment information requests.

It should be stressed that by now there were no claims or complaints submitted to the People's Advocate on the environmental information matter.

- In the Republic of Moldova there is no such difference between the Ombudsman and the People's Advocate.

The People's Advocate is the title for the position of Ombudsman and his/her activity is regulated under Law no 52/2014 on the People's Advocate (Ombudsman).

In June 2018 the Office of the People's Advocate was accredited by the Sub-Committee on Accreditation of Global Alliance of National Human Rights Institutions with "A" status, in accordance with the Paris Principles.