

CONSTITUTION OF THE REPUBLIC OF MOLDOVA

Adopted on July 29, 1994

WE, the plenipotentiary representatives of the people of the Republic of Moldova, members of Parliament,

STARTING from the age-old aspirations of our people to live in a sovereign country, and fulfilling those aspirations in proclaiming the independence of the Republic of Moldova,

CONSIDERING that while growing into a nation the Moldovan people has given strong evidence of historical and ethnic continuity in its statehood,

STRIVING to satisfy the interests of those of its citizens that, while being of a different ethnic origin, are, together with the Moldovans, forming the Moldovan people,

JUDGING the rule of law, the civic peace, democracy, human dignity, the rights and freedoms of man, the free development of human personality, justice and political pluralism to be supreme political values,

BEING AWARE of our responsibility and duties towards the past, present and future generations,

REASSERTING our devotion to overall human values, and our wish to live in peace and harmony with all the peoples of this world, in accordance with the unanimously acknowledged principles and norms of international law,

we herewith adopt for our country this Constitution, and proclaim it to be the

SUPREME LAW OF OUR SOCIETY AND STATE.

TITLE I - GENERAL PRINCIPLES

Article 1. The State of the Republic of Moldova

- (1) The Republic of Moldova is a sovereign, independent, unitary and indivisible state.
- (2) The form of government of the State is the Republic.
- (3) Governed by the rule of law, the Republic of Moldova is a democratic State in which the dignity of people, their rights and freedoms, the open development of human personality, justice and political pluralism represent supreme values, that shall be guaranteed.

Article 2. Sovereignty and State Power

(1) National sovereignty resides with the people of the Republic of Moldova, who shall exercise it directly and through its representative bodies in the ways provided for in the Constitution.

(2) No private individual, national segment of population, social grouping, political party or public organization may exercise state power on their own behalf. The usurpation of state power constitutes the gravest crime against the people.

Article 3. The Territory

(1) The territory of the Republic of Moldova is inalienable.

(2) The frontiers of the country are sanctioned by an organic Law under the observance of unanimously recognized principles and norms of international law.

Article 4. Human Rights and Freedoms

(1) Constitutional provisions for human rights and freedoms shall be understood and implemented in accordance with the Universal Declaration of Human Rights, and with other conventions and treaties endorsed by the Republic of Moldova.

(2) Wherever disagreements appear between conventions and treaties signed by the Republic of Moldova and her own national laws, priority shall be given to international regulations.

Article 5. Democracy and Political Pluralism

(1) Democracy in the Republic of Moldova is exercised under conditions of political pluralism, which is incompatible with dictatorship or totalitarianism.

(2) No ideology may be pronounced as an official ideology of the State.

Article 6. Separation and Cooperation of Powers

The Legislative, the Executive and the Judicial Powers are separate and cooperate in the exercise of their prerogatives in accordance with the provisions of the Constitution.

Article 7. The Constitution as the Supreme Law

The Constitution of the Republic of Moldova is the supreme law of the country. No laws or other legal acts and regulations in contradiction with the provisions of the Constitution may have any legal power.

Article 8. Observance of International Law and International Treaties

(1) The Republic of Moldova pledges to respect the Charter of the United Nations and the treaties to which she is a party, to observe in her relations with other states the unanimously recognized principles and norms of international law.

(2) The coming into force of an international treaty containing provisions contrary to the Constitution shall be preceded by a revision of the latter.

Article 9. The Fundamental Principles Regarding Property

(1) Property can be public or private, and it can consist of material and intellectual goods.

(2) No property may be used to encroach upon or damage the rights, liberty and dignity of people.

(3) The national economy is based on the interaction of market forces, also on free economic initiative and fair competition.

Article 10. The Unity of the Nation and the Right to National Identity

(1) The national unity of the Republic of Moldova constitutes the foundation of the State. The Republic of Moldova is the common and indivisible motherland of all her citizens.

(2) The State recognizes and guarantees all its citizens the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity.

Article 11. The Republic of Moldova as a Neutral State

(1) The Republic of Moldova proclaims her permanent neutrality.

(2) The Republic of Moldova will not admit the stationing of any foreign military troops on its territory.

Article 12. National Symbols

(1) The Republic of Moldova has her own flag, coat of arms and anthem.

(2) The State flag of the Republic of Moldova is a tricolour. The colours are arranged vertically in the following order from the flagpole: blue, yellow, red. The coat of arms is printed on the central yellow stripe of the tricolour.

(3) Moldova's coat of arms consists of a shield divided horizontally into two parts: the upper part is red, and the lower part is blue with a superimposed auroch's head showing between its horns an eight-pointed star. On its right the auroch's head is flanked by a five-petalled rose, and on its left by a slightly rotated crescent. All heraldic elements present on the shield are of golden (yellow) colour. The shield is laid on the breast of a natural eagle holding in its beak a golden cross, in its right claw a green olive-tree branch and in its left claw a golden sceptre.

(4) Moldova's State anthem shall be established by organic law.

(5) The flag, the coat of arms and the anthem are State symbols of the Republic of Moldova, and are protected by law as such.

Article 13. The National Language, Use of Other Languages

- (1) The national language of the Republic of Moldova is Moldovan, and its writing is based on the Latin alphabet.
- (2) The Moldovan State acknowledges and protects the right to preserve, develop and use the Russian language and other languages spoken within the national territory of the country.
- (3) The State will encourage and promote studies of foreign languages enjoying widespread international usage.
- (4) The use of languages in the territory of the Republic of Moldova will be established by organic law.

Article 14. The Capital

The city of Chisinau is the capital of the Republic of Moldova.

TITLE II - FUNDAMENTAL RIGHTS, FREEDOMS AND DUTIES

CHAPTER I - GENERAL PROVISIONS

Article 15. Universality

The Constitution in conjunction with other laws grants the citizens of the Republic of Moldova their rights and freedoms and also lays down their duties upon them.

Article 16. Equality of Rights

- (1) It is the foremost duty of the State to respect and protect the human person.
- (2) All citizens of the Republic of Moldova are equal before the law and the public authorities, without any discrimination as to race, nationality, ethnic origin, language, religion, sex, political choice, personal property or social origin.

Article 17. Citizenship of the Republic of Moldova

- (1) The citizenship of the Republic of Moldova can be acquired, retained or lost only under the conditions provided for by the organic law.
- (2) No one may be deprived arbitrarily of his/her citizenship or the right to change it.
- (3) No citizen of the Republic of Moldova can be extradited or expelled from his/her country.
- (4) Foreign or stateless citizens may be extradited only in compliance with an international agreement or under conditions of reciprocity in consequence of a decision of a court of law.

Article 18. Citizenship Restrictions and State Protection for its Nationals

(1) Except in those cases where international accords adhered to by the Republic of Moldova have different provisions, no citizen of the Republic of Moldova may be simultaneously a citizen of another country.

(2) The citizens of the Republic of Moldova enjoy the protection of their State both at home and abroad.

Article 19. Rights and Duties of Aliens and Stateless Persons

(1) Except in cases where the law has different rulings, aliens and stateless persons shall enjoy the same rights and shall have the same duties as the citizens of the Republic of Moldova.

(2) The right to asylum shall be granted and denied by rule of law in compliance with those international treaties the Republic of Moldova is a party to.

Article 20. Free Access to Justice

(1) Every citizen has the right to obtain effective protection from competent courts of jurisdiction against actions infringing on his/her legitimate rights, freedoms and interests.

(2) No law may restrict the access to justice.

Article 21. Presumption of Innocence

Any person accused to have committed an offense shall be presumed innocent until found guilty on legal grounds, brought forward in a public trial in the course of which all guarantees for necessary defense will have been taken.

Article 22. Nonretroactivity of Law

No one may be sentenced for actions or omissions which did not constitute an offense at the time they were committed.. Also, no punishment may be given that is harsher than that applicable at the time when the offense was committed.

Article 23. The Right to Know One's Rights and Duties

(1) Every one has the right to an acknowledged legal status.

(2) The State ensures the right of everybody to know his/her rights and duties. For that purpose the State shall publish all its laws and regulations and make them accessible to everybody.

CHAPTER II - FUNDAMENTAL RIGHTS AND FREEDOMS

Article 24. The Right to Life and Physical and Mental Integrity

- (1) The State guarantees everybody the right to life, and to physical and mental integrity.
- (2) No one may be subjected to torture or to cruel, inhuman or degrading punishment or treatment.
- (3) Until its final prohibition, capital punishment may be applied only if it is based on a sentence passed in a court of justice, as foreseen by law.

Article 25. Individual Freedom and Personal Security

- (1) Individual freedom and personal security are declared to be inviolable.
- (2) Searching, detaining in custody or arresting a person shall be permitted only if based on the authority of law.
- (3) The period of detention in custody may not exceed 24 hours.
- (4) Persons may be arrested only under warrant issued by a magistrate for a maximum time limit of 30 days. The arrested may contest the legality of the warrant and lay a complaint before a court judge who is bound to reply by way of a motivated decision. The time limit of detention may be extended to 6 months and in exceptional cases, if approved by decision of Parliament, to 12 months.
- (5) The person detained in custody or arrested shall be informed without delay of the reasons for his detention or arrest, as well as of the charges made against him/her, which may take place only in the presence of a lawyer, either chosen by the defendant or appointed ex officio.
- (6) If the reasons for detention in custody or arrest have ceased to exist the release of the person concerned must follow without delay.

Article 26. Right of Defense

- (1) The right of defense is guaranteed.
- (2) Everybody has the right to respond independently by appropriate legitimate means to an infringement of his/her rights and freedoms.
- (3) Throughout the trial the parties have the right to be assisted by a lawyer, either chosen or appointed ex officio.
- (4) Any interference with the activity of those carrying out the defense within legally established confines shall be punished by authority of law.

Article 27. The Right to Free Movement

- (1) The right to move freely within the boundaries of one's native country is guaranteed.
- (2) Every citizen of the Republic of Moldova is guaranteed the right to choose his place of residence anywhere within the national territory, to travel in and out of the country, also to emigrate at will.

Article 28. Private and Family Life

The State shall respect and protect private and family life.

Article 29. Inviolability of Domicile

(1) The domicile is inviolable. No one may enter upon or stay on the premises of a domicile without the owner's consent.

(2) The law shall allow for derogation from the provisions of paragraph (1) under the following circumstances:

- a) for executing an arrest warrant or a decision of a court of law;
- b) for forestalling imminent danger threatening the life, physical integrity or the property of a person;
- c) for preventing the spread of an epidemic disease.

(3) Searches and questioning in a domicile may be ordered and carried out only in accordance with the rule of law.

(4) Except for cases where an obvious offense has been committed, night searches are forbidden.

Article 30. Privacy of Correspondence

The State shall ensure the privacy of letters, telegrams, other postal dispatches, of telephone conversations and of using other legal means of communication.

Article 31. Freedom of Conscience

(1) The freedom of conscience is guaranteed, and its manifestations should be in a spirit of tolerance and mutual respect.

(2) The freedom of religious worship is guaranteed and religious bodies are free to organize themselves according to their own statutes under the rule of law.

(3) In their mutual relationships religious cults are forbidden to use, express or incite to hatred or enmity.

(4) Religious cults are autonomous vis-a-vis the State and shall enjoy the latter's support, including that aimed at providing religious assistance in the army, in hospitals, prisons, homes for the elderly and orphanages.

Article 32. Freedom of Opinion and Expression

(1) All citizens are guaranteed the freedom of opinion as well as the freedom of publicly expressing their thoughts and opinions by way of word, image or any other means possible.

(2) The freedom of expression may not harm the honor, dignity or the rights of other people to have and express their own opinions or judgments.

(3) The law shall forbid and prosecute all actions aimed at denying and slandering the State or the people. Likewise shall be forbidden and prosecuted the instigations to sedition, war, aggression, ethnic, racial or religious hatred, the incitement to

discrimination, territorial separatism, public violence, or other actions threatening constitutional order.

Article 33. Freedom to Create

- (1) The freedom to create scientific and artistic works is guaranteed. Creative work may not be submitted to censorship.
- (2) The law shall protect the rights of citizens to their intellectual property, and to the material and moral interests related to various forms of intellectual creation.
- (3) The State shall support the preservation, development and propagation of national and world achievements in culture and science.

Article 34. The Right of Access to Information

- (1) Having access to any information of public interest is everybody's right, that may not be curtailed.
- (2) According with their established level of competence, public authorities shall ensure that citizens are correctly informed both on public affairs and matters of personal interest.
- (3) The right of access to information may not prejudice either the measures taken to protect the citizens or the national security.
- (4) The State and private media are obliged to ensure that correct information reaches public opinion.
- (5) The public media shall not be submitted to censorship.

Article 35. The Right of Access to Education

- (1) The right of access to education is put into effect through the compulsory comprehensive public school system, lyceal (public secondary school) and vocational education, as well as the higher education system, and other forms of instruction and training.
- (2) The State will enforce under the law the right of each person to choose his/her language in which teaching will be effected.
- (3) In all forms of educational institutions the study of the country's official language will be ensured.
- (4) State public education is free.
- (5) All educational institutions, including those that are not financed by the state, shall be established and function under the rule of law.
- (6) Higher education institutions have the right to be autonomous.
- (7) The access to lyceal, vocational and higher education is equally open to all and is based on personal merit.
- (8) The State ensures under the law the freedom of religious education. The State ensures a lay education.
- (9) The priority right of choosing an appropriate educational background for children lies with the parents.

Article 36. The Right of Health Security

- (1) The right of health security is guaranteed.
- (2) The State shall provide a minimum health insurance, that is free.
- (3) Organic laws will establish the structure of the national health security system and the means necessary for protecting individual physical and mental health.

Article 37. The Right to Live in a Healthy Environment

- (1) Every human being has the right to live in an environment that is ecologically safe for life and health, to obtain healthy food products and harmless household appliances.
- (2) The State guarantees every citizen the right of free access to truthful information regarding the state of the natural environment, the living and working conditions, and the quality of food products and household appliances.
- (3) Non-disclosure or falsification of information regarding factors detrimental to human health constitute offenses punishable by law.
- (4) Private individuals and legal entities shall be held responsible before the law for any damages they may cause to personal health and property due to an ecological offense.

Article 38. The Right of Voting and Being Elected

- (1) The foundation of State power is the will of the people made known through free elections held at regular intervals and based on universal, equal, direct and free suffrage.
- (2) Except for the persons banned from voting by law, all the citizens of the Republic of Moldova having attained the age of 18 on or by the voting day inclusively have the right to vote.
- (3) The right of being elected is granted to all citizens of the Republic of Moldova enjoying the right of voting.

Article 39. The Right of Administering

- (1) The citizens of the Republic of Moldova have the right of participating in the administration of public affairs, either directly or through their representatives.
- (2) The access to a public office or position guaranteed by law to all citizens of the Republic of Moldova.

Article 40. The Freedom of Assembly

All meetings, demonstrations, rallies, processions or any other assemblies are free, and they may be organized and take place only peacefully and without the use of weapons.

Article 41. The Freedom of Political Association

- (1) All citizens are free to associate in parties and other social and political organizations. These organizations contribute to the definition and expression of public political will, and under the rule of law take part in the electing process.
- (2) All parties and other social/political organizations are equal before the law.
- (3) The State shall ensure the protection of the rights and legitimate interests of parties and other social/political organizations.
- (4) Parties and social/political organizations are declared unconstitutional if by their aims or activities they are engaged in fighting against political pluralism, the principles of the rule of law, the sovereignty and independence or territorial integrity of the Republic of Moldova.
- (5) Secret associations are forbidden.
- (6) The activity of parties consisting of foreign nationals is forbidden.
- (7) The organic law shall establish those public offices whose holders may not join political parties.

Article 42. The Right of Establishing and Joining Trades-Unions

- (1) Any employee has the right to establish and join a trades-union in order to defend his/her interests.
- (2) Trades-unions are founded and carry on their activities in accordance with their statutes under the law. They make their contribution to the defense of employees professional, economic and social interests.

Article 43. The Right of Working and of Access to Work

- (1) Every person has the right to freely choose his/her work, and to benefit from equitable and satisfactory working conditions, as well as to be protected against unemployment.
- (2) All employees have the right of work protection. In this respect the protective measures will bear upon work security and hygiene, working conditions for women and young people, the introduction of minimum wages across the national economy, the weekly period of rest, the paid holidays, difficult working conditions, as well as other specific situations.
- (3) The length of the working week shall not exceed 40 hours.
- (4) The right of collective bargaining is guaranteed, and so is the legal enforceability of collective agreements.

Article 52. Right of Petitioning

- (1) All citizens have the right to apply to public authority by way of petitions formulated in behalf of the applicants.
- (2) Legally established organizations may petition exclusively in behalf of the associations or bodies they represent.

Article 53. Rights of Persons Aggrieved by Public Authority.

(1) Any person, whose rights have been trespassed upon in any way by public authority through an administrative ruling or lack of timely legal reply to an application, is entitled to obtain acknowledgment of those rights, the cancellation of the ruling and payment of damages.

(2) The State is under patrimonial liability as foreseen by the law for any prejudice or injury caused in lawsuits through errors of police or the judiciary

Article 54. Restricting the Exercise of Certain Rights or Freedoms

(1) The exercise of certain rights or freedoms may be restricted only under the law and only as required in cases like: the defense of national security, of public order, health or morals, of citizens rights and freedoms, the carrying of the investigations in criminal cases, preventing the consequences of a natural calamity or of a technological disaster.

(2) The restrictions enforced must be in proportion to the situation that caused it, and may not affect the existence of that right or liberty.

TITLE III - PUBLIC AUTHORITIES

CHAPTER IV - PARLIAMENT

FIRST SECTION - Structure and Functioning

Article 60. Parliament as the Supreme Representative Body and Legislative Authority.

(1) Parliament is the supreme representative body of the people and the sole legislative authority of the State in the Republic of Moldova.

(2) Parliament consists of 101 members.

CHAPTER VIII - PUBLIC ADMINISTRATION

Article 109. Basic Principles of Local Public Administration.

(1) Public administration as manifested in the administrative/territorial units is based on the principles of local autonomy, of decentralization of public services, of the eligibility of local public administration authorities and of consulting the citizenry on local problems of special interest.

(2) The concept of autonomy encompasses both the organization and functioning of local public administration, as well as the management of the communities represented by that administration.

(3) The enforcement of the principles described above may not detract from the unitary character of the State.

Article 110. Administrative/ Territorial Organization

From the administrative point of view the territory of the Republic of Moldova is structured in districts, towns and villages. Certain towns may under the law be declared municipalities.

Article 111. Special Autonomy Statutes

(1) The places on the left bank of the Nistru river, as well as certain other places in the south of the Republic of Moldova may be granted special forms of autonomy according to special statutory provisions of organic law.

(2) The organic laws establishing special statutes for the places mentioned under paragraph (1) above may be amended if three fifths of the Parliament members support such amendments.

Article 112. Village and Town Authorities

(1) At village and town level the public administration authorities through which local autonomy is executed are represented by the elected local councils and mayors.

(2) The local councils and the mayors operate under the law as autonomous administrative authorities and are assigned the task of solving public affairs in villages and towns.

(3) The ways of electing local councils and mayors, as well as their powers and competences shall be established by law.

Article 113. District Councils

(1) The district council coordinates the activity of the village and town councils to achieve public service at a district level.

(2) The district council will be elected and will work in accordance with the law.

(3) The interrelationships of public authorities are based on the principles of autonomy, legality and cooperation in solving common problems.

CHAPTER IX - JUDICIAL AUTHORITY

FIRST SECTION - Courts of Law

Article 118. Language used in Hearings and Right to Use an Interpreter.

(1) Legal cases will be heard in the Moldovan language.

(2) Those persons who do not know or are unable to speak Moldovan have the right to take knowledge of all documents and items on file and to talk to the court through an interpreter.

(3) In accordance with the law legal hearings may also be conducted in a language that is found to be acceptable by the majority of the persons

participating in the hearing.

Article VII.

(1) The law of 1st September 1989 regarding the use of languages spoken throughout the territory of the Republic of Moldova stays in force to the extent that it does not trespass on this Constitution.

(2) The above-named law may be amended over the 7 years ensuing from the date when this Constitution has come into force, if it has been passed by a two-thirds majority.

Article VIII.

(1) Title VII, Final and Transitory Provisions is considered to be an integral part of this Constitution and has the purpose of solving those problems that are linked with its coming into force.