

PUBLIC APPEAL
regarding the organization of public consultations and debates on the
draft Code of Parliamentary Rules and Procedures

26 November 2018

The signatory organizations express their concern about the hasty promotion of the draft Code of Parliamentary Rules and Procedures, disregarding public consultations and debates on the content of the most important document governing the activity of the Parliament.

[The Draft Code of Parliamentary Rules and Procedures](#) was registered as a legislative initiative of three MPs on 2 November 2018. Until 2 November 2018 the draft has not been published on the Internet for consultations. The draft was examined at a meeting of the Legal Committee for Appointments and Immunities on 14 November 2018, which recommended the adoption of the at first reading. [The report of the Committee](#) does not mention anything about the results of public consultations. On 22 November 2018, that is just three weeks after the registration, the draft was adopted at first reading.

On the website of the Parliament lack the anti-corruption expertise of the draft, which is mandatory under Art. 35 of the [Law on Normative Acts](#), as well as the Government opinion on the draft, which is mandatory under art. 58 of the [Rules of Procedure of the Parliament](#). Also, the deadline for public consultations expired only on 23 November 2018 (15 working days after the publication of the draft under p. 4.3.1 of the [Concept on Cooperation between the Parliament and the Civil Society](#)), i.e. one day after the adoption of the draft at first reading. Given that the committee responsible for the draft and the organization of public consultations has already approved the draft on 14 November 2018, before the expiry of the deadline for submission of comments, public consultations could not even take place.

The draft Code of Parliamentary Rules and Procedures regulates particularly important aspects of the parliamentary activity and will replace the Rules of Procedure of the Parliament that are currently in force. Several analysis of the content of the document highlight the existence of very vague provisions regarding covering the activity of the Parliament by the media, [access to information, transparency in decision-making, cooperation with the civil society](#) and [ensuring gender equality](#).

The draft Code of Parliamentary Rules and Procedures contains regulations concerning public consultations that are even vaguer than those [in force](#), moreover, some positive regulations have been excluded. The forms, stages and deadlines of the public consultation process, as well as the obligations of the responsible institutions, are regulated fairly confusingly and sporadically. The regulations concerning transparency in decision-making are set out in different sections of the Parliamentary Code, which makes even more difficult to understand the public consultation process in the Parliament, including for the staff of the Parliament, who will be obliged to enforce new rules. It is the right time to concentrate the regulations on public consultations in a single chapter of the draft Code, especially since the need to increase transparency of the Parliament activity has been recognized even by the President of the Parliament, Mr. Andrian Candu, who in October 2016 created a working group in this regard.

The draft Code of Parliamentary Rules and Procedures does not even contain sufficient provisions to ensure access to information as a part of the transparency in decision-making process. The draft does not provide for the publication of information on all stages of the adoption of the legislative act and of all versions of the draft regulatory act. Also, the publication of the amendments proposed by

the MPs is not provided for. In practice they are published in a very few cases and usually after the draft has been adopted in final reading, when the interested parties no longer have the opportunity to engage and influence public policies.

Also, the draft Code of Parliamentary Rules and Procedures does not regulate situations when drafts can be adopted in the emergency procedure, unless required by the Government in accordance with the Constitution. In recent years, several draft regulatory acts have been adopted in the emergency procedure, without complying with all the stages of law-making process and public consultations provided by the legislation in force. It is necessary to regulate the criteria based on which the Parliament will decide on the application of this procedure.

Another particularly important aspect omitted from the draft Code of Parliamentary Rules and Procedures is the lack of procedures and mechanisms for ensuring equality between men and women in the parliamentary activity, including ensuring a balanced representation in all the governing and working bodies of Parliament, the examination of the impact on gender equality at all stages of the legislative process, preventing and combating the discourse of sexism in parliamentary work.

Taking into account the importance of the Parliamentary Code for the good operation of the Parliament and its activity in a manner that is transparent and predictable for the public and stakeholders, we find it inappropriate to adopt such a draft in such a hurry and without organizing wider discussions, including with the NGOs and representatives of mass-media.

The signatory organizations request the Parliament of the Republic of Moldova to organize genuine public consultations on the draft Code of Parliamentary Rules and Procedures, including the organization of public debates with the participation of civil society organizations, giving sufficient time for that, and avoid adoption of this important document in a hurry.

SIGNATORY ORGANISATIONS:

1. Legal Resources Centre from Moldova (LRCM)
2. Association for Participatory Democracy ADEPT
3. Association of Independent Press (API)
4. Association Promo-LEX
5. National Youth Council of Moldova (CNTM)
6. Information Centre GENDERDOC-M
7. Centre for Investigative Journalism (CIJ)
8. Association Pilgrim-Demo
9. Transparency International Moldova
10. CPR-Moldova
11. Expert-Grup
12. "WatchDog.MD" Community Association
13. Human Rights Embassy
14. Institute for Public Policy (IPP)
15. International Centre „La Strada”
16. PAS Centre
17. Amnesty International Moldova
18. Women’s Law Centre
19. Centre for Independent Journalism (CJI)

20. Centre for the Analysis and Prevention of Corruption (CAPC)
21. East-European Foundation (EEF)
22. Committee on Press Freedom
23. Institute for European Policy and Reforms (IPRE)
24. InReCo
25. Association Honor and Right of the Contemporary Woman
26. Gender-Centru
27. Ana Gurău, member of the Platform for the Gender Equality
28. Platform for the Gender Equality
29. Roma National Centre
30. IDIS "Viitorul"
31. Centre Partnership for Development
32. National Centre for Prevention of Child Abuse (CNPAC)
33. Alliance of Active NGOs in the field of Child and Family Social Protection (APSCF)
34. Foreign Policy Association (APE)

The list of signatories remains open