

CSO METER

A compass to conducive
environment and
CSO empowerment

MOLDOVA 2023

COUNTRY REPORT

CHIȘINĂU





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Advancing democracy and human rights

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Promo-LEX Association is a non-governmental organisation established in 2002. It aims to advance democracy in Moldova, including in the Transnistrian region, by promoting and defending human rights, monitoring democratic processes, and strengthening civil society.

Promo-LEX Association operates through two programmes:

- (1) the Human Rights Programme, which aims to promote and implement international human rights standards in Moldova; and
- (2) the Monitoring Democratic Processes Programme, which aims to improve the quality of and to increase citizens' level of trust in democratic processes in Moldova.

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ACRONYMS & ABBREVIATIONS

AI	Artificial intelligence
AML/CTF	Anti-money laundering and counter-terrorist financing
ANRCETI	National Regulatory Agency for Electronic Communications and Information Technology (<i>Agenția Națională pentru Reglementare în Comunicații Electronice și Tehnologia Informației</i>)
CES	Commission for Exceptional Situations
CNESP	National Extraordinary Commission for Public Health (<i>Comisia Națională Extraordinară de Sănătate Publică</i>)
CPA	Central Public Administration
CSCCD	Centre for Strategic Communication and Combating Disinformation
CSO	Civil society organisation
CSODP	Civil Society Organisations Development Programme 2024-2027
CUPS	Unified Centres for the Provision of Public Services
DCAF	Geneva Centre for Security Sector Governance
DTSM 2030 2030	Digital Transformation Strategy of the Republic of Moldova 2023-2030
EaP	Eastern Partnership
EGA	Electronic Governance Agency
EU	European Union
EUR	Euro
GC 37	General Comment No. 37 of the Human Rights Committee on Article 21 of the International Covenant on Civil and Political Rights – Right of peaceful assembly
GDP	Gross Domestic Product

GDPR	General Data Protection Regulation
GIZ	German Agency for International Cooperation (<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i>)
IDA	Intercommunity Development Association
IP	Internet Protocol
LAG	Local Action Group
LGBTQ+	Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, Intersex, Asexual, Ally, etc.
LPA	Local Public Authority
LRCM	Legal Resources Centre from Moldova
MED	Ministry of Economy and Digitalisation
MIA	Ministry of Internal Affairs
MoJ	Ministry of Justice
NCPDP	National Centre for Personal Data Protection
OPFML	Office for Prevention and Combating of Money Laundering
PSA	Public Services Agency (<i>Agencia Servicii Publice</i>)
RRRP	Regional Refugee Response Plan for the Republic of Moldova
SIS	Security and Intelligence Service of the Republic of Moldova (<i>Serviciul de Informații și Securitate al Republicii Moldova</i>)
STISC	Information Technology and Cyber Security Service (<i>Serviciul Tehnologia Informației și Securitate Cibernetică</i>)
USD	United States Dollar
VAT	Value Added Tax

I. EXECUTIVE SUMMARY

Country context and important trends relevant to the civil society environment

In 2023, the Republic of Moldova continued to face the consequences of the aggression of the Russian Federation against Ukraine, namely energy, economic, social crises and security threats. The administration of the country continued under the conditions of the state of emergency adopted by Parliament immediately after the start of the Russian invasion of Ukraine in 2022 and successively extended until the end of 2023. During 2023, the Republic of Moldova hosted over 100,000¹ people displaced from Ukraine as a result of the war.

The year began with a change of government. In February 2023, Dorin Recean was elected as prime minister, after the resignation of Natalia Gavriluță. The Government led by Recean continued the previously established path of European Union (EU) integration and pursued the agenda for fulfilling EU conditionality in order to open accession negotiations. These efforts were recognised in November by the European Commission's recommendation to open accession negotiations with Moldova.² Part of the Government's efforts have been directed at strengthening security and countering the influence of the Russian Federation which is waging a hybrid war against the Republic of Moldova,³ especially in the information environment, as a significant segment of the population (35 per cent)⁴ still shares Russian propaganda narratives.

In June, the Constitutional Court declared unconstitutional and dissolved the ȘOR political party on the grounds that it militates against the sovereignty and independence of the Republic of Moldova and undermines democracy and the principles of the rule of law. Previously, the leader of the Party, the fugitive Ilan Șor, was sentenced to 15 years in prison in a financial fraud case with the obligation to return over 260 million EUR, and the EU

¹ UNHCR Operational Data Portal, <https://data.unhcr.org/en/situations/ukraine/location/10784>.

² European Commission, Press release 08.11.2023, https://ec.europa.eu/commission/presscorner/detail/en/ip_23_5633, https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_698%20Moldova%20report.pdf?fbclid=IwAR06QZ97EpGF_7IHUmG6mqPhRk2yO41-k6Kobj7hNfRzFLUiRAvwzLpcVuk.

³ https://www.nato.int/cps/en/natohq/opinions_218356.htm; <https://tvr Moldova.md/article/58573773ccb81948/mircea-geoana-nu-vedem-un-risc-militar-din-partea-rusiei-asupra-republica-moldova.html>.

⁴ Public Policies Institute, Public Opinion Barometer, August 2023, <https://ipp.md/wp-content/uploads/2023/09/BOP-2023-Prezentare.pdf>.

Council imposed sanctions on several persons, including the leaders of the Party, for actions destabilising the Republic of Moldova. Members of a party that has been declared unconstitutional who are suspected, accused, indicted, convicted or included on international sanctions lists were subsequently prohibited from standing for election. The prohibition was first issued by the Commission for Exceptional Situations (CES)⁵ and passed afterwards in just one day by Parliament.⁶ The prohibition was applied starting with the November 2023 local elections.

Key developments in the civil society environment

In 2023, there were several positive developments in the civil society organisation (CSO) enabling environment that led to increases in the overall scores in five of the eleven areas (*Equal treatment, Right to Participation in Decision-Making, State Support, State-CSO Cooperation and Digital Rights*). In one area (*Right to Privacy*) there was a decrease in the overall score. Most changes that have occurred in the CSO enabling environment are as a result of the implementation of actions provided for in the requirements for the EU to open accession negotiations, especially from the chapter referring to *Enhancing the involvement of civil society in decision making processes at all levels*.⁷ Thus, Parliament adopted laws with an impact on the CSO environment, including a new law on access to information, a new law on whistleblowers, and amendments to the anti-money laundering (AML) legislation regarding the beneficial owners of CSOs. The Government and Parliament also created consultative and cooperation platforms.

The top three areas by score are the same as in 2022: *Freedom of Association* (5.5), *Freedom of Peaceful Assembly* (5.3) and *Access to Funding* (5.3). In the area of *Freedom of Association*, the main deficiencies relate to the registration procedure for CSOs which requires improvement, specifically in its practical aspects through digitalisation and simplification of the required formalities. The changes in this area include a new form of CSO (the Intercommunity Development Association) introduced to provide higher quality services to local communities and exemption of trade unions and employers' unions from the state registration fee. *Freedom of Peaceful Assembly* enjoys a very good legal framework, but the application of limitations to peaceful assemblies imposed during the state of emergency in 2022, continued to be applied in 2023. Also in this area, the Ministry of Internal Affairs (MIA) initiated a review of the freedom of assembly legislation including from the

⁵ CES Disposition 86/04.10.2023,

https://gov.md/sites/default/files/document/attachments/dispozitia_cse_nr.86_04.10.2023.pdf.

⁶ Law 280/2023 for amending the Electoral Code, https://www.legis.md/cautare/getResults?doc_id=139328&lang=ro.

⁷ Action Plan for the implementation of the steps proposed by the European Commission in the Opinion on the Republic of Moldova's application for membership of the European Union, https://mfa.gov.md/sites/default/files/pa_-_en.pdf.

perspective of General Comment No. 37 of the UN Human Rights Committee. In the area of *Access to Funding*, Parliament adopted a controversial law on crowdfunding which only regulates commercial crowdfunding and ignores CSOs.

The three areas with the lowest overall scores are *Right to Privacy* (4.3), *State CSO-Cooperation* (4.3) and *Digital Rights* (4.3). The *Right to Privacy* score decreased following the adoption of legal provisions granting increased powers for intelligence officers to use the means of surveillance of private life. A draft law on data protection, the so-called 'Moldovan GDPR', was initiated based almost entirely on the EU General Data Protection Regulation (GDPR). The score in the area of *State-CSO Cooperation* increased after the adoption of the CSO Development Programme 2024-2027 and the annual conference 'Cooperation between Parliament and Civil Society' resumed after seven years. The score in the area of *Digital Rights* also increased after the adoption of the Digital Transformation Strategy of Moldova 2030, which refers tangentially to several aspects related to the enhancement of digital rights.

Other important developments in the CSO environment, by area, include:

- *Right to Participation in Decision-Making*: the new draft Parliament Code and an increasing number of formats for participation at the central and local levels.
- *Freedom of Expression*: participation with CSOs in the creation of the Centre for Strategic Communication and Combating Disinformation.
- *State Support*: the overall area score and score for practice increased after social enterprises benefit from an exemption to pay the tax on undistributed profit for three years. The Central Public Administrations (CPAs) also started to adopt new granting regulations, based on the Framework Regulation from 2022.

Out of the 49 recommendations formulated in the CSO Meter 2022 report, seven were completed (the new law on access to information, no new restrictions on freedom of assembly, the draft CSO Development Programme, resuming the annual conference between Parliament and CSOs, building capacities in digital policy based on a human rights perspective, and an online registration option becoming available for CSOs). Three of these were key recommendations. Another 10 were initiated or partially completed.

The key priorities for the next period are the following:

- The Ministry of Finance should increase tax benefits for philanthropic donations and sponsorship to a level that would provide real benefits for philanthropic activity;
- Public institutions supported by the Electronic Governance Agency (EGA) should improve transparency and participation in decision-making by developing a unified online platform which would include updated information on legal initiatives at all stages and all amendments from introduction up to adoption;
- The legal framework for public procurement should be adjusted with a legal mechanism for social contracting with clear instructions and a standard package of model documents, and knowledge should be built in public institutions based on this mechanism;
- Local Public Authorities (LPAs) and law enforcement should adopt non-violent and non-intrusive assistance and response procedures regarding peaceful assemblies based on the observance of human rights, including for critical and anti-Government assemblies;
- The Security and Intelligence Service (SIS) and the Office for Prevention and Combating of Money Laundering (OPFML) should allow the participation of CSOs in the process of identifying measures to address issues identified in the process of assessment and monitoring of the vulnerabilities of CSOs to terrorism financing and money laundering, including policy documents and legislative initiatives aimed at them;
- The Government should adopt amendments provided by CSOs for the regulatory framework on social entrepreneurship in order to boost the development of related initiatives;
- LPAs should increase transparency in decision-making by developing modules on their web pages similar to those used by the Government (www.particip.gov.md) and establish District Participation Councils based on existing functional models; and
- The Public Services Agency (PSA) should develop a modern, interoperable State Registry for Legal Units that will integrate CSOs and simplify the process of registration. The PSA should also provide for the possibility of a fully-online registration procedure for CSOs.

II. MOLDOVA – IN NUMBERS

Basic data

Population: 2.518 million⁸ | GDP per capita: USD 5,562⁹ | Number of CSOs: 12,524 (out of 15,467 non-commercial organisations)¹⁰ | CSOs per 10,000 inhabitants: 50 | Registration fee for CSOs: None (for most forms, except LAGs, IDAs and Associations of Water Consumers (60 EUR) | Freedom in the World: 62/100 (Partly Free)¹¹ | World Press Freedom Index: 77.62 (28 out of 180 countries)¹² | Public trust in CSOs: 25.4 per cent¹³



Country score: 4.8
Legislation: 5.1
Practice: 4.4

The scores range from 1 to 7, where 1 signifies the lowest possible score (an extremely unfavourable (authoritarian) environment for CSOs) and 7 signifies the highest possible score (an extremely favourable environment for CSOs).

Areas	Overall	Legislation	Practice
Freedom of Association	5.5	5.6	5.3
Equal Treatment	4.7 ↑	4.8	4.5 ↑
Access to Funding	5.3	5.7	4.8
Freedom of Peaceful Assembly	5.3	5.4	5.1
Right to Participation in Decision-Making	4.9 ↑	5.3 ↑	4.4
Freedom of Expression	5.0	5.4 ↑	4.6
Right to Privacy	4.3 ↓	5.2 ↓	3.4

⁸ National Bureau of Statistics, <https://statistica.gov.md/category.php?l=ro&idc=103&>.

⁹ The World Bank, <https://data.worldbank.org/country/moldova>.

¹⁰ State Registry of Non-Commercial Organisations, data adjusted taking into account number of organizations liquidated over the years, <https://www.asp.gov.md/sites/default/files/date-deschise/date-statistice/2024/rsud/RSON.xlsx>. In this report the term CSO includes public associations (10,922), foundations (498), private institutions (238), employers' unions (162), periodic publications (101), unions of legal persons (115), trade unions (251) and other non-commercial organisations (237). Other legal forms of non-commercial organisation which are not considered as CSOs by the current report include religious cults (1,742), public institutions (1,143) and political parties (58).

¹¹ Freedom House, <https://freedomhouse.org/countries/freedom-world/scores>.

¹² World Press Freedom Index, <https://rsf.org/en/index>.

¹³ Public Policies Institute, Public Opinion Barometer, August 2023, https://ipp.md/wp-content/uploads/2023/09/BOP_08.2023_anexa.pdf.

Areas	Overall	Legislation	Practice
State Duty to Protect	4.6	5.0	4.2
State Support	4.4 ↑	4.7	4.0
State-CSO Cooperation	4.3 ↑	4.5 ↑	4.0 ↑
Digital Rights	4.3 ↑	4.5 ↑	4.0

The arrows indicate improvement or deterioration compared to last year's scores.

III. FINDINGS

3.1 Freedom of Association

Overall score per area: **5.5 / 7**

Legislation: **5.6 / 7**

Practice: **5.3 / 7**

Freedom of association is protected narrowly in the Constitution of Moldova¹⁴ as the right to join and create trade unions and is regulated by the Law on Non-Commercial Organisations¹⁵ adopted in 2020 for three main forms of association (public associations, foundations, and private institutions) and several other laws for other rarer forms of association (local action groups,¹⁶ trade unions,¹⁷ employers' unions).¹⁸ Freedom of association is enjoyed by any natural or legal person, except for public authorities and institutions, and state and municipal enterprises. LPAs can be part of joint forms of association with businesses and CSOs in the form of local action groups (LAGs).

The registration procedure for CSOs is free of charge (except for LAGs, IDAs and Associations of Water Consumers, for which a registration fee of around 60 EUR is payable)¹⁹ and takes up to fifteen days. The national registration authority, the PSA, receives applications in hard copy across the country or online²⁰ by qualified electronic signature²¹ and processes them at the central unit. Nevertheless, CSOs are usually directed to or prefer to apply for the registration procedure in the central unit of the PSA, located in Chişinău. The PSA has vacancies for specialists in the field of non-commercial organisations in its regional centres. CSOs claim that regional operators sometimes intervene in the form of internal organisation with models offered as a recommendation or with the title of 'administrator' instead of other management job titles preferred by the CSO's founders. In 2023, only ten CSOs submitted their registration documents online. In addition to a predefined list of required documents, CSOs are required to provide additional documents and fees based on complementary legislation such as the declaration on the beneficial owner²² required by anti-money laundering and counter-

¹⁴ Art. 42, The right to establish and join trade unions, Constitution of the Republic of Moldova, 1/1994, https://www.legis.md/cautare/getResults?doc_id=111918&lang=ro.

¹⁵ Law on Non-Commercial Organisations, 86/2020, https://www.legis.md/cautare/getResults?doc_id=122391&lang=ro.

¹⁶ Law on Local Action Groups, 50/2021, https://www.legis.md/cautare/getResults?doc_id=126245&lang=ro.

¹⁷ Law on trade unions, 1129/2000 https://www.legis.md/cautare/getResults?doc_id=138548&lang=ro#.

¹⁸ Law on employers' unions, 976/2000 https://www.legis.md/cautare/getResults?doc_id=64325&lang=ro.

¹⁹ PSA, Fees for registration of non-commercial organisations, <http://asp.gov.md/servicii/persoane-juridice/211-2>.

²⁰ Law for the modification of some normative acts 175/2021, https://www.legis.md/cautare/getResults?doc_id=128924&lang=ro.

²¹ Art. 8 par. 1 (a) Law regarding the state registration of legal entities and individual entrepreneurs 220/2007, https://www.legis.md/cautare/getResults?doc_id=133261&lang=ro#.

²² Based on Art. 14 of Law on Preventing and Combating Money Laundering and Terrorist Financing, 308/2017, https://www.legis.md/cautare/getResults?doc_id=110418&lang=ro.

terrorism financing (AML/CTF) legislation, and extracts²³ that the PSA itself issues for a fee, emergency verification of name availability and approval of proposed organisation names.²⁴ The State Register of Non-Commercial Organisations²⁵ is outdated and not interoperable with other registers, which slows down the registration procedure. A unified State Register of Legal Units, including CSOs, is under development.

People are free to associate online and offline without registration. Unregistered CSOs cannot open bank accounts or access funding in the way that organisations with legal personality are able to. CSOs are free to request and receive financial and material means. CSOs are free to design their own internal structure, to establish their own goals and activities, and to engage in different legal areas of operation without territorial limitation, nationally and internationally. There is no recorded systemic use of sanctions against CSOs. CSOs are rarely subject to financial and tax inspections performed by government institutions.²⁶

CSOs have several reporting obligations, most of which can be performed online, including publishing annual narrative reports, submitting periodic financial and tax reports, a report on the use of funds received as percentage designation, and a report of the host volunteer organisation.

A policy brief on the implementation of the Law on Non-Commercial Organisations developed by Contact Centre in 2023 found several issues regarding the implementation of the Law. The list of recommendations includes three amendments to the Law regarding:

- Changing the provisions obliging the organisation to publish information about its internal structure, purpose, objectives and activities, in order to ensure the principle of autonomy and equal treatment;
- Excluding the provision on the initiation of the forced liquidation procedure regarding organisations that have not made the necessary changes to their constitutive documents; and
- Repealing the provision that allows the Ministry of Justice to initiate the forced liquidation procedure if the organisation has not submitted the activity report upon request - because it does not represent a serious enough violation to serve as a reason for liquidation.

The overall score for the area of *Freedom of Association*, as well as the legislation and practice scores, remained the same as in the previous reporting period.

1) New form of CSO to provide higher quality services to local communities.

In February 2023, Parliament passed in its second reading the Law on Intercommunity Development Associations,²⁷ which entered into force in June 2023. An intercommunity

²³ PSA, List of documents required for registration of a private institution, <http://asp.gov.md/sites/default/files/documente-necesare/institutiei-private.pdf>.

²⁴ PSA, Terms and fees for Elaboration and approval of the names of legal units, <http://asp.gov.md/ro/servicii/persoane-juridice/101>.

²⁵ State Registry of Non-Commercial Organisations, <https://www.asp.gov.md/sites/default/files/date-deschise/date-statistic/2024/rsud/RSON.xlsx>.

²⁶ Art. 57, Title V, Chapter 11, Tax Audit, Tax Code of the Republic of Moldova, 1163/1997, https://www.legis.md/cautare/getResults?doc_id=79111&lang=ro.

²⁷ Law on intercommunity development associations 17/02.02.2023, https://www.legis.md/cautare/getResults?doc_id=135808&lang=ro.

development association (IDA) is defined as a ‘non-profit, non-political association, with the status of a legal entity established by two or more local public administrative-territorial units’. The IDA has been designed exclusively in order that LPAs of any level can be its founders and/or members, based on a decision of the local council. IDAs are intended to implement development projects of local or regional interest, or to provide public services in order to ensure a higher quality standard for the services they provide to local communities.

The draft Law was developed with the support of the Congress of Local Authorities from Moldova.²⁸ The Law on IDAs was passed in a relatively short period of time (initiated in September 2022 and passed on its first reading on 15 December 2022 and on its second reading on 2 February 2023). The rapidity of the adoption of the Law is welcome. By contrast, the Law on Non-Commercial Organisations took more than three years to be adopted. In August, the Government adopted²⁹ the Decision regarding the implementation of the provisions of the Law on IDAs. The first IDA was registered by the PSA in September 2023.³⁰

2) An increased number of CSOs adjusted their registration documents to avoid the risk of forced liquidation. Following the entry into force of the Law on Non-Commercial Organisations in 2020, CSOs were required to adjust their registration documents before September 2022. In cases of non-compliance, CSOs would be subject to a forced liquidation procedure by the Ministry of Justice (MoJ). In 2023, the PSA continued to assist CSOs in adjusting their registration documents and the MoJ did not show any intention to apply the forced liquidation procedure. In 2023, the total amount of CSOs that adjusted their registration documents increased from 22 per cent to 37 per cent (specifically, 36 per cent of public associations, 53 per cent of private institutions and 39 per cent of foundations). A large proportion of the remaining CSOs may not need to adjust their registration documents.

3) The introduction of the new Register of Legal Units was delayed by a year. The new Register of Legal Units, initiated in December 2022, was expected to be finalised and introduced by June 2023.³¹ In 2023, the contract with the developer was terminated, another company was subsequently contracted to perform the task and, as a result, the deadline for

²⁸ <https://www.calm.md/>.

²⁹ Government decision 609/ 21.08.2023 for the implementation of the provisions of Law 17/2023 on intercommunity development associations, https://www.legis.md/cautare/getResults?doc_id=138974&lang=ro.

³⁰ PSA, State Register of Non-commercial Organisations, <https://asp.gov.md/sites/default/files/date-deschise/date-statistice/2023/rsud/RSON.xlsx>.

³¹ Government Decision 955/28.12.2022 regarding the approval of the Information System Concept ‘State Register of Legal Entities’, https://www.legis.md/cautare/getResults?doc_id=135259&lang=ro.

the introduction of the Register was shifted to 2024. The new unified Register is expected to amalgamate and replace the current State Register of Non-commercial Organisations and the Register of Commercial Units. It is expected that the new Register will be more efficient, will provide better data accessibility and will also facilitate online registration of organisations.

4) Political freedom of association prohibited for members of parties deemed unconstitutional. In June 2023, the Constitutional Court declared the political party ŞOR to be unconstitutional and ordered its dissolution on the grounds that it militates against the sovereignty and independence of the Republic of Moldova and undermines democracy and the principles of the rule of law.³² In July, Parliament amended the Electoral Code to prohibit ‘the members of the executive body of the political party declared unconstitutional, as well as the persons who held elective positions from the political party declared unconstitutional’ from standing for election for a period of five years.³³ However, the amendment was declared unconstitutional by the Constitutional Court on 3 October.³⁴ On 4 October, the CES invoked the threat of hybrid war and provided³⁵ that ‘the former members of an unconstitutional party were subsequently prohibited from participating in the elections if included on international sanctions lists or suspected, accused, indicted, convicted of actions that lead to the unconstitutionality of the party.’ On the same day, Parliament, avoiding the normal procedure, passed new amendments³⁶ to the Electoral Code containing the provisions formulated by the CES. The prohibition was applied starting with the November 2023 local elections.

In April 2023, Ilan Şor, the leader of the ŞOR Party who had fled Moldova in 2019, was sentenced to 15 years in prison in a case relating to bank fraud and was ordered to return over 260 million EUR. In addition, the EU Council imposed sanctions³⁷ on several persons, including the leaders of the ŞOR Party, for actions destabilising the Republic of Moldova.

³² Constitutional Court Decision 10 / 19.06.2023,

<https://www.constcourt.md/ccdocview.php?tip=hotariri&docid=828&l=ro>.

³³ Law 220/31.07.2023, https://www.legis.md/cautare/getResults?doc_id=138653&lang=ro.

³⁴ Constitutional Court Decision 16/03.10.2023,

<https://www.constcourt.md/libview.php?l=ro&idc=7&id=2680&t=/Media/Noutati/Curtea-a-declarat-neconstitutionala-interdictia-de-a-candida-la-alegeri-aplicata-unor-persoane-asociate-partidelor-politice-declare-neconstitutionale>.

³⁵ CES Disposition 86/04.10.2023,

https://gov.md/sites/default/files/document/attachments/dispozitia_cse_nr.86_04.10.2023.pdf.

³⁶ Law 280/2023 for amending the Electoral Code, https://www.legis.md/cautare/getResults?doc_id=139328&lang=ro.

³⁷ Official Journal of the European Union, Council Decision (CFSP) 2023/1047, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32023D1047>.

Two days before the local elections, by derogation from the provisions of the Electoral Code, the CES ordered the exclusion³⁸ of representatives of the ȘANSĂ Party from the electoral lists. The reason given was subversive activity led by Ilan Șor through an organised crime group and the ȘANSĂ Party to interfere in the electoral process to promote the interests of the Russian Federation.

Specific recommendations:

- The PSA should simplify the procedure for CSO registration by excluding de facto fees for registration, such as the request for an extract and approval of the name. It should provide the possibility of autonomous generation of extracts and should perform the CSO name availability verification/approval at the time of the registration appointment (with the option to check this online in advance with the State Register of Legal Units);
- The PSA should build upon the positive new practice of electronic submission of documents to enable CSOs to submit their registration documents and to receive permissive documents via an automated information system;
- The PSA and the MoJ, in collaboration with CSOs, should identify a legal solution for the situation of CSOs that have not adjusted their documents according to the provisions of the Law on Non-Commercial Organisations;
- The PSA should develop a modern, interoperable State Register of Legal Units in the form of an automated information system that integrates CSOs and simplifies the registration process, including the digitisation of PSA services, enabling the online registration of CSOs and the online issuance of any registration documents/certificates. When preparing the technical specifications, the PSA should consider the needs of people with sensory disabilities. The register should also include filters and functionality features that would allow access to other public interest information on CSOs (such as membership, public benefit status, and percentage designation mechanism);
- The PSA should strengthen capacities of its regional operators in order to respect the rights of CSOs to freely choose the forms and names of the organisation's internal governance institutions; and
- Parliament/the MoJ should repeal the provisions that allow the MoJ to initiate the forced liquidation procedure if an organisation has not submitted an activity report upon request.

³⁸ CES Disposition 92/03.11.2023,
https://gov.md/sites/default/files/document/attachments/92.dispozitia_cse_92_03.11.2023-1.pdf.

3.2 Equal Treatment

Overall score per area: **4.7 / 7**

Legislation: **4.8 / 7**

Practice: **4.5 / 7**

According to the law,³⁹ public authorities should treat all non-commercial organisations equally and should not discriminate against them. However, in practice, there are situations of unequal treatment towards some CSOs. One problem affects CSOs registered with headquarters in the Transnistrian region, which sometimes face refusal of banks in the Republic of Moldova to open bank accounts for them (an issue exemplified in 2022 by the case of the Roma diaspora association 'Tent on the Nistru River' which managed to open an account only in 2023). Another issue of unequal treatment is the preferential annual subsidy from the state budget,⁴⁰ to a limited number of CSOs for persons with disabilities.⁴¹ The subsidies are awarded out of competition to up to five organisations expressly mentioned in the law. A special situation concerns hundreds of previously registered CSOs not listed in the state register due to the loss of registration documentation by LPAs, requiring these CSOs to re-register in order to obtain legal extracts, despite holding fiscal codes and functioning effectively. Media attacks against CSOs promoted by illiberal political leaders, particularly intensive at the local level, have decreased in intensity compared to previous years, but the phenomenon is still present.

There are also issues regarding the different treatment of CSOs compared to commercial entities, the latter being favoured by a faster registration procedure, less registration documents, and more favourable public procurement procedures. While financial reporting requirements are subject to similar provisions, in contrast to CSOs, business entities are not required to submit annual activity reports. Failure to submit this report may serve as a reason for termination for a CSO. Access to funding, including from outside the Republic of Moldova, is subject to similar conditions irrespective of whether the entity is for-profit or not-for-profit.

The overall score for the area of *Equal Treatment* increased by 0.1 from 4.6, as the practice score improved by 0.1 from 4.4. The score for legislation remained the same.

1) Trade unions and employers' unions exempted from the state registration fee. As of August 2023, the state registration of trade unions and employers' unions is free of charge.⁴² Previously, the registration fee was set to 60 EUR for trade unions and 5 EUR for employers'

³⁹ Art. 5(2), Law on Non-Commercial Organisations, 86/2020.

⁴⁰ Art. 36(2), Law on Social Inclusion of Persons with Disabilities, 60/2012,

https://www.legis.md/cautare/getResults?doc_id=110494&lang=ro. On the basis of a legal provision in Law 158/2022 amending the Law no. 60/2012 on the social inclusion of people with disabilities,

https://www.legis.md/cautare/getResults?doc_id=131893&lang=ro.

(21) The state partially subsidises the National Information and Rehabilitation Center of the Public Association 'Association of the Blind from Moldova' and the Public Association 'Republican House of Culture of the Deaf from Moldova' in order to facilitate the access of people with disabilities to cultural destinations and events.

⁴¹ The Society of Invalids of the Republic of Moldova, the Society of the Blind of the Republic of Moldova and the Association of the Deaf of the Republic of Moldova.

⁴² Law for the amendment of some normative acts (exempting unions and employers from paying the state registration fee) 234/2023, https://www.legis.md/cautare/getResults?doc_id=138499&lang=ro.

unions. The stated reason for this exemption is to eliminate inequity in relation to other non-commercial organisations in the process of registration and to ensure respect for the fundamental right of employees and employers to establish and join trade and employer unions. The issue was addressed to the prime minister by the National Trade Union Confederation of Moldova earlier in 2023 and was later transposed in a draft law developed by the Ministry of Labour, Social Protection and Family.

In 2023, there was a sudden increase in the number of trade unions: 139 of a total of 251 trade unions in Moldova were registered in 2023.⁴³ More than half of this number is comprised of trade unions of medical institutions. This growth began in 2022, when 22 trade unions were registered. The previous highest annual increase was in 2001, when 13 new trade unions were registered. This increase was determined by changes to the Law on Trade Unions in 2016, according to which all branch units were also required to register, when prior to this time only federations and confederations had been required to register. The necessity to register was determined by the requirement to submit online reports to the State Fiscal Service that can only be completed with an electronic signature issued upon registration.

There are currently 162 registered employers' unions, of which two registered in the first seven months of 2023.

2) Attacks on CSOs are an on-going phenomenon.

In 2023, the phenomenon of attacks on civil society continued. There are several categories of CSO that can be highlighted as common targets. One such category is CSOs accused of being affiliated with the Government by being connected to some extent with the justice reforms initiated by the Government. An increase in attacks against these CSOs occurred after several candidate judges and prosecutors failed to promote the pre-vetting, and after the failure of the self-governing bodies to unfold the first General Assemblies of Judges and Prosecutors.⁴⁴

Another category of attacks is those targeting investigative journalists who had exposed corruption cases, many of whom are affiliated with media CSOs. These attacks include harassment by officials and politically-affiliated media in the autonomous territory of Gagauzia of journalists critical of the Gagauzian authorities.⁴⁵

The attacks against civil society originate mostly from the illiberal opposition political parties and are also focused on other targets, including the LGBTQ+ community. In some

⁴³ PSA, State Register of Non-commercial Organisations, <https://asp.gov.md/sites/default/files/date-deschise/date-statistice/2023/rsud/RSON.xlsx>.

⁴⁴ LRCM, Radiography of attacks on CSOs, 2023, <https://crjm.org/dezvoltarea-societatii-civile/>.

⁴⁵ CJI. Statement of solidarity with journalist Mihail Sirkeli (15 February 2023), <https://cji.md/declaratie-de-solidarizare-cu-jurnalistul-mihail-sirkeli/>.

instances, the targets were same-sex couples attempting to legalize their relationships following the European Court of Human Rights' ruling in the *Fedotova and Others v. Russia* case. Several same-sex couples challenged the state's refusal in Moldovan courts, with the cases currently pending.⁴⁶

During campaigning for the local elections, some candidates stated that CSOs should be banned.⁴⁷

Specific recommendations:

- State institutions should modify existing access protocols to annual subsidies dedicated to persons with disabilities to ensure equitable access and distribution to organisations centred on persons with disabilities;
- Affected CSOs and persons should use legal/judicial tools to claim sanctions against perpetrators who articulate attacks against them; and
- The National Bank of Moldova and the Prevention and Combating of Money Laundering Service should specifically regulate the situation of CSOs registered at ASP, based in the Transnistrian region, in order to ensure their right to open and operate bank accounts.

3.3 Access to Funding

Overall score per area: **5.3 / 7**

Legislation: **5.7 / 7**

Practice: **4.8 / 7**

CSOs are free to request, receive and use financial and material means, from within the country or from abroad, including public funds, in order to achieve their statutory purposes.⁴⁸ CSOs can use different methods to access various sources of funding, from abroad and from within the country without barriers and under the same tax conditions, but international donors remain their main source of income. Funding provided by international donors that falls within the scope of international treaties that the Republic of Moldova is party to may be exempt from taxes and customs clearance.⁴⁹ Other sources and methods of fundraising used include

⁴⁶ Frolov Angela, Zbancă Eleonora vs. Agenția Servicii Publice https://jc.instante.justice.md/ro/agenda-of-meetings?dossier_number=2-23058541-12-3-25042023&dossier_part=frolov&type=Civil&apply_filter=1

⁴⁷ Renato Usatii, Online! Puterea e în Adevăr!, <https://www.youtube.com/watch?v=WURFGQLSAkA>.

⁴⁸ Arts 3(3) and 7(1)(d), Art. 6(2), Law on Non-Commercial Organisations, 86/2020.

⁴⁹ Government Decision on how to apply the tax and customs facilities related to the implementation of investment and technical assistance projects that fall within the scope of international treaties that the Republic of Moldova is party to, 246/2010, https://www.legis.md/cautare/getResults?doc_id=116618&lang=ro.

membership fees, traditional local donations, support from business entities, crowd funding, SMS or online donations, the percentage designation mechanism, support from the state, and economic activities, including social entrepreneurship.

According to the National Bureau of Statistics, about 27 per cent of all non-commercial organisations reported revenues in 2022, while the total reported revenues of the three main forms of CSO (public associations, foundations and private institutions) was 253 million EUR. Access to funding is not subject to government approval, except for in the case of state funding. The requirements for CSOs to receive, use and report funding are subject to the rules of the donor institutions and banking regulations.

CSOs' financial operations are conducted mainly through banking operations, but there are some limitations determined by AML/CTF legislation in relation to international transactions. Pursuant to this, CSOs must provide additional documentary justification to banks in order to transfer any refunds to donors abroad which can lead to delays in transfers.

The overall score for the area of *Access to Funding*, as well as the legislation and practice scores, remained the same as in the previous reporting period.

1) CSOs' sustainability has not been considered in the new law on crowdfunding. Parliament adopted the Law on Crowdfunding Services⁵⁰ on 7 July 2023 and it is set to enter into force on 1 March 2024. The Law partially transposes the provisions of EU Regulation 2020/1503⁵¹ and states expressly that it aims to support and provide a financing alternative for start-ups, small and medium-sized enterprises, and local public administration authorities through crowdfunding platforms. The Law makes no mention of non-commercial organisations and thus it is not clear if and how crowdfunding activities carried out by CSOs are to be regulated. Until now, crowdfunding has not been clearly regulated, even though CSOs and initiatives have run numerous crowdfunding campaigns.

The Law regulates the conditions for access to crowdfunding and its development, sets out the categories of crowdfunding services, and the competences, instruments and procedures for the supervision of crowdfunding service providers and the main categories⁵² of participants in these legal and economic relationships.

2) Amendments to the fiscal framework to provide incentives for philanthropic activity. Following the amendments to the legislation on philanthropy and sponsorship adopted by

⁵⁰ Law 181/2023 on Crowdfunding Services, https://www.legis.md/cautare/getResults?doc_id=138188&lang=ro.

⁵¹ The law partially transposes the provisions of Regulation (EU) 2020/1503 of the European Parliament and of the Council of 7 October 2020 on European providers of crowdfunding services for businesses and amending Regulation (EU) 2017/1129 and Directive (EU) 2019/1937, published in the Official Journal of the European Union L347/1 of 20 October 2020.

⁵² Provider of crowdfunding services: a legal entity established in the form of a limited liability company or joint-stock company, registered in Moldova and authorised to provide crowdfunding services. Developer: a natural person practicing entrepreneurial activity or a for-profit legal person from Moldova, who intends to obtain financing for a project through a crowdfunding platform. Investor: any natural or legal person who grants loans or acquires shares within a crowdfunding project.

Parliament in 2022,⁵³ in 2023 the Platform for the Promotion and Development of Philanthropy provided another set of draft amendments to the Ministry of Finance. These seek an increase in the tax benefits for philanthropic donors of up to 20 per cent of taxable income (with progressive levels depending on the amount of income or business revenue). The amendments are still at the level of discussions. This is expected to boost philanthropic activities and to encourage donations from the private sector.

Specific recommendations:

- The Ministry of Finance should increase tax benefits for philanthropic donations and sponsorship to a level of that would provide real incentives and benefits for philanthropic activity;
- The Ministry of Economy and Digitisation/Parliament should amend the Law on Crowdfunding to also regulate the crowdfunding activities of CSOs;
- CSOs should increase their capacity to raise funds from all available legal sources, not solely from international grants; and
- CSOs should promote good models and practices for accessing other sources of financing.

3.4 Freedom of Peaceful Assembly

Overall score per area: **5.3 / 7**

Legislation: **5.4 / 7**

Practice: **5.1 / 7**

The right to free assembly is guaranteed by the Constitution⁵⁴ and the Law on assemblies provides the effective framework for organising and conducting assemblies.⁵⁵ Every person with full legal capacity, groups of persons, or any legal person has the freedom to organise public assemblies. Minors over fourteen years old can organise an assembly only if accompanied by a person with full legal capacity. Anyone can freely and voluntarily participate in or assist at an assembly, as well as record images of it. Assemblies are allowed to use any graphical or acoustic means and temporary constructions to express ideas and attitudes.

Organisers must comply with a quick and free of charge notification procedure, five days in advance, that is not mandatory in the case of spontaneous assemblies or assemblies with less

⁵³ Law for the amendment of some legislative acts 172/2018, https://www.legis.md/cautare/getResults?doc_id=105528&lang=ro.

⁵⁴ Art. 40, Freedom of Assembly, Constitution of the Republic of Moldova.

⁵⁵ Law on Assemblies, 26/2008, https://www.legis.md/cautare/getResults?doc_id=110166&lang=ro.

than fifty participants.. Simultaneous assemblies are allowed, in which case LPAs summon organisers to agree on how to divide the public space. Online assemblies are not regulated but there is a constant practice of assembling online and use of online methods for organisation and dissemination purposes.

Organisers and participants are accountable only for their own actions during the assembly. During the past years there were no reported cases of anyone being forced to participate in or being prohibited from participating in peaceful assemblies, apart from a documented widespread practice of an organiser paying protest participants.

LPAs, the police and the carabineer troops support and protect peaceful assemblies free of charge with legal provisions⁵⁶ generally in line with a human rights-based approach, but with weaknesses in practice related to the lack of standard operating procedures. The intervention of law enforcement is deficient in some areas: tactical units do not wear individual identification markings, making it almost impossible to identify individuals and hold them liable for any violations committed. In the context of anti-government protests, law enforcement continued the use of allegedly legal practices which discourage or prevent participation in gatherings. These include roadblocks to check participants' vehicles and public warnings about possible disorder or about the presence of people 'with an athletic build' at protests.

The use of surveillance devices to police or monitor assemblies is not regulated. State agencies use video monitoring of assemblies, but the regime for the use and preservation of the resulting footage is not clear.

A change of conditions for conducting assemblies or their prohibition is the prerogative of the court of law based on clear evidence that the assembly will be unlawful, especially if it is violent or endangers public security.

The overall score for the area of *Freedom of Peaceful Assembly*, as well as the legislation and practice scores, remained the same.

1) Restrictions on peaceful assembly continued to be applied during the state of emergency.

The restrictions imposed by the CES in 2022 continued to be applied in 2023, namely: (i) the prohibition during working days of assemblies that block road traffic and/or access to public institutions; and (ii) the exclusion⁵⁷ of LPA representatives and the organiser of an assembly from legal procedures related to stopping and dispersing an assembly, thus eliminating the checks and balances over the police provided in the Law on Assemblies. In 2023, the CES derogated once⁵⁸ from the provisions of the Law on Assemblies, stating that in the case of simultaneous assemblies, in the period 14 May-2 June 2023, regardless of the order of submission of notifications, the organiser representing the public authority has priority in organising the assembly. The derogation was made on two major events: the

⁵⁶ Arts 21 and 22, Law on Assemblies, 26/2008 and Law on the Use of Physical Force, Special Means and Firearms, 218/2012, https://www.legis.md/cautare/getResults?doc_id=106326&lang=ro.

⁵⁷ Commission for Exceptional Situations, Disposition nr. 42 of 13.10.2022, https://gov.md/sites/default/files/document/attachments/dispozitia_cse_rm_nr.42_din_13.10.2022.pdf.

⁵⁸ CES Decision 68 / 2023, https://gov.md/sites/default/files/document/attachments/dispozitia_cse_68_10.05.2023.pdf.

National Assembly European Moldova⁵⁹ organised by the Government on 21 May which gathered around 75,000 participants⁶⁰ in Chişinău and the European Political Community Summit held in Bulboacă on 1 June⁶¹ with leaders from 45 countries across the continent. During the state of emergency, the CES is entitled to ban assemblies and to impose limitations without additional specifications regarding the conditions of application.

2) The LGBTQ+ Pride was protected by law enforcement and held according to conditions set by the organisers. The LGBTQ+ Pride in Chişinău is an annual litmus test for the state of freedom of assembly in Moldova. In 2023, the LGBTQ+ Pride⁶² was held⁶³ according to the conditions requested by the organisers,⁶⁴ despite the attempts of the Mayor of Chişinău, for the second year in a row, to use administrative leverage in order to illegally block the rally. This year, the Mayor ordered⁶⁵ tree cleaning works on a Sunday (which is not a normal practice), the day of the Pride march, on the street where the Pride march was to be held. Law enforcement guaranteed the holding of the march in the area and according to the conditions provided by the organiser and protected the march against counter demonstrators. Counter demonstrators were able to hold their protest with law enforcement ensuring no interference between the two sides.

During the local elections that followed from August-November 2023, several candidates for mayor of Chişinău included in their electoral platforms promises to ban assemblies held by the LGBTQ+ community.⁶⁶

3) Tentative initiative to review legislation on freedom of assembly, including in the digital space. In 2023, the MIA drafted an evaluation report, consulted on with civil society, examining the possibility of amending the legal framework regarding public events taking into account the General Comment No. 37 of the UN Human Rights Committee (GC 37).⁶⁷

⁵⁹ Chişinău Municipality Public Assemblies Data Base, <https://intruniri.chisinau.md/?tinfo=-180#?mod=meetings&do=ShowMeeting&MId=4576&date=2023-05-21&back=list&targetid=maincontent:https://moldovaeuropeana.md/>.

⁶⁰ Media reports on the National Assembly European Moldova <https://newsmaker.md/ro/numar-record-de-participanti-la-adunarea-istorica-moldova-europeana-datele-politiei/>, <https://tribuna.md/img.php?mini=1&maxw=887&img=wp-content/uploads/moldova-europeana.jpg>.

⁶¹ European Council of the EU May results of the Meeting of the European Political Community, 1 June 2023, <https://www.consilium.europa.eu/ro/meetings/international-summit/2023/06/01/>.

⁶² GENDERDOC-M Press release, <https://gdm.md/ro/2023/06/18/comunicat-de-presa-marsul-pride-2023-a-avut-loc/>.

⁶³ Radio Europa Liberă, Pride March 2023 Photo report <https://moldova.europalibera.org/a/cum-a-fost-la-marsul-pride-2023-din-chisinau-/32464537.html>.

⁶⁴ Chişinău Municipality Public Assemblies Data Base, <https://intruniri.chisinau.md/?tinfo=-180#?mod=meetings&do=ShowMeeting&MId=4736&date=2023-06-18&back=list&targetid=maincontent>.

⁶⁵ Mayor's Decision 270-d of 15.06.2023, <https://actelocale.gov.md/ral/act/cu-privire-la-suspendarea-traficului-rutier-pe-str-bucure%C8%99ti-tronsonul-cuprins-%C3%AEntre-str-ismail-%C8%99i-str-serghei-lazo-1294966.html>.

⁶⁶ Promo-LEX, Observation Mission, General Local Elections Report nr. 2, 2023, https://promolex.md/wp-content/uploads/2023/10/Report-nr.2_OM_2023_compressed.pdf.

⁶⁷ General Comment No. 37 (2020) on the right of peaceful assembly (Art. 21), UN Human Rights Committee, <https://digitallibrary.un.org/record/3884725?ln=en>.

The MIA concluded in the report that: ‘the Republic of Moldova has a detailed and well-defined legal framework for the exercise of the right to peaceful assembly, which respects international standards. This framework ensures the protection of citizens’ rights to free expression and peaceful assembly.’ The MIA also stated that Moldova’s legislation on freedom of assembly ‘largely corresponds to the recommendations of international bodies in the field of human rights protection,’ and there are ‘no premises for amending the Law.’ The MIA recommended ‘the development of a normative act which would regulate meetings that do not fall under the Law on Assemblies – such as religious, sports, cultural-artistic events, electoral activities and commercial actions.’ Currently, the Law on Assemblies is not aligned with the GC 37 regarding online assemblies and assemblies held in private spaces.

Specific recommendations:

- Law enforcement should adopt non-violent and non-intrusive methods and use standard operating procedures when policing peaceful assemblies based on the observance of human rights, including for anti-government assemblies;
- LPAs and law enforcement should apply legal provisions in a non-discriminatory manner and guarantee the safety and integrity of participants, journalists and peaceful observers, regardless of their social and political affiliation by use of communication, dialogue, mediation and negotiation tools to facilitate effective assistance of assemblies;
- Police and carabinieri should mark the uniforms of public order officers with visible individual identification numbers; and
- Police and carabinieri should build capacities to protect online assemblies based on the provisions of international standards in the field of online assemblies.

3.5 Right to Participation in Decision-Making

Overall score per area: **4.9 / 7**

Legislation: **5.3 / 7**

Practice: **4.4 / 7**

Public authorities and legal persons that manage and use public financial resources must consult draft normative and administrative acts that can have an impact on society.⁶⁸ Matters of emergency and documents adopted by the Central Electoral Commission during an election

⁶⁸ Art. 3, Law on Transparency in Decision-making, 239/2008, https://www.legis.md/cautare/getResults?doc_id=106638&lang=ro.

period⁶⁹ are exempted from this procedure, but in this case reasons for the urgency and lack of public consultation should be brought to the public's notice. The legal mechanism for public consultation in the decision-making process⁷⁰ provides clear stages, deadlines, conditions and methods of consultation. Lobbying activities are not legally regulated and CSOs have no obligation to register or comply with other rules in order to engage in lobbying and advocacy.

In practice, the level of participation differs depending on the authorities carrying out the decision-making process. The Government, with its subordinated institutions, is the most transparent part of authorities, including with its use of the online platform *particip.gov.md* which partially covers the decision-making process at the government level. In the first eleven months of 2023, the Government published on the platform over 1,900 items concerning legal and normative initiatives, more than in 2022 (1,363 items) or 2021 (848 items).⁷¹ The platform is not informative on the whole cycle of decision-making, does not always provide the necessary documents, information or changes made in the proposed drafts, nor do authorities offer public feedback on proposals provided by CSOs.

The decision-making process in Parliament (which is subject to the Parliament Regulation) is highly deficient.⁷² More than half of initiatives are not consulted on, the website is outdated, with limited options for tractability of legal initiatives and a lack of information of public interest.⁷³ Following the parliamentary elections in July 2021, the attitude of Parliament and the Government towards cooperation with CSOs in the decision-making process improved. While the participation of CSOs in Government decision-making is on a positive trend, there are still transparency issues concerning the decision-making process in Parliament.

At the local level, only a few authorities observe legal obligations, publish agendas, drafts and carry out a consultative process. Most local councils lack transparent decision-making processes and publish only adopted decisions on the platform *actelocale.gov.md*,⁷⁴ often with relevant information excessively hidden and without respecting the de-anonymisation instruction. Some LPAs illegally prohibit the video transmission of local meetings. CSOs complain about cases in which local authorities exclude vocal and critical CSOs from participation processes.

Another deficient area concerning participation in decision-making is access to information. Although the right to access to information is provided for by the Constitution⁷⁵ and regulated in a dedicated law, information providers often unjustifiably invoke protection of personal data, protection of commercial secrets or other types of secrecy to deny access to information.

The overall score in this area increased by 0.1 from 4.8, as the score for legislation improved by 0.1 from 5.2. The score for practice remained the same as in the previous reporting period.

⁶⁹ Art. 14, Law on Transparency in Decision-making, 239/2008.

⁷⁰ Government Decision on the mechanism for public consultations with civil society in the decision-making process, 967/2016, https://www.legis.md/cautare/getResults?doc_id=119856&lang=ro.

⁷¹ Participation Platform, State Chancellery, https://particip.gov.md/ro/statistics?year=2021&authority_id.

⁷² Law for the Adoption of the Parliament Regulation, 797/1996, https://www.legis.md/cautare/getResults?doc_id=111777&lang=ro.

⁷³ Promo-LEX Association, Annual report "Monitoring the activity of the Parliament for the 11th legislature", 2021-2022, 2022, <https://promolex.md/22895-raport-anual-monitorizarea-activitatii-parlamentului-de-legislatura-a-xi-a-pentru-perioada-anilor-2021-2022/?lang=ro>.

⁷⁴ Government Decision 672/2017 for the approval of regulations regarding the State Register of Local Acts, https://www.legis.md/cautare/getResults?doc_id=128145&lang=ro.

⁷⁵ Art. 34, Right to information, Constitution of the Republic of Moldova.

1) Parliament and government initiatives to support participation of civil society in decision-making. In June 2023, Parliament⁷⁶ and the Government⁷⁷ created permanent consultative platforms that should enhance dialogue and transparency in the decision-making process. The Parliament platform is designed as a participation framework with additional provisions on public hearings, councils of experts at the level of parliamentary committees (organisational aspects to be established by the Permanent Bureau of the Parliament) and an annual conference with CSOs. The government platform is designed as a permanent dialogue structure focused on legal drafts, with CSO representatives delegated upon request. Except for the annual conference referred to in Area 10 (State-CSO Cooperation), the platforms have not yet become functional. The intention of the Government was to create similar platforms at the level of the ministries and other CPA institutions. The previous comparable mechanism was the National Participation Council that ceased to exist in 2019.

In April-May 2023, the State Chancellery relaunched the activities of the Coordinating Committee for Open Government, originally created in 2018. The Committee consists of 10 members (five representatives of public authorities and five from civil society) and has been accorded a more extensive range of functions. According to the Government, the relaunch of the Committee's activities represents a commitment to involve civil society in carrying out the reforms of the open government agenda. On 3 November 2023, the Government approved the Open Government Plan for the years 2023-2025 which focuses on five areas: (i) access to information of public interest; (ii) open government institutions; (iii) open budgets; (iv) public procurement; and (v) the development of capacities and competences, cross-integrated in commitments from other fields.⁷⁸

Several other initiatives launched in 2023 aim to facilitate government communication with civil society. One such initiative is the 'Concept of the platform for supporting participatory democracy (e-Democracy)',⁷⁹ intended as a digital solution to increase the participation of citizens and civil society in the formulation of government policies and to strengthen the dialogue between civil society and the state. Another is the Information

⁷⁶ Parliament Decision 149/2023 regarding the approval of the Platform for dialogue and civic participation in the Parliament's decision-making process, https://www.legis.md/cautare/getResults?doc_id=137492&lang=ro.

⁷⁷ Permanent consultative platform within the authority of the central public administration; Government decision 435/2023, https://www.legis.md/cautare/getResults?doc_id=137916&lang=ro.

⁷⁸ Government Disposition Nr. 158 din 03.11.2023 regarding the priority areas and commitments for open government for the years 2023-2025, https://www.legis.md/cautare/getResults?doc_id=139835&lang=ro.

⁷⁹ Public consultations of the draft decision to approve the e-democracy consultation platform, <https://particip.gov.md/ro/document/stages/anunt-consultare-publica-privind-proiectul-hg-pentru-aprobarea-conceptului-platformei-pentru-sustinerea-democratiei-participative-e-democratie/11434>.

System Concept ‘e-Monitoring’,⁸⁰ aimed at ensuring the digitization of the planning-monitoring-reporting processes of the implementation of main public policy documents and planning documents.

2) New Law on Access to Information adopted. In June 2023, Parliament adopted a new Law on Access to Information⁸¹ that will enter into force in January 2024. The consultations carried out by the MoJ were strongly criticised by CSOs⁸² for being limited and sporadic, the draft law being promoted in a hurry, without taking into account the key recommendations of civil society representatives. Consultations were eventually resumed at the parliamentary level which were receptive to CSOs and media and many external proposals were accepted in the final reading of the law.

The changes introduced by the Law include: an increased number of information providers; shorter deadlines (10 calendar days for regular requests, compared to 15 working days in the previous law); the proactive publication of larger categories of information; a signature on submitted requests no longer being mandatory; and a simplified procedure and shorter terms for court examination of cases of violation of access to information. The Law also provides a new sanctioning mechanism for violation and expressly prohibits limiting access to a range of information related to the professional activities of public officials, such as name and surname, position, education, professional experience, remuneration, conflicts of interest and outstanding disciplinary sanctions of state employees.

The Government has also approved a new Regulation regarding the official webpages of public authorities and institutions stating that these should be a simple and accessible interface that ensures easy navigation by the user.⁸³

3) Parliament initiated the adoption of the Parliament Code – a chance to provide clearer perspective on CSOs’ participation in decision-making. In July 2023, Parliament proposed for public consultation the draft of the new Parliament Code.⁸⁴ The Code will replace the existing Regulation and is expected to resolve the legal deficiencies that exist in the decision-making process at the parliamentary level. The draft also provides for the

⁸⁰ Government press-release on the adoption of E-Monitorizare concept, <https://gov.md/ro/content/e-monitorizare-o-noua-solutie-digitala-pentru-autoritatile-publice>.

⁸¹ Law on access to information of public interest 148/2023, https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro.

⁸² Joint Public appeal, <https://cpr.md/2023/04/13/apel-public-privind-necesitatea-organizarii-de-catre-parlament-a-consultarilor-ample-pe-marginea-proiectului-legii-privind-accesul-la-informatii-de-interes-public/>.

⁸³ Government Decision 728/26.09.2023 regarding the official websites of public authorities and institutions and the minimum requirements regarding their social media profiles, https://www.legis.md/cautare/getResults?doc_id=139673&lang=ro.

⁸⁴ Public consultation of the draft Code of the Parliament, <https://www.parlament.md/Actualitate/Anun%c8%9buri/tabid/285/ContentId/9517/Page/0/language/ro-RO/Default.aspx>.

publication of the legislative programme. The first public consultations on the Parliament Code were held in September 2023, with the participation of CSOs. One of the chapters of the draft Code is dedicated to cooperation between Parliament and civil society. However, the current problems in this area mainly come from parliamentary practice, which does not respect the existing legal framework regarding transparency in decision-making. In the parliamentary session that ended on 31 July 2023, Parliament organised public consultations only in 16.8 per cent of adopted draft laws.⁸⁵ This does, however, represent a slight improvement compared to the previous session in which consultations were organised for 9.2 per cent of draft laws. Promo-LEX's monitoring mission found that, most of the time, draft legislation is adopted without waiting for input from civil society. In the absence of the parliamentary opposition, sixty-nine per cent of draft legislation was voted through by the parliamentary majority following debates that lasted up to only five minutes.⁸⁶

An independent initiative to improve parliamentary transparency was launched via the website on parliamentary decision-making entitled *Does Parliament Work For You?* (<https://ioi.promolex.md/>), as an alternative model for the Parliament's webpage which is deficient in terms of transparency.

4) There are an increasing number of local formats for participation in development.

Transparency and participation at the local level benefited from an increase in the number of forums in several rayons (districts). With the support of the East Europe Foundation (EEF), three new Participation Councils were created in the cities of Florești, Ștefan Vodă and Cimișlia⁸⁷ in addition to the three Councils already existing in Cahul, Soroca and Căușeni. With the support of GIZ, another format for participation, the Local Transparency Council, is under development in the municipalities of Bălți, Cahul and Strășeni. Local Transparency Councils have a primary mandate as a platform for discussion and expertise to combat corruption, but also for policy analysis and monitoring and oversight to improve transparency and accountability.

These forums join the existing network of Local Youth Councils, designed to ensure the participation of young people in decision-making processes at the local and regional levels, and short-term groups of local participation and strategic planning.

⁸⁵ Promo-LEX Association, Annual report 'Monitoring the activity of the Parliament for the 11th legislature, 2022-2023', 2023.

⁸⁶ <https://radiochisinau.md/experta-promolex-50prc-din-transparenta-decizionala-a-parlamentului-este-afectata---184024.html>.

⁸⁷ East Europe Foundation, Engaging Citizens, Empowering Communities – Phase II, <https://eef.md/ro/cetateni-activi-comunitati-prospere-faza-ii/328>.

Specific recommendations:

- The Government should ensure the implementation of the Law on Access to Information and the secondary legal framework and should train the employees of subordinate institutions on the new legislation and standards of access to information;
- The EGA/public institutions should improve transparency and participation in decision-making by developing a unified online platform which would include updated information on legal initiatives at all stages and reflect all changes from launch to adoption;
- Parliament and the Government should ensure the functionality of the created consultative platforms, under clear conditions of representativeness, transparency, and relevance;
- Parliament should adopt the new Code with guarantees of application of transparency and participation principles;
- Parliament should optimise the system of publishing information on its official website (including adding the option to make comments and to monitor the legal opinions issued by parliamentary committees); and
- LPAs should increase transparency in decision-making by developing modules on their websites similar to those used by the Government (*particip.gov.md*) and establish local structures for dialogue with CSOs and participatory structures using existing good practices, including District Participation Councils based on existing functional models.

3.6 Freedom of Expression

Overall score per area: **5.0 / 7**

Legislation: 5.4 / 7	Practice: 4.6 / 7
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The Constitution guarantees⁸⁸ freedom of opinion and expression by word, image or any other possible means. Any person has the right to freedom of expression, including the freedom to seek, receive and communicate facts and ideas.⁸⁹ There is no legal barrier to the free use of any media and no one may prohibit or prevent the media from disseminating information of public interest in accordance with the law. Censorship and public authorities for the control of

⁸⁸ Art. 32, Freedom of opinion and expression, Constitution of the Republic of Moldova, 1/1994, https://www.legis.md/cautare/getResults?doc_id=111918&lang=ro.

⁸⁹ Art. 3(1), Law on Freedom of Expression, 64/2010, https://www.legis.md/cautare/getResults?doc_id=83916&lang=ro.

information disseminated by the media are prohibited.⁹⁰ The law protects the confidentiality of journalists' sources of information⁹¹ and also protects whistle-blowers.⁹²

In 2023, Moldova moved up 13 positions in the world ranking of the Press Freedom Index⁹³ to 28th place, staying in the same 'satisfactory' category as the previous year. The improvement is due to an increase in political and economic indicators. The legislative and security indicators had just slight increases, while the social indicator dropped insignificantly.

The Moldovan media is predominantly privately owned (71 per cent), 9 per cent is public and about 12 per cent is non-commercial.⁹⁴ In 2023, Parliament examined a draft law on the Media Subsidy Fund, which would strengthen editorial and economic independence.⁹⁵ So far, editorial stances are strongly influenced by oligarchs and political leaders, while free and impartial media is relatively rare. Individuals and CSOs use online resources and other means to express opinions that are not subject to regulations applicable to media. There is no systemic hindering by the state of persons expressing ideas and opinions contrary to official policy, but politicians often sue the authors of statements that scrutinise their activity, which means a lot of wasted time and resources for media institutions. Journalists can be the target of insults and intimidation by politicians. In recent years, media CSOs repeatedly reported⁹⁶ the use of the defamation administrative offence sanction,⁹⁷ which they consider a serious and disproportionate measure used as a weapon against media representatives. Hate speech in various forms, crimes motivated by prejudice and inciting national, ethnic, racial or religious strife are forbidden.⁹⁸ In 2023, the Audiovisual Council adopted a methodology for monitoring hate speech.⁹⁹ Nevertheless, in practice, hate speech is rarely sanctioned: out of more than 40 cases documented by a specialised CSO over a period of 12 months,¹⁰⁰ public authorities applied only two sanctions (one misdemeanour and one criminal case). The causes of under-performance of the state are the absence of a proper mechanism and methodology to identify and sanction, poor understanding of the basic concepts and police prejudice. Following the Russian aggression in Ukraine, in 2022 and 2023, the state adopted different measures to fight disinformation, including monitoring structures with the participation of CSOs and a ban on the broadcast of programmes that incite hatred, disinformation, propaganda of military

⁹⁰ Art. 34(5), Constitution of the Republic of Moldova; Art. 1(2), Law on Press, No 243/1994; Art. 5, Law on Freedom of Expression, 64/2010.

⁹¹ Art. 13, Law on Freedom of Expression, No 64/2010; Art. 18, Non-disclosure of information source; Law on Press 243/1994, https://www.legis.md/cautare/getResults?doc_id=109428&lang=ro.

⁹² Law on Whistle-blowers, 122/2018, https://www.legis.md/cautare/getResults?doc_id=105486&lang=ro.

⁹³ World Press Freedom Index, <https://rsf.org/en/index>.

⁹⁴ Magenta Consulting, The Study of the Needs of Mass-Media Institutions from the Republic of Moldova, 2022 https://cji.md/wp-content/uploads/2021/09/Studiul-de-necesitati_2022-.pdf.

⁹⁵ Government Decision 801/18.10.2023 for the approval of the draft law regarding the Subsidy Fund in the field of mass media https://www.legis.md/cautare/getResults?doc_id=139485&lang=ro.

⁹⁶ CIJ Campaign regarding the need to modify the article on slander in the Contravention Code, <https://cji.md/campania-cji-privind-necesitatea-modificarii-articolului-din-codul-contraventional-ce-vizeaza-calomnia/>.

⁹⁷ Art. 70, Defamation, Contravention Code.

⁹⁸ Art. 32(3) of the Constitution of the Republic of Moldova; Art. 2, Law on Freedom of Expression, 64/2010; Art. 2, Law on Equality, 121/2012; Art. 2 of the Law on Gender Equality, 5/2006; Art. 54, Violation of the legislation on religious groups; Art. 69, Insults and Art. 354, Disorderly conduct, (Contravention Code), Art. 346, Incitement to violent actions based on prejudice, Art. 1352, Propaganda of genocide or crimes against humanity (Criminal Code).

⁹⁹ Audiovisual Council, Hate speech monitoring methodology, https://consiliuaudiovizual.md/news/ca-a-aprobat-metodologia-de-monitorizare-a-discursului-de-ura/?fbclid=IwAR1vIcNhrGiLuhQQQtZtEcDx8BGUpNUIXC_i5PRnvOjpr38UGhPSOqEZhk.

¹⁰⁰ Promo-LEX, Analytical study on the documentation and prosecution of contravention and criminal liability under the new provisions on hate speech, 2023, <https://promolex.md/wp-content/uploads/2023/09/Studiu-Analitic.pdf>.

aggression, extremist content, terrorist content or that pose a threat to national security.¹⁰¹ The Venice Commission recommended that the terms used in the prohibitions be more precisely defined.¹⁰² The overall score for the area of *Freedom of Expression*, as well as the legislation and practice scores, remained the same as in the previous reporting period.

1) Continued legal and institutional efforts to combat disinformation. In July 2023, Parliament created the Centre for Strategic Communication and Combating Disinformation¹⁰³ (CSCCD) under parliamentary control, following a legal initiative of the President, Maia Sandu. The mission of the CSCCD is to consolidate and improve inter-institutional efforts in the fight against disinformation and manipulation of information. The notion of disinformation was introduced in 2022 and redefined¹⁰⁴ in 2023 as the ‘intentional dissemination, by any means, in the public space, of information whose false or misleading nature can be verified and which is likely to harm national security.’ Foreign information manipulation and foreign interference is defined¹⁰⁵ as ‘intentional and coordinated efforts of foreign entities, such as governments, their agencies, or non-state actors, to manipulate or influence public opinion, information, or narratives in another country, with the purpose of achieving their own strategic, political or ideological objectives and which are likely to cause damage to national security and interests.’ The definition of foreign interference is vague and may raise concerns of abuse and arbitrary interpretation that may result in restrictions on CSOs.

The CSCCD has the right to issue recommendations to other authorities and to the private sector to notify legal authorities in case of detection of violations and to submit proposals to modify the normative framework. The CSCCD will be evaluated by a Council made up of eleven members (representatives of public authorities and two members from civil society). In 2022, the Government created a congruent structure (the Coordinating Council to Ensure Informational Security) with the participation of CSO representatives.¹⁰⁶

The Audiovisual Council adopted the ‘Methodology regarding the detection and assessment of cases of disinformation in audiovisual content’.¹⁰⁷ This document contains criteria and

¹⁰¹ Law for the amendment of the Audiovisual Media Services Code 143/2022, https://www.legis.md/cautare/getResults?doc_id=131800&lang=ro.

¹⁰² European Commission For Democracy Through Law (Venice Commission) Opinion no. 1090/2022, [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)026-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)026-e).

¹⁰³ Law 242/2023 regarding the Center for Strategic Communication and Combating Disinformation and regarding the modification of some normative acts, https://www.legis.md/cautare/getResults?doc_id=138661&lang=ro.

¹⁰⁴ Law 248/2023, https://www.legis.md/cautare/getResults?doc_id=138540&lang=ro.

¹⁰⁵ <https://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/6546/language/ro-RO/Default.aspx>.

¹⁰⁶ Government Decision 467/2022, https://www.legis.md/cautare/getResults?doc_id=132064&lang=ro.

¹⁰⁷ Audiovisual Council, Methodology regarding the detection and assessment of cases of disinformation in audiovisual content, <https://consiliuaudiovizual.md/news/ca-a-aprobat-metodologia-privind-constatarea-si-evaluarea-cazurilor-de-dezinformare-in-continuturile-audiovizuale/>.

additional information that should help to detect disinformation. However, in many places the methodology is vague and unspecific and requires significant improvement.

2) The promotion of false and incorrect information severely sanctioned under the state of emergency.

The broadcast licences of six TV channels were suspended once found vulnerable to false information. On 16 December 2022, the CES ordered the suspension of the broadcasting licences of six television stations¹⁰⁸ based on concerns for regional and national security in the context of the war in Ukraine. The CES argued that its decision was based on two main reasons: control over sanctioned TV channels exercised by persons who are subject to international sanctions and the lack of correct information in the coverage of national events, but also of the war in Ukraine, found and sanctioned by the monitoring by the Audiovisual Council. A joint statement¹⁰⁹ of a group of CSOs recognised the urgent need to combat disinformation in the media, but also requested that all the factual circumstances and specific arguments be communicated publicly. On 30 October 2023, the CES suspended the broadcast licence of another six TV channels.¹¹⁰ As a result, media CSOs made a new statement,¹¹¹ in which they expressed their concerns in relation to the continuing practice of suspending the licences of television stations in the absence of extensive explanations regarding the factual and legal circumstances justifying the restrictive measures.

The SIS continued to block webpages that promote false information. The SIS started this practice during the Covid-19 pandemic and continued it during the war in Ukraine, targeting webpages that promote false information in areas affecting national security¹¹² and that incite hatred and war.¹¹³ The SIS's actions reached a peak in October 2023, when it

¹⁰⁸ 6 TV stations: Primul în Moldova, RTR Moldova, Accent TV, NTV Moldova, TV6, Orhei TV, based on the CSE Disposition 54/2022, https://gov.md/sites/default/files/document/attachments/dispozitia_cse_a_rm_nr.54_din_16.12.2022_r_0.pdf.

¹⁰⁹ LRCM, Joint statement regarding the CES decision to suspend the licence of six TV channels, <https://www.facebook.com/CRJM.org/posts/pfbid06VdggUCe55viPfHJKrCUwpCfCPAm9FtybdUHqcZLjYaYEpjAiZfivJpLlaunLMNI>.

¹¹⁰ CES Disposition 91 / 30.10.2023, https://gov.md/sites/default/files/document/attachments/dispozitia_cse_nr.91_30.10.2023_1.pdf.

¹¹¹ Joint statement in relation to the suspension of TV station licenses, in conditions of lack of transparency, <https://cji.md/en/cji-apel-si-centrul-acces-info-isi-exprima-ingrijorarea-in-raport-cu-suspendarea-licentelor-posturilor-tv-in-conditii-de-lipsa-de-transparenta/>.

¹¹² Orders of the SIS Director nr 5 / 19.01.2023, 18 / 22.03.2023 and 22 / 20.04.2023 to block online sources that promote fake news, <https://sis.md/ro/content/dou%C4%83-site-uri-promotoare-de-informa%C8%9Bii-ce-incit%C4%83-la-ur%C4%83-%C8%99i-r%C4%83zboi-urmeaz%C4%83-fi-blocate>, <https://sis.md/ro/content/5-site-uri-care-public%C4%83-informa%C5%A3ii-false-%C3%AEEn-domeniul-ce-afecteaz%C4%83-securitatea-na%C8%9Bional%C4%83>, <https://sis.md/ro/content/sis-solicit%C4%83-blocarea-trei-site-uri>.

¹¹³ Order of the SIS Director nr 7 / 06.02.2023 <https://sis.md/ro/content/sursele-informa%C8%9Bionale-ce-incit%C4%83-la-ur%C4%83-%C8%99i-r%C4%83zboi-r%C4%83m%C3%A2n-%C3%AEEn-aten%C8%9Bia-sis>.

ordered the blocking of 53 websites,¹¹⁴ including those of TV stations whose broadcast licences were suspended by the CSE. The orders of the SIS are binding under the state of emergency, for network providers and electronic communications services, which block access for users from the Republic of Moldova to the indicated sources.

3) The activities of CSOs and non-profit media representatives continued to be hindered by the abusive conduct of public authorities and political leaders. In 2023, it was mostly LPA representatives that were involved in cases of attack and obstruction of the activities of journalists and media, including journalists affiliated with non-profit media. The reported situations include the abusive and unjustified restriction of journalists' access to information of public interest by LPAs,¹¹⁵ intimidation initiated by the Mayor of Chişinău, Ion Ceban, against press that has highlighted the city's problems,¹¹⁶ and attacks on and intimidation of critical journalists by politicians¹¹⁷ and others political activists from UTAG.¹¹⁸

4) Growing number of digital attacks threaten media

An inquiry of the Centre for Independent Journalism found that media organisations are facing a growing number of digital threats including DDoS (Distributed Denial of Service) attacks, cyberbullying, hacking online accounts and phishing. According to the Centre for Independent Journalism, seven out of ten media organisations confirmed being target of cyber threats¹¹⁹. During 2023, cyber-attacks occurred frequently, the most prevalent type being phishing - practically, every newsroom or journalist received such messages on a daily basis. In September, the websites of media institutions (including non-profit) became target of DDoS (Distributed Denial of Service) attacks, which caused blockages that lasted

¹¹⁴ Order of SIS Director 72 / 24.10.2023, <https://sis.md/sites/default/files/comunicate/fisiere/ordin.pdf>, Order of SIS Director 74 / 30.10.2023,

<https://sis.md/sites/default/files/comunicate/fisiere/Ordinul%20Directorului%20SIS%20nr.74.pdf>.

¹¹⁵ CIJ, Joint statement of media CSOs to condemn the actions of the mayor of Costeşti for abusive and unjustified restriction of journalists' access to information of public interest, <https://cji.md/ong-urile-de-media-condamna-actiunile-primarului-s-costesti-de-ingradire-abuziva-si-nejustificata-a-accesului-jurnalistilor-la-informatii-de-interes-public/>.

¹¹⁶ CIJ, Joint statement to condemn the intimidation campaign, initiated by the mayor of Chisinau, Ion Ceban, against the press that addresses the problems of the capital, <https://cji.md/ong-urile-de-media-condamna-campania-de-intimidare-initiata-de-primarul-municipiului-chisinau-ion-ceban-impotriva-presei-care-abordeaza-problemele-capitalei/>.

¹¹⁷ Other Joint Declarations condemning the behaviour of officials and political leaders in relation to journalists <https://cji.md/en/ong-urile-de-media-condamna-comportamentul-inadecvat-al-ministrului-vladimir-bolea-care-a-utilizat-expresii-necenzurate-la-adresa-unui-jurnalist/>, <https://cji.md/en/media-ngos-condemn-tiraspol-illegal-restrictions-on-media-and-call-on-the-legitimate-state-authorities-to-intervene/>, <https://cji.md/en/ong-urile-de-media-condamna-comportamentul-inadmisibil-al-politicianului-ion-chicu-in-raport-cu-reportera-zdg-mariuta-nistor/>.

¹¹⁸ Declaration of solidarity with journalist Mihail Sirkeli <https://cji.md/declaratie-de-solidarizare-cu-jurnalistul-mihail-sirkeli/>, Media reports on the ban on filming in the premises of the Taraclia town hall <https://ziadeazi.md/primul-de-taraclia-interzice-filmarile-in-incinta-institutiei-presa-locala-va-depune-o-plangere-la-procuratura/>, <https://newsmaker.md/ro/video-primarul-de-taraclia-a-interzis-unui-reporter-sa-i-filmeze-intalnirea-electorala-cu-localnicii-lupov-nu-prea-am-chef-sa-va-cresc-rating-ul/>.

¹¹⁹ CIJ, DDoS attacks and phishing among the digital threats facing the press, 13 December, 2023 <https://cji.md/atacurile-de-tip-ddos-si-phishingul-printre-amenintarile-digitale-cu-care-se-confrunta-presa/>

from a few minutes to a few hours. Similar DDoS attacks were directed against websites of the Government and other public institutions¹²⁰. Allegedly the source of attacks resides in Russian hackers¹²¹.

Specific recommendations:

- Police should develop practical tools and mechanisms to prevent and sanction hate speech, including hate speech originating from public officials;
- The SIS/the CES should combat disinformation via a predictable, clear and transparent mechanism applicable for identification and blocking the webpages and other sources that promote false information, including procedural guarantees and an appeals procedure;
- Responsible institutions should apply coercive measures to LPAs that do not respect the right of CSOs and the media to attend decision-making procedures under transparency legislation; and
- The Audiovisual Council should develop institutional capacities for monitoring freedom of expression in the online environment.

3.7 Right to Privacy

Overall score per area: **4.3 / 7**

Legislation: **5.2 / 7**

Practice: **3.4 / 7**

The right to privacy, family and private life, home and correspondence is protected by the Constitution of the Republic of Moldova¹²² for everyone and cannot be subject to arbitrary or illegal interference, in either a physical or a virtual environment regardless of the author.¹²³

Personal data is protected under a dedicated law,¹²⁴ which regulates the processing, storing and use of such data. Monitoring and control of compliance with the relevant legislation is the duty of a dedicated body.¹²⁵ In 2022, the top institutions that process personal data stored in the main automated state information resources were the Ministry of Internal Affairs (over 22

¹²⁰ Moldova1, DDoS attacks target Moldovan Government websites, 26 September 2023 <https://moldova1.md/p/16519/ddos-attacks-target-moldovan-government-websites>

¹²¹ Diez.md Republic of Moldova attacked by Russian Hackers, 26 September, 2023 <https://diez.md/2023/09/26/republica-moldova-atacata-de-hackerii-rusi-continua-sa-ucidem-infrastructura-moldovei/>

¹²² Constitution of the Republic of Moldova, Art. 28, Intimate, family and private life; Art. 29, Inviolability of the home; Art. 30, The privacy of correspondence.

¹²³ Criminal Code of the Republic of Moldova, Art. 177, Violation of Privacy; Art. 178, Violation of the Right to Privacy of Correspondence; Art. 179, Inviolability of the Domicile; Art. 193, Trespassing; Art. 197, Deliberate Destruction or Damaging of Goods; Art. 2601, Illegal Interception of an Information Data Transfer; Law on freedom of expression 64/2010 Art. 10 The right to respect for private and family life.

¹²⁴ Law on Personal Data Protection, 133/2011, https://www.legis.md/cautare/getResults?doc_id=10607&lang=ro.

¹²⁵ National Centre for Personal Data Protection (CNPDCP), <https://datepersonale.md/en/>.

million accesses), the State Fiscal Service (over 13 million accesses), the SIS (over 113,000 accesses), the National Anticorruption Centre (over 85,000 accesses), and the General Prosecutor's Office (over 30,000 accesses).¹²⁶ Violations of privacy entail sanctions for contravention.¹²⁷ CSOs are entitled to handle personal data and are subject to the same obligations and requirements as other legal persons.

Surveillance is legally possible as part of a criminal investigation, but only upon authorisation of the investigative judge at the prosecutor's request.¹²⁸ Searches of offices or homes are possible only following the issuing of a court warrant, or following an urgent exceptional procedure, but only on grounds prescribed by the penal procedure.¹²⁹ Criminal procedure¹³⁰ provides guarantees against surveillance-related abuses, including for CSOs or associated individuals. It is not clear to what extent the legal mechanisms to protect against illegal or disproportionate collection, processing and storage of personal information work in practice, except in cases brought to public attention by media investigations, as was the case a few years before.

The overall score for the area *Right to Privacy* dropped by 0.1 from 4.4, due to the legislation score dropping by 0.1 from 5.3. The score for practice remained the same as in the previous reporting period.

1) Increased powers for intelligence officers to use the means of surveillance on private life. In May-July 2023, Parliament passed two laws regarding the activities of the SIS.¹³¹ The laws contain provisions that could adversely affect privacy as a result of the SIS obtaining the right, outside of a criminal case, to monitor a person's home, to install audio, video or photo surveillance devices in the home, and to visually monitor and intercept communications, even without the consent of a judge. In addition, the laws provide for confusing procedures for authorising counterintelligence measures (essentially special investigative measures). The Opinion of the Venice Commission pointed out that the SIS has been granted very extensive powers, with issues regarding the control mechanism and undefined notions opening the way to ambiguous interpretations.¹³² According to a study by the Legal

¹²⁶ NCPDP, Annual activity report 2022, https://datepersonale.md/wp-content/uploads/2023/03/raport_de_activitate_2022_rom.pdf.

¹²⁷ Contravention Code Art. 74¹, Personal data processing with violation of the law on personal data protection; Art. 74², The refusal to provide information or deny access to the staff of the National Centre for Personal Data Protection; Art. 74³, Failure to implement the decisions of the National Centre for Personal Data Protection.

¹²⁸ Chapter III, Criminal Procedure Code, Law on Special Investigation Activity, No 59/2012, https://www.legis.md/cautare/getResults?doc_id=110235&lang=ro.

¹²⁹ Section 4, Searching and picking up objects and documents, Criminal Procedure Code, 122/2003, https://www.legis.md/cautare/getResults?doc_id=126190&lang=ro#.

¹³⁰ Criminal Procedure Code, Art. 7, Legality of Criminal Procedures; Art. 8, Presumption of Innocence; Art. 9, Equal Protection of the Law; Art. 10, Observance of Human Rights, Freedoms, and Dignity; Art. 11, Inviolability of a Person; Art. 12, Inviolability of a Domicile; Art. 13, Inviolability of Property; Art. 14, Privacy of Correspondence; Art. 15, Inviolability of Private Life.

¹³¹ Law 136/2023 on the Security and Intelligence Service of the Republic of Moldova, https://www.legis.md/cautare/getResults?doc_id=137512&lang=ro.

Law 179/2023 on counterintelligence activity and external intelligence activity, https://www.legis.md/cautare/getResults?doc_id=138152&lang=ro.

¹³² CDL-AD(2023)008-e Republic of Moldova - Opinion on the draft law on the Intelligence and Security Service, as well as on the draft law on counterintelligence and external intelligence activity, adopted by the Venice Commission at its 134th Plenary Session (Venice, 10-11 March 2023), [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2023\)008-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)008-e).

Resources Centre from Moldova (LRM),¹³³ in 2022, more than 7,000 wiretapping requests were authorised by investigative judges, twice as many as in 2009, when the European Court of Human Rights declared that 3,000 wiretappings were far too many for a small country such as Moldova. The SIS laws provide conditions for an even greater number of interceptions with less procedural guarantees.

CSOs have been critical of the draft laws because they use ambiguous definitions and terms and overly-broad attributions without sufficient safeguards and formal control mechanisms. The expressed opinions provided that the drafts are an ‘imminent danger in relation to the exorbitant rights and powers of the SIS,’¹³⁴ which will unjustifiably limit the rights and freedoms of individuals in the absence of adequate verification and control tools’¹³⁵ and that ‘it is possible that the data protection provisions of the two draft laws do not meet European standards,’¹³⁶ and that ‘the law on counterintelligence activity and foreign intelligence activity is slightly confusing and would benefit from a separate section dedicated to interception protocols that would include storage, deletion of non-relevant material, deadlines and deletion of operational material, privileged material, i.e. medical, lawyer/client, etc. and other privacy issues.’

2) Steps taken to protect personal data in line with EU regulations with the draft law on the so-called ‘Moldovan GDPR’. In July 2023, the Government proposed for public consultation the draft Law¹³⁷ on the Protection of Personal Data. The first version of the draft Law was developed in 2018, but it was later found not to provide effective transposition of EU legislation. The aim of the current draft is to transpose the GDPR of the EU¹³⁸ into the internal regulatory framework of the Republic of Moldova. Once the new Law is adopted, it

¹³³ LRCM, Concept regarding the modification of the institution and status of investigative judges in the Republic of Moldova, 2023.

¹³⁴ European Business Association (EBA Moldova) Opinion on the SIS laws,

<https://www.parlament.md/LegislationDocument.aspx?Id=71ff445a-4c8c-412e-8a93-63161a781d15>.

¹³⁵ LRCM, Legal Opinion on the on the draft law on expanding the scope of SIS attributions, <https://crjm.org/opinie-juridica-la-proiectul-de-lege-privind-largirea-spectrului-de-atributii-ale-sis/>.

¹³⁶ Geneva Centre for Security Sector Governance (DCAF) 2023, The expert's opinion on the draft laws on the Intelligence and Security Service of the Republic of Moldova Counter informative activity and external informational activity, <https://docs.rferl.org/ro-MD/2023/04/21/01000000-0aff-0242-cadc-08db424e6b63.pdf>.

¹³⁷ Draft Law on the protection of natural persons with regard to the processing of personal data and on the free movement of such data <https://particip.gov.md/ro/document/stages/anunt-privind-continuarea-procesului-de-elaborare-a-proiectului-de-lege-privind-protectia-persoanelor-fizice-in-cadrul-prelucrarii-datelor-cu-caracter-personal-si-libera-circulatie-a-acestor-date/10786>.

¹³⁸ European Union Regulation 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC.

will replace the existing Law on the Protection of Personal Data¹³⁹ and the Regulation of the National Centre for the Protection of Personal Data.¹⁴⁰

3) Investigation started over leaks of private conversations of high-ranking officials from 2022. In November 2022, the Prosecutor's Office for Combating Organised Crime and Special Cases initiated a criminal investigation of the illegal interception of a transmission of computer data, namely leaks from the Telegram channels of high-ranking officials that had occurred in the same month. At the time of writing, there are no available conclusions from this investigation and no party has yet been accused or suspected of hacking the accounts. It is understood that the investigations require additional procedures because the detected internet protocol (IP) addresses were not from the Republic of Moldova. The website *Moldova Leaks*¹⁴¹ became inactive shortly after the leaks were made.

No decision has yet been given in the public case of unlawful interception of communications and video recordings in the homes of 52 politicians, CSO activists and journalists. Five police officers and five ex-police officers were sent to court in 2021 for alleged violation of personal life and violation of the right to secrecy of correspondence.

Specific recommendations:

- Parliament should review the SIS's extensive powers and should put in place clear and effective control mechanisms with procedural guarantees over the SIS's activities that could affect private life, data protection and freedom of expression;
- The Prosecutor General's Office should guarantee transparency of information on the use of special means of interception and surveillance investigations;
- The Prosecutor General's Office should ensure that investigating judges inform post-factum wiretapped persons about every single case of interception; and
- The competent bodies should investigate the unlawful interference with private life in electronic communications, data storage and surveillance systems, etc. and should apply sanctions to persons who disclose private information.

¹³⁹ Law 133/2011 on the protection of personal data.

¹⁴⁰ Law no. 182/2008 regarding the approval of the Regulation of the National Centre for the Protection of Personal Data, the structure, the staff limit, and the financing method of the National Centre for the Protection of Personal Data.

¹⁴¹ <https://moldova-leaks.com/>.

3.8 State Duty to Protect

Overall score per area: **4.6 / 7**

Legislation: **5.0 / 7**

Practice: **4.2 / 7**

State institutions have the obligation to protect the life, integrity, health, freedom, property and other legitimate rights of citizens and the community.¹⁴² The state respects, protects and ensures freedom of association.¹⁴³ CSOs and associated individuals have access to effective complaint and appeal mechanisms in court against the decisions affecting freedom of association or other rights and freedoms exercised by the CSO or its members. CSOs can also represent beneficiaries whose rights were violated in court and conduct strategic litigation.

Public institutions have the obligation to intervene through competent authorities in order to protect CSOs and associated individuals from attacks and interference on the part of third parties or state bodies' representatives. Nevertheless, public institutions are not regarded as institutions that provide effective protection and there is no evidence that responsible bodies carry out proactive actions to protect CSOs and their representatives.

In practice, CSOs and their representatives have not benefited from the due protection in several redundant matters. For many years, CSOs have been the continued targets of verbal attacks carried out by the illiberal side of the political spectrum, including representatives of public authorities at the local level. Journalists, including those representing CSOs, frequently continue to be the target of verbal aggression in person and sometimes physical aggression and threats.¹⁴⁴

CSOs are also vulnerable to surveillance and interception of private communications. A case of illegal surveillance disclosed in 2019 was taken to the courts, but it is not common practice for these kinds of attacks to be addressed in court, especially considering that the judiciary is perceived by society as severely affected by corruption.¹⁴⁵

CSOs are also affected by regulations concerning AML/CTF laws¹⁴⁶ as they must submit statements on their beneficial owner,¹⁴⁷ even if the indicated person is not effectively a beneficial owner. Thus the requirement of the law does not follow the logic of the notion as it does for business entities. The latest national AML/CTF Risk Assessment (carried out with the exclusion of CSOs) assessed that there are no indications of terrorist financing associated with the non-profit sector and the risk for non-profit organisations to be potentially used to finance terrorism is very low. Nevertheless, the whole civil society sector faces unnecessary and

¹⁴² Art. 18, Law on Police, 320/2012; Art. 22, Law on General Inspectorate of Carabineers, 219/2018; Art. 1, Law on the Prosecutor's Office, 3/2016.

¹⁴³ Art. 5(1), Law on Non-Commercial Organisations, 86/2020.

¹⁴⁴ <https://cji.md/en/media-ngos-call-on-law-enforcement-bodies-to-punish-those-who-made-murder-threats-against-journalists/>.

¹⁴⁵ Legal Resources Centre from Moldova, Summary of discussions of the Forum from 2020 on Justice and Anticorruption, 2020, <http://old.crim.org/wp-content/uploads/2020/12/Sumar-Forum-Justitie-Anticoruptie-2020-EN.pdf>.

¹⁴⁶ Law on Preventing and Combating Money Laundering and Terrorism Financing, No. 308/2017.

¹⁴⁷ Arts 5 and 14, Law on Preventing and Combating Money Laundering and Terrorism Financing, 308/2017.

burdensome requirements, such as providing additional supporting documents to commercial banks for outgoing international transfers.

In June 2023, as in the previous year, law enforcement took a proactive role to protect the LGBTQ+ Pride March from hostile third-party groups, and from attempts by the Mayor of Chişinău to undermine the March (see section 3.4 (*Freedom of Peaceful Assembly*) above).

The overall score in this area as well as the scores for legislation and practice remained the same as in the previous reporting period.

1) Burdensome changes in the definition of ‘beneficial owners’ of non-commercial organisations. In March 2023, Parliament adopted amendments to AML/CTF legislation¹⁴⁸ including the redefinition of the beneficial owner of CSOs. The new provisions define the beneficial owner of a non-commercial organisation as ‘the individual(s) who exercise ultimate control over the non-commercial organisation,’ which replaces the previous single definition for different types of legal persons in the law.¹⁴⁹ The new definition does not provide enough details related to the specific non-commercial organisations. The parliamentary commission did not accept the definition submitted during public consultations by a group of CSOs¹⁵⁰ that addressed the specificities of beneficial ownership of three forms of non-commercial organisation (public associations, foundations, and private institutions). The CSOs’ submission also requested that the registrar assigns the beneficial owner based on proposed definitions, without CSOs having to submit a declaration. Instead, an internal regulation of the PSA, adopted later,¹⁵¹ provides a list of the beneficial owners of non-commercial organisations. Previously, CSOs were required to submit a declaration on their beneficial owner, automatically assigned to the administrator of the CSO. Under the new provisions, it is the administrator’s own responsibility to submit the declaration with the list of beneficial owners that exercise effective control of the organisation. These can be the organisation’s founders, the members of its councils, or of its general assemblies.

2) New law on whistle-blowers passed to continue to enhance civic engagement and promote transparency and accountability. In June 2023, Parliament adopted a new Law on

¹⁴⁸ Law 66/2023 for the modification of some normative acts, https://www.legis.md/cautare/getResults?doc_id=136851&lang=ro, 1 July 2023.

¹⁴⁹ ‘the natural person who ultimately owns or controls a natural or legal person or a beneficiary of an investment company or administrator of the investment company, or a person in whose name an activity is carried out or a transaction is carried out and/or who directly owns or indirectly, ownership or control over at least 25% of the shares or voting rights of the legal entity or over the assets under fiduciary administration;’ Law on preventing and combating money laundering and terrorist financing 308/2017, https://www.legis.md/cautare/getResults?doc_id=136906&lang=ro.

¹⁵⁰ They suggested that: 1. In the case of public associations, the data of the administrator or administrators of the association, or, at choice, the data of the members of the General Assembly of the Association is entered in the register of beneficial owners. 2. In the case of foundations and private institutions, the founder’s data is entered, only if the founder has reserved the right to control the organisation. If the founder of the private institution or foundation has handed over control of the organisation to a Board, the data of the Board members or of the administrator is entered.

¹⁵¹ PSA Order 573/04.09.2023.

Whistle-Blowers,¹⁵² repealing the previous law passed in 2018.¹⁵³ The new Law partially transposes EU Directive 2019/1937 on the protection of persons who report violations of EU law.¹⁵⁴ The purpose of the Law is to increase the number of disclosed cases of violations of the law by promoting a climate of integrity, ensuring the protection of whistle-blowers and sanctioning retaliation against whistle-blowers. However, a specialised CSO criticised¹⁵⁵ the draft as inappropriate and, because it would not intervene conceptually in the already-existing mechanisms and would not offer solutions to overcome them, it would disregard and dissipate all the previous efforts made to build the institution of whistle-blowers. The draft was initiated in February by the MoJ¹⁵⁶ and was passed on its second reading in less than four months.

3) The CES refused requests to consult on its decisions with Human Rights experts. Based on the prerogatives of the CES during the state of emergency, it is allowed to adopt decisions that derogate from human rights legislation. The CES has done so without justification of the necessity in several situations described in Area 4 (*Freedom of Peaceful Assembly*) in the current and previous reports. In the context of the local elections campaign starting in November 2023, the International Election Observation Mission stated that ‘the broad powers of the CES and the lack of a control mechanism over its decisions are of concern.’¹⁵⁷ In 2023, a joint initiative of CSOs addressed the CES with a request to include representatives of the Ombudsman and of the Council for Equality, as consultative human rights experts that would prevent human rights violations. The initiative attempted to build on the positive experiences, starting in December 2021, from the inclusion of human right experts in the National Extraordinary Commission for Public Health (CNESP) during the Covid-19 pandemic with the purpose of avoiding anti-Covid-19 restrictions contrary to human rights standards. However, the CES has not responded to this request. Currently, there is no mechanism for checks and balances to ensure compliance of CES decisions with human rights standards.

¹⁵² Law 165/2023 on Whistle-blowers, https://www.legis.md/cautare/getResults?doc_id=138148&lang=ro.

¹⁵³ Law 122/2018 on Whistle-blowers, https://www.legis.md/cautare/getResults?doc_id=138218&lang=ro.

¹⁵⁴ Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law.

¹⁵⁵ Corruption Analysis and Prevention Centre Opinion on the draft law on whistle-blowers, https://www.capc.md/wp-content/uploads/2023/03/Opinie-CAPC-proiect-avertizori-integritate_web.pdf.

¹⁵⁶ Announcement regarding the initiation of the draft law on whistle-blowers <https://particip.gov.md/ro/document/stages/anunt-privind-initierea-procesului-de-elaborare-a-proiectului-unei-noi-legi-privind-avertizorii-de-integritate/10117>.

¹⁵⁷ International Election Observation Mission, Statement Of Preliminary Findings And Conclusions 5 November 2023, <https://www.osce.org/files/f/documents/d/2/557406.pdf>.

Specific recommendations:

- The CES should develop an institutionalised practice of prior consultation of its decisions with human rights experts to avoid disproportionate and unjustified restriction of human rights. Any restriction ordered by the CES must be based on clear arguments and respect the principles of proportionality and necessity for intervention in response to the threats arising in the exceptional situation;
- Parliament should revise the definition of beneficial ownership regarding CSOs to ensure it takes into consideration their specific structure and provides clear guidance on what information CSOs are required to provide;
- Parliament should eliminate the requirement for CSOs to provide a statement on their beneficial owner given that the legal notion does not coincide with the lexical meaning of the term and the practical application does not correspond to the purpose provided in the Law on Preventing and Combating Money Laundering and Terrorism Financing;
- The SIS and the Office for Prevention and Combating of Money Laundering should proactively engage CSOs in the process of identifying measures to address the issues concerning assessment of the vulnerabilities of CSOs for money laundering and terrorism financing;
- The relevant competent bodies should apply effective prevention and protection measures in all dangerous situations to which CSOs and their representatives are exposed (e.g., illegal wiretapping, cyberattacks, privacy violations, online attacks, etc.); and
- The Government should adopt a functional mechanism implementing legislation to protect whistle-blowers.

3.9 State Support

Overall score per area: **4.4 / 7**

Legislation: **4.7 / 7**

Practice: **4.0 / 7**

The state provides financial and in-kind support¹⁵⁸ to CSOs as well as some facilities. Funding to CSOs is provided through different mechanisms,¹⁵⁹ such as non-reimbursable financing,

¹⁵⁸ Art. 5(6), Law on Non-Commercial Organisations, 86/2020.

¹⁵⁹ State Budget Law, Law on Public Procurements, No 131/2015; Law on Public-Private Partnership, No 179/2008; Government Decision Approving Some Measures to Support Youth Activities, No 1213/2010; Framework Regulation on Organisation and Implementation of the Grants Programme for Youth Organisations and National/Local Project Contest for Youth Initiative Groups; Regulation on state budget funding of cultural projects implemented by civic associations, adopted

contracting of works and services (including social contracting), or through special purpose financing, percentage designation or direct subsidies to CSOs.¹⁶⁰ These support measures have different levels of success and cover a small part of the basic needs of CSOs, while support from international donors remains the main source of income for CSOs.

CSOs are exempt from income tax, including for economic activities, if they conduct activities according to statutory purposes,¹⁶¹ but pay income tax, social and medical contributions for employees. If, during a given year, a CSO sells services for more than 60,000 EUR, it has to start charging VAT. CSOs can benefit from a zero VAT rate and customs benefits for projects approved under international treaties.¹⁶² In 2023, over 900 projects implemented by CSOs¹⁶³ benefited from this.

A few CPAs run yearly grant programmes in the areas of youth, culture and environment totalling several million Euro. At the district level, some LPAs support grant programmes. Despite adopting a Framework Regulation in 2022 for non-refundable funding from the state budget, in 2023 the relevant public authorities have not yet applied the unified provisions.

Almost all forms of support have their own drawbacks and do not provide the expected level of incentive to CSOs. There are only four social services contracted by the state from CSOs while dozens of CSOs were contracted annually for medical and sanitary services¹⁶⁴. The participation of CSOs in public procurement procedures is burdensome and puts CSOs at a disadvantage compared to commercial entities. Direct subsidies are provided preferentially to only a few CSOs. Percentage designation is a growing trend, but its use is still far from its full potential, involving only about 2.5 per cent of individual taxpayers. Social entrepreneurship (of which there are only eight officially registered social enterprises) is still insufficiently used and is at an early stage of development. Social enterprises may benefit from tax subsidies for employing persons with disabilities.¹⁶⁵ Recommendations put forward by specialised CSOs¹⁶⁶ were not considered by decision makers in the past few years.

In 2023, there were 78 CSOs with public benefit status (mostly for in-kind benefits)¹⁶⁷ attributed via a clear procedure by the Certification Commission for a period of five years.^{168, 169}

by Government Decision No 834/2014; Order of the Minister of Youth and Sports Approving the Framework Regulation on Organisation and Implementation of the Grants Programme for Youth Organisations and National/Local Project Contest for Youth Initiative Groups; Regulation on organisation and implementation of the Small Grants Programme in the field of active ageing.

¹⁶⁰ Art. 5(4), Law on Non-Commercial Organisations, 86/2020.

¹⁶¹ Art. 52, 'Non-commercial organisations', Tax Code of the Republic of Moldova.

¹⁶² Government Decision on how to apply the tax benefits and customs duty breaks related to the implementation of ongoing technical assistance and investment projects that fall in the scope of international treaties that the Republic of Moldova is party to 246/2010, https://www.legis.md/cautare/getResults?doc_id=110454&lang=ro.

¹⁶³ List of ongoing technical assistance projects, which fall under the scope of international treaties, for the application of exemptions, https://www.legis.md/UserFiles/Image/RO/2021/mo209-210md/246_an_1.doc.

¹⁶⁴ Contracts with medical and sanitary institutions, <http://map.cnam.md/contracte-cu-institutiile-medico-sanitare/>.

¹⁶⁵ Government Decision for the approval of the Regulation on subsidising jobs, 49/2021, https://www.legis.md/cautare/getResults?doc_id=126874&lang=ro.

¹⁶⁶ Eco Visio White Paper on Social Entrepreneurship 2022, <https://drive.google.com/file/d/1m-dRZgx5PjENWESNoO8Wix9ogF3S-oar/view>.

¹⁶⁷ PSA, Certification Commission, <https://www.asp.gov.md/ro/informatii-utile/comisiei-de-certificare>.

¹⁶⁸ Art. 22(2), Law on Non-Commercial Organisations, 86/2020.

¹⁶⁹ Chapter V, Public Benefit Status, Law on Non-Commercial Organisations, 86/2020.

The fiscal benefits for donations are low and legal conditions do not encourage philanthropic activity. Parliament is expected to adopt better fiscal benefits for donors to capitalise on the amendments to the philanthropy and sponsorship legislation¹⁷⁰ adopted in 2022.

Despite incentives for volunteering activity,¹⁷¹ the number of CSOs registered in 2023 as host institutions (50 CSOs¹⁷²) was only half the number registered in early 2019 (about 100 CSOs). This trajectory could be to do with the Covid-19 pandemic and burdensome administrative responsibilities for CSOs (such as a special certificate,¹⁷³ a three-year programme, registers and volunteer cards).

The overall score for the area of *State Support* increased by 0.1 from 4.3, due to an increase in the practice score by 0.1 from 3.9. The score for the legislation remained the same as in the previous reporting year.

1) Changes in the designation mechanism procedure could negatively affect contributions. Starting from 2024, the percentage designations will only be possible in electronic format. Since most taxpayers make the designations physically, it is expected that limiting the possibility of designation to only an electronic format will lead to a decrease in the number of taxpayers who will use this procedure. In 2020, during the Covid-19 pandemic, taxpayers did not physically go to tax offices to declare their income and the number of valid designations for the percentage designation mechanism decreased by 27 per cent from 34,000 to around 25,000 compared to the previous year. With the exception of 2020, the first year of the Covid-19 pandemic, the indicators of the mechanism had an upward trend, and in 2022 the highest values so far were recorded for all parameters (710 beneficiary CSOs, almost 0.5 million EUR redirected, and almost 35,000 validated designations).

A parliamentary initiative¹⁷⁴ to amend the Education Code and the Fiscal Code, launched in September 2023, proposes the inclusion of public educational institutions in the list of beneficiaries of the percentage designation mechanism. The initiative has provoked criticism from CSOs¹⁷⁵ as it potentially jeopardises a financial support tool intended for non-commercial organisations and could diminish the income of CSOs in favour of public school and preschool institutions.

¹⁷⁰ Law on Philanthropy and Sponsorship, 1420/2002, https://www.legis.md/cautare/getResults?doc_id=108161&lang=ro.

¹⁷¹ Chapter IV, Policies and Measures Encouraging Volunteering, Law on Volunteering, No. 121/2010, https://www.legis.md/cautare/getResults?doc_id=18722&lang=ro#.

¹⁷² https://mec.gov.md/sites/default/files/registru_igav_16.05.2023.pdf.

¹⁷³ Regulation on the organisation and functioning of the Certification Commission and the model Certificate of host institutions regarding voluntary activity, <https://mecc.gov.md/ro/content/voluntariat>, https://www.legis.md/cautare/getResults?doc_id=126377&lang=ro#.

¹⁷⁴ Draft law 333/28.09.2023,

https://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/6656/language/ro-RO/Default.aspx?fbclid=IwAR3Kq0BCHP1GUu9jlic90eWSpUi_fFwEEu6DuENssljfhV7rWNEGV_JGzIA.

¹⁷⁵ Public statement regarding the draft law 333, <https://contact.md/apel-public-retragerea-proiectului-de-lege-pentru-modificarea-unor-acte-normative-din-28-09-2023/>.

2) PCAs started to adopt new granting regulations based on the Framework Regulation. The Framework Regulation regarding the non-reimbursable financing mechanism for projects of non-commercial organisations,¹⁷⁶ approved in 2022, entered into force on 1 January 2023. The four CPAs that run grant programmes for CSOs gradually started to adopt the adjusted regulations. The Ministry of Labour, Social Protection and Family ran the grant programme in 2023 based on a new regulation adopted in February 2023.¹⁷⁷ The Ministry of Education and Research approved the new Regulation in April.¹⁷⁸ The Ministry of Culture drafted the new regulation, but did not approve it until November 2023.¹⁷⁹ The regulation on the administration of the National Fund for the Environment, approved in 2022,¹⁸⁰ was amended in June 2023.¹⁸¹ The Agency for Interethnic Relations does not have its own regulation and has guided its grant funding based on the Framework Regulation approved by the Government. Other CPAs that run occasional grant programmes have not approved new regulations.

3) Social Enterprises benefit from the exemption to pay tax on undistributed profit for 3 years. Starting in 2023, micro, small or medium-sized enterprises enjoy a three-year holiday from the payment of tax on undistributed income. This benefits, and is a significant incentive for, social enterprises, as they do not distribute income in the form of dividends, and thus benefit from zero tax on this undistributed income for the period 2023-2025. If extended beyond 2025, this could be an important measure of predictability and support that would encourage the development of social entrepreneurship.

At the time of writing, there are eight registered social enterprises,¹⁸² in addition to a few other unregistered initiatives that carry out social entrepreneurship. At the beginning of 2023, the certification of new social enterprises was put on hold once the mandate of the four members of the National Commission for Social Entrepreneurship representing CSOs

¹⁷⁶ Government Decision 656/2022 for the approval of the Framework Regulation regarding the non-reimbursable financing mechanism of projects of non-commercial organisations, https://www.legis.md/cautare/getResults?doc_id=133924&lang=ro.

¹⁷⁷ Order of Ministry of Labour 23/23.02.2023, Regulation regarding the organization and implementation of the National Small Grants Program in the field of active aging, <https://social.gov.md/wp-content/uploads/2023/03/Regulament-Program-Granturi-2023.docx>.

¹⁷⁸ Order of the MEC 419 / 28.04.2023, Regulation on the organization and conduct of project competitions for youth organisations, https://mec.gov.md/sites/default/files/program_de_granturi_semnat_1.pdf.

¹⁷⁹ Ministry of Culture, Draft order for the approval of the Regulation regarding the non-reimbursable financing mechanism of tourism projects implemented by non-commercial organisations, <https://particip.gov.md/ro/document/stages/proiectul-de-ordin-al-ministerului-culturii-pentru-aprobarea-regulamentului-cu-privire-la-mecanismul-de-finantare-nerambursabila-a-proiectelor-domeniului-turism-implementate-de-organizatiile-necomerciale/10994>.

¹⁸⁰ Government Decision 711 / 19.10.2022 regarding the approval of the Regulation on the manner of administration of the National Fund for the Environment, https://www.legis.md/cautare/getResults?doc_id=137300&lang=ro.

¹⁸¹ Government Decision 371 / 09.06.2023, https://www.legis.md/cautare/getResults?doc_id=137261&lang=ro.

¹⁸² List of officially registered social enterprises https://mded.gov.md/wp-content/uploads/2023/03/lista_org.necomerciale_srl_cu_statut_isi_is_1-1.docx.

had expired.¹⁸³ In October, the Commission resumed its activities after four new members were selected.¹⁸⁴

In 2022, the total reported income from seven registered enterprises was 0.6 million EUR,¹⁸⁵ an increase on this figure for 2021 which was 0.24 million EUR. The growth is due to an exponential increase in the income of one enterprise (in catering services), which in 2023 accounted for 80 per cent of the total income. Ten per cent of the total income was accounted for by another enterprise (also in catering services). The remaining five enterprises accounted for ten per cent of the total income.

4) Developments in the initiatives to reform the social contracting system. The ‘RESTART’ reform of the social assistance system launched by the Ministry of Labour, Social Protection and Family could serve to eliminate one of the shortcomings of the social contracting system which is the limited financial resources provided to date from local budgets in deficit. One of the goals of this reform is to ensure financing from the state budget of the entire minimum package of social services, in such a way that there are no disparities between different areas. CSOs with a social profile have the necessary competences to meet the demand for social services and could benefit from the resources made available through the so-called social command. However, for the next period, until the adjustment of the regulatory framework, a funding vacuum could occur and the services provided by CSOs currently remain without financial support.

Another incentive for social contracting is the Guide developed with EU support that provides legislative benchmarks and model documents for local public authorities and social service providers.

The set of amendments on the contracting-out of social services is still under consideration in Parliament, after being voted on in its first reading in 2022. The amendments aim to simplify the procedures for contracting social services, including by exempting the obligation to provide guarantees of good execution and excluding the obligation not to have been contracted for the services in question by the contracting authority in the last three years. However, to ensure the functionality of the social contracting system, interventions on several dimensions are necessary, including the adjustment of the regulation/methodology for the accreditation of social service providers,

¹⁸³ Announcements regarding the competition for the selection of members of the National Commission for Social Entrepreneurship from civil society <https://www.antreprenoriatsocial.md/index.php?pag=news&id=1197&rid=1409&l=ro>, https://mded.gov.md/wp-content/uploads/2023/03/prelungirea_concurs_antreprenoriat.pdf, <https://mded.gov.md/domenii/mediul-de-afaceri/antreprenoriat-social/>.

¹⁸⁴ Minutes no. 2 of the Commission for selecting members from civil society, https://mded.gov.md/wp-content/uploads/2023/10/extras_procesul-verbal_nr.2_interviu.pdf.

¹⁸⁵ BNS Financial situations, <http://webapp.statistica.md/infoRSF/>.

the approval of the costing methodology of social services, public procurement procedures and updating the nomenclature of social services that was started in 2023.

Specific recommendations:

- Parliament should withdraw the initiative to include public educational institutions in the list of beneficiaries of the percentage designation mechanism;
- The State Tax Service and other responsible state institutions should facilitate the dissemination of information to the population about the mechanism on percentage designation and aim to enhance procedures and results on all aspects of the mechanism, including on the limitation of the contributions only to an electronic format;
- The Ministry of Finance should increase the amount of the percentage designation to 3 per cent of the designation to legal persons;
- The Government should adopt amendments provided by CSOs for the regulatory framework on social entrepreneurship in order to boost the development of this tool;
- The Ministry of Finance/Ministry of Economy and Digitisation should adopt a permanent tax holiday for social enterprises, on the tax of undistributed income in the form of dividends;
- The Government should approve and implement the methodology of social services costing;
- The Government should adjust the legal framework for public procurements with a legal mechanism for social contracting in order to provide instructions, a standard package of model documents and to remove barriers for CSOs (e.g., bank guarantees);
- The Government should develop an accreditation system for social service providers with regulations and standards similar to that for medical service providers;
- The Public Procurement Agency and LPAs should build knowledge and capacity in the field of social services; contracting; and
- The CPA and LPAs should increase financial support from the state budget and national mechanisms for support to CSOs on the basis of the best national and international practices should be implemented, including through multiannual contracts based on the consistent allocation of funds to LPA budgets;
- The Government should set up the National Volunteering Centre as the institution responsible for implementing policies for the development of the voluntary sector and active citizenship; and
- The Government should develop a national programme and fund to support volunteering.

3.10 State-CSO Cooperation

Overall score per area: **4.3 / 7**

Legislation: **4.5 / 7**

Practice: **4.0 / 7**

Cooperation between the state institutions and CSOs is legally enabled through different mechanisms, based on transparency and participation legislation,¹⁸⁶ joint structures for monitoring specific policies, and permanent structures for specific areas. Since 2020, there was no policy document guiding the development of CSOs.

Many formats launched over time by the Government, Parliament and Presidency for CSO-state cooperation failed to gain continuity. The longest-lived was the National Participation Council (inactive since 2019). In the past few years, institutionalised cooperation between the state and CSOs was almost non-existent and relied mostly on consultation in the decision-making process. An exception is the joint effort to manage the situation of the persons displaced in Moldova by the war in Ukraine. Starting from the very beginning of the war, CSOs promptly provided indispensable support to the displaced persons and have been co-opted by central and local public institutions in formal formats (such as the Single Crisis Management Centre) and informal cooperation to face the challenges. In the draft National Security Strategy¹⁸⁷ initiated by the Presidency, the cooperation between state institutions and civil society is enunciated as one of the four principles.

A special structure for cooperation with CSOs is the Directorate for Coordination in the Area of Human Rights and Cooperation with Civil Society, part of the State Chancellery, which includes the focal point for relations with CSOs (instituted in 2019). However, the focal point activity is not supported by a specific framework, tools or methods in its relations with CSOs. At the local level, there are a few models of numerically-limited Participation Councils¹⁸⁸ and Local Transparency Councils, open for CSOs to engage in the decision-making process at the district or municipal level based on specific regulations.¹⁸⁹

There are also numerous forms of self-organisation of CSOs such as national platforms and networks that seek to engage in cooperative relationships with state institutions. The most prominent such general platforms are the NGO Council,¹⁹⁰ a representative structure engaged in dialogue on issues concerning the CSO enabling environment and the Moldovan National Platform Eastern Partnership Civil Society Forum,¹⁹¹ which supports European integration and serves as a consultative platform. Other types of cooperation platform include those with a narrow focus, for example those promoting philanthropy¹⁹² or combating domestic violence.¹⁹³

¹⁸⁶ The Law on Transparency in Decision-making, No 239/2008.

¹⁸⁷ Draft National Security Strategy, <https://shorturl.at/sBEL1>.

¹⁸⁸ Soroca Rayon Participation Council, <http://euparticip.md/>; Causeni Rayon Participation Council, <https://www.facebook.com/CRCauseni>; Cahul Rayon Participation Council, <https://crp-cahul.md/>.

¹⁸⁹ Soroca Rayon Participation Council Regulation <http://euparticip.md/wp-content/uploads/2019/06/Regulment-CPR-Soroca-web.pdf>.

¹⁹⁰ NGO Council, <https://www.consiliuon.md/prezentarea-general/>.

¹⁹¹ Moldovan National Platform – Eastern Partnership Civil Society Forum, <https://www.eap-csf.md/>.

¹⁹² Platform for the Promotion and Development of Philanthropy, <https://www.facebook.com/filantropie.md>.

¹⁹³ <https://stopviolenta.md/>.

The overall score in the area of *State-CSO Cooperation* increased by 0.2 from 4.1, due to improvements in both the legislation score by 0.2 from 4.3 and the practice score by 0.1 from 3.9.

1) The Civil Society Development Programme 2024-2027 was approved. The Government approved the Civil Society Organisations Development Programme 2024-2027 (CSODP) in November 2023.¹⁹⁴ The Programme was developed by an independent expert under the authority of the State Chancellery, with the support of GIZ Moldova and plenary contributions from CPA and CSO representatives. The previous document, the Civil Society Development Strategy 2018-2020,¹⁹⁵ expired in 2020 with a 50 per cent implementation rate¹⁹⁶ (38 per cent implementation according to an ex-post evaluation in 2022). Unlike previous strategies that were adopted by Parliament, the new CSODP was approved by the Government.

The CSODP is focused on 3 main objectives: (i) strengthen cooperation mechanisms between CPAs, LPAs and civil society and increase transparency in policy formulation and decision-making; (ii) increase the financial sustainability of CSOs; and (iii) improve CSOs' capacity to address social issues and promote democratic values and include actions that respond to the CSO Meter recommendations. The performance of the CSODP 2024-2027 implementation will be measured through a series of quantitative indicators from the CSO Meter annual country update.

2) Parliament resumed the organisation of the annual conference 'Cooperation between Parliament and Civil Society' for the first time in seven years. On 16 June 2023, Parliament held the annual conference 'Cooperation between Parliament and Civil Society', a dialogue format between the legislature and CSOs that had not been held since 2016. The event brought together the President of the Parliament, the Prime Minister, deputies, representatives of public authorities, the diplomatic corps, development partners, as well as over 100 representatives of civil society in the Parliament Hall. The theme of the conference was the strengthening of government cooperation with civil society and its role in promoting and monitoring the European agenda of the Republic of Moldova, including the sectoral cooperation priorities for the legislative period. The event was presented as the relaunch of the old dialogue format (in the form of an annual conference). Parliament

¹⁹⁴ Government decision 845 / 01.11.2023 to approve the Government approved the Civil Society Organisations Development Programme 2024-2027, https://gov.md/sites/default/files/document/attachments/acte_normative_adoptate_in_sedinta_guvernului_din_01.11.2023.pdf.

¹⁹⁵ The Law Approving the 2018-2020 Civil Society Development Strategy, No 51/2018, https://www.legis.md/cautare/getResults?doc_id=105436&lang=ro.

¹⁹⁶ State Chancellery, 'Report on the implementation of Civil Society Development Strategy, 2018-2020,' 2021, https://cancelaria.gov.md/sites/default/files/document/attachments/raport_strategie_dsc_2018-2020_iii_anexe.pdf.

repealed the act¹⁹⁷ providing for the conference and replaced it with the 'Platform for Dialogue and Civic Participation in the Parliament's Decision-Making Process', which includes, alongside the conference, other forms of dialogue (described in Area 5: *Right to Participation in Decision-Making* of this report).¹⁹⁸

In contrast to the described events, in 2023, for the first time, CSOs were not invited to participate in the 14th annual round of the EU-Moldova Human Rights Dialogue held in Chişinău.¹⁹⁹

3) Youth CSOs will be able to benefit from funding within strategic partnerships with public authorities. Parliament made amendments²⁰⁰ to the Law on Youth to establish the concept of 'strategic partnership' which is 'cooperation established within the framework of an agreement between public institutions and youth associative structures in order to implement youth policies and programmes.' The benefits of the partnership include the possibility for public authorities to allocate financial resources for the development and realisation of the actions undertaken within the strategic partnerships. Financing of a strategic partnership will be based on a competition for the selection of partners/youth programmes, conducted according to the Framework Regulation.

4) Continued state-CSO cooperation in managing the situation of people displaced by Russia's aggression in Ukraine. The Single Crisis Management Centre, established in 2022 after the start of Russia's aggression against Ukraine, ceased its activities in March 2023.²⁰¹ Until the time of its dissolution, the Single Crisis Management Centre continued to have as partners more than 95 national and international organisations that helped manage the situation of people displaced by the war in Ukraine. After its dissolution, the mandate of the Single Crisis Management Centre was taken over by the Commission for the Coordination of Activities in the Field of Migration and Asylum,²⁰² which continued to manage 21 sectoral and sub-sectoral groups and task forces with 75 partners including CSOs. At the local level, cooperation between CSOs and LPAs continued in various formats including working

¹⁹⁷ Parliament's decision on the concept of cooperation between parliament and civil society, No 373/ 29 December 2005, <http://www.legis.md/cautare/rezultate/20911>.

¹⁹⁸ Decision nr. 149 din 09-06-2023 regarding the approval of the Platform for dialogue and civic participation in the Parliament's decision-making process, https://www.legis.md/cautare/getResults?doc_id=137492&lang=ro.

¹⁹⁹ Delegation of the EU in Republic of Moldova, Moldova: 14th EU-Moldova Human Rights Dialogue in Chisinau https://www.eeas.europa.eu/delegations/moldova/moldova-14th-eu-moldova-human-rights-dialogue-chisinau_en?s=223

²⁰⁰ Law 249/2023 on amendments to the Law. 215/2016 on youth, https://www.legis.md/cautare/getResults?doc_id=138503&lang=ro.

²⁰¹ Commission for Exceptional Situations Disposition no. 62 of 15.03.2023, https://gov.md/sites/default/files/document/attachments/dispozitie_cse_nr.62_din_15.03.2023_15032023171201.pdf.

²⁰² Government decision 947/2018, https://www.legis.md/cautare/getResults?doc_id=129950&lang=ro#.

groups and crisis cells that met less often than in 2022, due to a decrease in the intensity of their workload.

For the first 10 months of 2022, international funding for the Regional Refugee Response Plan for the Republic of Moldova (RRRP) was 215 million USD, out of an estimated need of 427 million USD.²⁰³ Funding was requested by 47 international organisations (including national branches) and 26 national CSOs.²⁰⁴ The main financial requirements were accommodation and transport (45 per cent), inclusion and livelihoods (15 per cent), protection (12 per cent), food security (8 per cent), and health and nutrition (7 per cent). In 2022, RRRP funding was 287 million USD out of an estimated need of 392 million USD. On 1 November 2023, there were over 113,000 refugees from Ukraine²⁰⁵ in the Republic of Moldova because of an intense flow of 1.408 million entries into and 1.176 million departures out of the country.

Specific recommendations:

²⁰³ Ukraine Regional Refugee Response Plan (RRP)

<https://app.powerbi.com/view?r=eyJrJoiZWE5MTAyYjYtNDZmYj00NGYzLWFKyJEtMzMzQ5MTAxZDBiZTU1IiwidCI6ImU1YzZmOTgxLTlyMnJQtNDEzNC04YTBJLTlYNDRkNmFmODBiZSIsImMiOiJh9&pageName=ReportSection437de5295a71905db6ba>.

²⁰⁴ UNHCR Operational Data Portal, Republic of Moldova, RRP 2023
<https://data.unhcr.org/en/dataviz/276?sy=54&geo=10784>.

²⁰⁵ UNHCR Operational Data Portal, Republic of Moldova, RRP 2023
<https://data.unhcr.org/en/dataviz/248?sv=54&geo=10784>.

3.11 Digital rights

Overall score per area: **4.3 / 7**

Legislation: **4.5 / 7**

Practice: **4.0 / 7**

There is widespread and affordable²⁰⁶ access to the internet across the whole country, guaranteed under non-discriminatory and confidential conditions²⁰⁷, thus allowing for increasing online activity. 80 per cent of the population had access to internet services in 2021. 4G/LTE mobile networks cover 98 per cent of the population with similar penetration of landline networks.²⁰⁸ The Republic of Moldova is among the top 10 countries in the world in terms of accessibility and convenient cost of Gigabit Internet access (unlimited for about 15 EUR per month). The providers of public electronic communications networks and/or services publish the values of the administrative and technical quality indicators of the connections.²⁰⁹

There is little to no public awareness on digital rights in Moldova and the law does not explicitly regulate digital rights as such. The online environment is regulated by laws and institutions including the Law on Electronic Communications, the International Convention on Cybercrime ratified in 2009, the Law on Preventing and Combating Cybercrime 20/2009, the Law on Personal Data Protection 133/2011, regulators (the National Regulatory Agency for Electronic Communications and Information Technology (ANRCETI) and the National Centre for Personal Data Protection (NCPDP)), specialised law enforcement (the Directorate for Combating Cyber Crimes, part of the Police), and the Information Technology and Cyber Security Service (STISC)²¹⁰ responsible for the ICT infrastructure of public administration authorities and cyber security.

In 2023, the digital policy-making mandate was transferred from the Deputy Prime Minister for Digitalisation (no longer in the Government) to the Ministry of Economy and Digitalisation (MED) who employed an advisor on artificial intelligence (AI) and cybersecurity. Technological development in public services is conducted by the EGA²¹¹ with 204 out of 517 public administrative services (G2B) (including for CSOs) and 154 out of 473 public services (G2C) being available online. The possibility to use a digital signature is open to everyone for a fee of at least 16 EUR annually and a fee for each use. The big digital divide between the elderly and the young (only 34 per cent of 60-79 year olds have used the internet, compared to 82 per cent of 15-59 year olds),²¹² is addressed by the EGA via a digitalisation agenda²¹³ seeking to ensure that

²⁰⁶ ITU, REPUBLIC OF MOLDOVA Digital Development Country Profile, 2021 <https://www.itu.int/en/ITU-D/Regional-Presence/Europe/Documents/Events/2021/Regional%20Innovation%20Forum/Moldova.pdf>.

²⁰⁷ Law on Electronic Communications, 241/2007, https://www.legis.md/cautare/getResults?doc_id=125279&lang=ro#.

²⁰⁸ UNDP Moldova, Compact on Digital Transformation of Moldova, 2021,

<https://www.undp.org/sites/g/files/zskgke326/files/migration/md/Digital-MOLDOVA-ENG.pdf>.

²⁰⁹ Quality parameters of public electronic communications services https://www.anrceti.md/parametrii_de_calitate.

²¹⁰ Official webpage STISC <https://stisc.gov.md/ro>.

²¹¹ E-Governance Agency, <https://egov.md/en/about>.

²¹² Report of the "Generations and Gender" Study in the Republic of Moldova,

https://moldova.unfpa.org/sites/default/files/pub-pdf/raportul_studiului_generatii_si_gen_realizat_de_unfpa.pdf.

²¹³ EGA, Digital Literacy Campaign <https://age.gov.md/ro/advanced-page-type/alfabetizare-digitala>, "Digital Moldova: Innovations for generations" campaign <https://age.gov.md/ro/node/39544>, <https://age.gov.md/ro/content/campania-regandeste-ti-varsta-conectarea-sociala-si-digitala-tinerilor-si-varstnicilor-din>.

services are accessible to all citizens. The digital divide and digital illiteracy are also addressed in the draft Digital Transformation Strategy of Moldova 2030.

Face recognition technology and traffic monitoring systems are already used by public institutions. Officially, there is no AI technology applied by the information systems of public institutions. In June, ATIC and the Government held the Moldova Digital Summit, dedicated to digital transformation and technological innovations, gathering about 2,500 participants, including 68 speakers, experts and leaders of the technological and business communities, from 30 countries. One of the discussion panels also addressed the impact of AI.

The overall score for the area of *Digital Rights* increased by 0.1 from 4.2, due an improvement in the legislation score by 0.1 from 4.4. The score for practice remained the same.

1) The Digital Transformation Strategy of Moldova 2030 was adopted.²¹⁴ The Government approved the Digital Transformation Strategy of the Republic of Moldova for the years 2023-2030 (DTSM 2030) in September 2023. The Strategy was publicly consulted on, including with CSOs, and finalised by the MED which took over from the EGA.²¹⁵ The DTSM 2030 focuses on six objectives: (i) the development of a digital society; (ii) the development of a robust and competitive ICT sector; (iii) creating an innovative and resilient digital economy; (iv) establishing an efficient, intelligent and invisible digital state; (v) building a safe digital environment for all; and (vi) consolidation of the image of the Republic of Moldova as a digital nation. The intended impacts of the DTSM 2030 envisage a well-protected cyberspace, with the rights of all in the digital space ensured and personal data protected. The provided interventions include: promoting internet access as a fundamental human right, fast and affordable internet access for every citizen, the involvement of citizens in political life through digital technologies, the realisation of a national digital literacy programme, the integration of digital literacy in basic educational processes, proactive, simple and intuitive digital public services, and the establishing of a competent authority in the field of cyber security. The DTSM 2030 includes ambitious targets such as 70 per cent of citizens with an active digital identity, 80 per cent of the population with basic digital skills, 75 per cent of the population with connectivity of 100 Mbps, and 25 per cent of the population covered by 5G.

2) Inventory of state information systems initiated to provide clarity regarding the compliance with legal provisions. In April 2023, the EGA, as owner and keeper, launched the information system 'Register of state resources and information systems' (IS Register).²¹⁶ The IS Register is an informational record system that aims to provide an efficient mechanism for recording state resources and information systems. The IS Register will

²¹⁴ Government Decision 650/2023 regarding the approval of the Digital Transformation Strategy of the Republic of Moldova for the years 2023-2030, https://www.legis.md/cautare/getResults?doc_id=139408&lang=ro.

²¹⁵ Public consultation of the DTSM 2023-2030 draft <https://particip.gov.md/ro/document/stages/proiectul-hotararii-guvernului-pentru-aprobarea-strategiei-de-transformare-digitala-a-republicii-moldova-pentru-anii-2023-2030/10429>.

²¹⁶ IS Register official webpage <https://rsi.gov.md/>.

allow the identification of information systems that do not meet legal requirements, and which possibly involve risks regarding management of personal data or regarding violation of other rights. At the time of writing, the IS Register had been populated with information on 41 information systems.

The IS Registry was developed as a result of the lack of centralised records for state information systems, which has facilitated their chaotic development, doubling the development of similar technical solutions or data collected and stored. Some state information systems do not meet the legal requirements, which require the existence of a concept, a regulation and terms of reference. In public institutions, there are systems that have raised questions regarding compliance with security requirements, personal data management, scale, interoperability and sustainability.²¹⁷

3) Increased access to public services in digital format in rural areas. The EGA has officially launched the Unified Centres for the Provision of Public Services (CUPS),²¹⁸ within the town halls of Moldova's villages, whose purpose is to simplify the process of obtaining quality public services by the rural population and diaspora population. CUPS offer common access points where specialists offer informational and technical support to the village population for access to 42 public services available in digital format.²¹⁹ The pilot stage of 17 CUPS was completed on 1 January 2023, and, by the middle of 2023, there were already 100 functional CUPS in rural localities in all districts of the Republic of Moldova.

Specific recommendations:

- The Ministry of Economy and Digitisation should build policy-making capacities to integrate a human rights-based approach in digitisation policies;
- The Government should develop an informal national platform for open dialogue (between state institutions, the business sector and CSOs) with the purpose of transferring expertise and skills in the area of digital rights;
- The Government should implement a large-scale uniform national digital skills development programme for increasing the level of digital literacy across the country;
- The justice system should develop the digital literacy of judges, prosecutors and lawyers; and
- CSOs should adopt a proactive position in the promotion of digital rights.

²¹⁷ DCAF, Strategic Assessment of the Ministry of Internal Affairs of the Republic of Moldova, 2021.

²¹⁸ Government Decision 322 / 10.11.2023 regarding piloting the unified centres for provision of public services, https://www.legis.md/cautare/getResults?doc_id=132798&lang=ro#.

²¹⁹ Public Services Portal, Unified Centres for the Provision of Public Services, <https://servicii.gov.md/ro/cups>.

IV. KEY PRIORITIES

The overall situation for the CSO enabling environment in the Republic of Moldova did not change significantly in the period December 2022 – November 2023, but there were numerous developments with mostly positive impacts expected.

The main improvements during the period include the adoption of the CSO Development Programme 2024-2027, the new Law on Access to Information, the exemption of trade unions and employers' unions from the state registration fee, the exemption of social enterprises from the payment of the tax on undistributed profit for three years, the creation of new platforms to support the participation of civil society in governmental and parliamentary decision-making, the increasing number of local formats for participation and the return of the annual conference of cooperation between Parliament and civil society. Some positive follow-ups on the changes from the previous reporting year include the adoption of new Regulations for PCAs granting programmes based on the Framework Regulation adopted in 2022 and continued cooperation between CSOs and the state in managing the situation of people displaced by Russia's aggression in Ukraine. Other important changes include the creation of a new form of association for LPAs (the IDA) and the adoption of a new law on whistle-blowers.

There is also a list of initiatives launched in 2023, expected to be finalised in the short term, which include the adoption of the Parliament Code by Parliament and a draft law on the so-called 'Moldovan GDPR'.

On the negative side, there are the burdensome changes in the definition of beneficial owners for non-commercial organisations, the continuation of restrictions on peaceful assembly for another year during the state of emergency, the delay by a year of the development of the new Register of Legal Units and the increased powers granted to intelligence officers to use the means of surveillance of private life.

The key priorities for the development of the CSO environment in the Republic of Moldova are as follows:

- The Ministry of Finance should increase tax benefits for philanthropic donations and sponsorship to a level that would provide real benefits for philanthropic activity;

- Public institutions supported by the EGA should improve transparency and participation in decision-making by developing a unified online platform which would include updated information on legal initiatives at all stages and all amendments from introduction up to adoption;
- The legal framework for public procurement should be adjusted with a legal mechanism for social contracting with clear instructions and a standard package of model documents and knowledge should be built in public institutions based on this mechanism;
- LPAs and law enforcement should adopt non-violent and non-intrusive assistance and response procedures regarding peaceful assemblies based on the observance of human rights, including for critical and anti-government assemblies;
- The SIS and OPFML should allow the participation of CSOs in the process of identifying measures to address issues identified in the process of assessment and monitoring of the vulnerabilities of CSOs to terrorism financing and money laundering, including policy documents and legislative initiatives aimed at them;
- The Government should adopt amendments provided by CSOs for the regulatory framework on social entrepreneurship in order to boost the development of related initiatives;
- LPAs should increase transparency in decision-making by developing modules on their webpages similar to those used by the Government (www.particip.gov.md) and establish District Participation Councils based on existing functional models; and
- The PSA should develop a modern, interoperable State Registry for Legal Units that will integrate CSOs and simplify the process of registration. The PSA should also provide for the possibility of a fully-online registration procedure for CSOs.

V. METHODOLOGY

The CSO Meter supports regular and consistent monitoring of the environment in which CSOs operate in the Eastern Partnership (EaP) countries. It consists of a set of standards and indicators in 11 different areas to measure both law and practice. It is based on international standards and best practices. The CSO Meter was developed by a core group of experts from ECNL and local partners from the six EaP countries.

ECNL has worked with the methodology experts RESIS since 2020 on adapting the CSO Meter methodology package to enable for both qualitative and quantitative comparison of the different areas of the enabling environment across the EaP countries and years. The proposal for the research model was consulted on and tested with the extended regional CSO Meter Hub via email and online events. With the updated comparison model, we aim to (i) assess the environment for civil society in each of the 11 areas; (ii) enable tracking of developments/progress throughout the years per country; and (iii) compare the environments regionally.

The country partners, together with other CSOs part of the CSO Meter Hub, conducted the monitoring process and drafted the narrative country report. They also established Advisory Boards in each country, composed of expert representatives of key local stakeholders. The members of the Advisory Boards have two main tasks: to review the narrative reports and to assign scores for every standard based on the narrative reports.

The current report covers the period from December 2022 - November 2023.

Monitoring process

The report was prepared by the local partner of the CSO Meter project in the Republic of Moldova, Promo-LEX Association, following a joint methodology for all six EaP countries. It focuses on the changes that have occurred in the CSO environment in the Republic of Moldova during 2022-2023. The report reviews 32 standards that are part of the CSO Meter and provides recommendations for improvement in each of the 11 areas covered. The process included data collection, interviews, desk research, focus group type discussions, brief information exchanges and analysis of the collected information and of 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.

List of interviewed persons:

Mihail Drăgan (*Head of the Department of Registration and Licensing of Legal Entities*), Veronica Ignat (*Head of Section for Registration of Non-commercial Organisations, PSA*), Cristina Boroza (*Head of Service for Identification of Beneficial Owner, PSA*), Dumitru Dîrul (*Legal advisor, "Diaconia" Social Mission*), Olga Tumoruc (*Head of EGA*), Andrei Cușcă (*Head of Policy Directorate in the field of information technology and digitalization, MED*), Sergiu Bozianu (*Executive director of Association for the Protection of Private Life*), Sergiu Gurău (*"Floare de Cireș" Social Enterprise*), Tania Chebac (*Coordinator of the secretariat of the Commission for the Coordination of Activities in the Field of Migration and Asylum*).

Brief information exchange:

Ilie Chirtoacă (*Executive director, LRCM*), Roman Banari (*Executive director of National Youth Council of Moldova*), Mihaela Duca-Anghelici (*Legal Analyst, Promo-LEX Association*), Irina Corobcenco (*Hate speech analyst, Promo-LEX Association*), Ludmila Țîmbaliuc (*Secretary of the National Commission for Social Entrepreneurship, Ministry of Culture*), Cristina Rabei (*Adviser on anticorruption and civil society engagement, GIZ*), Iraida Moisei (*Acting Head of Directorate, Directorate of Arts, Creative Industries and Artistic Education, Ministry of Culture*), Oxana Brighidin (*Legal officer, Legal Resources Centre from Moldova*), Cristina Durnea (*Legal Expert Centre for Journalistic Investigations*), Sorina Bodiu (*Financial Manager, Promo-LEX Association*), Iurie Zotea (*Promo-LEX Association*), Aurelia Isac (*focal point for relations with CSOs, State Chancellery*), Nicolae Rădița (*Deputy general director of the Interethnic Relations Agency*).

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

- Andrei Brighidin (Director for Development, Monitoring and Evaluation, *East Europe Foundation*)
- Tudor Lazăr (Executive Director, *Centre for Organisational Training and Consultancy CICO*)
- Serghei Lîsenko (President, *Criuleni Debate Centre*)
- Sorina Macrinici (Programme Director, *Legal Resources Centre from Moldova*)
- Serghei Neicovcen (Executive Director, *Contact Centre*)
- Natalia Răileanu (President, *ProCimișlia Association*)
- Rodica Frecăuțanu (Executive Director, *Caroma-Nord Association*)

- Andrei Lutenco (Executive Director of *Centre for Policies and Reforms Moldova*)
- Irina Corobcenco (Hate Speech Analyst, *Promo-LEX Association*)
- Vitalie Hotnogu (Project Coordinator, *Cahul 2030 Association*)
- Irina Beșliu (Project Officer, *Delegation of the European Union to the Republic of Moldova*)

The drafted country narrative report was reviewed by the Advisory Board members in Moldova at a meeting held on 17 November 2023. Based on the recommendations of the Advisory Board members, the findings and recommendations were further revised and finalised.

Scoring process

The country researcher(s) and 10 Advisory Board members in Moldova assessed each Standard of the 11 areas of the CSO Meter tool in Legislation and in Practice. The final score of each standard was then calculated according to a formula in which the researchers' score participates with 50 per cent, and the Advisory Board members' average score with 50 per cent. The score for each area is then calculated as the average value of the final scores of each standard and is rounded to one decimal for presentation purposes.

For the scoring procedure a 7-point scale is used. The extreme values of the scale are conceived as the extreme/ideal situation or environment. For example, (1) is an extremely unfavourable (authoritarian) environment for CSOs, while (7) is an extremely favourable (ideal democratic) environment for CSOs. For more information on the CSO Meter tool, the scoring process and calculation, please visit <https://csometer.info/>.

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