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VISA FACILITATION BASELINE STUDY

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Table of content

- 1. The State of affairs in the relations between Moldova and the EU - 2**
- 2. The Visa facilitation process - 4**
- 3. The state of affairs in the visa liberalization priority areas – a snapshot - 8**
 - a) Documents security - 8**
 - b) Illegal immigration and border management - 10**
 - c) Public order and security - 12**
 - d) External relations and fundamental rights - 14**
- 4. Collateral issues - 15**
- 5. External issues - 16**
- 6. Conclusions and recommendations - 16**

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The State of affairs in the relations between Moldova and the EU

Moldova institutionalized the relationship with the EU through the Partnership and Cooperation Agreement (PCA) signed in 1994 and entered into force in 1998. Currently, the PCA is expired (2008) and obsolete, however, due to the fact that there is no other substitute, the PCA is automatically prolonged every year as it was foreseen when adopted. The launch of the European Neighbourhood Policy brought the EU-Moldova Action Plan (February 2005) that was intended to be implemented until 2008, but again, is still implemented, as Moldova had enough inconsistencies, especially related to human rights and judiciary reform.

In 2009 Moldova joined the Eastern Partnership, even if the former government was quite unhappy with EaP status for Moldova, as they were considering that Moldova should receive the membership perspective, and not the EaP, which was, as described by the former president Voronin, the Commonwealth of Independent States 2, designed to encircle Russia.² On January 12, Moldova and EU started to negotiate the Association Agreement and after 5 rounds of negotiations, most of the chapters were provisionally concluded with the exception of that related to trade relations. As related to economic dimension, since 2006 Moldova was benefiting from the Generalized System of Preferences (GSP), then of GSP+, and beginning with 2008 is benefiting from Autonomous Trade Preferences. Currently, the EU and Moldova are preparing the start of negotiations on Deep and Comprehensive Free Trade Agreement, which are supposed to start at the end of 2011 spring.

The Ministry of Foreign Affairs, which has become the Ministry of Foreign Affairs and European Integration, represents the main actor in the process of coordination of the European integration. In addition to this, in 2002 there was created the National Commission for European Integration, which was firstly designed to elaborate the Republic of Moldova Strategy for European Integration³ and then to coordinate the inter-ministerial plans related to the process of EU approximation.⁴ Moreover, every Ministry

² Meister, Stefan/Marie-Lena May (2009): "The EU's Eastern Partnership – a Misunderstood Offer of Cooperation." *DGAP standpunkt* September/No 7. Berlin. Deutsche Gesellschaft für Auswärtige Politik.

³ Gheorghiu, Valeriu (2003): Cadrul instituțional al aderării Republicii Moldova la Uniunea Europeană, Institute for Public Policy, 27/03/2003, <http://www.ipp.md/libview.php?l=ro&idc=167&id=493>

⁴ Popescu, Nicu (2003): Soluții instituționale pentru integrarea europeană a Moldovei, Moldova Azi, 3/02/2003, <http://old.azi.md/comment?ID=22659>

has a direction or department that deals with European integration⁵ and is supposed to convert Moldovan European agenda in sectorial policies. As related to the prepreament of the legislative part of approximation and adoption of European legislation, the institution that is in charge of this dimension is an autonomous body within the Ministry of Justice. The Centre for Legislative Harmonization was created in 2007 and deals mainly with transposing the European legislation in the national system of law and holds the database that is tracking all the EU norms transposed in Moldova.⁶ Today, it is noteworthy that the European integration process become very complex and spill-over⁷ effect was great in Moldova. That is why almost all the institutions are involved in the European integration process that refers now almost exclusively to the internal development of reforms, contrary to what many thought few years ago.

The better understanding of European integration process was also possible due to the involvement of civil society institutions. Many of them were dealing at the beginning only with the popularization of the idea of the European Union. After the idea of joining the EU was embraced by political parties and became the national priority, the civil society started to be very involved in the *Europeanization* process. Until now, the state institutions are assisted by NGOs in dealing with European issues and there are a couple of Think Tanks/NGOs that provide policy advise but still with a limited influence in many areas like the reform of the Ministry of Interior. Generally, the NGOs are quite active, but due to such problems like financial viability and legal environment, many of them are having quite big difficulties in implementing the projects.⁸

Besides all the difficulties met by state institutions and civil society, the support of the population for European integration is very high and the trends are more or less stable with insignificant ups and downs. For example in the last years, the support for

⁵ The list of ministries of Moldova that also show every ministry structure that includes the European integration department, <http://www.gov.md/pageview.php?l=ro&idc=496>

⁶ Ministry of Justice, Centre for Legislative Harmonization, <http://www.justice.gov.md/ro/armonizare-legislatie/>

⁷ Spillover is a notion that is part of Neofunctionalist Theory mainly represented by Ernst Hass and refers to a process when economic integration between states create incentives for integration in other sectors in order to fully accomplish integration in the sector in which started.

⁸ United States Agency for International Development (2010): *2009 NGO Sustainability Index for Central and Eastern Europe and Eurasia*. 13th Edition – June 2010.

European integration was ranging between the 60-70% among the population,⁹ which represents the highest rate in the Eastern partnership countries.¹⁰ At the same time, there are some inconsistencies that could be observed in relation to strategic partners. Since many years, people consider that the strategic partner of Moldova is Russia (all the time around 50%).¹¹ These data are showing the ethnic and the historical legacies that are still relevant for Moldova and that the identity politics has a heavy hand.¹²

Despite the mega-support for European Union, there are some minor political groups that advocate against EU. Their main argument is that EU is not going to accept us and that the most viable solution would be to join the Russia – Belarus – Kazakhstan Customs Union.¹³ However, these groups are not represented in the parliament, with the exception that the Communist Party which is sometimes revealing a sort of interest towards the eastern alternative, even though this is not viable for Moldova's economic perspectives.¹⁴ All the parties in the parliament build their public discourse related to foreign policy on European integration as a first priority. Of course there are parties that also plead for a privileged relationship with Russia, like the Party of Communists and the Democratic Party and more moderate the Liberal Democratic Party.

The Visa facilitation process

In 2007, Moldova unilaterally cancelled the visa regime for EU member states and at the same time, the EU countries are among the most restrictive in terms of freedom of movement.¹⁵ In the same 2007 year, Brussels and Chisinau have concluded the Visa Facilitation and Readmission Agreements that makes easier to obtain visa for 15

⁹ Barometer of Public Opinion, Public Policy Institute, data available every half a year since 2001, <http://ipp.md/lib.php?l=ro&idc=156>

¹⁰ Popescu, Nicu/Andrew Wilson (2009): "*The Limits of Enlargement-Lite: European and Russian Power in the Troubled Neighbourhood.*" London: European Council on Foreign Relations.

¹¹ Barometer of Public Opinion, Public Policy Institute, data available every half a year since 2001, <http://ipp.md/lib.php?l=ro&idc=156>

¹² Mungiu-Pippidi, Alina (2007): "Disputed Identity as Unescapable Pluralism. Moldova's Ambiguous Transition", Romanian Journal of Political Science 02/2007: 85-102.

¹³ Electoral Programme of Humanist Party, <http://www.e-democracy.md/files/elections/parliamentary2010/electoral-program-pum-2010-ro.pdf>

¹⁴ Tugui, Eduard (2010): The misleading eastern alternative: Republic of Moldova and the Russia – Kazakhstan – Belarus Customs Union, Moldova's Foreign Policy Statewatch, Issue 12, Institute for Development and Social Initiatives, http://www.viitorul.org/public/3106/en/Policy_Statewatch12_en.pdf

¹⁵ Henley & Partners Visa Restriction Index, Global Ranking 2010, http://www.henleyglobal.com/fileadmin/pdfs/content/hvri2010_globalRanking.pdf

categories of professionals and disadvantaged people, including the fact that the price was decreased from 60 EUR to 35 EUR,¹⁶ but at the same time, Moldova and EU takes the responsibility to take back people who are illegally residing on the territories covered by the agreement.¹⁷ As Moldova is a small state and had/has problems with the foreign representation in Chisinau, as many EU member states do not have their own embassy in Moldova, a reality that caused big difficulties for Moldovan citizens to get visas for certain states. In this context, in 2007 there was opened, under the Hungarian Embassy, the Common Application Centre (CAC), which today issues visas for 14 Schengen Agreement member states that do not have diplomatic representation in Moldova, thus allowing people to get visas in Chisinau and not being forced to travel either to Bucharest or Kiev for getting their visa.¹⁸ Beginning with November 2010, Slovakia joined the CAC¹⁹ and one more Schengen state, that is still unknown to the public, will join CAC, but for the moment the negotiations are on the way.²⁰ In 2010, CAC issued about 20 thousands visas, and in 2011, they foresee the issuance of 25-30 thousands of visas.²¹ In addition to this, for ensuring a high degree of security and information, CAC is connected to Moldova's State Registry of Passports and ID cards.

The visa liberalization was mentioned in the Eastern Partnership platforms and latter, on December 21, in the Joint Declaration of EU and Moldova, that says clearly that the Visa Dialogue should start in 2010.²² In this context, the EU has sent an assessment

¹⁶ Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas, http://www.chisinau.diplo.de/Vertretung/chisinau/ro/01/Visabestimmungen/Acord_facilitare_eng_property=Daten.pdf

¹⁷ EU – Moldova agreements on the facilitation of the issuance of visa and of readmission, European Union Joint Press Release, 10/10/2007, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/er/96380.pdf

¹⁸ Cele mai importante acorduri între Republica Ungara și Republica Moldova, Ministry of Foreign Affairs and European Integration, http://www.mfa.gov.hu/kulkepviselet/ML/ro/bilateralis_kapcs/bilateralis_kapcs_ro.htm

¹⁹ Ministrul de Externe al Slovaciei, Mikulaš Dzurinda: Ziua în care Republica Moldova va fi vizată în contextul aderării la UE este foarte aproape, EuropaMD, 10/11/2010, <http://europa.md/stiri/show/7816/ministrul-de-externe-al-slovaciei-mikula-dzurinda-ziua-in-care-republica-moldova-va-fi-vizata-in-contextul-aderarii-la-ue-este-foarte-aproape>

²⁰ De la 1 noiembrie, moldovenii vor putea obtine vize pentru Slovacia la Chisinau, PRO TV, 27/10/2010, <http://www.protv.md/stiri/politic/de-la-1-noiembrie-moldovenii-vor-putea-obtine-vize-pentru-slovacia.html>

²¹ Dublarea vizelor UE acordat de CCV de pe lângă Ambasada Ungariei, Europa Libera, 27/10/2010 <http://www.europalibera.org/archive/news/20101027/445/445.html?id=2202950>

²² Declarația comună a Uniunii Europene și Republicii Moldova, Ministry of Foreign Affairs and European Integration, <http://www.mfa.gov.md/declaratia-comuna-ue-rm/>

mission (1-3 March 2010) to see whether Moldova is ready to start the Visa Dialogue.²³ Having surprisingly very positive results, the EU and Moldova started the Visa Dialogue on June 15 after having a very consistent spring with visits and meetings of Moldovan PM with EU's officials and visits of enlargement commissioner Fule and others in Moldova. After an intensive internal reform agenda, in September 2010, Moldova held two EU missions (6-9 and 13-16 September) that assessed the current state of play according to the questionnaire that was rendered to the Commission in order to prepare the so called "Roadmap" for Visa Liberalization which was called in the end an "Action Plan", in order to make a difference between the EaP countries and the Western Balkan countries. It is noteworthy that first questionnaire was prepared and rendered by Moldova to the EU without being asked, which in fact, showed the interest and readiness of Moldova to start the Visa Dialogue as soon as possible.²⁴

The government that took office on September 25, 2009, realized that the visa liberalization process is a matter of internal reforms rather than an issue that could be solved by the Ministry of Foreign Affairs and European Integration through negotiations with Brussels. Moldovan officials consider that the visa does not represent the most efficient way to manage migration and Chisinau "is not a demander, but a serious and responsible partner".²⁵ However, the change of Moldovan authorities' attitude resulted in a sort of "pre-emptive" implementation, that is showing the political will and seems to be the key of Moldovan success²⁶ that was already noticed by the Enlargement commissioner Fule who said "amazing how much has been achieved".²⁷ At the same time, it is noteworthy that all the parliamentary parties and most probably, all the extra-parliamentary parties are strongly supporting the visa liberalization process, even if the former governing party (Communist party) was claiming, at least at the beginning of the

²³ La Chişinău a avut loc prima vizită a misiunii de evaluare a Comisiei Europene privind liberalizarea regimului de vize, <http://www.ambasadamoldova.cz/noutati/comunicate-de-presa/vizita-evaluare-vize>

²⁴ Chirilă, Victor (2010): Dialogul privind regimul de vize dintre Moldova și UE: Realizări, realități și perspective, Foreign Policy Association.

²⁵ Filat, Vlad (2010): Towards a secure, visa-free Europe, European Voice, 10/06/2010, <http://www.europeanvoice.com/article/imported/towards-a-secure-visa-free-europe/68187.aspx>

²⁶ Litra, Leonid (2010): Some reflections on the timing of Moldova's negotiations of the EU Association Agreement, Moldova's Foreign Policy Statewatch, Issue 1, Institute for Development and Social Initiatives, http://www.viitorul.org/public/2706/en/Policy_Statewatch+.pdf

²⁷ VERDE pentru regimul liberalizat de vize: "Este incredibil cat de mult a reusit Moldova in cateva luni", Stirea Zilei, <http://www.stireazilei.md/c-2167-4164.VERDE-pentru-regimul-liberalizat-de-vize-Fule-Este-incredibil-cat-de-mult-a-reusit-Moldova-in-cateva-luni->

current government mandate, that is due to them that Moldova achieved so much, as they prepared everything, and the current government is just benefiting. Generally, the visa issue is politicized but besides this, there are real reforms taking place free of any politics. Example of politicization of the visa issue could serve the media debate between the Liberal Democratic Party (which is currently a part of the ruling coalition) and the Party of Communists. The Prime Minister is often mentioning the visa progress as a big achievement of the current government and says that Moldova will get visa liberalization in 2012, which is a debated deadline by some of the experts. At the same time, the leader of Party of Communists and former president Vladimir Voronin, says that the visa-free travel is a long term perspective and he does not believe that Moldova will get it in 2012.²⁸ In addition to the political parties, there is observed a wide consensus over the visa liberalization process with EU, even if until this moment there were no quantitative measurements of population approval.

The media has been very positive on visa issues and almost all the headlines are supporting this process. As well, the media is trying to organize the debates and talk shows for explaining this process to the citizens that most of them, do not really understand the way it works and for how long.

As regards the civil society, it is closely following the process, even if there are not too many NGOs that are dealing with these issues. Besides tracking the process and assessing the situation, the NGOs try to explain the core of this process and to work with certain categories, such as journalists, for improving their skills in tackling this issue. The biggest challenge for NGOs still remains the secrecy of the government, that is not all the time willing to share the information. At the same time, there are some state institutions that are asking for civil society advice, as is the case of the Border Guards Service that invited two NGOs (IDIS and APE) to take part in the elaboration of the Integrated Border Management Strategy.

Taking into account that the visa liberalization process represents a serious and complex set of reforms, as well a priority for Moldova, the Government created a Visa Task Force, which is an inter-ministerial group that coordinates all the visa liberalization

²⁸ Vladimir Voronin nu crede în liberalizarea regimului de vize cu UE, PublikaTV, 27/10/2010, http://www.publika.md/vladimir-voronin-nu-crede-in-liberalizarea-regimului-de-vize-cu-ue_126561.html

related processes and is headed by the Minister of Foreign Affairs. In addition to this, the government created a Task Force on elaborating the strategy on Integrated Border Management²⁹ and its implementation plan that deals especially with the second block.

At the EU foreign ministries council meeting of October 25, it was acknowledged the efforts and achievements of Moldova and it was decided to invite the “Commission to prepare a draft action plan” which will be “setting out all the conditions to be met by the Republic of Moldova before the possible establishment of a visa-free travel regime, with a view to the visa dialogue entering a fully operational phase as soon as appropriate”.³⁰ The Visa Liberalization Action Plan was issued on December 16, 2010 and officially offered to Moldova on January 24, 2011, during the visit of Commissioner Cecelia Malmstrom.

The state of affairs in the visa liberalization priority areas – a snapshot

a) Documents security

The overall situation of the Documents Security chapter is quite good, however, there are some challenges that remain to be settled before Moldova could be considered in full compliance with the EU requirements that are to be received. In 2008 Moldova started to issue the biometric passports first from all EaP countries. Up to this moment there were issued only some 2500 passports, however, beginning with January 2011, the Ministry of Information and Technology will issue only biometric passports that are in full compliance with the ICAO standards (International Civil Aviation Organisation). The phase out of the current passports is foreseen for 2019. The biggest problem for people in asking for such passports was the high amount of money that has to be paid and which is estimated to about +/- 75 Euros, which is expensive for ordinary people. But the government promised that from 2010 the passports would cost less, around 24 euros,³¹

²⁹ Hotarire cu privire la crearea Consiliului pentru Managementul integrat al Frontierei de Stat, Government of Republic of Moldova, 8/09/2010.

³⁰ Conclusions on the Republic of Moldova, Council of the European Union, Foreign Affairs Council Meeting, Luxemburg, 25/10/2010, http://consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/117335.pdf

³¹ Pasapoartele biometrice se vor ieftini, Stirea Zilei, 11/05/2010, <http://www.stirezilei.md/c-2167-3704.Pasapoartele-biometrice-se-vor-ieftini>

but the price will not exceed 35 Euros.³² This price will be possible as it will be subsidized by the EU, which offered a 3 million grand (2 million in technical assistance)³³ for providing all the units with the necessary equipment for processing such passports. Currently, 56 issuing units are equipped³⁴ and almost all the cross border points (CBP) are having biometric readers. The price for biometric passports decreased to about 53 Euros but still it is not the price that was promised in 2010 by the authorities.

During the visit of the exploratory mission of the member states representatives that assessed the readiness of Moldova to start the operational phase, the experts had some recommendations regarding the biometric passports security. Their concern hinges in the fact that in the process of issuing the current passports the chip containing the biometric data is not integrated but is later attached. Even if the Moldovan Ministry of Information Technology has a certificate, from a company empowered by ICAO to test and certify the security level, which says the passports are in compliance with ICAO standards and that the tests have shown that the attached chip is impossible to withdraw and use, the Moldovan authorities will issue beginning with 2012 passports that will have the chip integrated, in order to exclude any possible misunderstandings. Another issue that is emphasized relates to having a page for children in the parents passport, which is not going to be the case for the biometric passports.

An issue that is considered to be a challenge for Moldovan authorities remains to be Transnistria. This breakaway region must be seen rather as an opportunity than as a challenge, because in case Moldova will be able to manage this issue, it will receive a credit from EU. The biggest problem remains the security of breeder documents issued in this region of Moldova,³⁵ to which Moldova does not have access. However, a mechanism that will put an end to possible falsification, which was used by some other states, is being negotiated now and further details will be soon revealed.

³² Pașapoartele biometrice vor costa 35 euro, Dorin Recean, Politik.md, 1/10/2010, <http://politik.md/?view=articlefull&viewarticle=4454>

³³ Toate oficiile de documentare a populației vor fi dotate cu echipament pentru perfectarea pașapoartelor biometrice, 21/10/2010, <http://www.allmoldova.com/ro/moldova-news/1249052060.html>

³⁴ Toate oficiile de documentare a populației vor fi dotate cu echipament pentru perfectarea pașapoartelor biometrice, Moldpress, 21/10/2010, <http://portal.moldpres.md/default.asp?Lang=ro&ID=141602>

³⁵ Leonid, Litra (2010): Visa-free perspectives for Moldova: a never-ending story or an accomplishable task? Moldova's Foreign Policy Statewatch, Issue 5, Institute for Development and Social Initiatives, June 2010, <http://www.viitorul.org/public/2880/en/Policy%20Statewatch5.pdf>

Taking into consideration the above-mentioned facts, it would be helpful if the Moldovan government, backed up by the civil society, would strongly advertise the benefits of getting the biometric passports and would emphasize the low price that has to be paid. This will speed up the process of issuing the biometric passports that is indeed needed. Also, this might help to shorten, if possible, the phase-out timeframe of non-biometric passports. At the same time, it would be beneficial if the government would introduce additional security checking for the breeder documents originating in the so-called Transnistria.

b) Illegal immigration and border management

The illegal immigration and border management block is still far from reaching the EU standards, even if most of the resources are invested in this field and is expected that the results are going to be in accordance with the requirements.

The Integrated Border Management System has been so far difficult to achieve, as it requires considerable funds and efforts. At this moment, a 30 million Euros project for telecommunication network is implemented, which is supposed to end up in 2012 and which will create the necessary independent telecommunication infrastructure. At the same time, almost all CBP have access to Interpol and others will be connected until the end of the year. All these expenditures are almost fully covered from European funds. The most challenging part of the border is in the perimeter of Transnistria, which de facto is not controlled by Moldovan constitutional authorities. On this occasion, the EU has established in 2006 the EUBAM (European Union Border Assistance Mission), which is designed to counter the smuggling of goods and to enhance cooperation with Ukraine for an efficient border control, and by the way, much has been achieved with the EUBAM support and the border between Moldova and Ukraine, which become safer and much more advanced.³⁶

The Strategy of Integrated Border Management, which was recently adopted (27 December 2010), responds to most of the problems in this field and is in accordance with

³⁶ EUBAM: ÎN CINCI ANI A FOST ATINS UN PROGRES ÎN ASIGURAREA SECURITĂȚII LA FRONTIERA MOLDO-UCRAINEANĂ, Infotag, 13/08/2010, <http://www.infotag.md/noutati/584698/>

the recommendations of the EUBAM.³⁷ At the same time, the member states consider that the strategy should be accompanied by a long-term development vision of the Border Guards Service, which would also take into account a better coordination of the assistance that is offered to Moldova's Border Guard Service.

The structural/institutional problem of the Border Guards Service is that it is not included as an autonomous institution within the Ministry of Interior, as many think it should be. The general debate is that the Border Guards Service is better reformed and has been exposed to a higher degree of socialization with the European institutions. In this context, it is considered that the inclusion of the Border Guards Service in the under-reformed Ministry of Interior will reduce the reform process of the BGS, but at the same time, will give to BGS the penal prosecution competences, which is a need at this moment. At the same time, Moldovan authorities implemented the "Frontiera" programme, which is an integrated information system, which allows online exchange of information between the institutions involved in the "single-window" system of checking goods and vehicles at the border.³⁸

As regards the legal framework adjustment to the European legislation then here there are no too big challenges. Moldova has adopted in 2008 the Law on Asylum in accordance with the European standards, but with small inconsistencies. The personnel that are working on Asylum are not very experienced that still needs exchange programmes.

Immigration plays an equally important role in the liberalization process. Currently Moldova has implemented many policies and projects in terms of controlling migration flows but the results are still awaited. The problems refers to insufficient coordination among the institutions but as well to some inconsistencies related to the status of foreigners on the territory of Republic of Moldova. The usual problem of controlling migration flows arises for Transnistria, which could be enhanced with a closer cooperation with the Ukrainian Border authorities. Despite the limited access of Moldovan BGS on the Moldova-Ukraine border, there is a tough control of Ukraine

³⁷ Consiliului Național pentru Managementul Integrat al Frontierei de Stat s- a întrunit pentru a doua oară, Border Guards Service of the Republic of Moldova, 22/10/2010, http://border.gov.md/news.php?id_news=182

³⁸ Moldova's progress in preparing a visa dialogue with the EU, Non-Paper, Government of Moldova

border authorities that also has a very deep dialogue with the EU.³⁹ At the same time, in 2008 in Moldova along with Republic of Capu Verde, there was launched the EU Mobility Partnership which represents a pilot instrument designed to manage the migration flows in the benefit of all parties: EU, partner state and migrants.⁴⁰ Until this moment, Moldova had about 88 initiatives within this framework and plans to implement about 11 projects in 2011. The Mobility Partnership helped Moldova to initiate and implement many reforms before the Visa Dialogue started, which created good preconditions for advancing fast on certain dimensions within the preparatory talks.

Taking note of the developments in the border management and migration issues, it would be helpful to increase the role of EUBAM in assisting the establishment of a higher degree of cooperation between the Ukrainian and Moldovan border and police authorities, including the data exchange related to the border passing. Also, there should be defined the future of the Border Guard Service, preferably as an autonomous institution within a reformed Ministry of Interiors. As well, it should be continued with the efforts related to the immigration and a higher degree of cooperation between state authorities and NGOs should be undertaken.

c) Public order and security

The third block of the Action Plan for Moldova is one of the most difficult to fulfill. Although Moldova has a good record in combating the organized crime, it has no strategy for this. At the same time, on the issues related to corruption and crime, like the area of fighting money laundering and financing of terrorism it has a strategy which is well implemented, but which still lacks better coordination among the law enforcement bodies and has not finished the adjustment on European standards on the operative investigation procedure by the Police department.

Combating Human Trafficking (CHT) is another issue that raises many concerns and according to representatives of some member states needs a strategy for dealing with this issue. Most of the NGOs and experts from Moldova in CHT say that there is no need

³⁹ Popescu, Nicu, Numai 6 luni de la dialogul despre vize până la planul de acțiuni, Radio Europa Liberă, 25.10.2010, <http://www.europalibera.org/content/article/2200983.html>

⁴⁰ Moldova-EU Mobility Partnership, 23/09/2008, <http://soderkoping.org.ua/page20716.html>

of such strategy, as the system is already functioning well, and a strategy will basically not change anything except the form. The numbers that are provided for the first half of 2010 show that in comparison with the same period of 2009, the human trafficking is decreasing. For example in the first half of 2010, 246 crimes were registered including: trafficking in human beings - 91 (during the same period of the previous year- 124), trafficking in children - 5 (during the same period of the previous year - 14), illegal taking of children out of the country - 6 (during the same period of the previous year - 13), pimping - 77 (during the same period of the previous year - 92); organization of illegal migration - 67 (during the same period of the previous year - 64). Out of the 80 persons condemned by the Court, 13 have been condemned to imprisonment, 15 people - imprisonment with conditional suspension of sentence, 39 people - fine, concerning 10 persons the process was stopped, while 3 persons were acquitted. These results were possible also due to the adoption of the Law on Preventing and Combating the Human Trafficking (2005) and the establishment of the Centre for Combating Trafficking in Human Beings (2006). In addition to this, in 2007, a coordinating Council of law enforcement agencies was created in order to boost the cooperation and information exchange.

In the Addendum of the Second Round Compliance Report,⁴¹ GRECO concluded that out of 15 recommendations, Moldova implemented 10 satisfactorily or in satisfactory manner. The recommendations that were not implemented/ partly implemented (iii, v, ix, x, xii, xiii) refers to training and reporting about the suspicion on links between money laundering and organized crime, better legislation on conflict of interests and monitoring public officials' declarations of assets and interests, reporting of cases of corruption among public officials, criminal liability of legal persons for judges and prosecutors, accounting data, and training of the personnel that refers to most of these inconsistencies. The report also shows that in the last 18th months not much has been done in advancing with practical implementation of the remaining GRECO recommendations, even if they understand that the 2009 political crisis in Moldova made a difficult task to implement them. Also, in regard to Europol, Moldova has a strategic partnership with this

⁴¹ Second Evaluation Round, Addendum to the Compliance Report on Moldova, GRECO, 1/10/2010, Council of Europe.

institution, but of for a closer cooperation it needs an operational partnership, which will also allow exchange of personal data. Even if the officials say that the text of the future cooperation framework between the Europol and Moldovan authorities is ready, the lack of a proper Law on Data Protection is still pending the process. Even though Moldova has a law on data protection, which was adopted in 2007, the specialists say that it is not in accordance with the European standards. Currently, a new draft of the law on data protection is being under the public debate. Also, Moldova signed the Council of Europe Convention for Protection of Individuals with regard to automatic Processing of Individuals and is under the process of signing the additional protocol. In the same context, Moldova joined the Rome Statute of the International Criminal Court, which was an important requirement of the EU.

Besides the very concrete details that were mentioned before, it worth mentioning a structural problem that refers to the Ministry of Interiors, which is still considered one of the most under-reformed state institutions. Besides the required demilitarization, the Ministry of Interior is having a bad image after the April 7, 2009 riots.

In conclusion, it is noteworthy that Moldova has serious problems in combating corruption, especially in the state structures that might be an important problem for the visa liberalization. Thus, there should be more cases of corruption revealed, especially on the high level and effective actions should be taken against organized crime, money laundering and other fields reported by GRECO. At the same time the debates on Law on Data Protection should be extended and the conclusions widely accepted. Last but not least, there should be more attention and efforts (especially political will) to the reform of the Ministry of Interiors, so that this institution would have a truly European shape with a particular attention in respecting human rights.

d) External relations and fundamental rights

The block four is small but nevertheless, it has some delicate elements. From the very beginning it is important to mention that Moldova has no problems with human rights issues affecting accessing travel and identity documents for minority or vulnerable groups. At least there were no cases reported. The only problem that might ever arise is the price of documents that is considered high for certain categories.

In 2010, Moldova and EU started the Human Rights Dialogue. The objective of such dialogue is on “the one hand is to raise human rights issues in a more in-depth manner with the view toward achieving concrete results, and on the other hand, to enhance dialogue on human rights topics in multilateral fora”⁴²

The biggest concerns of the foreign experts are related to the reluctant positions of the certain categories of population towards sexual minorities. Also, another issue is related to manifestations that express anti-Semitism. In addition to this, the authorities should develop more programs for Roma minority (0,4%) that have many problems in accessing the education and other services.

Collateral issues

Probably the biggest problem of Moldova is the image that is still not very good in some countries due to different reasons, even if in the last time its image considerably improved. Moldova has some half a million citizens in the EU member states and some of them are still illegally working. Despite this number, the profile of a Moldovan immigrant is perceived as positive and liable to integration. Reference could serve the report on crime in Italy (country where Moldova has the biggest amount of citizens) prepared by the Ministry of Interior of Italy and the National Bureau of Statistics that says Moldovans are the last among immigrants on the criminality list.

Other issue is related to Romanian passports that some 120,000 Moldovans hold and some 900,000 people requested Romanian citizenship on the basis of Romanian law that issues this citizenship to all the former Romanian citizens and their descendants who lost their citizenship against their will after the World War II. The western media was quite active in opposing to this process but without digging into details and seeing that out of the 700,000 European citizenships offered every year, UK, Germany and France issue some 450,000.⁴³

⁴² EU and Moldova launch Human Rights Dialogue as part of the broader political dialogue between the European Union and the Republic of Moldova, 17/02/2010, http://ec.europa.eu/delegations/belarus/press_corner/all_news/news/2010/20100217_01_en.htm

⁴³ Litra, Leonid (2010): Are Moldovans who hold Romanian passports a devastating threat for EU?, Moldova's Foreign Policy Statewatch, Issue 10, Institute for Development and Social Initiatives, http://www.viitorul.org/public/2987/en/Policy%20Statewatch10_en.pdf

After a very tense relationship with Romania in 2008 and half of 2009 which culminated with the introduction of visas for Romanians (immediately cancelled by the new government on 17th September 2009) and declaring the “persona non-grata” the Romanian Ambassador to Moldova on the grounds that Bucharest was involved in generating the social unrest after the April 2009 elections, at the end of 2009 Moldova signed the Small Cross-Border Traffic agreement with Romania, and from February 2010 the people who live at up to 50 km from the Romanian border can travel to Romania for the similar distance with a special permit issued by Romania consulate.

External issues

Also, there are still some 3 - 4 countries that are reluctant to the visa liberalization for Moldova. Among these countries are France, Denmark, Holland and Spain that will most probably change their position, as it was the case of Austria, due to the fact that our minister of foreign affairs, together with the minister of interior intends to visit these countries and explain Moldova’s reform process in this regard. Out of all these countries, up to this moment, France is being perceived as the most reluctant one after it was opposing to give the Commission the mandate for drafting an Action Plan for Moldova.

Conclusions and recommendations

Despite the detailed conclusions for each block, it would be useful to consider in a more compressed manner the biggest challenges for Moldova’s visa liberalization process. The popularization and speed up of issuing the biometric passports will help the authorities to make aware the population of the visa liberalization process. In line with the “biometrization”, the cooperation with the neighboring states, especially with Ukraine, should be enhanced to a higher degree that would help to ensure a better border management system, immigration related difficulties and would be beneficial for a better control of the Transnistrian perimeter. At the same, corruption remains one of the biggest challenges of the government and is strongly affecting the image of Moldova and the progress in few areas, thus comprehensive anti-corruption programs should be developed in close cooperation with the civil society. Last but not least, the authorities should pay more attention to the human rights issues and tolerance of different minorities.



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