

CSO METER

Assessing the Civil Society
Environment in the Eastern
Partnership Countries

Republic of Moldova
Country Update

CHIȘINĂU
2020





European Center for
Not-for-Profit Law



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Promo - LEX

Advancing democracy and human rights

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Acronyms

ACUM	Political Bloc ACUM
CO	Commercial Organisation
CPA	Central Public Administration
CSDS	Civil Society Development Strategy
CES	Commission for Emergency Situations
CSO	Civil Society Organisation
ENCPH	Extraordinary National Commission for Public Health
EU	European Union
LAG	Local Action Group
LPA	Local Public Administration
MARDE	Ministry of Agriculture, Regional Development and Environment
MHLSP	Ministry of Health, Labour and Social Protection
MoF	Ministry of Finance
MoJ	Ministry of Justice
NCO	Non-commercial Organisation
PD	Democratic Party of Moldova
PSA	Public Services Agency
PSRM	Socialist Party of the Republic of Moldova
SC	State Chancellery
SIS	Security and Information Service
SRLE	State Register of Legal Entities
SRNO	State Register of Non-commercial Organisations
STS	State Tax Service

I. Executive Summary

This report presents an update to the CSO Meter report produced in 2019¹ to assess enabling environment for CSOs from the Republic of Moldova. CSO Meter is a tool developed to assess the civil society environment in Eastern Partnership countries. It consists of a set of standards and indicators in 10 different areas that measure both law and practice. CSO Meter was developed within the framework of the "Monitoring Progress, Empowering Action" project funded by the European Union and implemented by the European Center for Not-for-Profit Law Stichting and a group of non-governmental organisations from the Eastern Partnership countries. Promo-LEX Association is the project partner in the Republic of Moldova. The update has been prepared through analysis of legal acts, recent researches and other materials, and expert interviews. The report reflects the most significant updates in 10 areas of CSO Meter and suggests key priorities for improvement.

The most significant positive change for CSOs was the adoption of the Law on Non-Commercial Organisations (NCO). This law replaced the Law on public associations of 1996 and the Law on foundations of 1999 and provided for more improvements: it simplified the registration procedure, eliminated the registration fee, removed the association restrictions for certain categories, introduced a flexible system of internal organisation, including the possibility for every CSO to design its internal management structure.

A turning point for the political arena of the Republic of Moldova was in June 2019, when the oligarch Vladimir Plahotniuc left the country and the parliament appointed the government led by Maia Sandu. As a result, the relationship between public authorities and the CSOs improved, the accusative rhetoric against CSOs receded and the pressure of law enforcement over peaceful assemblies disappeared. However, the deficiencies related to transparency, participation in decision-making processes and cooperation with the state remained mostly unchanged. In November 2019, the parliament established a new government led by Ion Chicu, which favoured again the rise of hostility against CSOs in 2020. The parliament created, on its own initiative, a new CSO consultation platform, which met only once. The government created a focal point for communication with the civil society, provided by the CSDS 2018-2020, but with no practical results.

In general, the CSO environment in the Republic of Moldova shows a slight improvement, but without significant changes outside the adoption of the Law on Non-Commercial Organizations. About 20% of the 2017-2018 CSO Meter recommendations were implemented by public authorities. Most of them refer to freedom of association, registration procedure and costs and were a result of the adoption of the new law. Other implemented recommendations centred around the creation of a unique mechanism of financing CSOs from the state budget or the elimination of restrictive practices related to public assemblies. In addition, the General Prosecutor's Office confirmed the unlawful prosecution of more than 50 political leaders, civic activists and journalists by the law enforcement bodies and initiated several criminal cases for violation of privacy.

In 2019, funding of CSOs from the state budget has increased (to a total of over EUR 3 million for projects and EUR 0.39 million through the percentage designation mechanism). In 2020 the amount received through the designation mechanism registered the first decrease (-17%) since the establishment of the mechanism. The international donors increased funding for local CSO programs (over EUR 20 million from EU for programs initiated during 2019-2020).

A difficult stage for CSOs was the COVID-19 pandemic. The state of emergency was established and the measures taken by the authorities included the restriction of the freedom of assembly and freedom of movement. The inconsistency in declarations and actions of the public officials

¹ <https://csometer.info/documents/>

regarding the pandemic, as well as the abundance of fake news led to confusion and the failure of a large part of the population to comply with the measures. CSOs proved to be resilient and succeeded to adapt to the new conditions and further promote the agendas they support. During the pandemic, the media along with CSOs succeeded to counter the attempt of the Audiovisual Council to impose censorship on the media.

The priorities for improving the CSOs environment include the adoption of several legislative drafts, including those regarding the incrimination of offences motivated by prejudice that often target CSOs, the access to information of public interest, the amendments to the law on philanthropy and the allocation of financial and human resources needed to implement the actions of the 2018-2020 Civil Society Development Strategy.

II. Key Trends

Basic data

Capital: Chişinău

Resident population: 3,542,708² / **Usual resident population:** 2,640,438³

GDP per capita (PPP): USD 3,189,356 (2018)⁴

Freedom in the World: 60/100 (Partly Free)⁵

World Press Freedom Index: 31.16⁶

Democracy Status: 35/100 (Hybrid or Transitional Regime)⁷

Number of CSOs: 10,942⁸ (out of 14, 213 non-commercial organisations)

CSOs per 10,000 inhabitants: 31 / 41 (resident / usual resident)

Registration fee: no fee as of 27.08.2020

Registration period: 15 days

Key events and developments that have affected civil society since the last report

The most significant political change occurred in 2019, when the chairperson of the governing party (PD), Vladimir Plahotniuc,⁹ lost political control and left the country, followed by Ilan Shor – one of the key persons of the ‘stolen billion’¹⁰. The change took place after the parliamentary elections of 24.02.2019, followed by the formation of a new governing coalition between PSRM (pro-Russian) and ACUM (pro-European). The coalition appointed the government headed by Maia Sandu, despite several contested decisions of the Constitutional Court, which were eventually revised¹¹ and followed by the resignation *in corpore* of the judges. In the short term, this political change has led to the disappearance for a while of anti-CSO rhetoric in political discourse. Another consequence was the relaxation and openness of public institutions in relation to CSOs. However, this openness has not led to significant solutions in terms of procedures and mechanisms to facilitate this interaction. Under the new political circumstances the General Prosecutor's Office began investigating cases of violations of private life of civic activists, journalists and politicians during the previous government.

² National Bureau of Statistics

https://statbank.statistica.md/pxweb/pxweb/en/20%20Populatia%20si%20procesele%20demografice/20%20Populatia%20si%20procesele%20demografice_POP_POP010/POP010100.px/?rxid=b2ff27d7-0b96-43c9-934b-42e1a2a9a774

³ National Bureau of Statistics

https://statistica.gov.md/newsview.php?l=ro&id=6695&idc=168&fbclid=IwAR3qBDJnoEcFbnv7Y_kwhqiyXCJwcaupyvgS0wMTqf7ERdSnwCigX55QCJw

⁴ The World Bank, <https://data.worldbank.org/country/moldova>

⁵ Freedom House, <https://freedomhouse.org/report/freedom-world/freedom-world-2018>

⁶ World Press Freedom Index, <https://rsf.org/en/ranking>

⁷ Freedom House <https://freedomhouse.org/explore-the-map?type=nit&year=2020&country=MDA&mapview=trend>

⁸ This number does not include other non-commercial organisations such as political parties, religious organisations, trade unions and employers' associations <https://date.gov.md/ckan/ro/dataset/18516-date-din-registrul-de-stat-al-unitatilor-de-drept-privind-organizatiile-necomerciale>

⁹ On 22.05.2020, the court issued an arrest warrant for Vladimir Plahotniuc <https://radiochisinau.md/decis-judecatorii-au-emis-un-mandat-de-arest-pe-numele-lui-vladimir-plahotniuc---109492.html>

¹⁰ https://en.wikipedia.org/wiki/Moldovan_bank_fraud_scam

¹¹ <http://www.constcort.md/libview.php?l=ro&id=1509&idc=7&t=/Media/Noutati/Revizuirea-actelor-Curtii-Constitutionale-din-perioada-7-9-iunie-2019/>

In November 2019, after a political dispute related to the appointment of the Prosecutor General¹², a new coalition (PSRM+PD) was set up, that voted a new government headed by Ion Chicu. In consequence, political centre of gravity shifted to the President Igor Dodon, who imposed a *de facto* control over certain state institutions, despite his limited constitutional powers. Under these conditions, in 2020 state officials and their entourage increasingly resorted to anti-CSO discourse. This discourse juggles the idea that international occult forces interfere with the domestic political process through externally funded CSOs, which are essentially grant-eaters and endanger the independence or even existence of the state.

The COVID-19 pandemic marked the year 2020 and significantly affected CSOs as well. The parliament established state of emergency¹³ for 60 days, continued with the state of emergency in public health¹⁴, later extended until 30.09.2020. During the state of emergency, the imposed restrictions limited several rights and freedoms. The Republic of Moldova derogated from the ECHR freedom of assembly and association, the right to education and freedom of movement¹⁵. Military units in armoured vehicles, equipped with heavy machine guns were deployed on the streets. Individuals not complying with restrictions received fines exceeding EUR 1,100 – amount that was declared unconstitutional¹⁶ after the police applied more than 2,400 fines amounting EUR 2.5 million¹⁷. Public authorities tried to impose censorship on information related to COVID-19, but the decision was cancelled after one day, following the prompt reaction of journalists and CSOs. The imposed restrictions limited civic activism. CSOs have been deprived of some offline tools, such as public assemblies and other forms of meetings and assemblies. Decision-making processes have become less transparent, the opportunities for CSOs to participate have been reduced, and online tools provided by public institutions have not sufficiently compensated for this shortcoming. CSOs faced operational difficulties, activities were suspended or cancelled, and additional costs arose for protection measures or access to beneficiaries. The focus has shifted to new issues. However, most CSOs have adapted quickly to the change, migrated many activities to online and have continued to operate at an almost normal pace.

Important trends relating to civil society

The adoption of the law on non-profit organizations is the most important change for the CSO environment during the period. However, the adoption of the law (after pending two years in parliament) is probably largely due to the fact that it was included on the EU conditionality list for the granting of a financing tranche to the Republic of Moldova. It shows once again the importance of the international partners in building a solid CSO environment in the country.

¹² <https://tv8.md/2019/11/29/procurorul-general-numit-in-functie-in-mare-graba-seara-desemnata-prezentat-colectivului/>

¹³ Parliament Decision No 55/2020 https://www.legis.md/cautare/getResults?doc_id=120817&lang=ro, Law on State of Emergency, Siege and War 212/2004 https://www.legis.md/cautare/getResults?doc_id=27024&lang=ro

¹⁴ Decision No 10 of the ENCPH https://gov.md/sites/default/files/hot_nr.10_cnesp_rev.pdf

¹⁵ Article 11 of ECHR, Article 2 of the Additional Protocol No 1 and Article 2 of the Protocol No 4, <https://rm.coe.int/16809cf9a2>, <https://rm.coe.int/16809e6a12>

¹⁶ <http://www.constcourt.md/libview.php?l=ro&idc=7&id=1884&t=/Media/Noutati/Cuantumul-minim-de-450-unitati-conventionale-al-amenzii-aplicate-persoanei-fizice-pentru-nerespectarea-masurilor-de-profilaxie-prevenire-sisau-combatere-a-bolilor-epidemice-daca-acest-fapt-a-pus-in-pericol-sanatatea-publica-neconstitutional-sesizarile-nr-61a2020-nr-62a2020-i-nr-67g20120>

¹⁷ <https://www.zdg.md/stiri/stiri-sociale/covid-19-politia-a-aplicat-amenzi-de-pesto-49-de-milioane-de-lei-in-mai-putin-de-trei-luni/>

The total number¹⁸ of CSOs¹⁹ reached 10,942²⁰ in 2020. The PSA registered 428 CSOs in 2019, and another 360 CSOs in the first 10 months of 2020 – comparable to the previous years. 36 of these organisations have been registered during the 2 months of the state of emergency. The total number of registered CSOs increased by another 805 organisations transferred from other registers (registered with the LPAs until 2018, and the state register for legal entities). According to unofficial estimates, several hundred more CSOs still have to be transferred. According to the CSO Sustainability Index 2019²¹, National Bureau of Statistics showed that in 2019 only 26% of registered CSOs submitted annual financial reports, which could be considered an indicator of active CSOs.

The level of trust in CSOs is still low – 29% in June 2020²², but is increasing compared to the early 2019 (18%), although the same level as in May 2018. The church is trusted the most – 65%, with CSOs ranking above political parties (21%) and the president of the country (26%).

¹⁸ <https://date.gov.md/ckan/ro/dataset/18516-date-din-registrul-de-stat-al-unitatilor-de-drept-privind-organizatiile-necomerciale>

¹⁹ CSOs include public associations, private institutions, foundations and unions of legal entities.

²⁰ By 01.08.2020, 14,070 non-commercial organisations were registered; of them: 10,828 CSOs (public associations (10,028), foundations (448), private institutions (184) and unions of legal entities (168). The other 3,242 include religious cults, public institutions, professional associations, periodic publications, trade unions, parties and other organisations.

²¹ USAID, FHI 360, CICO "CSO Sustainability Index, 2019 for Moldova", 2020 <https://management.md/wp-content/uploads/2020/09/CSO-Sustainability-Index-2019.pdf>

²² IPP, 'Public Opinion Barometer', June 2020 http://ipp.md/wp-content/uploads/2020/07/BOP_06.2020_anexa.pdf

III. Key Updates

3.1 Freedom of Association

The situation has improved in this area. A new Law on non-commercial organisations was adopted, with benefits for CSOs. The registration procedure was simplified, the registration fee was eliminated, and association restrictions for public servants, foreign citizens and business entities were removed. The registration period remains unchanged at 15 days.

On 27.08.2020, a new law on non-commercial organizations entered into force. Parliament passed the law in second reading on 11.06.2020. After the first reading on 04.05.2018²³, the process was resumed following a public appeal of CSOs in the beginning of 2020²⁴. EU included the adoption of the law as a condition for the disbursement of a macro-financial assistance. The state leaders provoked uncertainties before adoption: President Igor Dodon²⁵ declared he would not promulgate the law, because it would be against the interests of the state as NCOs would be allowed to get involved in political activity supported by external funding; Prime Minister Ion Chicu stated that the law would put an end to the independence of the Republic of Moldova²⁶. Their declarations were followed by amendments submitted in the last moment by a representative of the SPRM, before the last plenary debate. The amendments would have significantly affected the CSO environment: interdictions on CSOs to participate in decision-making process, to express opinions regarding the candidates' election programs and to monitor election campaigns²⁷. The author redrew the amendments after long debates.

In 2019, the Parliament rejected a draft law²⁸ amending the Law on Foundations, that provided barriers for the registration and operation of foundations affiliated with political leaders, but affected also the foundations that perform public benefit activities or promote public policies.

The new law replaces the Law on public associations²⁹ and the Law on foundations³⁰. It simplifies the registration procedure, eliminates association restrictions for public servants, foreign citizens and business entities and eliminates the registration fee (EUR 10 for public associations and private institutions and EUR 143 for foundations). It introduces a flexible system of internal organisation, possibility to design its own structure and management bodies, sets fair play rules for state funding of CSOs and includes new provisions regarding the status of public utility.

In 2020, MARDE initiated³¹ the draft Law on Local Action Groups³², which are a form of organisation in incipient stage. The law would provide a legal framework for this form of cooperation between CSOs, LPAs and entrepreneurs for the development of local communities.

In 2019, the PSA approved a set of *Methodological Norms on State Registration of Non-commercial Organisations* to standardise the practices of PSA employees from all multifunctional centres.

²³ <http://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/4154/language/ro-RO/Default.aspx>, https://www.legis.md/cautare/getResults?doc_id=122391&lang=ro

²⁴ <https://crjm.org/apel-public-organizatiile-societatii-civile-solicita-parlamentului-sa-voteze-in-lectura-finala-proiectul-de-lege-nr-109-privind-organizatiile-necomerciale-fara-modificari-ce-ar-ingreuna-activitatea/>

²⁵ min 29:00: <https://www.facebook.com/dodon.igor1/videos/361399428169462/>

²⁶ <http://trm.md/en/political/proiectul-legii-ong-urilor-pareri-impartite>

²⁷ https://www.facebook.com/permalink.php?story_fbid=815178209007614&id=100015463279463

²⁸ The draft law No 266 of 15 November 2019 Amending and Supplementing the Law No 581/1999 on Foundations <http://parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/4790/language/ro-RO/Default.aspx>

²⁹ https://www.legis.md/cautare/getResults?doc_id=111775&lang=ro#

³⁰ https://www.legis.md/cautare/getResults?doc_id=108435&lang=ro

³¹ <http://madrm.gov.md/ro/content/anun%C5%A3-cu-privire-la-ini%C8%9Biarea-elabor%C4%83rrii-proiectului-de-hot%C4%83r%C3%A2re-guvernului-pentru-aprobarea>

³² The Local Action Groups (LAG) are an institutionalised partnerships of representatives of public, civic and business sector at micro region level focused on local development. LAGs are key stakeholders in the [LEADER](#) approach.

During the state of emergency, PSA continued to register CSOs. Due to sanitary measures, the processing capacity was lower, as well as the number of registration applications.

3.2 Equal Treatment

There was a minor positive change in this area - registration fee for CSOs was eliminated. Problems reported in the previous years were not solved: the registration of CSOs is slower than that of businesses, a register for CSOs, as advanced as for businesses, was not yet developed, and the state budget allocates annually preferential financing for a few CSOs.

The new Law on non-commercial organizations provides CSOs registration free of charge. The fees applied to CSOs for the issuance of certificates are - equal to those for businesses.

Following the entry into force of the new law on non-commercial organizations, the Constitutional Court ruled³³ that CSOs *are allowed to provide onerous services to electoral competitors during the election campaign* (as are the commercial organisations) - given that the law included an interdiction in this regard. The Court practically upheld an existing CSO right.

The technical platform of the CSOs register is outdated and not interoperable with other registration systems. This slows down and complicates the CSO registration procedure. In 2020, a re-engineering of the registration system for commercial organisations started. It is expected to include the register for CSOs.

The state continues to treat unequally CSOs for people with disabilities. Annual funding from the state budget is allocated preferentially, without competition for three CSOs for people with disabilities³⁴, while other CSOs do not have access to this funding.

3.3 Access to Funding

No substantial changes were registered in this field. In 2019, the CSO platform for promotion of philanthropy was established. Discourse against external funding of CSOs came back in the political discourse of 2020, after being less intense in 2019.

During 2019, the subject of external funding of CSOs was less used in the rhetoric of political leaders and officials than in previous years. In 2020, the leftist political leaders once again brought the vitriol narrative according to which funding the CSOs from international sources would affect the interests of the Republic of Moldova. Such messages were distributed by political leaders of local level³⁵, but also repeatedly mentioned both by the prime minister and the president before the review of the draft law on non-commercial organisations during the Parliament's meeting. Their messages were amplified by affiliated media and analysts³⁶ who interpreted the possibility of external funding and providing services to strengthen the parties' organisational capacities as preconditions to control CSOs by interest groups from abroad.

In July 2019³⁷, the Platform for Development and Promotion of Philanthropy was established. The platform brings together CSOs that aim to improve the legal and practical framework for philanthropic activity and sponsorship and strengthen the capacity of CSOs in this field. A draft to

³³ Decision nr. 24 / 08.10.2020 <https://www.constcourt.md/ccdocview.php?tip=hotariri&docid=745&l=ro>

³⁴ Article 36(2), Law on Social Inclusion of Persons with Disabilities 60/2012

³⁵ <https://ziuadeazi.md/post/presedintele-raionului-cahul-de-inchis-toate-aceste-ong-uri-ca-in-rusia-niekhier-de-ocupat-cu-fleacuri?fbclid=IwAR0OG4s7CHJ6b5KBuiP6TD8HGcz6ThCpucWai2Q9GvpvVCKCy8BMzpl6Cc>

³⁶ <http://www.bogdantsirdea.eu/2020/01/31/despre-dreapta-granthunteri-si-baronii-societatii-civile/>, <https://www.facebook.com/dodon.igor1/videos/361399428169462/>, https://a-tv.md/md/index.php?newsid=82225_LX5zF0iLRhEoPcHWQfC6lFcyTBlIz3SQXQPX3ObsH2ilg, <http://socialistii.md/bogdan-cyrdja-npo-seti-sorosa-na-peredovoi-v-borbe-protiv-rossii-nejtraliteta-separatistov-moldovenistov/>, <https://a-tv.md/md/index.php?newsid=82229>,

³⁷ <https://www.consiliulong.md/a-fost-creata-platforma-pentru-dezvoltarea-si-promovarea-filantropiei-in-republica-moldova/>, <https://www.facebook.com/filantropie.md/>

amend the Law on philanthropy³⁸ is discussed within the platform. It aims to address the current law that does not practically favour philanthropic activities in the current wording.

3.4 Freedom of Peaceful Assembly

Overall the situation in this area got worse. Law enforcement had several abusive interventions on peaceful assemblies in 2019 and in 2020. The most important negative trends were registered in 2020, when, due to the pandemic, freedom of assembly was restricted in unprecedented ways.

The law enforcement bodies were the key to ensure the freedom of assembly in 2019. They acted commendably while ensuring the conduct of LGBT rally in Chisinau³⁹. On the other hand, the law enforcement had unacceptable interventions when they apprehended⁴⁰ the members of Occupy Guguta, to check the documents of origin of drums they used at an assembly, or when then they used tear gas on⁴¹ peaceful protesters in front of the Orhei District Court and when they applied physical force, tear gas and electric shocks against a peaceful protest of the veterans of the 1992 war of independence, after the latter intended to use a canopy to take cover from rain⁴².

A resounding episode took place in between 7-14.06.2019, in the context of duality of power, when non-stop protests were conducted in front of the public institutions. The protesters pitched tents and other facilities on the nearby lawn - a behaviour not tolerated by law enforcement bodies in normal conditions. The demonstrators were brought in shifts by undisclosed persons, probably in exchange for pecuniary motivations, and many of them were not aware of the purpose of the protest. During these protests, law enforcement and participants have been observed physically aggressing journalists and other participants, thus violating⁴³ the underlying principles of freedom of expression and freedom of peaceful assembly.

These situations show the vulnerability of law enforcement bodies to political control. In 2020, the law enforcement continued abusive interventions: they intervened violently⁴⁴ at a peaceful rally conducted by war veterans in front of the Parliament and sanctioned⁴⁵ the Occupy Guguta group for writing with chalk on the sidewalk during a protest in front of the Belarusian embassy⁴⁶.

In 2020, the [online platform for public assemblies from Chisinau](#) was the target of a ransom ware attack. Because of precarious cyber security of Chisinau Mayoralty, the entire electronic data base counting over 110,000⁴⁷ public assemblies notified between 2010 - 2019 was lost.

During the state of emergency caused by the COVID-19 pandemic, the Republic of Moldova temporary derogated from the provisions on freedom of assembly of the ECHR. Gatherings with

³⁸ Law on Philanthropy and Sponsorship No 1420/2002

³⁹ <https://www.gdm.md/ro/content/marsul-solidaritatiei-sunt-ok>

⁴⁰ Promo-LEX Association "Final Report Public Assemblies Monitoring Mission 01.08.2012-28.02.2019", 2019

<https://promolex.md/wp-content/uploads/2019/04/Report-monitoring-FoPA-en.pdf>

⁴¹ <https://www.jurnal.md/ro/news/36fed4e01d5e38cc/protest-la-judecatoria-orhei-dupa-condamnarea-lui-gheorghe-petic-politia-a-folosit-gaze-lacrimogene.html>

⁴² <https://promolex.md/18214-asociatia-promo-lex-condamna-comportamentul-agresiv-din-timpul-intrunirii-organizate-de-grupul-de-initiativa-fora-veteranilor-in-fata-parlamentului-republicii-moldova-pe-16-07-2020/?lang=ro>

⁴³ <https://promolex.md/15094-asociatia-promo-lex-condamna-comportamentul-agresiv-de-la-intrunirile-publice/?lang=ro>

⁴⁴ <https://promolex.md/18214-asociatia-promo-lex-condamna-comportamentul-agresiv-din-timpul-intrunirii-organizate-de-grupul-de-initiativa-fora-veteranilor-in-fata-parlamentului-republicii-moldova-pe-16-07-2020/?lang=ro>

⁴⁵ <https://www.facebook.com/1799716393427510/posts/3430691820329951/>

<https://promolex.md/18439-opinia-asociatiei-promo-lex-cu-privire-la-evenimentele-de-la-actiunea-de-protest-a-grupului-de-initiativa-occupy-guguta-din-fata-ambasadei-republicii-belarus-pe-11-08-2020/?lang=ro>

⁴⁶ <https://promolex.md/18439-opinia-asociatiei-promo-lex-cu-privire-la-evenimentele-de-la-actiunea-de-protest-a-grupului-de-initiativa-occupy-guguta-din-fata-ambasadei-republicii-belarus-pe-11-08-2020/?lang=ro>

⁴⁷ https://promolex.md/wp-content/uploads/2018/04/raport_intruniri_10.4.2018.pdf

more than 50 persons⁴⁸, have been prohibited. Online assemblies⁴⁹ were conducted in this period, and the first offline assemblies took place at the end of the state of emergency. Restrictions on freedom of assembly maintained during 2020 include the maximum limit of 50 participants, the impossibility for people over 63 to attend assemblies and the prohibition to conduct assemblies in proximity of public institutions, schools, hospitals or other places at high risk of infection.

Public authorities were accused of double standards and selective implementation of restrictions⁵⁰, for instance, the open-air assemblies were limited to 50 persons, while MPs gathered in meetings with over 100 persons in an enclosed space. Several organisers and participants were sanctioned for not observing restrictions, with fines of about EUR 1,100, which were subsequently declared unconstitutional.

3.5 Right to Participate in the Decision-Making

The overall situation in this area hasn't change significantly. Public authorities' attitude towards CSOs participation in the decision-making improved, but there are still problems with transparency and inclusion. The authorities' websites are not sufficiently informative.

With the newly elected parliament and establishment of Maia Sandu government in June 2019, the public authorities' attitude towards CSOs participation in the decision-making improved. Even so, deficiencies related to decision-making transparency⁵¹ were not solved. The announcements of public consultations were published often without attaching the information note, the version of the consulted draft or the summary of divergences, and the time offered for consulting the proposed drafts was usually shorter than prescribed by the law⁵². Decision-making transparency at the local level is overall worse than at central level.

The number of drafts⁵³ put up for consultation on the government platform <http://particip.gov.md> decreased from 1.000 in the previous years, to 854 in 2019, and 300 drafts in the first 5 months of 2020. The lower number is explained by the breaks caused by political changes in 2019. The technical solution⁵⁴ for e-Legislatie information system does not correspond any more to the legal requirements subsequently adopted for the documents flow⁵⁵ and should be reviewed. A unified online platform, which would allow tracking the draft laws from launching up to the final version, is apparently the most sought solution.

The Parliament's website remained unchanged, including the gaps mentioned in dedicated studies⁵⁶, such as the failure to publish timely the agenda, the draft laws or the amendments. In 2020, the parliament launched an annex⁵⁷ to the official website containing additional information about the activity, which slightly increased its transparency.

⁴⁸ ENCPH Decision No 6 of 10.03.2020

⁴⁹ https://gov.md/sites/default/files/final_hotarire_cnesp_cov_10.03.2020_final_red.pdf

⁴⁹ <http://media-azi.md/ro/stiri/flash-mob-zlp2020-interesul-public-bate-%E2%80%99Estarea-de-urgen%C5%A3%C4%83%E2%80%9D>

⁵⁰ <http://ipre.md/2020/05/12/duble-standarde-privind-libertatea-intrunirilor-pe-timp-de-stare-de-urgenta/>

⁵¹ East Europe Foundation, "Analytical note The application of legal framework in decision-making transparency and functioning of platform www.particip.gov.md", 2019 (RO)

https://www.eef.md/media/files/files/2019_10_analiza_transparenta_particip_gov_6704525.pdf

⁵² For instance, the Draft Government Decision approving the Government Action Plan for 2020-2023 was put up for consultation two days before approval. <http://particip.gov.md/proiectview.php?l=ro&idd=6948>

⁵³ <http://particip.gov.md/statistics.php?l=ro>

⁵⁴ <https://www.bizlaw.md/2016/11/01/sistemul-informatiional-e-legislatie-cat-a-costat-si-cand-va-fi-implementat>

⁵⁵ Law on Regulatory Acts 100/2017, Article 22 https://www.legis.md/cautare/getResults?doc_id=105607&lang=ro

⁵⁶ CPR, "e-Parliament: How do we open the legislative for citizens", 2019 (RO) <https://cpr.md/2019/11/05/e-parlament-cum-deschidem-legislativul-pentru-cetateni/>; LRCM 'How to make the decision-making process in the parliament of the republic of moldova more transparent?', 2018; <http://crim.org/wp-content/uploads/2019/02/2018.-Doc-PP-Proces-decizional-transparent.pdf>

⁵⁷ <https://multimedia.parlament.md/agenda/>

During the state of emergency, the time period for responding to inquiries for public information and complaints has been officially tripled⁵⁸. The parliament's activity was blocked in the first months of the state of emergency and later for another two weeks⁵⁹ after an MP was confirmed with COVID-19. The parliamentary committees opted for online meetings⁶⁰, but not all of them were broadcast live, and some were published on the website with delay.

3.6 Freedom of Expression

Overall, the situation regarding freedom of expression did not change substantially. Freedom of expression is limited by political control on media, the use of manipulation techniques, the abundance of fake news and fear of consequences for expressing publicly one's dissatisfaction. During the pandemic, media and CSOs promptly countered an attempt to impose censorship on media. The legal and regulatory frameworks governing public institutions that should manage hate speech and whistleblowers remained unchanged.

The establishment of Maia Sandu Government in June 2019, brought a dissipation of fears regarding the public expression of criticism towards government or particular leaders⁶¹. Even after three governments were changed in the course of one year, only 40% of citizens felt free to express their opinion about the country's leadership or to protest against government's decisions⁶².

The number of attacks and threats against journalists has increased in recent years (33 cases in 2017, 64 in 2018 and 62 in 2019)⁶³. Non-physical and online attacks and threats were the most frequent. The number of physical attacks increased 4 times: from 4 cases in 2017 to 16 cases in 2019. The origin of attacks and threats were mainly representatives of public authorities (60%).

The media market is controlled by beneficiaries from the political elite. In 2019, the entourage of the president benefited of a redistribution in the market⁶⁴. A study⁶⁵ found that several media outlets cover events in a biased manner, violate ethics and use disinformation techniques.

In 2019, CSOs submitted recommendations⁶⁶ for the draft Law No 301⁶⁷ on incrimination of crimes motivated by prejudice, passed in the first reading in 2016. Amendments relate to the definition of grounds for prejudice, the review of offenses and aggravating circumstances involving acts of hatred and prejudice. The recommendations were discussed by the Legal Committee of the parliament early in 2020 and have been pending since.

⁵⁸ Annex 1 to the CES Decision No 1 of 18.03.2020

https://gov.md/sites/default/files/dispozitie_1_din_18.03.2020_a_cse_a_rm_cu_modificari.pdf

⁵⁹ <http://parlament.md/Actualitate/Comunicatedepresa/tabid/90/ContentId/6209/Page/0/language/ro-RO/Default.aspx>

⁶⁰ <https://www.facebook.com/ParliamentRM/>

⁶¹ https://freedomhouse.org/country/moldova/freedom-world/2020?fbclid=IwAR1Ila1SNwtMJ1inHzWYIDAM4ju25KHPE95FjK7xDmSZ_3L72_gBVISLgRQ

⁶² IPP, "Public Opinion Barometer", 2019, <http://ipp.md/wp-content/uploads/2019/12/BOP-FINAL-decembrie-2019.pdf>

⁶³ Justice for Journalists, 'Report on attacks on media workers in Armenia, Georgia and Moldova during 2017-2019', 2020

http://www.api.md/upload/video_sf/Report-RUS-Ameria-Georgia-Moldova-2.pdf

⁶⁴ <https://deschide.md/ro/stiri/politic/56315/Dodon-%C3%AE%C8%99i-%C3%AEbog%C4%83%C8%9Be%C8%99te-imperiul-mediatic-cu-%C3%AEenc%C4%83-o-televiziune.htm>; <https://www.rise.md/firma/exclusiv-media-srl/>; <http://media-azi.md/ro/stiri/ce-venit-au-ob%C8%9Binut-so%C8%9Biile-lui-igor-dodon-%C8%99i-corneliu-furculi%C8%9B%C4%83-de-la-compania-exclusiv-media>; <https://www.timpul.md/articol/declaratii-----portalul-de-tiri-unimedia-ar-fi-fost-cumparat-de-igor-dodons-147610.html>;

⁶⁵ CIJ, "Monitoring Report. Elements of Propaganda, Disinformation, and Violation of Journalism Ethics in the Local Media Space", 2020, <http://media-azi.md/sites/default/files/Raport-de-monitorizare-1-ianuarie-30-aprilie.pdf>

⁶⁶ <https://promolex.md/16847-apel-public-organizatiile-societatii-civile-solicita-fractiunilor-parlamentare-sa-accepte-amendamentele-la-proiectul-de-lege-nr-301-cu-privire-la-sanctionarea-faptelor-motivate-de-ura-si-prejudicata/?lang=ro>

⁶⁷ <http://parlament.md/ProcesulLegislativ/Proiectedeactelelegislative/tabid/61/Legislativ/3349/language/ro-RO/Default.aspx>

CSO and media experts developed a draft⁶⁸ amending the Law on access to information and other laws affecting the freedom of expression⁶⁹. The draft aims at facilitating access to information of public interest, access of journalists to personal data of public interest, introduces new terminology, eliminates libel from the Contravention Code and shifts the power to review violations in this area from the police to the Prosecutor's Office.

During the state of emergency, the Audiovisual Council issued a provision⁷⁰ on the basis of which media was obliged to reflect the official position of the public authorities. Two days later, the Audiovisual Council cancelled⁷¹ it, after journalists and CSOs criticised⁷² and described it as abuse and censorship. Media CSOs also complained about reducing the media freedoms during pandemic⁷³. Public institutions failed to provide prompt and complete information about the epidemiological situation⁷⁴ and failed to give journalists access to press conferences⁷⁵. The confidence in the information provided by public authorities was also affected by the contradictory messages and actions of various officials, including president Igor Dodon⁷⁶.

The health workers also seem to have been forced⁷⁷ to keep silent about the working conditions during the pandemic. A medical assistant in an ambulance who published a video⁷⁸ about the equipment in use and was later pressed⁷⁹ to delete it, to avoid being fired.

The information space was flooded by fake news and sociological surveys⁸⁰ showed a high acceptance of manipulative narratives by the Moldovans. For instance, 37% believe the virus was created by Bill Gates. The Security and Intelligence Service ordered to block over 50 websites⁸¹ promoting fake news about coronavirus. Nevertheless, 52 of those websites were unrelated to COVID-19 and were taken from a pre-pandemic list⁸² of fake news pages.

⁶⁸ http://api.md/upload/video_sf/Proiect_de_lege_modificare_completare_Legii_accesului_la_informatie_Legii_libertatea_exprimare_Legii_date_cu_caracter_personal_si_altele_final.pdf

⁶⁹ CPR, "Why and how the Law on access to information should be changed?", 2019, <https://cpr.md/2019/11/26/de-ce-si-cum-trebuie-modificata-legii-accesului-la-informatii/?fbclid=IwAR1DpiCafDilXKrVvU85Mze2wtHTLbZBH1e6VJZJc6wHtIAFc0ku09qYM>

⁷⁰ Decision No 2 of 24.03.2020 <http://audiovizual.md/news/n-aten-ia-furnizorilor-de-servicii-media-audiovizuale-din-jurisdicia-republicii-moldova?fbclid=IwAR2XJCyrXRpTCzvl6-5TQ08Uk7gJ2-Jsm304dFxm-pzU8YXm1dwgrjpu08>

⁷¹ <http://www.audiovizual.md/news/comunicat-de-pres-43>

⁷² <https://www.eap-csf.md/apel-public-privind-dispozitia-emisa-de-presedintele-consiliului-audiovizualului/>

⁷³ <http://api.md/news/view/ro-the-letter-to-european-institutions-calling-for-urgent-support-of-independent-media-in-eastern-partnership-countries-during-covid-19-pandemic-2204>; <http://api.md/news/view/ro-ong-urile-de-media-condamna-limitarea-accesului-jurnalistilor-la-evenimentele-de-interes-public-2214>

⁷⁴ <http://api.md/news/view/ro-apel-catre-autoritati-sa-asigure-informarea-completa-si-operativa-despre-situatia-epidemiologica-din-tara-2156>

⁷⁵ <http://media-azi.md/ro/stiri/25-de-organiza%C8%9Bii-%C8%99i-institu%C8%9Bii-media-solicit%C4%83-ministerului-s%C4%83n%C4%83t%C4%83n%C8%9Bii-conferin%C8%9Be-de-pres%C4%83>

⁷⁶ <https://www.jurnal.md/ro/news/10bed0d2c3f3b9ee/foto-pe-timp-de-pandemie-igor-dodon-cutreiera-rm-in-lung-si-n-lat-fara-masca-manusi-si-fara-a-pastra-distanta-sociala.html>; <http://tvrmdova.md/actualitate/igor-dodon-sfideaza-recomandarile-medicilor-si-ironizeaza-pe-seama-ceor-ce-poarta-masca/>

⁷⁷ <http://www.sanatateinfo.md/News/Item/9214>, <http://www.sanatateinfo.md/News/Item/9139>

⁷⁸ <https://www.zdg.md/stiri/video-un-medic-ii-arata-ministrei-echipamentul-medical/>

⁷⁹ <https://protv.md/coronavirus/mama-a-fost-telefonata-si-i-s-a-spus-ca-daca-nu-sterg-postarea-o-sa-fiu-concediat-pe-dosar-penal-declaratiile-asistentului-medical-care-a-spus-ca-angajatii-de-la-ambulante-au-echipament-de-protectie-de-proasta-calitate-video---2525184.html>

⁸⁰ Survey carried out for WatchDog.MD by CBS Research during 5-11.05.2020

<https://www.watchdog.md/2020/05/21/rezultatele-sondajului-realizat-la-comanda-watchdog-md-denota-un-impact-puternic-al-pandemiei-asupra-preferintelor-politice-si-gradului-de-incredere-in-teorii-conspirologice/>

IPP, Public Opinion Barometer, June 2020 (page 45)

http://ipp.md/wp-content/uploads/2020/07/BOP_06.2020_prima_parte_finale.pdf

⁸¹ https://sis.md/sites/default/files/e-biblioteca/doc_starg/indicatii_executorii.pdf?fbclid=IwAR3uzqitXFNx2b4t5iHQNydFpXySXnPX9qnNINdERWjA_OxwQRWQ5fa4SgU; <https://radiochisinau.md/sis-a-blocat-52-de-site-uri-care-distribuie-stiri-false---105911.html>

⁸² <https://stopfals.md/ro/category/21>

3.7 Right to Privacy

The Prosecutor's Office confirmed the illegal use of surveillance means to collect information about the private lives of civic activists and started criminal proceedings. New cases of wiretapping were not reported. Apart from this slight improvement, no substantial changes occurred in this area.

In 2019, a media investigation⁸³ revealed the abusive use of special means of investigation by law enforcement bodies in the case of more than 50 political leaders, civic activists and journalists since 2016-2017. In 2020, the General Prosecutor's Office confirmed illegal collection of information about private life, using special technical means of investigation for secretly obtaining information, as well as violation of the right to secrecy of telephone conversations⁸⁴.

In 2019, the rate of using special investigation measures dropped by 17%. Still, the acceptance rate by judges of prosecutors' requests for using such measures remained high, at over 99% in 2019⁸⁵. Despite no new cases of wiretapping or surveillance of CSO representatives have been reported during 2019-2020, the public belief is that the practices described above are still in use. The Ombudsperson recommended amending Law on Personal Data Protection in order to remove the provisions that might generate the violation of the right to intimate, private and family life. However, no draft was developed yet to amend these provisions. The violations of the provisions on personal data protection are sanctioned discretionary. For instance, president Dodon was not sanctioned for disclosing the name of the first patient with COVID-19 diagnosis⁸⁶.

3.8 State duty to protect

No substantial changes occurred in this area. The law enforcement bodies acted as a protection factor at certain public assemblies. As for the rest, the state institutions are not perceived as a protection source. Some of the measures to control the pandemic were counterproductive.

State's protection was mostly visible during CSO assemblies. Extraordinary security measures were taken to protect the LGBT rally organised in Chisinau⁸⁷. On the other hand, for more than three years the parliament has not debated the amendments to the Criminal Code regarding crimes motivated by prejudice, producing gaps in the mechanisms set up to fight such crimes.

Following the publication of a journalistic investigation about the wiretapping of more than 50 political leaders, civic activists and journalists, the General Prosecutor's Office (probably enforced by the political change at Chisinau) started 13 disciplinary proceedings, 5 criminal cases and 3 criminal proceedings against investigation officers and prosecutors in charge of the illegal collection of personal information⁸⁸. This example shows that state bodies act rather reactively and lack capacity to provide the necessary protection without outside intervention.

In the second half of 2020⁸⁹ the CSO sector will be assessed in order to identify CSOs that are vulnerable to being used for terrorist financing. In addition, Security and Information Service and PSA will regularly monitor CSO sector based on this assessment and the identified risks.

⁸³ <https://www.rise.md/english/the-ministry-of-interceptions/>

⁸⁴ <http://www.procuratura.md/md/news/1211/1/8269/>

⁸⁵ Ombudsman, "Report on the Observance of Human Rights and Freedoms in the Republic of Moldova in 2019", 2020 (RO) <http://ombudsman.md/wp-content/uploads/2020/03/RAPORTUL2019-FINAL.pdf>

⁸⁶ <https://radiochisinau.md/procuratura-refuza-pornirea-urmaririi-penale-pe-numele-lui-igor-dodon-pentru-divulgarea-numelui-pacientei-cu-covid19---110030.html>

⁸⁷ <https://www.gdm.md/ro/content/marsul-solidaritatiei-sunt-ok>

⁸⁸ <http://www.procuratura.md/md/news/1211/1/8269/>; <https://www.rise.md/5-cauze-si-3-procese-penale-in-urma-anchetei-rise-despre-interceptari/>

⁸⁹ According to the draft 2020-2024 National Strategy for Preventing and Combating Money Laundering and Terrorist Financing, Actions 4.2.7-4.2.10 https://cancelaria.gov.md/sites/default/files/document/attachments/proiectul_35_0.pdf

During pandemic, public institutions were accused of a number of errors: they deployed military units in armoured vehicles, equipped with heavy machine guns⁹⁰, fined individuals with excessive amounts over EUR 1,100 (later declared unconstitutional) for non-compliance with the restrictions⁹¹, disseminated contradictory messages through state leaders (for example, Prime Minister Ion Chicu's son had a wedding⁹² during pandemic). Together with other factors, these errors decreased public trust in authorities, reduced the effectiveness of anti-pandemic measures and contributed to an inadequate protection against the pandemic.

3.9 State Support

There were no substantial changes in the overall situation under the state support area. There was a slight progress regarding the development of a unified mechanism for state funding, the amendment of the Law on Volunteering and emerging opportunity to fund LAGs. On the negative side, the 2% mechanism registered a negative dynamic in 2020.

In 2019, the State Chancellery, in partnership with the Association 'Institutum Virtutes Civilis' and ECNL, initiated⁹³ the development of an unified mechanism for state funding to CSOs. A draft regulation for the mechanism was submitted for public consultation⁹⁴ in September 2020. More than EUR 3 million⁹⁵ were allocated from the State Budget for CSOs in 2019, which exceeds the amount for 2018 (EUR 2.4 million) and 2017 (EUR 1.8 million). In 2020, the MoF provided as well subsidization of resident enterprises and non-commercial organizations, which imposed technical unemployment as a result of the epidemiological situation.

The amount allocated to CSOs through the 2% designation mechanism decreased in 2020 after having increased several years in a row. In 2020, 325 thousand Euros were allocated (65 thousand less than in 2019⁹⁶). The decrease in the amount (-17%) was proportional to the decrease in the number of designators (-16%) - probably caused by the COVID-19 pandemic and the 2018 tax reform which introduced a single tax of 12%. The highest values so far have been registered in 2019, with 504 benefiting CSOs compared to 393 in 2018. With 81% of the allocated amount in 2019, the organisations in Chisinau continue to be the main beneficiaries (65% of all beneficiaries). For the third consecutive year, the Public Association of Veterans and Pensioners of the Ministry of Internal Affairs is the biggest beneficiary (23% of the total amount). A flaw in the mechanism affects liberal professions, who do not have the legal possibility to make designations.

Government contracting of CSO services for public policies review (8 lots amounting to a total of about EUR 500 thousand⁹⁷) was in the end an unsuccessful experience. In October 2019, after the government changed, the State Chancellery invoked the non-transparent procedure of public procurement tenders for the award of contracts to CSOs⁹⁸, cancelled 3 contracts and reduced up to 50% the amounts of other 5 contracts signed by the previous government.

⁹⁰ <https://diez.md/2020/03/25/foto-video-duska-si-kalashnikov-pe-strazile-din-chisinau-ce-fel-de-blindate-patruleaza-strazile-orasului/>

⁹¹ <https://www.zdg.md/stiri/stiri-sociale/suma-amenzilor-aplicate-celor-care-n-au-respectat-regimul-starii-de-urgenta-a-depasit-43-de-milioane-de-lei/>

⁹² <https://www.facebook.com/cusens.md/videos/313575250067488/?t=17>

⁹³ <https://cancelaria.gov.md/ro/content/dezvoltarea-si-imbunatatirea-mecanismelor-de-finantare-directa-proiectelor-organizatiilor>

⁹⁴ <http://particip.gov.md/proiectview.php?l=ro&idd=7781>

⁹⁵ IVC Moldova "Direct State Funding to CSOs in the Republic of Moldova", 2019 http://ivcmoldova.org/wp-content/uploads/2019/12/PPP_Finatarea-OSC_Liliana-PALIOVICI.pdf

⁹⁶ https://www.sfs.md/raport_activitate_SFS.aspx?file=13719

⁹⁷ <https://e-licitatie.md/public/acquisition-view/2802>

⁹⁸ <https://www.moldovacurata.md/guvernul-sandu-a-taiat-finantarea-pentru-ong-urile-contractate-de-cabinetul-filip-sa-faca-expertiza-politicilor-publice-1-1101>

Starting with 2020, Local Action Groups (LAGs) (also includes CSOs) can benefit⁹⁹ up to 5% of the annual budget of the National Fund for Agriculture and Rural Development.

The interest of CSOs for the status of public utility¹⁰⁰ is decreasing. In early 2020, 118 CSOs had this status, 15 fewer (-11%) than in early 2019¹⁰¹. More than a third were sports oriented. According to the Law on NCOs, the Certification Commission will operate under PSA instead of MJ as it was before. In addition, the law specifies the conditions for awarding the status, extends the valability of the status from 3 to 5 years and lists the benefits that include tax facilities, right to free use of public property, non-reimbursable financing, contracting works and services and special purpose financing.

As regards volunteering, the government was mandated¹⁰² to set up the National Volunteering Centre¹⁰³. The Centre should¹⁰⁴ eventually implement policies for the development of the voluntary sector and active citizenship.

3.10 Government-CSO Cooperation

The area witnessed no substantial changes. The government has decided not to extend the National Participation Council format. Some new formats initiated by parliament and government are in early stages and have not delivered results. There is no clear evidence on the implementation of the Civil Society Development Strategy.

A change occurred in the formats of Government-CSO cooperation. The Government decided not to extend the collaboration format with civil society under the National Participation Council, the mandate of which expired in 2019. In 2020, a focal point in charge of the relationships with the civil society was set up within the State Chancellery (SC). So far, the relationship with CSOs has not been supported by new communication and cooperation mechanisms or tools. The parliament set up a Consultative Platform¹⁰⁵ with CSO representatives, as a consultation mechanism to support the work of the parliament. Following the constitutive meeting held on 10.12.2019, mechanisms of cooperation with CSOs have not yet been developed.

In January 2020, SC published the Progress Report on the Implementation of the 2018-2020 CSDS Action Plan¹⁰⁶. The Report presents only the achievements found by the SC and does not reflect the overall progress related to strategy implementation. Another CSDS monitoring tool – Strategy Monitoring Committee – is not operational not even in the last year of implementation due to the lack of parliamentary representatives and of a formal constitutive document.

⁹⁹ Law No 17/2020 Amending Law No 276/2016 https://www.legis.md/cautare/getResults?doc_id=120782&lang=ro

¹⁰⁰ <http://www.justice.gov.md/pageview.php?l=ro&idc=675>

¹⁰¹ http://www.justice.gov.md/public/files/dir_prof_si_serv_jurid/LISTA.pdf

¹⁰² <http://parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/5043/language/ro-RO/Default.aspx> Law on Volunteering No 121/2010 https://www.legis.md/cautare/getResults?doc_id=94165&lang=ro

¹⁰³ Deliverable included in items 3.1.1.1 and 3.2.1.2 of the Action Plan implementing the CSDC

¹⁰⁴ <https://cucap.md/wp-content/uploads/Recomandari-cu-privire-la-modificarea-Legii-voluntariatului-1.pdf>

<https://cucap.md/modificarea-legii-cu-privire-la-voluntariat/>

¹⁰⁵ <http://parlament.md/Actualitate/Comunicatedepresa/tabid/90/ContentId/5692/language/en-US/Default.aspx>

¹⁰⁶ State Chancellery, 'Progress Report on the Implementation of the 2018-2020 CSDS Action Plan', 2020 https://cancelaria.gov.md/sites/default/files/document/attachments/raport_narativ.pdf

IV. Key Priorities

Of the total number of recommendations proposed in the previous CSO Meter report, 6 (14%) were fully implemented, 3 (7%) were partially implemented, and 35 (79%) were not implemented. Of the key recommendations, 6 (23%) were fully or partially implemented. The 6 recommendations that were implemented are: the adoption of the NCO Law; the simplification of the registration procedure; the elimination of registration tax; the training of PSA staff; the transparency of the General Prosecutor's Office regarding the use of special surveillance means (part); and informing the population regarding the 2% mechanism, by STS (part).

The adoption in 2020 of the Law on Non-Commercial Organisations is the most important positive change made in the CSO environment in the recent years. The Law improves the CSO registration procedure, removes the restrictions on freedom of association and eliminates the registration fee. Other partially implemented recommendations include the efforts of various public institutions: PSA has trained its staff in the correct and uniform application of registration procedures, STS with CSO support has continued to inform the public about the possibility of percentage designation, and the General Prosecutor's Office is investigating the illegal use of special investigative means of interception and surveillance against civic activists.

The political changes of 2019 created preconditions for enhancing the CSO environment. However, the subsequent development of events has not led to substantial progress in the relationship with public institutions.

The invective narratives regarding CSO external funding continue to be part of the political discourse and are used systematically in the political struggle and polarisation of the electorate. They trigger public mistrust in CSOs and create a spawning ground for changing CSO environment, which can occur suddenly via amendments such as those discussed in the Parliament prior the adoption of the Law on Non-Commercial Organisations.

COVID-19 pandemic proved the vulnerability of the tools CSOs traditionally use (requiring physical presence), e.g. public assemblies, different discussion formats or trainings. At the same time, CSOs have shown their resilience by adapting to the new circumstances, partially moving their activity online and contributing to the defence of freedoms and the promotion of the social agendas they advocate for.

Priorities for the development of the CSO environment in the Republic of Moldova:

- Improve the transparency of and participation in decision-making, by developing tools that would ensure the access to information of public interest, including to information on draft laws, and by developing a practical mechanism for holding accountable the authorities that violated the legal requirements for decision-making transparency.
- Amend the Law No 1420/2002 on Philanthropy and Sponsorship, especially as regards the mechanism of tax deductions for donations for philanthropy and sponsorship purposes.
- Adopt a mechanism with uniform conditions and procedures for the direct state funding of CSOs, that should provide for the involvement of CSO representatives in setting up the funding priorities and in selecting, monitoring and assessing funding programs (while observing the principles of transparency, equal access to resources and accountability).
- Secure the needed financial and human resources (according to the adopted action plan) and monitoring and control mechanisms required to efficiently implement the actions provided in the 2018-2020 Civil Society Development Strategy.
- The Parliament, Central and Local Public Administrations shall develop effective mechanisms for communication and cooperation with CSOs outside decision-making processes.

- Pass the draft Law No 301/2016 on incrimination of crimes motivated by prejudice in the final reading, with the amendments proposed by CSOs at the end of 2019.

V. References

LEGISLATION

Annex 1 to the CES Decision 1 / 18.03.2020

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Methodology

The Report was prepared by the local partner of the project in the Republic of Moldova – Promo-LEX Association, following a joint methodology for all six Eastern Partnership countries. It focuses on the changes occurred in the CSO environment in the Republic of Moldova during 2019-2020. The Report reviews 30 standards that are part of the CSO Meter and provides recommendations for improvement in each of the 10 areas covered. The process included data collection, interviews, desktop research and analysis of the information collected and other studies on the CSO environment during the reference period.

The findings and conclusions of the study do not cover the working environment of CSOs from the Transnistrian region of the Republic of Moldova, which is outside the control of the constitutional authorities of the Republic of Moldova.

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This report was developed with the contribution of an Advisory Board that consists of representatives of key local stakeholders to ensure that the findings and recommendations reflect the overall situation in the country:

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