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MOLDOVA 2024

Country Report

Chisinau





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Promo-LEX

Advancing democracy and human rights

CSO Meter 2024: Moldova

Country Report

Reporting period: January-November 2024

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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.

European Center for Not-for-Profit Law (ECNL) Stichting is a leading European resource and research centre in the field of policies and laws affecting civil society. ECNL creates knowledge, empowers partners and helps set standards that create, protect and expand civic freedoms.

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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>)
ASP	Public Services Agency (<i>Agenția Serviciii Publice</i>)
ATU	Autonomous Territorial Unit
CLT	Local Transparency Council (<i>Consiliul Local de Transparență</i>)
CNPDCP	National Centre for Personal Data Protection (<i>Centrul Național pentru Protecția Datelor cu Caracter Personal</i>)
CPA	Central Public Administration
CRP	District Participation Council (<i>Consiliul Raional de Participare</i>)
CSO	Civil society organisation
CSODP	Civil Society Organisation Development Programme 2024-2027
CUPS	Unified Public Services Centres (<i>Centrele unificate de prestare a serviciilor publice</i>)
EaP	Eastern Partnership
ECNL	European Center for Not-for-Profit Law
ECtHR	European Court of Human Rights
EGA	Electronic Governance Agency
EU	European Union
EU GDPR	General Data Protection Regulation (Regulation U) 2016/679)
EUR	Euro
FATF	Financial Action Task Force
FIU	Financial Intelligence Unit (Office for Prevention and Fight Against Money Laundering)
GDP	Gross Domestic Product

GIZ	German Agency for International Cooperation (<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i>)
GNI	Gross National Income
ICNL	International Center for Not-for-Profit Law
IDA	Intercommunity Development Association
IoT	Internet of things
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
MDED	Ministry of Economic Development and Digitalisation (<i>Ministerul Dezvoltării Economice și Digitalizării</i>)
MDL	Moldovan Leu
NPO	Non-profit organisation
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OGP	Open Government Partnership
OSCE	Organization for Security and Co-operation in Europe
RRSI	Register of State Information Resources and Systems (<i>Registrul Resurselor și Sistemelor Informaționale de Stat</i>)
SCIA	Sub-Council on Artificial Intelligence and Data Governance (<i>Sub-Consiliul pentru Inteligența Artificială și Guvernanța Datelor</i>)
SIS	Security and Intelligence Service of the Republic of Moldova (<i>Serviciul de Informații și Securitate al Republicii Moldova</i>)
SLAPPs	Strategic litigation against public participation
STDM 2023-2030	Digital Transformation Strategy of the Republic of Moldova 2023-2030 (<i>Strategia de transformare digitală a Republicii Moldova 2023-2030</i>)
STISC	Information Technology and Cyber Security Service (<i>Serviciul Tehnologia Informației și Securitate Cibernetică</i>)
TRM	Tele-Radio Moldova
UAV	Unmanned aerial vehicle

UBO	Ultimate beneficial owner
UNCAC	United Nations Convention against Corruption
USD	United States Dollar
VAT	Value Added Tax

I. EXECUTIVE SUMMARY

Country context and important trends relevant to the civil society environment

In 2024, the Republic of Moldova continued its efforts towards integration with the European Union (EU). On 25 June, the EU opened accession negotiations with Moldova, beginning a new chapter in the country's accession pathway.¹ The political agenda revolved around the accession plan,² but was also heavily influenced by the presidential election and the constitutional referendum on EU accession, both held on 20 October, which mobilised significant efforts from all political actors. The outcome of the referendum was a narrow vote (50.35 per cent) in favour of including EU integration as a strategic objective in the Constitution of the Republic of Moldova. In the presidential election, incumbent Maia Sandu won a second presidential mandate following the second round of the elections held on 3 November. Both the presidential election and the referendum were heavily affected by foreign interference and active disinformation³ against EU integration.

On 30 December 2023, the state of emergency adopted by the Parliament⁴ following Russia's full-scale invasion of Ukraine on 24 February 2022 was lifted after nearly two years. This marked the end of restrictions to freedom of assembly and freedom of expression that had been adopted during the period. In an effort to counter disinformation, the Government applied a new mechanism to suspend the broadcasting licences of TV channels that were seen to promote disinformation.

Russian aggression continued to heavily impact Moldova. In 2024, Moldova hosted over 123,000 Ukrainian refugees, while specialised civil society organisations (CSOs) and state institutions continued to cooperate and provide the required support. Several Russian-launched drones landed in the territory of the Republic of Moldova, posing a

¹ European Council, 'First accession conference with Moldova, 25 June 2024', <https://www.consilium.europa.eu/en/meetings/international-ministerial-meetings/2024/06/25/moldova/>;

European Council, 'EU opens accession negotiations with Moldova', 25 June 2024, <https://www.consilium.europa.eu/en/press/press-releases/2024/06/25/eu-opens-accession-negotiations-with-moldova/>.

² Government Decision 829/2023 regarding the approval of the National Action Plan for the accession of the Republic of Moldova to the European Union for the years 2024-2027 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=139891&lang=ro.

³ Council of Europe, 'Presseraum: Congress President deplores foreign interference in Moldovan electoral process', 21 October 2024, <https://www.coe.int/de/web/portal/-/congress-president-deplores-foreign-interference-in-moldovan-electoral-process>.

⁴ Parliament Decision 41/2022 regarding the declaration of the state of emergency (in Romanian), https://www.legis.md/cautare/getResults?doc_id=130079&lang=ro.

direct physical threat to the population.⁵ The country was confronted with continuous disinformation and manipulation, including via the promotion of pro-Russian content that was especially amplified during the EU accession referendum.⁶ Specialised CSOs contributed to fight disinformation through labelling, debunking and through media literacy programmes and other countermeasures. State institutions also fought against a complex scheme of interference in internal political processes and procedures. This included illegal financing, electoral corruption, payed protests, and recruitment and training for subversive and illegal actions, all financed through illicit mechanisms⁷ including via the instrumental Russian-based non-profit organisation (NPO) 'Eurasia'⁸ that is closely linked⁹ to the runaway convicted bank fraudster Ilan Şor¹⁰ and his newly-sponsored political block 'Victorie'. Illegal funding schemes targeted hundreds of thousands of people to influence the results of the electoral process.¹¹ A 2024 survey¹² among Moldovans who are familiar with the term 'CSO' shows that 52.6 per cent of the respondents are either 'very trusting' or 'somewhat trusting' of CSOs. These numbers reflect a more favourable perception of CSOs among the population, in contrast to the results of the regular national survey which shows only 20 per cent trust in CSOs.¹³

Key developments and priorities in the civil society environment

In 2024, the overall CSO Meter score regarding the CSO environment in Moldova remained unchanged from 2023 at 4.8. The average scores for legislation (5.1) and practice (4.4) also remained the same. Some positive developments have occurred,

⁵ Police of the Republic of Moldova, Facebook posts (in Romanian): Etulia (Vulcanesti), 11 February 2024 (in Romanian), <https://www.facebook.com/share/p/xuYeCsNXmEFa1GDz/>; Firladeni (Causeni) si Borosenii Noi (Risicani), 10 November 2024 (in Romanian), <https://www.facebook.com/share/p/bBDjGMsHXDJV79va/>; Port Mall/Arena Chisinau, 19 November 2024, <https://www.facebook.com/share/p/dExwS37Ktr4GsaZ/>.

⁶ *Europa pentru tine*, 'Europe for you' (in Romanian), <https://moldovaeuropeana.md/>.

⁷ Police of the Republic of Moldova (in Romanian): 'Tens of searches in a case of illegal financing of political parties and money laundering', 3 June 2024, <https://politia.md/ro/content/zeci-de-perchezitii-intr-un-dosar-de-finantare-ilegala-partidelor-politice-si-spalare-de-0>; 'Searches within a criminal case regarding the illegal financing of political parties, initiative groups and electoral competitors', 16 August 2024, <https://politia.md/ro/content/perchezitii-cadrul-unei-cauze-penale-privind-finantarea-ilegala-partidelor-politice>.

⁸ Autonomous NPO 'Eurasia', <https://evrazia.su/>.

⁹ Nokta, 'Sor-Kremlin project "Eurasia" is going to Moldova to tell Moldovans the truth about the situation in the country', 23 July 2024 (in Russian), <https://nokta.md/shorovsko-kremljovskij-proekt-evraziya-edet-v-moldovu-rasskazat-moldavanam-pravdu-o-polozhenii-v-strane/>.

¹⁰ *Ziarul de Garda*, 'How the Chisinau Court of Appeal justifies the sentencing of Ilan Sor to 15 years in prison. The judgment covers 228 pages' 9 June 2023 (in Romanian), <https://www.zdg.md/stiri/stiri-justitie/doc-cum-motiveaza-curtea-de-apel-chisinau-condamnarea-lui-ilan-sor-la-15-ani-de-inchisoare-hotararea-se-intinde-pe-228-de-pagini/>.

¹¹ *Radio Chisinau*, 'Maia Sandu makes accusations of "an unprecedented fraud" in the first reaction to the election results: "The group's goal was to buy 300,000 votes"', 21 October 2024 (in Romanian), <https://radiochisinau.md/maia-sandu-acuza-o-frauda-fara-precedent-in-prima-reactie-dupa-rezultatele-alegerilor-tinta-gruparii-a-fost-sa-cumpere-300-de-mii-de-voturi---202552.html>.

¹² *Centrul CONTACT*, 'Survey: What Moldovans think about CSOs', 14 May 2024 (in Romanian), <https://contact.md/wp-content/uploads/2024/05/Ce-cred-moldovenii-despre-OSC-uri-2024-1.pdf>

¹³ *Institutul de Politici Publice*, Public Opinion Barometer, October 2024 (in Romanian), <https://ipp.md/2024-10/barometrul-opinii-publice-2024/>.

leading to score increases in three of the eleven monitored areas without affecting the overall score. However, although public institutions remain open to collaboration with CSOs, only slight progress is being made and therefore it has been slow to translate into tangible improvements for the CSO environment overall. In Area 5 (*Right to Participation in Decision-Making*), scores improved in legislation, practice, and overall versus 2023 (from 4.9 to 5.0). The legislation score in this area increased (from 5.3 to 5.4) due to the enforcement of the Access to Information Law, amendments to transparency legislation, and the introduction of new participation formats (permanent government advisory platforms, the *TeConsult* support network, and expert councils attached to parliamentary committees). The practice score increased (from 4.4 to 4.5) due to improved transparency and participation of civil society and the public in the decision-making process at the local level over recent years. In Area 10 (*State-CSO Cooperation*), the legislation score improved (from 4.5 to 4.6), largely due to the launching of the 2024–2027 CSO Development Programme. In Area 4 (*Freedom of Peaceful Assembly*), the legislation score improved (from 5.3 to 5.4) following the end of the state of emergency and restrictions imposed by the Commission for Exceptional Situations. However, the practice score decreased (from 5.1 to 5.0) due to repeated and unjustified interventions by law enforcement during the electoral period, targeting peaceful assemblies organised by the opposition political bloc. In Area 11 (*Digital Rights*), the practice score improved (from 4.0 to 4.1) as a result of developments in the area of artificial intelligence (AI). The Sub-Council on AI and Data Governance (SCIA) was established with the participation of CSOs and the White Paper on Data and AI Governance (a guide for developing public policies in this area) was published. In 2024, the Republic of Moldova also signed the Council of Europe Framework Convention on AI.

The top three areas by score remained the same as in 2023: *Freedom of Association* (5.5), *Freedom of Peaceful Assembly* (5.3), and *Access to Funding* (5.3). The areas with the lowest overall scores are *Right to Privacy* (4.3), *State-CSO Cooperation* (4.3), and *Digital Rights* (4.3).

In 2024, state institutions tackled one key recommendation from the 2023 CSO Meter report through the implementation of a new Risk Assessment for NPOs, launched by the Anti-Money Laundering and Counter-Terrorism Service with support from the EU and participation from CSOs.

Out of the 54 recommendations in the 2023 CSO Meter Report, three were fully implemented in 2024: the adoption of a police regulation on hate speech sanctions; the creation of a functional accreditation system for social service providers, including CSOs; and the withdrawal by Parliament of an initiative to include educational institutions among beneficiaries of the percentage designation mechanism. Additionally, ten recommendations were partially implemented or entered the implementation phase, as detailed in the key developments section below.

Key developments

In addition to the specific changes mentioned above, the following developments were also recorded in 2024:

- Parliament amended the Tax Code to reintroduce paper tax declarations to facilitate percentage designations (a mechanism through which individuals can direct 2 per cent of their income tax to CSOs);
- Parliament adopted tax incentives for food donations that could serve as a model for monetary donations, supportive to organisations that collect, use and distribute such donations to vulnerable populations;
- Parliament amended the Law on Local Action Groups to provide clearer guidelines for establishing partnerships and improving registration and operational conditions;
- Parliament adopted a new Law on Data Protection (to transpose the EU GDPR) which will enter into force in 2026;
- The Law on Crowdfunding Services became effective in March, but does not extend its provisions to CSOs, leaving CSO crowdfunding activities in a regulatory vacuum;
- The Public Services Agency (ASP) merged the registration sections for commercial and non-commercial organisations and a new State Register of Legal Units, that should eliminate registration deficiencies, is expected to be implemented in 2025. The ASP has estimated that in 2024, 25 per cent of non-commercial organisations have not made the necessary statutory changes according to the Law on Non-Commercial Organisations and are therefore liable for forced liquidation (although the application of this procedure is unlikely); and
- The Ministry of Education and Research consulted on a new Law on Volunteering with potential improvements to the area, including the recognition of informal volunteering, the digitisation of registration and the establishment of a Committee for the Coordination of Volunteering Policies with representatives from CSOs.

Key priorities

1. The Ministry of Finance should increase tax benefits for philanthropic donations and sponsorship to a level that would provide real benefits for philanthropic activity;
2. 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;
3. The legal framework for public procurement should be adjusted, with a legal mechanism for social contracting with clear instructions, a standard package of model documents, and knowledge being built in public institutions based on this mechanism;
4. 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;
5. The Service for the Prevention and Combating of Money Laundering (FIU) and the National Bank should implement anti-money laundering and counter-terrorism financing (AML/CTF) measures impacting CSOs (including banking policies) only to Financial Action Task Force (FATF) NPOs, in line with FATF Recommendation 8 arising from the Terrorist Financing Risk Assessment of the NPO Sector;
6. The Government should adopt amendments provided by CSOs for the regulatory framework on social entrepreneurship in order to boost the development of related initiatives; and
7. LPAs should increase transparency in decision-making by developing modules on their webpages similar to those used by the Government (particip.gov.md) and establish District Participation Councils (CRPs) based on existing functional models.

II. MOLDOVA – IN NUMBERS

Basic data

Population: 2.4233 million¹⁴ | GDP per capita: USD 6,650.6¹⁵ | Number of CSOs: 13,284 (out of 16,322 non-commercial organisations)¹⁶ | CSOs per 10,000 inhabitants: 55 | Registration fee for CSOs: None (for most forms, except for LAGs, IDAs and Associations of Water Consumers at 60 EUR) | Freedom in the World: 61/100 (Partly Free)¹⁷ | World Press Freedom Index: 74.86 (31 out of 180 countries)¹⁸ | Public trust in CSOs: 20 per cent¹⁹



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 – ideal democratic - 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	5.5 ↑	5.0 ↓
Right to Participation In Decision-Making	5.0 ↑	5.4 ↑	4.5 ↑
Freedom of Expression	5.0	5.4	4.6
Right to Privacy	4.3	5.2	3.4
State Duty to Protect	4.6	5.0	4.2
State Support	4.4	4.7	4.0

¹⁴ National Bureau of Statistics of the Republic of Moldova, 'Population and demographic processes', 26 November 2024, https://statistica.gov.md/en/statistic_indicator_details/25.

¹⁵ World Bank Group, 'Moldova', <https://data.worldbank.org/country/moldova>.

¹⁶ ASP, State Registry of Non-Commercial Organisations (in Romanian), <https://asp.gov.md/ro/informatii-utile/date-statistice>. In this report the term 'CSO' includes public associations (11,296), foundations (512), private institutions (250), employers' unions (160), periodic publications (101), unions of legal persons (108), trade unions (599) and other non-commercial organisations (258). Other legal forms of non-commercial organisation which are not considered CSOs include religious cults (1,833), public institutions (1,146) and political parties (59).

¹⁷ Freedom House, *Freedom in the World*, <https://freedomhouse.org/countries/freedom-world/scores>.

¹⁸ Reporters Without Borders, *World Press Freedom Index*, <https://rsf.org/en/ranking>.

¹⁹ Institutul de Politici Publice, Public Opinion Barometer, *op. cit.*

State-CSO Cooperation	4.3	4.6 ↑	4.0
Digital Rights	4.3	4.5	4.1 ↑

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 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) or as founders of Intercommunity Development Associations (IDAs). 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) and takes up to fifteen days. Applications can be submitted in hard copy or online by qualified electronic signature. In addition to a predefined list of required documents, CSOs are required to provide additional documents and fees based on complementary legislation, such as a declaration on the ultimate beneficial owner (UBO), emergency verification of name availability and approval of proposed organisation names. In 2024, the ASP combined the registration sections for commercial and non-commercial organisations. The State Register of Non-Commercial Organisations is outdated and not interoperable with other registers, thus slowing down the registration procedure. It will be replaced in 2025 by a unified State Register of Legal Units, including CSOs, which is in its final stages of development in 2024.

People are free to associate online and offline without registration. CSOs are free to designate their own internal structure, to establish their own goals and activities, and to engage in different legal areas of operation without territorial limitation. However, there are still cases in which, during the registration process, registrars impose statutory provisions according to predefined models.

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. CSOs are rarely subject to financial and tax inspections. CSOs may be forcibly liquidated through court decisions if they fail to update their constitutive documents per the 2020 Law on Non-Commercial Organisations or do not submit an activity report upon request, a measure deemed disproportionate.

CSOs may be subject to sanctions for violations of legislation not specifically targeting CSOs, but there is no recorded systemic use of such sanctions.

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.

The main recommendations in this area remain the same as in 2023 and are related to the registration of CSOs: eliminating de facto fees, implementing the State Register of Legal Units and the online registration facilities, and reducing registration timelines.

Standard I. Everyone can freely establish, join, or participate in a CSO.

Freedom of association is protected narrowly in the Constitution,²⁰ provided for only as the right to join and create trade unions. Freedom of association is regulated by the Law on Non-Commercial Organisations²¹ adopted in 2020. Any legal or natural person can establish a CSO and become a member of one or more organisations, except for some legal persons, including public authorities and institutions and state and municipal enterprises that may not form non-commercial organisations and may not become members of such organisations. CSOs are free to accept or refuse new members according to their statutes. Any interested person has the possibility to engage in volunteering or to support CSO activities.

There are three legal forms of CSO provided for by law: (i) public association; (ii) foundation; and (iii) private institution, all of which can operate without territorial limits. Other rarer forms of association are regulated by special laws: LAGs,²² trade unions,²³ employers' unions,²⁴ and IDAs.²⁵ In April 2024, the Parliament amended²⁶ the Law on LAGs to align it with the Law on Subsidies in Agriculture and the Rural Environment, offering clearer guidelines for establishing partnerships and improving registration and operational conditions. In 2024, the Law on IDAs faced criticism for introducing bureaucratic measures (such as requiring three censors and an annual audit) which would hinder IDAs' operations.²⁷ To date, there are only two registered IDAs in Moldova.

In 2024, several branches of international humanitarian organisations withdrew from Moldova after their numbers and activities had increased in 2022 to support Ukrainian refugees.

²⁰ Constitution of the Republic of Moldova, 1/1994, Art. 42 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=111918&lang=ro.

²¹ Law on Non-Commercial Organisations, 86/2020 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=122391&lang=ro.

²² Law on Local Action Groups, 50/2021 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=126245&lang=ro.

²³ Law on Trade Unions, 1129/2000 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=97457&lang=ro.

²⁴ Law on Employer's Unions, 976/2000 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=64325&lang=ro.

²⁵ Law on Intercommunity Development Associations, 17/2023 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=135808&lang=ro.

²⁶ Law to Amend the Law on Local Action Groups, 83/2024 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=143103&lang=ro.

²⁷ Congress of Local Authorities of Moldova (CALM), 'CALM representatives participated in the Round Table "Results and Perspectives in the context of the implementation of Law no. 17/2023 on inter-community development associations"', 24 July 2024, <https://www.calm.md/reprezentantii-calm-au-participat-la-masa-rotunda-rezultate-si-perspective-contextul-implementarii-legii-nr-17-2023-cu-privire-la-asociatiile-de-dezvoltare-intercomunitara/>.

People are free to associate online and offline without registration, but cannot operate bank accounts or access other benefits reserved for legal persons. CSOs can freely request and receive financial and material support.

Currently, there are no systemic practical obstacles imposed by the state related to establishing or joining an organisation.

Standard II. The procedure to register a CSO as a legal entity is clear, simple, quick, and inexpensive.

The registration procedure for CSOs is free of charge (except for a fee of around 60 EUR for LAGs, IDAs and Associations of Water Consumers) and, according to the law, takes up to fifteen days, although sometimes the procedure is performed more quickly. Registration of public associations is usually done at the ASP's regional centres distributed across the country. In 2024, the ASP merged (as provided by law)²⁸ the sections that previously dealt separately with registration of commercial and non-commercial organisations. A single universal registrar now handles the registration of several types of organisations at the regional level, unlike previously when only public associations were registered at the local level, while other forms of organisation were processed by the ASP's central unit. Although decentralising registration services is generally more user-friendly, there have been concerns in the past about registrars lacking expertise in CSOs, leading to the misapplication of legislation.

Registration is carried out based on a pre-defined list of documents provided by law and a declaration on the UBO of the legal entity²⁹ required by AML/CTF legislation. The requirement has been criticised as irrelevant for CSOs, since their head neither owns nor benefits from the CSO's activities, and their name already appears in official records. The 2023 amendments³⁰ complicate the procedure for CSOs that list a broader range of stakeholders, including founders, council or general assembly members, as UBOs. The ASP may only refuse registration in a limited number of circumstances provided by law, including for the absence of a declaration on the UBO. Judicial review is provided in cases of refusal. According to the ASP, there were no cases of refusal to register in 2024. The ASP charges CSOs 284 MDL (around 15 EUR) for a certificate for emergency name availability verification³¹ (the service may be performed for free within five days), 100 MDL (around 5 EUR) for approval of proposed organisation

²⁸ Law 220/2007 on the State Registration of Legal Entities and Individual Entrepreneurs, (in Romanian), https://www.legis.md/cautare/getResults?doc_id=144421&lang=ro.

²⁹ Based on Art. 14 of the Law 308/2017 on Preventing and Combating Money Laundering and Terrorist Financing, (in Romanian), https://www.legis.md/cautare/getResults?doc_id=110418&lang=ro.

³⁰ Ibid., Arts 5 and 14; Law on the Modification of Some Normative Acts, 66/2023 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=136851&lang=ro.

³¹ ASP, Terms and fees for elaboration and approval of the names of legal units (in Romanian), <https://www.asp.gov.md/ro/servicii/persoane-juridice/22>.

names,³² and 440 MDL (23 EUR) for extracts for private institutions³³ (issued and processed by the ASP in one hour).³⁴ All CSOs must submit an extract from the state register with limited validity (issued by the ASP for 110 MDL, around 6 EUR) at the request of banks, donors, accreditation and audit institutions, as well as to obtain tax and VAT exemptions, although information can be accessed through information systems. This requirement creates an additional financial and administrative burden for CSOs.

The ASP can receive registration documents electronically and signing of documents by qualified electronic signature is possible.³⁵ Since the introduction of this possibility in 2022, more than 150 CSOs have submitted their registration documents online. A new State Register of Legal Units³⁶ was in its final stages of development in 2024, expected to be implemented starting in 2025. The Register will replace the State Register of Non-Commercial Organisations and the official Register of Commercial Units, aiming for greater efficiency, improved data access, and facilitating online registration via a dedicated module.

The Law on Non-Commercial Organisations required CSOs to adjust their registration documents with the ASP by September 2022, or face potential forced liquidation by the Ministry of Justice. In 2024, the ASP continued to adjust CSOs' documents, despite the expired legal deadline. In 2024, the ASP has estimated that 3,065 (25 per cent) of non-commercial organisations have not made the necessary changes and are subject to the forced liquidation procedure. The Ministry of Justice has the right to access information from the ASP and initiate liquidation, but has not yet done so and it is unlikely that the procedure will be implemented *en masse*.

Standard III. CSOs are free to determine their objectives and activities and operate both within and outside the country in which they were established.

CSOs are free to establish their own goals and activities and can operate without limitation on the territory of the country which is under the control of the constitutional authorities. CSOs engage in different legal areas of operation nationally and also internationally via structures, platforms and other formats, without obstacles imposed by state authorities.

Standard IV. Any sanctions imposed are clear and consistent with the principle of proportionality and are the least intrusive means to achieve the desired objective.

³² ASP, Terms and fees for drafting and editing and approval of the names of legal units (in Romanian), <http://asp.gov.md/ro/servicii/persoane-juridice/101>.

³³ ASP, List of documents required for registration of a private institution (in Romanian), <http://asp.gov.md/sites/default/files/documente-necesare/institutiei-private.pdf>

³⁴ ASP, Term and fees, Issuing the extract from the State Registry (in Romanian), <https://www.asp.gov.md/ro/servicii/persoane-juridice/25/251>.

³⁵ Art. 8, para. 1 (a), Law on the State Registration of Legal Entities and Individual Entrepreneurs, *op. cit.*

³⁶ Government Decision 955/2022 on approval of the Information System Concept 'State Register of Legal Entities' (in Romanian), https://www.legis.md/cautare/getResults?doc_id=135259&lang=ro.

CSOs may be subject to sanctions for violations of general legislation, but there is no recorded systemic use of such sanctions. Involuntary termination of a CSO is possible if its activities are contrary to the interests of national security, public security, the protection of the rule of law or the prevention of crime, or the protection of the health, morals, rights and freedoms of others. Failure to present an annual activity report following repeated requests from the Ministry of Justice is also a basis for involuntary termination of a CSO on the condition that this is 'necessary in a democratic society'. To date, there is no established procedure to collect and review reports. The court may suspend a CSO during the settlement of a liquidation claim, but only if 'necessary in a democratic society'. The court may allow CSOs to remove, within six months, the deficiencies that led to the liquidation claim.

Standard V. The state does not interfere in the internal affairs and operations of CSOs.

CSOs are free to designate their own internal structure, governance bodies and operations. The law requires the existence of an executive/administrator body but does not require the existence of a permanent management body (such as a board of directors) or a control body (if the organisation opts for an external annual audit). The registering authority only collects documents related to registration and changes in the administrative structure of CSOs. CSOs must submit online periodic reports, including on income tax withholding, health and social insurance contributions (monthly), consumables and expenditures (quarterly), their financial situation (annually) and, if applicable, on the use of percentage designation funds and of the volunteer host. CSOs must publish their annual narrative reports within six months of the end of the year, or present a copy of the report to anyone who requests to see it.

CSOs are rarely subject to financial and tax inspections performed by government institutions.³⁷ CSOs that provide medical and social services are regularly verified by specialised institutions for compliance with hygiene and sanitation conditions. CSOs that provide medical services under contract with the National Medical Insurance Company are also checked periodically. CSOs that provide accredited social services are inspected by the State Social Inspectorate based on planned controls, in order to correctly apply the law and normative acts that regulate the provision of given services. CSOs that employ persons with disabilities that have the right to receive subsidies³⁸ are also verified periodically.

³⁷ Art. 57, Title V, Chapter 11, Tax Audit, Tax Code of the Republic of Moldova 1163/1997 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=79111&lang=ro.

³⁸ Government Decision 49/2021 for the approval of the Regulation on Subsidising Jobs (in Romanian), https://www.legis.md/cautare/getResults?doc_id=126195&lang=ro.

Specific recommendations:

- The ASP should simplify the procedure for CSO registration by excluding de facto fees for registration, such as the request for an extract with the possibility of autonomous generation of extracts and should perform the CSO name availability verification at the time of the registration appointment (with the option to check this online in advance with the State Register of Legal Units);
- The ASP should put in place the necessary systems (and build upon the positive new practice of electronic submission of documents) to enable CSOs to register online;
- The ASP and the Ministry of Justice, in collaboration with CSOs, should identify a legal solution to the situation of CSOs that have not adjusted their documents according to the provisions of the Law on Non-Commercial Organisations;
- The ASP should implement an 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 ASP services, enabling the online registration of CSOs and the online issuance of any registration documents/certificates. When preparing the technical specifications, the ASP should consider the needs of people with sensory disabilities. The register should also include filters and functionality features that allow access to other public interest information on CSOs (such as membership, public benefit status, and percentage designation mechanism);
- The ASP should strengthen the capacities of its universal registrars in the field of CSO registration in order to prevent violations in the registration procedure;
- Parliament/the Ministry of Justice should repeal the provisions that allow the Ministry of Justice to initiate the forced liquidation procedure if an organisation has not submitted an activity report upon request; and
- The ASP and the Parliament should reduce the term of the CSO registration procedure.

3.2 Equal Treatment

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

Legislation: **4.8/7**

Practice: **4.5/7**

The law provides that 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 affecting CSOs registered with headquarters in the Transnistrian region is the refusal of banks in the Republic of Moldova to open bank accounts for them. Another issue of unequal treatment is the preferential annual subsidy from the state budget available to a limited number of CSOs for persons with disabilities. 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 otherwise holding fiscal codes and functioning effectively.

Media attacks against critical and watchdog CSOs which were promoted by illiberal political leaders have decreased in intensity compared to previous years.

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 of 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. Commercial entities are favoured in public procurement procedures, but are more exposed to tax audits compared to CSOs.

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

The recommendations in this area focus on amending the legal mechanisms to facilitate social services contracting, simplifying the registration procedure for eligibility under the percentage designation mechanism, and ensuring access to annual subsidies for persons with disabilities for all interested CSOs.

Standard I. The state treats all CSOs equitably with business entities.

Commercial entities benefit from more favourable treatment than CSOs in several respects. The duration of CSO registration (up to fifteen days) is longer compared to commercial entities that can register within twenty-four hours, or in four hours if the priority service is used.³⁹ CSOs are also required to provide a greater number of documents for registration than a business entity, such as the statute, a certificate for name availability verification, and, in the case of national associations and sports

³⁹ ASP, Terms and fees, State register of a legal person (in Romanian), <https://asp.gov.md/ro/servicii/persoane-juridice/21/211>.

federations, a permit from the public authorities. Currently, there is no system to support online registration either for commercial entities or for CSOs.

Registration of commercial entities is supported by an automated registration system that provides data and an overall quicker registration procedure. The State Register of Non-Commercial Organisations⁴⁰ is outdated and not interoperable with other registration systems. This causes slowdowns in the records of CSOs and the registration procedure. Hundreds of CSOs that were previously registered by LPAs are missing from the state register due to lost local documentation. These CSOs hold fiscal codes and are otherwise effectively functional.

Registration is free for CSOs, while commercial entities are charged 18 EUR (individual entrepreneurs),⁴¹ 55 EUR (other business entities) or 220 EUR (the urgent procedure for other business entities).⁴² Fees for the issuance of certificates and extracts are equally applied to CSOs and commercial entities.

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 of a CSO.

Voluntary termination of a legal entity is preceded by the liquidation procedure, both for commercial entities and CSOs. The liquidation procedure may take several years, is more complicated and time-consuming than registration and is followed by deletion from the registry which is free of charge and performed within three days.

There are certain disadvantages for CSOs when participating in public procurement alongside commercial entities. CSOs' participation is hindered by burdensome requirements such as bank certificates (with a 2 per cent guarantee), a certificate of proper performance of the contract (a bank guarantee of a maximum of 15 per cent for the winner of the contract) and delayed payment for services, which cannot be fulfilled by CSOs in the absence of available liquidity. In addition, it is difficult for most CSOs to provide services without paying service payments in advance.

CSOs lag behind in their ability to compete with public providers in the provision of social services. The concept of social order (a form of contracting social services by the state) is provided for in law, but there is no regulatory mechanism to support it. Contracting social services from private providers (including CSOs) remains

⁴⁰ ASP, State Registry of Non-Commercial Organisations (in Romanian), <https://asp.gov.md/ro/informatii-utile/date-statistic>.

⁴¹ ASP, Terms and fees, Registration of an individual entrepreneur (in Romanian), <http://asp.gov.md/ro/servicii/persoane-juridice/21/211-3>.

⁴² ASP, Terms and fees, Registration of legal persons (in Romanian), <http://asp.gov.md/ro/servicii/persoane-juridice/21/211>.

underdeveloped, but is provided as an action of the ‘Restart’ social reform.⁴³ The social services accreditation system is functional after being adjusted in 2023⁴⁴ and, to date, 16 CSOs have been accredited.⁴⁵ In May 2024, the National Health Assessment and Accreditation Council was established. The social services nomenclature was updated,⁴⁶ but the model contracting package for CSOs is has not been adopted and cost standards have not been approved.

Access to funding, including from abroad, is subject to similar conditions irrespective of whether the entity is for-profit or not-for-profit. The State Tax Service operates less controls on non-commercial organisations compared to commercial organisations, as non-commercial organisations are less susceptible to fiscal irregularities such as tax evasion and ‘under the table’ salaries. In the first nine months of 2024, there were 7,983 controls on commercial organisations (7.6 per cent of all commercial organisations)⁴⁷ versus 52 controls on non-commercial organisations (i.e. 0.44 per cent of all non-commercial organisations, therefore 17 times fewer for the latter).

Standard II. The state treats all CSOs equally with regard to their establishment, registration, and activities.

The law⁴⁸ stipulates that public authorities should treat all non-commercial organisations equally and should not discriminate against them. Also, the law does not differentiate based on the nationality of a CSO’s founders or members, nor does it require the managers of CSOs to be resident in Republic of Moldova.

However, for at least a decade, state authorities have been applying continuous preferential treatment to five CSOs for persons with disabilities⁴⁹ which receive an annual subsidy from the state budget on the basis of a legal provision.⁵⁰ Other CSOs that work with disabled persons do not benefit from this support. A draft set of legal

⁴³ Ministry of Labour and Social Protection, ‘The reform of the social assistance system ‘RESTART’: for fair access to quality social services’, March 2023 (in Romanian), https://social.gov.md/wp-content/uploads/2023/05/Reforma-sistemului-de-asistenta-sociala_FINAL-1.pdf.

⁴⁴ Government Decision 313/2023 on the amendment of some Government decisions (concerning the strengthening of the capacities of the State Social Inspectorate in the context of the assignment of accreditation powers of social service providers) (in Romanian), https://www.legis.md/cautare/getResults?doc_id=137150&lang=ro.

⁴⁵ State Social Inspectorate (ISS), Electronic Register of Accredited Social Services (in Romanian), <https://iss.gov.md/accreditation>.

⁴⁶ ISS, ‘The nomenclature of social services will be revised’, 8 May 2023 (in Romanian), <https://iss.gov.md/news/23>.

⁴⁷ There are 139,054 active commercial organisations according to the ASP’s State Registry of Legal Units: (in Romanian) <https://asp.gov.md/ro/informatii-utile/date-statistice/rsud-forma>.

⁴⁸ Art. 5(2), Law 86/2020 on Non-Commercial Organisations, (in Romanian), https://www.legis.md/cautare/getResults?doc_id=122391&lang=ro.

⁴⁹ 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.

⁵⁰ Art. 36(2), Law 60/2012 on Social Inclusion of Persons with Disabilities, (in Romanian), https://www.legis.md/cautare/getResults?doc_id=110494&lang=ro; Law 158/2022 amending the Law 60/2012 on the Social Inclusion of Persons with Disabilities (in Romanian), https://www.legis.md/cautare/getResults?doc_id=131893&lang=ro.

amendments⁵¹ provides new facilities in procurement procedures for the same three CSOs.

There are cases of CSOs registered with headquarters in the Transnistrian region not being able to open bank accounts with Moldovan banks.

It can also be considered unequal treatment that only CSOs that go through the ASP registration procedure have the opportunity to benefit from the percentage designation mechanism, given that the procedure is only open during the month of September and requires the verification of a current situation which may change during registration.

Smear campaigns and media attacks against CSOs, which are led and promoted by political leaders and instigated by politically-affiliated media, is a diminishing phenomenon in the last couple of years. During the 2024 electoral period, CSOs were targeted in a negative context in speeches by some electoral candidates.

Specific recommendations:

- State institutions should ensure equitable access to and distribution of annual subsidies dedicated to persons with disabilities to all organisations whose work is centred on persons with disabilities, and not only to a limited number of them;
- The Government should adjust the legal framework to facilitate social contracting, including costing standards, an accreditation system, a legal mechanism for public procurements, a standard package of model documents and the removal of barriers for CSOs (e.g., bank guarantees); and;
- The Ministry of Finance should replace the procedure for registering CSOs at the ASP to benefit from the percentage designation, through a simple procedure open to all CSOs by simply expressing their intention.

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. CSOs can use different methods to access various sources of funding without barriers and under the same tax conditions, but international donors remain their main source of income. CSOs generally have poor fundraising capacities and other fundraising methods

⁵¹ Art. 65, Draft Law 133/2024 amending the Law on Public Procurement, 131/2015 (in Romanian), <https://www.parlament.md/material-details-md.nspx?param=b1fc57f8-f71c-4403-8e24-820454701019>

such as membership fees, the percentage designation mechanism, support from the state and economic activities, including social entrepreneurship, are used to a lesser extent, while donations, support from business entities, crowd funding, SMS or online donations have serious practical and regulatory limitations. 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.

In 2024, 25 per cent of all non-commercial organisations reported revenues of 391 million EUR, of which 72 per cent were the revenues of public associations, foundations and private institutions. 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 relevant 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 and this can lead to delays in transfers.

The topic of foreign funding of CSOs being used by illiberal politicians to stigmatise CSOs has occurred with less intensity than in previous years.

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.

The recommendations in this area remain the same as in 2023 and aim to increase tax benefits for philanthropic donations (including those made by individuals) and amend the law on crowdfunding services to regulate CSO crowdfunding activities.

Standard I. CSOs are free to seek, receive, and use financial and material resources for the pursuit of their objectives.

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.⁵² A CSO can also finance programmes, within the country and abroad, by providing grants, scholarships, material and financial aid. CSOs can also engage in economic activities, including social entrepreneurship.⁵³

CSOs can use any legal methods and sources of fundraising, such as international donors, traditional donations, SMS or online donations, a percentage designation mechanism, membership fees, support from the state, support from business entities, economic activities and crowdfunding. The Law on Crowdfunding Services,⁵⁴ effective 1 March 2024, developed by the Ministry of Economic Development and Digitalisation (MDED), aims to support start-ups, small and medium-sized enterprises, and local public administrations, but does not apply to crowdfunding carried out by CSOs. The Law regulates access to crowdfunding and its development, types of crowdfunding services, and the competences, instruments and procedures for the supervision of crowdfunding service providers. At the same time, banks ignore the non-profit nature

⁵² Arts 3(3) and 7(1)(d), Law on Non-Commercial Organisations, *op. cit.*

⁵³ *Ibid.*, Art. 6(2).

⁵⁴ Law 181/2023 on Crowdfunding Services, (in Romanian), https://www.legis.md/cautare/getResults?doc_id=138188&lang=ro.

of CSO crowdfunding and treat it similarly to e-commerce, requiring platforms to hold a percentage of collected funds in a security deposit for up to six months.⁵⁵

Access to funding is not subject to Government pre-approval which is in line with international standards. Only state funding is subject to the Framework Regulation regarding the Non-Reimbursable Financing Mechanism for Projects of Non-Commercial Organisations.⁵⁶ Despite the state not subjecting organisations to any pre-approval in practice (besides donor rules), in order to access, receive, use and report funding, CSOs must follow excessive banking regulations which categorise CSOs as high risk for money laundering and terrorism financing.

In 2024, 25 per cent of all non-commercial organisations reported revenues in a total amount of 391 million EUR, of which 283 million EUR (72 per cent) were the revenues of the three main forms of CSOs (public associations, foundations and private institutions). International donors are the main source of income for CSOs (72.7 per cent of funding).⁵⁷ Most CSOs' financial operations are conducted through banking operations, but CSOs face limitations in this respect due to AML/CTF legislation that requires additional documentation for international donor refunds which can delay transfers.

A study by ECNL and ICNL⁵⁸ found that CSOs and other stakeholders have a lack of knowledge of fiscal and financial regulations relating to fundraising and philanthropy, including the opportunities and limitations these regulations provide, and that there is a general absence of fundraising campaigns targeting individual donations. Limitations on fundraising include lack of SMS donation services (due to its unpopularity and availability via only one telecoms operator), a ban on cryptocurrency⁵⁹ ('virtual assets')⁶⁰ transactions, and the high cost and complexity for CSOs to install a donation function on their websites.

The legislation on sponsorship and philanthropy⁶¹ regulates the transparency, recording and manner of use of donations, defines the main terms and provides a revised and extended list of the goals of philanthropic activities. Donors have the right to deduct any donations for philanthropic or sponsorship purposes (but not more than 5 per cent of taxable income), though this is not a strong incentive. The Platform for the

⁵⁵ ECNL, ICNL, 'Assessment of the Legal Framework for Philanthropy in Moldova', September 2024, <https://ecnl.org/sites/default/files/2024-10/Environment%20for%20Philanthropy%20in%20Moldova%20-%20Assessment%20Report%20by%20ECNL%20and%20ICNL.pdf>.

⁵⁶ Government Decision 656/2022 for the approval of the Framework Regulation regarding the non-reimbursable financing mechanism of projects of non-commercial organisations (in Romanian), https://www.legis.md/cautare/getResults?doc_id=133924&lang=ro.

⁵⁷ Central CONTACT, 'Survey: What Moldovans think about CSOs', *op. cit.*

⁵⁸ ECNL, ICNL, 'Assessment of the Legal Framework for Philanthropy in Moldova', *op. cit.*

⁵⁹ Art. 263, Contraventions Code, 218/2008 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=144641&lang=ro#.

⁶⁰ Law on Preventing and Combating Money Laundering and Terrorist Financing, *op. cit.*

⁶¹ Law for the amendment of some legislative acts, 172/2018 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=105528&lang=ro.

Promotion and Development of Philanthropy advocates for legal changes to increase tax benefits for donors that are not yet accepted by the Ministry of Finance. There is, however, philanthropic potential in Moldova with 19.7 per cent of companies willing to contribute money or resources to CSOs and 36.7 per cent of individuals willing to donate money to those in need.⁶²

Standard II. There is no distinction in the treatment of financial and material resources from foreign and international sources compared to domestic ones.

CSOs can receive and use funds from abroad and from within the Republic of Moldova without barriers and under the same tax conditions. Additionally, 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.⁶³ CSOs rely on up to 72.7 per cent of their funding from external donors. While 64.4 per cent of CSOs aim to diversify their funding sources in the next year, only 42.3 per cent of CSOs carried out fundraising activities and 79.1 per cent of CSOs report that they have ‘weak or moderate’ internal fundraising skills.⁶⁴ Over the past few years, local CSOs have been the beneficiaries of consistent budgets offered by the major international donors.

The subject of foreign funding has been used to a lesser extent than in previous reporting periods as a basis to attack CSOs.

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 (e.g., from 5 per cent to 10-20 per cent of taxable income, or a certain percentage (for example 0.4%) of the total sum of income and wages);
- The Ministry of Finance should reintroduce tax benefits for philanthropic donations made by individual taxpayers to CSOs;
- The MDED and the Parliament should amend the Law on Crowdfunding to also regulate the crowdfunding activities of CSOs;

⁶² Centrul CONTACT, ‘Survey: What Moldovans think about CSOs’, *op. cit.*

⁶³ Government Decision 246/2010 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 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=116618&lang=ro.

⁶⁴ Centrul CONTACT, ‘Survey: What Moldovans think about CSOs’, *op. cit.*

- CSOs should increase their capacity to raise funds from all available legal sources, aside from solely 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: **5.5/7**

Practice: **5.0/7**

The right to free assembly is guaranteed by the Constitution and the Law on Assemblies provides the effective framework for organising and conducting assemblies. Every person or group of persons with full legal capacity or any legal person has the freedom to organise public assemblies. 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.

There is a free of charge and quick notification procedure (five days in advance) to hold an assembly that is not mandatory in the case of spontaneous assemblies or assemblies with less than fifty participants. Simultaneous assemblies are allowed. Online assemblies are not regulated, despite a widespread practice of assembling online and online mediation of offline assemblies. Organisers and participants are accountable only for their own actions during an assembly. 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.

LPAs, the police and the carabinieri troops support and protect peaceful assemblies free of charge with legal provisions generally in line with a human rights-based approach, but with weaknesses in practice related to the lack of standard operating procedures and a lack of identification markings on tactical units. Law enforcement was proficient in facilitating the 2024 LGBTQ+ Pride, but occasionally interfered with the anti-government protests. In 2024, police created a dedicated service for unmanned aerial vehicles (UAVs) for monitoring assemblies, regulated by an internal order.

2024 was the first year since the Covid-19 pandemic without any limitations on freedom of assembly. Public assemblies were instrumental for political actors during both the referendum on EU accession and the presidential elections held in 2024. There were no reported cases of anyone being forced to participate in or being prohibited from participating in peaceful assemblies.

The Ministry of Internal Affairs initiated a Draft Law on Public Events to regulate other types of events besides public assemblies, but the draft provisions were superficial and did not respond to objective needs. A more detailed version of the Draft is expected to be submitted for public consultation in due course.

The legislation score in the area of Freedom of Peaceful Assembly increased from 5.4 in 2023 to 5.5 in 2024, due to the end of the state of emergency and the lifting of all legal restrictions previously imposed. At the same time, the practice score decreased from 5.1 in

2023 to 5.0 in 2024, as a result of the repeated and unjustified interventions by law enforcement at peaceful public assemblies organised by opposition political forces.

The main recommendations in this area remain the same as in 2023 and focus on the adoption and implementation by law enforcement and LPAs of non-violent and non-invasive procedures based on respect for human rights and prioritising the use of communication tools. Furthermore, it is recommended that law enforcement agencies develop their capacities to monitor and safeguard digital assemblies.

Standard I. Everyone can freely enjoy the right to freedom of peaceful assembly by organising and participating in assemblies.

The right to free assembly is guaranteed by the Constitution⁶⁵ and the Law on Assemblies provides the effective framework for organising and conducting assemblies.⁶⁶ The Law defines public assemblies as gatherings held in outdoor public spaces, including in the form of spontaneous, simultaneous assemblies or counter manifestations. The Law is not fully aligned with General Comment No. 37 of the UN Human Rights Committee,⁶⁷ therefore it does not regulate assemblies held in private spaces or online, but neither does it prohibit them. Nevertheless, digitally-based assemblies and digitally-mediated assemblies are a common phenomenon, as well as assemblies held in private spaces with public access. In 2023, the Ministry of Internal Affairs concluded that no amendments are needed to align the existing legislation with General Comment No. 37. Spontaneous assemblies are exempt from a notification procedure. In the case of simultaneous assemblies, LPAs summon organisers to agree on how to divide the public space.

Any person, local or foreign, with full exercise capacity, groups of persons, or any legal person, can organise assemblies. Minors over the age of fourteen years old can organise an assembly only if accompanied by a person with full exercise capacity. Anyone can freely and voluntarily participate in or assist at an assembly, as well as record images of it.

On 30 December 2023, the state of emergency ended after almost two years since its implementation by Parliament following Russia's full-scale invasion of Ukraine on 24 February 2022.⁶⁸ The restrictions⁶⁹ on freedom of assembly in place since the Covid-19 pandemic of 2022 were also lifted, thus ending a period of derogation from the usual standards of freedom of assembly.

In June 2024, the Ministry of Internal Affairs initiated a Draft Law on Public Events, aimed at regulating particular aspects of commercial, sport, religious and artistic

⁶⁵ Art. 40 (Freedom of Assembly), Constitution of the Republic of Moldova, *op. cit.*

⁶⁶ Law on Assemblies, 26/2008 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=110166&lang=ro.

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

⁶⁸ Parliament Decision 41/2022 regarding the declaration of the state of emergency (in Romanian), https://www.legis.md/cautare/getResults?doc_id=130079&lang=ro.

⁶⁹ Commission for Exceptional Situations of the Republic of Moldova, Disposition 42/13.10.2022 (in Romanian), https://gov.md/sites/default/files/document/attachments/dispozitia_cse_rm_nr.42_din_13.10.2022.pdf.

events. Certain events of this type are improperly regulated by the Law on Assemblies, as their specific characteristics fall outside the scope of the right to freedom of assembly. The Law on Assemblies contains 16-year-old provisions that recommend adopting new normative acts to regulate these issues. CSOs that were invited to a closed consultation on the Draft Law assessed it as requiring additional analysis for lack of a clearly defined objective, the scope for misinterpretation and abuse, its duplication of the provisions of the Law on Assemblies, and its lack of vision regarding the regulation of online events.

The above developments followed the General Police Inspectorate of the Ministry of Internal Affairs' intention in 2023 to amend (for unknown reasons) the Law on Assemblies and its September 2023 request to the OSCE Office for Democratic Institutions and Human Rights (ODIHR) for an urgent opinion on the Law on Assemblies.⁷⁰ The resulting opinion of the ODIHR stated that the Law could benefit from additional protections for rights and freedoms and additional guarantees against abuses by public institutions.⁷¹

In context of the constitutional referendum and the presidential election in October 2024, freedom of peaceful assembly legislation was also targeted. In July 2024, the Parliament passed a draft amendment to the Contraventions Code on its first reading.⁷² The amendment targeted passive electoral corruption and anticipated that participants in assemblies would be fined (from 860 to 1,970 EUR) for receiving money or goods in exchange for attending assemblies during an electoral period. However, on the draft's second reading,⁷³ this provision was reformulated following criticism arguing that it violated the Law on Assemblies and that organisers and participants have the same rights and obligations whether or not an assembly is related to an election. The subject was brought back into focus when the Prosecutor General defined paid participation in rallies, flash mobs and protest actions as a punishable act, despite the relevant legislation not defining such acts as illegal.⁷⁴

⁷⁰ OSCE Office for Democratic Institutions and Human Rights, Urgent Opinion on the Law on Assemblies of the Republic of Moldova, Opinion-Nr.: FOPA-MDA/486/2023, 7 November 2023, <https://www.osce.org/files/f/documents/7/1/557856.pdf>.

⁷¹ The specific recommendations of the ODIHR's opinion included: to explicitly exempt spontaneous assemblies from prior notification requirements; to set out the strict circumstances in which an LPA, as a measure of last resort, may request to cease or to disperse an assembly; to supplement express provisions regarding data collection and processing and limitations on data storage and retention; and to strictly conform the Law to applicable international privacy and personal data protection standards.

⁷² Draft Law 235/2024 on the amendment of the Contraventions Code of the Republic of Moldova 218/2008 (Art. 471, 401), (in Romanian), <https://www.parlament.md/material-details-md.nspx?param=edf19dbc-af5a-4d3b-82fd-0780b1955cf4>

⁷³ Law 230/2024 for amending normative acts, (in Romanian), https://www.legis.md/cautare/getResults?doc_id=144559&lang=ro.

⁷⁴ Prosecutor General's Office of the Republic of Moldova, 'Current context of the electoral corruption phenomenon' (in Romanian), <https://www.procuratura.md/stiri-si-mass-media/discursuri-si-declaratii/procuratura-general-a-organizat-o-conferinta-de-presa> Ziarul de Garda, 'Over 800 searches, 28 people detained and about 50

Standard II. The state facilitates and protects peaceful assemblies.

Organisers of public assemblies are required to submit a notification to the relevant LPA at least five days in advance, which is free of charge and processed relatively quickly. Spontaneous assemblies and assemblies with less than fifty participants, as well as online assemblies, do not require notification.

Everyone has the right to disseminate information about the holding of an assembly and to encourage the public to attend the assembly by any legal offline or online methods, even prior to the submission of the notification to the authorities.⁷⁵ Almost every offline assembly uses online methods for organisation and dissemination purposes and there have been no reported barriers regarding the use of the internet, virtual tools or other electronic means to organise and disseminate information about assemblies. There are no reported cases of limitations on internet access being used as a means to restrict peaceful assemblies either online or offline.

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 legal deadline for court review of notifications of assemblies does not impede the conduct of assemblies.

In September 2024, seven defendants accused of planning mass disturbances were sentenced to prison terms ranging from three years to three years and five months in a semi-closed penitentiary.⁷⁶ The seven had been detained in 2023⁷⁷ on allegations of recruiting, paying, and training others on how to commit violent actions during public assemblies.

In October 2024, the Security and Intelligence Service (SIS) and the police announced that a further 100+ persons from Moldova had been trained in Russia that year on how to commit violent actions during assemblies, under the pretext of participation in a cultural and tourist programme organised by the NPO 'Eurasia'. The trainings covered topics such as confronting law enforcement, using weapons for non-lethal harm, mass psychology, physical clashes during protests, producing and using incendiary and explosive devices, and handling drones equipped for explosive or incendiary purposes.

million lei in electoral process corruption cases. Attorney General: "We have time, resources, power and patience. We will respect all procedural rights", 28 October 2024 (in Romanian), <https://www.zdg.md/stiri/video-pestre-800-de-perchezitii-28-de-persoane-retinute-si-circa-50-de-milioane-de-lei-in-dosarele-de-viciere-a-proceselor-electorale-procurorul-general-avem-timp-resurse-putere-si-rabdare-vom-respecta/>.

⁷⁵ Art. 13 (Notifying the Public), Law on Assemblies, *op. cit.*

⁷⁶ General Prosecutor's Office of the Republic of Moldova, 'The seven men, detained in March 2023 for preparing mass riots, learned their sentence', 30 September 2024 (in Romanian), <https://www.procuratura.md/stiri-si-mass-media/comunicate-de-presa/cei-sapte-barbati-retinuti-martie-2023-pentru-pregatirea>.

⁷⁷ Prosecutor's Office for Combating Organised Crime and Special Cases, *Facebook* page, 'Prosecution completed regarding the 7 men detained on 11 March, 2023 in the case of mass disturbances', 20 April 2023 (in Romanian), <https://www.facebook.com/PCCOCS/videos/885351169198823/>.

Another group of persons were trained in guerrilla camps in Serbia and in Bosnia-Herzegovina.⁷⁸

Standard III. The state does not impose unnecessary burdens on organisers or participants in peaceful assemblies.

LPAs and law enforcement are responsible for maintaining and restoring public order during assemblies, which they do so free of charge. The procedure for intervention by public authorities in assemblies is provided for in law only for the purposes of eliminating violence. Organisers and participants are accountable only for their own actions during the assembly, and generally not for those of others. Organisers could be found accountable for the actions of participants only if a court of law finds that the participants acted upon the organiser's instigation.

LPAs are also obliged to provide services requested by the assembly organiser free of charge, which usually include public lighting, cleaning, and access to a power source. The power itself is, however, provided for a cost.

Assemblies are allowed to use any graphical or acoustic means to express ideas and attitudes, sound amplification equipment (between the hours of 7.00 a.m. and 11.00 p.m.), as well as to erect temporary constructions and other objects specific to the assembly itself.

Standard IV. Law enforcement supports peaceful assemblies and is accountable for the actions of its representatives.

LPAs, the police and the carabineer troops are the public institutions legally empowered to support peaceful assemblies. Their duties, obligations and procedures for intervention are clearly described by law⁷⁹ and their gradual involvement is provided for if an assembly should turn violent. Although the legal provisions are in line with a human rights-based approach, such interventions are, in practice, sometimes at odds with the law, revealing weaknesses in the standard operating procedures of law enforcement. The excessive use of force by law enforcement, or a failure to protect participants in peaceful assemblies can lead to disciplinary⁸⁰ and penal sanctions.⁸¹ However, individual identification is almost impossible in the case of tactically-equipped police and carabineers, who do not wear individual identification markers.

⁷⁸ Police of the Republic of Moldova, 'The more than 100 young people trained in Russia for mass disorder in Moldova will not be able to implement their plan: 88 searches in the country and a seizure of 1,600,000 lei', 17 October 2024 (in Romanian), <https://politia.md/ro/content/cei-pestre-100-de-tineri-instruiti-rusia-pentru-dezordini-masa-moldova-nu-si-vor-putea>.

⁷⁹ Arts 21 and 22, Law on Assemblies, *op. cit.*; Law 218/2012 on the Use of Physical Force, Special Means and Firearms, (in Romanian), https://www.legis.md/cautare/getResults?doc_id=106326&lang=ro.

⁸⁰ Art. 67 (Violation of the Law on Assemblies), Contraventions Code, *op. cit.*

⁸¹ Art. 184 (Violation of the Right to Peaceful Assemblies), Criminal Code of the Republic of Moldova, 985/2002 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=109495&lang=ro.

In 2024, the largest LGBTQ+ Pride in the history of Moldova was held⁸² according to the conditions requested by the organisers for the third year in a row. Law enforcement protected the march against counter demonstrators and facilitated the conditions requested by the organiser. Counter demonstrators, in turn, were able to hold their protest with law enforcement ensuring no interference between the two sides, including in close proximity. Another LGBTQ+ assembly did not benefit of the law enforcement facilitation and protection. Following a bomb alert at the *Coming Out Days Fest* event on 10 October 2024,⁸³ the police closed access to the meeting spaces for 24 and 72 hours respectively, significantly exceeding the time required for similar alerts.⁸⁴

In 2024, police started to use drones to monitor public assemblies. The use of such UAVs is operated by a dedicated service created in 2024 (the Unmanned Aircraft Service) under an internal regulation which has not been published. There is no reported use of complementary technologies for UAVs during assemblies, however. Traditionally, law enforcement uses conventional video monitoring during assemblies, but the regime for the use and preservation of the resulting footage is not public, unlike the portable 'body camera' system which is regulated.⁸⁵

In the second half of 2024, the majority of assemblies that took place were those either in favour of or against the agenda of the constitutional referendum and related to the presidential election. There were isolated cases of law enforcement interfering with freedom of assembly during these events (all targeting supporters of the political bloc 'Victorie'), such as force being applied to prevent a banner from being displayed at an anti-presidential protest on Independence Day,⁸⁶ unnecessary control of visual elements used at an assembly,⁸⁷ the breaking up of a peaceful rally against President Maia Sandu,⁸⁸ and the intimidation of a solitary protester at the Parliament.⁸⁹

⁸² AO Centrul de Informatii GENDERDOC-M, 'The biggest Pride March in the history of the Republic of Moldova took place. More than 800 people participated', 16 June 2024 (in Romanian), https://gdm.md/ro/2024/06/16/cel-mai-mare-mars-pride-din-istoria-r-moldova-a-avut-loc-au-participat-pest-800-de-persoane/#pll_switcher.

⁸³ Ibid., 'Statement of the GENDERDOC-M Information Centre regarding the bomb alert from the National History Museum of Moldova', 11 October 2024 (in Romanian), <https://gdm.md/ro/2024/10/11/declaratia-centrului-de-informatii-genderdoc-m-cu-privire-la-alerta-cu-bomba-de-la-muzeul-national-de-istorie-a-moldovei/>.

⁸⁴ NewsMaker, 'Bomb alert at Chisinau International Airport. Airport staff and passengers were evacuated', 27 July 2024 (in Romanian), <https://newsmaker.md/ro/alerta-cu-bomba-la-aeroportul-chisinau-personalul-aeroportuar-si-pasagerii-au-fost-evacuati/>.

⁸⁵ Government Decision 441/2022 regarding the approval of the 'Body Camera' Portable Video Surveillance Information System Concept and the Regulation regarding its organisation and operation (in Romanian), https://www.legis.md/cautare/getResults?doc_id=132264&lang=ro.

⁸⁶ Moldavskiy Kalendar, Facebook page, Protest on 27 August 2024 (in Russian), <https://www.facebook.com/share/r/BzuRNfW8PwhGjRj/?mibextid=qj2Omg>.

⁸⁷ Telegram posts by @rusputnikmd on protest of 20 September 2024, <https://t.me/rusputnikmd/87150>; <https://t.me/rusputnikmd/87153>.

⁸⁸ Telegram post by 'Iurii VITNEANSKI 3.0' on protest of 30 October 2024, <https://t.me/vitneanski1/86?single>.

⁸⁹ Telegram post by 'Гений Карпат' on the solitary protester at the Parliament, 30 October 2024 (in Russian), https://t.me/romania_ru/46848.

Specific recommendations:

- LPAs and law enforcement should adopt non-violent and non-intrusive methods and use standard operating procedures when policing peaceful assemblies that are 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;
- Police and carabinieri should train staff in order that they know how to apply the provisions of international standards in the field of online assemblies; and
- The Ministry of Internal Affairs should finalise the Draft Law on Public Events based on the recommendations provided by specialised CSOs, in order to regulate public events that are not a form of manifestation of freedom of assembly in a manner based on human rights.

3.5 Right to Participation in Decision-Making

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

Legislation: **5.4/7**

Practice: **4.5/7**

The legal mechanism for public consultation in the decision-making process provides clear stages, deadlines, conditions and methods of consultation, compulsory for public authorities and legal persons that manage and use public financial resources. Matters of emergency and documents adopted by the Central Electoral Commission during an election period are exempted from this procedure, but the reasons for the urgency and lack of public consultation must be publicly disclosed. 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. However, 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. In 2024, the State Chancellery conducted an evaluation of the platform with the aim of improving it with modules from the internal Government system *e-Legiferare*. 11 of the 14 Government ministries have established participation platforms with CSOs, but there are issues with CSO representation and functionality in these platforms.

The decision-making process in Parliament (which is subject to the Parliament Regulation) is highly deficient. More than 80 per cent of parliamentary initiatives are not consulted on and the website is outdated, with limited options for tractability of legal initiatives and a lack of information of public interest. 10 out of 11 parliamentary committees have established expert councils including CSOs, but these are not yet functional. The new draft Parliament Code has been pending for two years. The Parliament Code could establish clearer rules in line with transparency legislation and help enhance CSO participation in parliamentary decision-making.

At the local level, only a few local authorities observe legal obligations, publish agendas and drafts and carry out public consultations. Only one third of local administrations have a website that is regularly updated. Most local councils lack transparent decision-making processes and only publish decisions that have already been adopted on the platform actlocalegov.md, often with relevant information excessively hidden. There is, however, a growing practice of local formats of participation for CSOs.

The new Law on Access to Information of Public Interest entered into force in 2024, but there is little evidence that access to information has improved in practice, or that the excessive protection of personal data, secrecy and denial of access to information has been overcome. Most of the practical tools to access information have remained the same.

The overall score in this area increased from 4.9 in 2023 to 5.0 in 2024, due to score improvements in both legislation and practice. The legislation score increased from 5.3 in 2023 to 5.4 in 2024, driven by the amendments to transparency legislation, enforcement of the Law on Access to Information of Public Interest, and the introduction of the new participation formats mentioned above (the last two addressed by the CSO Meter recommendations from 2023). The practice score increased from 4.4 in 2023 to 4.5 in 2024, reflecting slight improvements in transparency and participation at the local level over recent years.

The main recommendations in this area focus on revising public participation and transparency legislation to eliminate ambiguities, developing a unified online platform to enhance transparency and participation at all stages of the decision-making processes, ensuring the representativeness and functionality of the recently-created consultative platforms, and scaling-up positive models of participation and transparency at the LPA level. One of the recommendations from the 2023 CSO Meter regarding the development of practical mechanisms to prevent and sanction hate speech was implemented by the police through the adoption of a related protocol.

Standard I. Everyone has the right to participation in decision-making.

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.⁹⁰ The mechanism for public consultation in the decision-making process⁹¹ provides clear steps and tools to engage citizens, CSOs and other interested parties. The transparency of this process is based on the principles of information sharing and ensuring equal participation opportunities for all stakeholders.

Decisions may be submitted for elaboration and adoption without observing the stages provided for by law, but only as a matter of emergency, in the case of exceptional

⁹⁰ Art. 3, Law 239/2008 on Transparency in Decision-Making, (in Romanian), https://www.legis.md/cautare/getResults?doc_id=106638&lang=ro.

⁹¹ Government Decision 967/2016 on the mechanism for public consultations with civil society in the decision-making process (in Romanian), https://www.legis.md/cautare/getResults?doc_id=119856&lang=ro.

situations and in cases where documents are adopted by the Central Electoral Commission during an election period.⁹² In such cases, the reasons for the urgency and lack of public consultation should be brought to the public's notice within a maximum of ten working days from the adoption of the decision.

Public authorities are obliged to take all necessary measures to ensure the participation of all stakeholders in decision-making.⁹³ Violators of transparency provisions⁹⁴ can be subject to disciplinary and contravention sanctions.⁹⁵ There are no legal remedies in cases of non-compliance with the rules of participation and transparency.

The transparency of the decision-making process in the Parliament is not subject to the Law on Transparency in Decision-Making and is conducted in accordance with the Parliament Regulation, which does not set out clear rules for public consultations.⁹⁶ The draft Parliament Code⁹⁷ initiated in 2023, that should replace the existing regulation and is expected to resolve the legal deficiencies, was still pending in 2024.

The structure of the Parliament's website remains complex, outdated and fails to provide quick and logical access to updated information on legislative activities. The website does not sufficiently reflect public interest information: only six out of 13 categories of public information are fully published, six are partially published, and one category is missing. The data format does not allow for automated processing, systematisation, or redistribution.⁹⁸

The Government, with its subordinated institutions, is more transparent than other authorities, including due to its online platform *particip.gov.md*.

In 2024, 11 out of the 14 Government ministries have established new consultative platforms or redefined already existing groups⁹⁹ based on the Regulation of the Permanent Consultative Platform adopted in 2023.¹⁰⁰ There are issues with the composition of these platforms, particularly the lack of substantial CSO representation.

⁹² Art. 14, Law on Transparency in Decision-Making, *op. cit.*

⁹³ *Ibid.*, Art. 7(1).

⁹⁴ *Ibid.*, Art. 16(1).

⁹⁵ Art. 326(1) (Violation of the Law on Local Public Administration), Contraventions Code, *op. cit.*

⁹⁶ Law 797/1996 for the Adoption of the Parliament Regulation, (in Romanian),

https://www.legis.md/cautare/getResults?doc_id=111777&lang=ro.

⁹⁷ Parliament of the Republic of Moldova, Public Consultation on the draft Code of the Parliament 221/2024 (in Romanian), <https://www.parlament.md/material-details-md.nspx?param=73466ef3-3d82-4f44-8fe4-aca677ab9076>.

⁹⁸ Promo-LEX Association, 'Annual Report: Monitoring the activity of the Parliament for the 11th legislature', August 2023–July 2024, <https://promolex.md/raport-monitorizarea-activitatii-parlamentului-de-legislatura-a-xi-a-august-2023-iulie-2024/>.

⁹⁹ State Chancellery of the Republic of Moldova, 'Report on Ensuring Transparency in the Decision Process by the Administrative Authorities Central Public 2023', 2024 (in Romanian),

https://cancelaria.gov.md/sites/default/files/document/attachments/raport_transparenta_decizionala_anul_2023.pdf.

¹⁰⁰ Government Decision 435/2023 for the amendment of Government Decision 967/2016 regarding the mechanism of public consultation with civil society in the decision-making process (in Romanian),

https://www.legis.md/cautare/getResults?doc_id=137916&lang=ro.

Some of these consist mainly of civil servants and only a few CSOs representatives.¹⁰¹ The State Chancellery has created a network of civil servants (*TeConsult*)¹⁰² specialised in public consultation procedures, plans to develop a platform operation guide and offers training sessions for these civil servants.

In 2024, 10 out of 11 parliamentary committees adopted regulations (based on the Framework Regulation adopted in December 2023)¹⁰³ and nominal membership lists of expert councils as part of a permanent consultative platform with CSOs for dialogue and transparency in the decision-making process. To date, with the exception of few meetings, the expert councils have not been involved in consulting activities by the parliamentary committees. There is also a lack of substantial representation in the case of some expert councils which count only 4¹⁰⁴ or 6¹⁰⁵ members.

Standard II. There is regular, open and effective participation of CSOs in developing, implementing and monitoring public policies.

The legal framework sets out the mechanism¹⁰⁶ for public consultation with civil society and includes stages, deadlines and conditions for conducting public consultations in the decision-making process. The mechanism includes methods of consultation such as requesting the opinions of CSOs, permanent or temporary working groups, public debates, public hearings, surveys and other methods that can either be used separately or in combination with each other. Consultation methods have been criticised as not being clearly described and differentiated, and for generating confusion regarding the forms and modalities of public participation.¹⁰⁷ Any CSO is free to express its opinion and participate in the decision-making process on its own without being forced to

¹⁰¹ CNAS, 'List of members of the permanent consultative platform within the National Social Insurance House' (2 CSO representatives out of 10 members) (in Romanian),

<https://cnas.gov.md/pageview.php?l=ro&idc=734&t=/Transparenta-decisionala/Platforma-consultativa-permanenta>; ANSA, 'List of members of the permanent advisory platform within the National Agency for Food Safety (ANSA advisory platform)' (4 CSO representatives out of 23 members) (in Romanian),

[https://ansa.gov.md/sites/default/files/documents/Rapoarte/Lista%20membrilor%20Platformei%20consultative%20Operante%20C3%AE%20cadru%20Agen%C8%9Biei%20Na%C8%9Bionale%20pentru%20Siguran%C8%9Ba%20Alimentelor%20\(Platforma%20consultativ%C4%83%20ANSA\).docx](https://ansa.gov.md/sites/default/files/documents/Rapoarte/Lista%20membrilor%20Platformei%20consultative%20Operante%20C3%AE%20cadru%20Agen%C8%9Biei%20Na%C8%9Bionale%20pentru%20Siguran%C8%9Ba%20Alimentelor%20(Platforma%20consultativ%C4%83%20ANSA).docx); Consultative platform for the Ministry of Education and Research (5 CSO representatives out of 18 members) (in Romanian),

<https://mec.gov.md/sites/default/files/20240112-054.pdf>.

¹⁰² State Chancellery, 'Test Platform for the involvement of civil society in the decision-making process' (in Romanian), <https://cancelaria.gov.md/ro/node/10317>.

¹⁰³ Decision 35/20.12.2023 of the Permanent Bureau of the Parliament for the approval of the Framework Regulation on the organisation and operation of expert councils in addition to the permanent committees of the Parliament of the Republic of Moldova (in Romanian), <https://parlament.md/ns-newsarticle-ANUN%C8%9A-privind-crearea-consiliului-de-exper%C8%9Bi-pe-l%C3%A2ng%C4%83-Comisia-juridic%C4%83,-numiri-%C8%99i-imunit%C4%83%C8%9Bi.nspix>.

¹⁰⁴ Decision 126/24.04.2024 of the Committee for Foreign Policy and European Integration (in Romanian), https://www.parlament.md/content/content/Decizii_CPEIE_consiliu%20exper%C8%9Bi.pdf.

¹⁰⁵ Decision 233/29.05.2024 of the Committee for Public Administration and Regional Development (in Romanian), https://www.parlament.md/content/content/Decizii_CAPDR_consiliu%20exper%C8%9Bi.pdf.

¹⁰⁶ Government Decision 967/2016 on the mechanism for public consultations with civil society in the decision-making process (in Romanian), https://www.legis.md/cautare/getResults?doc_id=119856&lang=ro.

¹⁰⁷ CPR Moldova, 'Seven measures for effective public participation', 16 August 2024 (in Romanian), <https://cpr.md/2024/08/16/sapte-masuri-pentru-o-participare-publica-eficienta/>.

become part of a consultative body. In 2024, public consultation, approval, compatibility review of the draft normative act with EU legislation, and the summary of objections, proposals, and recommendations from the approval and public consultation process became¹⁰⁸ mandatory stages in the drafting of normative acts.¹⁰⁹

A public opinion survey as part of a study supported by Council of Europe on the population's perception of transparency in decision-making revealed that the majority of respondents view the process as minimally transparent and feel only slightly involved. Transparency in decision-making is rated as 'very high' or 'fairly high' by 20 per cent (CPA level), 26 per cent (LPA local level), and 16 per cent (LPA district level) of surveyed citizens. 'Very frequent' or 'frequent' involvement in decision-making is reported by 12 per cent (CPA level), 18 per cent (LPA local level), and 13 per cent (LPA district level) of surveyed citizens.¹¹⁰

The study's recommendations focus on unifying legal provisions on transparency, clarifying the steps, methods, and tools for ensuring transparency, establishing mechanisms for reporting and publishing data, improving the *particip.gov.md* platform to reflect the entire decision-making process, and enhancing communication and accessibility of decisions.

In 2024, Parliament's activities were guided by the Legislative Programme for 2024 – the first document of its kind in recent years, which provides predictability regarding legislative activity.¹¹¹

At the local level, the situation is more complicated, with most local councils and municipalities not having transparent decision-making processes and communication tools in practice, other than direct in-person interactions. Despite the lack of mechanisms proposed by LPAs, at the initiative of CSOs and with the support of international partners there is, however, an increasing positive experience of local participation formats. These include six active District Participation Councils (CRPs) (Cahul, Căușeni, Cimișlia, Florești, Soroca and Ștefan Vodă) comprised of CSO representatives run with the support of the East Europe Foundation and three Local Transparency Councils (CLTs) in three municipalities (Bălți, Cahul and Strașeni) with the support of GIZ. The Councils comprise a network of Local Councils of Youth (marginally participating in decision-making processes at local and regional level),¹¹²

¹⁰⁸ Law 49/2024 for amending some normative acts (process of elaboration and promotion of normative drafts), (in Romanian), https://www.legis.md/cautare/getResults?doc_id=142636&lang=ro.

¹⁰⁹ Law 100/2017 on normative acts, (in Romanian), https://www.legis.md/cautare/getResults?doc_id=142658&lang=ro.

¹¹⁰ Council of Europe, The Congress, 'Draft Study on the practical aspects of ensuring transparency in the decision-making processes of central and local public authorities', 2024.

¹¹¹ Parliament Decision 454/2023 regarding the Legislative Programme of the Parliament for 2024 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=141350&lang=ro.

¹¹² National Network of Local Youth Councils from Moldova (in Romanian), <https://tineret.gov.md/reteaua-nationala-a-consiliilor-locale-ale-tinerilor-din-moldova/>.

initiative groups of seniors (the elderly),¹¹³ Local Participatory Budgeting Coalitions, and short-term groups of local participation and strategic planning. The experience of CLTs and CRPs shows that participation at the local level increases when such formal structures are created, even if CSOs are generally not so active in them. Findings from focus groups show that, at the rural level, there is greater openness from LPAs, but less CSOs and implicitly less expertise and activism in these CSOs.¹¹⁴

The law does not regulate the involvement of CSOs in the implementation, monitoring and evaluation of public policies. Nevertheless, in practice, an important segment of CSOs has always been actively involved in these stages.

Standard III. CSOs have access to information necessary for their effective participation.

The right to access to information is provided for by the Constitution.¹¹⁵ In 2024, a new Law on Access to Information of Public Interest entered into force,¹¹⁶ which largely meets international standards.¹¹⁷ The new Law provides that public authorities have an obligation of proactive publication and the obligation to respond to requests for 'official information' within a maximum of ten calendar days.¹¹⁸ Signature of submitted requests is not mandatory. The Law provides a sanctioning mechanism 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 Contraventions Code provides sanctions for violating the legislation on access to information¹¹⁹ and for refusal to receive, register, or examine an electronic request for access to information.¹²⁰ Public authorities are entitled to charge a fee¹²¹ for the provision of information, but the costs must not exceed the amounts incurred for copying, translating or sending the information. In these cases, the fee is typically invoiced in advance at a fixed rate of 5 eurocents per additional page of information provided by law. However, some issuing authorities set their own fees, which can be as high as 70 eurocents per value provided.

¹¹³ CASMED Association, 'Senior empowerment' (in Romanian), <https://casmед.md/abilitarea-seniorilor/>.

¹¹⁴ Focus Group on participation in decision-making, access to information and cooperation with public authorities, 12 September 2024.

¹¹⁵ Art. 34 (Right to information), Constitution of the Republic of Moldova, *op. cit.*

¹¹⁶ Law 148/2023 on Access to Information of Public Interest, (in Romanian), https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro.

¹¹⁷ Council of Europe, Baseline Evaluation Report, Implementation of the Council of Europe Convention on Access to Official Documents (CETS No. 205 - Tromsø Convention), <https://rm.coe.int/baseline-evaluation-report-moldova/1680b0f65c>.

¹¹⁸ Art. 19(1), Law on Access to Information of Public Interest, *op. cit.*

¹¹⁹ Contraventions Code, Art. 71 (Violation of the legislation on access to information and on petitioning), *op. cit.*; Law 148/2023 on Access to Information of Public Interest, Article 28: (Acts constituting violations of the legislation on access to public interest information, subject to monetary sanctions), *op. cit.*

¹²⁰ *Ibid.*, Art. 313⁷ (Excess of power in the case of documents in electronic format), *op. cit.*

¹²¹ Art. 22, Law on Access to Information of Public Interest, *op. cit.*

To date, there is little conclusive evidence regarding how the Law has been implemented in its first year. Progress has, however, been made in the following areas: the practical guide to the Law; the model of the register of requests for communication of information; the database of providers of public interest information (around 1,400 public authorities); the model of the register of requests for communication of information; the manual of law enforcement; the training of officials of the PCA and the LPA development of the standard model of the official webpages of the PCA, with the support of the ad-hoc working group created under the Open Government Coordination Committee, regarding the implementation of the Law, which also brings together representatives of civil society.¹²²

Based on the latest available information, in 2023, Moldova's Access to Information Index score increased by 12 points from 47/100 (in 2022)¹²³ to 59/100.¹²⁴ The progress was due to the legislative improvements (36/40 in 2023 compared to 22/40 in 2022) as a result of the approval of the new Law. There are, however, indications that previous problems persist, including a lack of proactive transparency and access to information upon request. The opinion poll on the population's perception of transparency in the decision-making process shows that the percentage of respondents who feel either 'very informed' or 'fairly informed' about the decisions taken by public authorities was 27 per cent (regarding the CPA), 28 per cent (regarding the LPA (local level)) and 15 per cent (regarding the LPA (district level)). Additionally, the percentage of respondents who felt 'little informed' or 'not at all informed' was 69 per cent (regarding the CPA), 69 per cent (regarding the LPA (local level)) and 79 per cent (regarding the LPA (district level)).¹²⁵

Prior to the entry into force of the new Law, CSOs and media often complained that access to public information has been deficient, hindering effective participation in decision-making processes and investigative journalism. Problems included overly-formal, incomplete, delayed or evasive responses, requests managed as petitions and subject to a longer timeline and under different regulations, and excessive fees.

The participation legislation clearly stipulates timelines for each step of the decision-making process, including publication of the announcement, publication of the draft

¹²² CPR Moldova, 'Access to information in the Republic of Moldova: Civil society recommendations for the implementation of Law No. 148 of 9.06.2023 on Access to Information of Public Interest (in Romanian), <https://cpr.md/wp-content/uploads/2024/09/Recomand%C4%83ri-implementare-Legea-148.pdf>.

¹²³ Freedom House Moldova, 'Index of Access to Information: measuring the transparency of public institutions in the Republic of Moldova 2022 (in Romanian), https://freedomhouse.org/sites/default/files/2022-11/fh-Moldova_Access-to-Info-Report-2022_Rom-v2.pdf.

¹²⁴ Ibid., 2023 (in Romanian), https://freedomhouse.org/sites/default/files/2023-12/fh-Moldova_Access-to-Info-Report-12-2023_Eng.pdf.

¹²⁵ Council of Europe, The Congress, 'Draft Study on the practical aspects of ensuring transparency in the decision-making processes of central and local public authorities', *op. cit.*

decision, consultation with stakeholders, and receipt and examination of recommendations.

Central public authorities regularly publish announcements, drafts decisions and calls for consultation on the participation platform *particip.gov.md* which is free to access.¹²⁶ In the first ten months of 2024, the Government published over 1,900 items on the platform concerning legal and normative initiatives, a greater number than in 2023 (over 1,500) and 2022 (1,363 items). However, announcements on the platform are not always accompanied by explanatory information, comprehensive explanations of the need to adopt the decision or details of changes made in the proposed drafts (such as the synthesis of proposals which include suggestions provided by CSOs, or public feedback on those suggestions). Shortcomings also include rigid and stereotyped language and confusing titles that are not very suggestive of the content of the projects. The platform lacks updates on amendments, does not clarify the stage of the draft, and requires additional monitoring of Government and Parliament webpages, complicating trackability due to the absence of integrated systems.

An analysis made by the State Chancellery in 2024 found that the platform fulfils its intended purpose for most users, but that there is still room for improvement (27 per cent of users consider the information unclear, irrelevant or poorly organised). Recommendations for improvements include better organisation of content, increased accessibility, a notification and feedback system for civil society, expansion of analytical data, interconnection with other systems (such as *legis.md*), and a calendar of public consultations.¹²⁷ The State Chancellery also analysed the option of an upgrade to *particip.gov.md* with public modules extracted from *e-Legiferare*, a system for internal Government decision-making flow (planned to be operational from 2025) and from *e-Parlament*, a system for internal parliamentary decision-making flow. The State Chancellery and a working group created under the Open Government Partnership (OGP) framework supported the development of a template for webpages of public institutions that meets proactive information requirements, drafted by the Information Technology and Cyber Security Service (STISC), which will be implemented across all CPA institutions.¹²⁸

The monitoring conducted by the State Chancellery of CPA and LPA websites revealed that the mandatory information required to ensure proactive transparency is available on 81 per cent of CPA websites and 55 per cent of district council websites.¹²⁹ In terms of

¹²⁶ Public Consultation Platform (in Romanian), <http://www.particip.gov.md>.

¹²⁷ State Chancellery, Mariana Rostas, GFA-Group GmbH, Analytic Report (*particip.gov.md*), 2024.

¹²⁸ State Chancellery, 'Self-Assessment Report on the Implementation of the Action Plan for Open Government 2023–2025', 2024
https://cancelaria.gov.md/sites/default/files/raport_intermediar_de_autoevaluare_a_implementarii_pagd_2023-2025.pdf

¹²⁹ State Chancellery, 'Report on the degree of compliance with legal provisions of official websites of public authorities', 2024 (in Romanian).

accessing information at the local level, research shows that LPAs do not have the resources to develop and maintain webpages. In 2024, out of 933 LPAs, 39 per cent of these had webpages, 31 per cent of which were updated within the preceding year.

LPAs publish local decisions on the platform *actelocale.gov.md*.¹³⁰ More than 216,000 local decisions were published on this platform in the first ten months of 2024, a number comparable to in 2023 (252,033 decisions) and 2022 (236,127 decisions). However, there is an increased phenomenon of excessive anonymisation of published documents, late publication or non-publication.

In August 2024, the Government adopted the concept of the platform for supporting participatory democracy (*e-Democrație*),¹³¹ a solution to increase transparency, responsibility and participation. The concept provides for three modules: (i) collective and individual petitions and requests for access to information; (ii) evaluation of public services; and (iii) online surveys.

In the parliamentary session that ended in July 2024, the Parliament held public consultations for only 16 per cent of adopted draft laws, a percentage similar to the previous session (16.8 per cent). During the same period, the rate of response to access-to-information requests decreased to 59 per cent compared to 87 per cent in the previous period, despite the number of requests being halved.¹³²

Standard IV. Participation in decision-making is distinct from political activities and lobbying.

CSOs cannot materially support, nor can they provide free services to political parties or socio-political organisations, with the exception of CSOs founded by political parties which can provide capacity-building services free of charge. CSOs are allowed to provide paid services to electoral candidates during an election campaign.

Lobbying activities are not legally regulated. Participation in the design, monitoring, or implementation of public policies is not prohibited by law and CSOs have no obligation to register or comply with other rules in order to engage in lobbying and advocacy.

¹³⁰ Government Decision 672/2017 for the approval of regulations regarding the State Register of Local Acts (in Romanian), https://www.legis.md/cautare/getResults?doc_id=128145&lang=ro.

¹³¹ Government Decision 564/2024 to approve the concept of the platform for supporting participatory democracy (*e-Democrație*) (in Romanian), https://www.legis.md/cautare/getResults?doc_id=144700&lang=ro.

¹³² Promo-LEX Association, 'Annual Report: Monitoring the activity of the Parliament for the 11th legislature, August 2023–July 2024', *op. cit.*

Specific recommendations:

- The Government should ensure the implementation of the Law on Access to Information of Public Interest and the secondary legal framework and should train 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;
- The Parliament and the Government should ensure the functionality of the consultative platforms created, under clear conditions of representativeness, transparency, and relevance;
- The Parliament should adopt the new Code with guarantees of application of transparency and participation principles;
- The 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);
- 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 CRPs based on existing functional models;
- The Government should review the legislation on public participation/decision-making transparency, including for the establishment of effective mechanisms to ensure implementation and harmonisation to create a coherent and seamless consultation process; and
- The State Chancellery should review the instruction and mechanisms to prevent excessive anonymisation of information of public interest.

3.6 Freedom of Expression

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

Legislation: **5.4/7**

Practice: **4.6/7**

Any person has the right to freedom of expression, including the freedom to seek, receive and communicate facts and ideas, offline and online. 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 information disseminated by the media are prohibited. The confidentiality of journalists' sources of information is protected. Moldova ranks in thirty-first place (in the

‘satisfactory’ category) in the world ranking of the Press Freedom Index. In 2024, the Law on the Media Subsidy Fund was adopted, which should strengthen editorial and economic independence. Still, most media institutions are subject to control by businesses and political groups.

Individuals and CSOs use online resources and other means to express opinions that are not subject to regulations applicable to media. Although illegal, hate speech is a widespread phenomenon which is rarely sanctioned. Crimes motivated by prejudice are sanctioned and inciting national, ethnic, racial or religious strife is forbidden. Journalists are still targets of intimidation from illiberal politicians and some local officials from Chişinău municipality and the Autonomous Territorial Unit (ATU) of Gagauzia. In recent years, media CSOs have repeatedly reported the use of the defamation administrative offence sanction, which they consider a serious and disproportionate measure used as a weapon against media representatives.

There is no systemic hindering by the state of persons expressing ideas and opinions contrary to official policy. Government efforts to combat disinformation led to a new mechanism from December 2023 (criticised for its lack of transparency) to suspend licences for TV channels connected to fugitive oligarchs promoting manipulative content. The Audiovisual Council issued its first fines for disinformation based on the legal definition and the methodology adopted in 2023.

The practice by the SIS of blocking webpages labelled as promoting ‘fake news’ stopped in 2024, four years since it started during the state of emergency in the Covid-19 pandemic and its continuation following the Russian invasion of Ukraine.

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.

The recommendations focus on combating disinformation within a predictable, clear, and transparent framework, as well as enhancing the capacity of the Audiovisual Council to monitor online broadcasters. The recommendations also include amending the legislation on video-sharing platform services in line with the EU *acquis* and the adoption of legislation to counter the use of strategic litigation against public participation (SLAPPs).

Standard I. Everyone has the right to freedom of opinion and expression.

The Constitution guarantees¹³³ freedom of opinion and expression by word, image or any other possible means. Any person (natural or legal) and groups of persons (through the right of each individual) have the right to freedom of expression, including the freedom to seek, receive and communicate facts and ideas.¹³⁴ 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.¹³⁵

In 2024, Moldova moved down three positions in the world ranking of the Press Freedom Index¹³⁶ to thirty-first place, classified in the same ‘satisfactory’ category as the previous year. The change in ranking is due to the increase in social and security indicators, while political and legislative indicators decreased. The political and legislative aspects that are outlined as raising concerns refer to the use of a state of

¹³³ Art. 32 (Freedom of opinion and expression), Constitution of the Republic of Moldova, 1/1994, *op. cit.*

¹³⁴ Art. 3(1), Law 64/2010 on Freedom of Expression, (in Romanian), https://www.legis.md/cautare/getResults?doc_id=83916&lang=ro.

¹³⁵ *Ibid.*, Art. 4(1).

¹³⁶ Reporters Without Borders, *World Press Freedom Index 2024*, <https://rsf.org/en/index>.

emergency to suspend TV channel licenses before the 2023 elections without adequate transparency about the grounds for doing so, along with non-transparent changes to legislation at the end of 2023 aimed at blocking those channels. Moldova has also dropped three points in the Global Expression Report 2024 versus the previous report, and has been reclassified from the 'Open' to the 'Less Restricted' category.¹³⁷ The media landscape is polarised and heavily influenced by the exiled oligarchs Ilan Șor and Vladimir Plahotniuc. Their media holdings were the target of suspension of TV licenses due to the control they exercised and due to manipulative content, leading to a migration of their content to online platforms and the emergence of new media entities. The first independent monitoring report on the implementation of recommendations for Moldova's EU accession¹³⁸ found the weakest progress was evident in the area of freedom of expression. The report highlighted inadequate protection for journalists against attacks, low transparency in media ownership, lack of journalistic fairness, and numerous violations of the Moldovan Journalist's Code of Ethics. In 2024, journalists were the target of various forms of aggression, including death threats,¹³⁹ attacks by political actors, detentions by unconstitutional authorities in the Transnistrian region,¹⁴⁰ intimidation and threats by local officials and electoral competitors,¹⁴¹ and

¹³⁷ Article 19, Global Expression Report 2024, <https://www.globalexpressionreport.org/regions-europe-and-central-asia>.

¹³⁸ Expert-Grup, 'Independent monitoring report no. 1: Evaluation of the progress of the Republic of Moldova regarding the implementation of the recommendations of the European Commission in the context of the process of accession to the European Union 2024' (in Romanian), https://www.euromonitor.md/wp-content/uploads/2024/07/Shadow-report_MD-EU-Enlargement_final_RO-IA.pdf.

¹³⁹ Facebook post by journalist Vasile Botnaru regarding death threat, 13 September 2024 (in Romanian), https://www.facebook.com/story.php?story_fbid=10230345627642101&id=1159487750&mbxctid=WC7FNe&rdid=vH0FQ2A8AwsNb1GY.

¹⁴⁰ Promo-LEX, 'Request for intervention for the release and protection of journalist Timofei Iliusin in the Transnistrian region', 25 June 2024 (in Romanian), <https://promolex.md/solicitare-de-interventie-pentru-eliberarea-si-protectia-jurnalistului-timofei-iliusin-in-regiunea-transnistreana/>; TV8, 'TV8 reporter, Viorica Tataru, was detained in Tiraspol. Filming the protest organised by the separatist authorities', 24 January 2024 (in Romanian), <https://tv8.md/2024/01/24/ultima-ora-reportera-tv-8-viorica-tataru-a-fost-retinuta-la-tiraspol-filma-protestul-organizat-de-autoritatile-separatiste/249736>.

¹⁴¹ Centrul pentru Jurnalism Independent (CJI), 'Media NGOs condemn the repeated attacks on the press by the Mayor of the Capital, Ion Ceban.' 22 February 2024 (in Romanian), https://www.facebook.com/story.php?story_fbid=10230264993640838&id=1595604542&mbxctid=oFDknk&rdid=LpnbZDyJC8Pn7TPu&rdid=6KKsSpQWxykbA_aem_GHDQxoTkBjceNLCdklnBlg, https://www.zdg.md/blog/editoriale/editorial-prima-caldare-de-zoaie/?fbclid=IwZXh0bgNhZWQCMTEAAR0EDtbjCjShRZvqH5ybVLMBrEqy3DB0afjMmJniFB7-U-6KKsSpQWxykbA_aem_GHDQxoTkBjceNLCdklnBlg, <https://cji.md/condamnam-comportamentul-rezentantilor-primariei-capitalei-in-raport-cu-reportera-felicia-ganev-manifestat-in-legatura-cu-eforturile-zdg-de-a-obtine-informatii-de-interes-public/>; <https://cji.md/ong-urile-de-media-condamna-atacurile-repetate-asupra-presei-la-care-recurge-primarul-capitalei-ion-ceban/>; CJI, 'Media NGOs condemn the attempts to intimidate the press in Gagauzia and call on local administration representatives to immediately cease such unacceptable practices.' 12 January 2024, 16 January 2024 (in Romanian), <https://cji.md/ong-urile-de-media-condamna-tentativele-de-intimidare-a-presei-din-gagauzia-si-cer-rezentantilor-administratiei-locale-sa-inceteze-imediat-astfel-de-practici-inadmisibile/>; CJI, 'Media NGOs condemn the illegal actions of participants in the "Victory March" directed against journalists and call on law enforcement to sanction the aggressors'. 09 May 2024, (in Romanian) <https://cji.md/ong-urile-de-media-condamna-actiunile-ilegale-ale-participantilor-la-marsul-victoriei-indreptate-impotriva-jurnalistilor-si-solicita-organelor-de-drept-sa-sanctioneze-agresorii/>; CJI 'We condemn the reprehensible misconduct of certain electoral competitors in their interactions with the press and call on the presidential candidates to adopt appropriate conduct towards journalists.' 16 October 2024, (in Romanian) <https://cji.md/condamnam-derapajele-reprobabile-ale-unor>

vandalism of the headquarters of the state broadcaster Tele-Radio Moldova (TRM).¹⁴² In the first half of 2024, there were 15 violations of freedom of expression documented in Moldova through a regional monitoring effort.¹⁴³

By the end of the state of emergency in December 2023, the Government had introduced a new legal mechanism¹⁴⁴ to control investment projects in media in order to prevent disinformation and manipulation. The mechanism was applied to maintain the suspension of licenses for 12 TV stations issued in 2022 and 2023¹⁴⁵ and for issuing two new suspensions in 2024.¹⁴⁶ CSOs criticised the lack of transparency in the process of adopting and implementing the new legal mechanism, stating that similar mechanisms in the absence of a court decision were previously declared unconstitutional.¹⁴⁷

There is no evidence of systemic hindering by the state of persons expressing ideas and opinions contrary to official policy, but politicians often sue for defamation the authors of statements that scrutinise their activities, leading to wasted time and resources for media institutions.¹⁴⁸ The Luceafărul Theatre's cancellation of a show containing political messages caused extensive discussions and accusations of censorship in the theatre.¹⁴⁹

Deliberate actions aimed at inciting national, ethnic, racial or religious strife or division constitute a criminal offence.¹⁵⁰ Hate speech in various forms is forbidden under

[concurrenti-electorali-in-interactiunea-cu-presa-si-cerem-candidatilor-la-alegerile-prezidentiale-sa-adopte-o-conduita-adekvata-in-raport-cu-jurnalistii/?fbclid=IwY2xjawF9ql1leHRuA2FlbQlxMQABHRdi0DNWwrRx12UaP3jwoM-iNxZZolw6sxxgOICX78Pi9PJnYQvt2tPtc_Q_aem_ThD15Uaz8oAIFMMDG2SSsQ](https://www.moldova1.md/p/36251/foto--sediile-companiei-teleradio-moldova-si-curtii-supreme-de-justitie-vandalizate-igp-politistii-au-stabilit-un-cerc-de-suspecti)

¹⁴² TRM, 'Media NGOs and TRM condemn the act of vandalism on the headquarters of the national public broadcaster', 28 September 2024 (in Romanian), <https://www.moldova1.md/p/36251/foto--sediile-companiei-teleradio-moldova-si-curtii-supreme-de-justitie-vandalizate-igp-politistii-au-stabilit-un-cerc-de-suspecti>.

¹⁴³ Media Freedom Rapid Response, Mapping Media Freedom: Monitoring Report January-June 2024, https://ipi.media/publications/2024-mfrr-monitoring-report-mid-year/?mc_cid=2015aab72f&mc_eid=a1b063663c.

¹⁴⁴ Council for the Promotion of Investment Projects of National Importance (in Romanian), <https://gov.md/ro/content/consiliului-pentru-promovarea-proiectelor-investitionale-de-importanta-nationala>.

¹⁴⁵ Protocol 2 / 27.12.2023 of the Council for the Promotion of Investment Projects of National Importance (in Romanian), https://gov.md/sites/default/files/document/attachments/consiliul_174_2021_-_proces-verbal_nr._2_din_27.12.2023.pdf.

¹⁴⁶ Ibid., Protocol No. 4/20.03.2024 (in Romanian), https://gov.md/sites/default/files/document/attachments/consiliul_174_2021_-_proces-verbal_nr._4_din_20.03.2024.pdf.

¹⁴⁷ CJI, 'Statement on the new legal mechanism for suspending the licenses of audiovisual media service providers', 27 March 2024 (in Romanian), <https://cji.md/declaratie-cu-privire-la-noul-mecanism-juridic-de-suspendare-a-licentelor-furnizorilor-de-servicii-media-audiovizuale/>.

¹⁴⁸ *Iaroslav Martin v. Periodical Publication Ziarul de Garda* (registered on 31 January 2022), https://jc.instante.justice.md/ro/pigd_integrare/pdf/generate/pending/2-22013377-12-2-31012022-1/88DDD2F6-2AA7-DD11-9299-001E0B8014EB; *Bogdan Tîrdea v. Media Alternativa* (registered on 24 May 2022), https://jc.instante.justice.md/ro/pigd_integrare/pdf/generate/pending/2-22072361-12-2-24052022-1/88DDD2F6-2AA7-DD11-9299-001E0B8014EB.

¹⁴⁹ Platzforma, 'Censorship and self-censorship in the Moldovan theatre: the case of the performance 'Invizibil' from the Luceafărul Theatre', 19 June 2024 (in Romanian), <https://platzforma.md/arhive/394108>.

¹⁵⁰ Criminal Code of the Republic of Moldova: Art. 346 (Incitement to violent actions based on prejudice), Art. 135/2 (Propaganda of genocide or crimes against humanity), Art. 176/1 (Violation of citizens' rights by propagating fascism, racism and xenophobia and by denying the Holocaust), *op. cit.*

different legal provisions.¹⁵¹ Hate speech is not usually sanctioned, however, due to failure on the part of the competent authorities to understand the phenomenon. In July 2024, the police developed an instruction to prevent and sanction hate speech.

In April 2024, the Audiovisual Council issued its first fines for disinformation to TV-Găgăuzia and ATV,¹⁵² based on the definitions of disinformation¹⁵³ and foreign information manipulation and foreign interference introduced in 2022-2023 and the methodology adopted in 2023.¹⁵⁴ In the same decision, the Audiovisual Council cited the use of hate speech based on its methodology for monitoring hate speech adopted in 2023.¹⁵⁵

In October 2024, 15 *Telegram* channels and 95 chatbots affiliated with the fugitive oligarch Ilan Șor were blocked at the request of the National Investigation Inspectorate. The authorities claimed that these were being used for illegal political party financing, voter bribery, and vote buying.¹⁵⁶

In 2024, even after the end of the state of emergency, the SIS continued the practice of blocking webpages¹⁵⁷ perceived to promote disinformation. The practice started during the Covid-19 pandemic and continued during the state of emergency declared after the Russian invasion of Ukraine. In 2024, however, it was conducted without any clear legal basis.

Standard II. The state facilitates and protects freedom of opinion and expression.

Individuals and CSOs use online resources and other means of communication to publish content and express opinions that are not subject to regulations applicable to media. The law also protects the confidentiality of journalists' sources of information.¹⁵⁸

¹⁵¹ Art. 32(3) of the Constitution of the Republic of Moldova; Art. 2, Law on Freedom of Expression, 64/2010; and Art. 54 (Violation of the legislation on religious groups), Art. 52(3) (Electoral agitation prohibited (using hate speech) and on prejudice grounds as an aggravating circumstance/and on prejudice grounds), Art. 69(3) (Insult), Art. 70(3) (Slander), Art. 70/1 (Incitement to discrimination) and Art. 354 (Disorderly conduct) of the Contraventions Code, *op. cit.*

¹⁵² Audiovisual Council, 'The regional public station "TV-Gagauzia" and the local station "ATV" were fined 100,000 lei for spreading disinformation', 26 April 2024 (in Romanian), <https://consiliuaudiovizual.md/news/postul-public-regional-tv-gagauzia-si-postul-local-atv-au-fost-sanctionate-pentru-raspandirea-dezinformatiei-cu-100-000-de-lei/>.

¹⁵³ Law 248/2023 for the modification of the audiovisual media Services Code of the Republic of Moldova, 174/2018 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=138540&lang=ro.

¹⁵⁴ Audiovisual Council Decision 285/2023, Methodology for Identifying and Evaluating Cases of Disinformation in Audiovisual Content <https://consiliuaudiovizual.md/news/ca-a-aprobat-metodologia-privind-constatarea-si-evaluarea-cazurilor-de-dezinformare-in-continuturile-audiovizuale/>

¹⁵⁵ Audiovisual Council Decision 160/2023, Methodology for Monitoring Hate Speech in Audiovisual Media Content (in Romanian), https://consiliuaudiovizual.md/news/ca-a-aprobat-metodologia-de-monitorizare-a-discursului-de-ura/?fbclid=IwAR1vIcNhrGiLuhQQQtZtEcdx8BGUpNUIXC_i5PRnvOjpr38UGhPSOqEZhk.

¹⁵⁶ Ziarul de Garda, 'Reason behind blocking the 'Sor' network on Telegram', 10 October 2024 (in Romanian), <https://www.zdg.md/stiri/stiri-justitie/doc-motivul-blocarii-retelei-sor-pe-telegram-urmeaza-dezactivarea-si-altor-canale/>.

¹⁵⁷ Ziarul de Garda, 'SIS requested the blocking of access to another seven sites with Russian propaganda', 26 September 2024 (in Romanian), <https://www.zdg.md/stiri/sis-a-solicitat-blocarea-accesului-la-alte-sapte-site-uri-cu-propaganda-rusa/>.

¹⁵⁸ Art. 13, Law on Freedom of Expression, 64/2010, *op. cit.*; Art. 18 (Non-disclosure of information source), Law on Press, 243/1994 (in Romanian), https://www.legis.md/cautare/getResults?doc_id=109428&lang=ro.

Censorship, as well as the creation of public authorities for the control of information to be disseminated by the media, is prohibited.¹⁵⁹ In 2024, the administration of the ATU Gagauzia made several attempts at censorship. In February, Executive Committee representatives allegedly attempted to censor the local TV channel¹⁶⁰ and, in June, the Gagauzia Popular Assembly sought to amend¹⁶¹ local media laws, introducing a new procedure requiring TV and radio stations to obtain an authorisation (known as *Izin*) from the General Directorate of Construction and Infrastructure for a fee. The proposed authorisation would bypass the Audiovisual Council, the only authority in Moldova authorised to issue broadcasting licenses.¹⁶² There were no reported cases of media organisations being searched or raided in the current reporting period.

In March 2024, the Council of Ministers of the Council of Europe reiterated their call to the authorities to draft, without further delay, amendments to the Code of Audiovisual Media Services. The amendments aim to ensure clear safeguards for genuine independence of the Audiovisual Council, the irremovability of its members, and the exclusion of possible political control of TRM.¹⁶³ A 2024 study by Freedom House¹⁶⁴ confirmed that parliamentary control over TRM violates European standards. The head of the parliamentary committee on mass-media announced¹⁶⁵ that, by the end of 2025, the Parliament will review the amendments that placed TRM under parliamentary control and undermined the independence of TRM and of the Audiovisual Council. The study also highlights the lack of a distinct regulatory framework for video-sharing platform services and the lack of available methods to combat harmful content.

¹⁵⁹ Art. 34(5), Constitution of the Republic of Moldova; Art. 1(2), Law on Press, 243/1994; Art. 5, Law on Freedom of Expression, 64/2010, *op. cit.*

¹⁶⁰ CJI, Joint statement of CSOs, 'We strongly condemn any attempt at censorship in the media', 12 February 2024 (in Romanian), <https://cji.md/declaratie-condamnare-vehement-orice-incercare-de-cenzura-in-mass-media/>.

¹⁶¹ Draft Law of the ATU Gagauzia 'on Amendments to the Law of the ATU Gagauzia on Television and Radio Broadcasting No. 66-XXXI/V dated 01.03.2016' (in Russian), <https://halktoplushu.md/archives/15437>.

¹⁶² CJI, Joint statement of CSOs, 'Media NGOs condemn the repeated attempts of the Gagauzian authorities to undermine press freedom and demand the immediate withdrawal of the legislative initiative', 26 June 2024 (in Romanian), <https://cji.md/ong-urile-de-media-condamna-tentativele-repetate-ale-autoritatilor-gagauziei-de-a-submina-libertatea-presei-si-cer-retragerea-imediata-a-initiativei-legislative/>.

¹⁶³ European Court of Human Rights, Committee of Ministers' 1492nd meeting decisions (12-14 March 2024) (DH) - H46-23 Manole and Others v. Republic of Moldova (Application No. 13936/02), CM/Del/Dec(2024)1492/H46-23, [https://search.coe.int/cm/#f%22CoEIdentifier%22:\[%220900001680aec20f%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]](https://search.coe.int/cm/#f%22CoEIdentifier%22:[%220900001680aec20f%22],%22sort%22:[%22CoEValidationDate%20Descending%22]).

¹⁶⁴ Freedom House, Legal analysis: 'Assessment of Moldovan audiovisual legislation in relation to the audiovisual media services directive, European Media Freedom Act, Digital Services Act, and other relevant international standards' April 2024, https://freedomhouse.org/sites/default/files/2024-05/fh-mf_Oversight-Reform-2024_Eng.pdf.

¹⁶⁵ Media Azi, 'The legislative changes that brought TRM back under parliamentary control would be revised next year, claims the president of the mass media commission', 10 July 2024 (in Romanian), <https://media-azi.md/modificarile-legislative-ce-au-readus-trm-sub-control-parlamentar-ar-urma-sa-fie-revizuite-anul-viitor-sustine-presedinta-comisiei-pentru-mass-media/>.

In 2024, the Parliament adopted the Fund for Media Subsidies.¹⁶⁶ The Ministry of Culture, as the responsible institution, will have the role of determining priority areas for receiving subsidies through consultation with public authorities and media CSO and will organise an annual media project competition based on an approved list. In 2024, the Government financed the costs of distribution of periodic publications.¹⁶⁷

The law also protects whistleblowers,¹⁶⁸ but there is not enough evidence to assess the effectiveness of the relevant legal provisions in practice.

The deliberate dissemination of defamatory and deceitful information (defamation) is an administrative offence,¹⁶⁹ although it is usually applied by under-qualified police officers. In recent years, media CSOs have repeatedly reported the use of the defamation penalty, which they consider a serious and disproportionate measure used as a weapon against media representatives.¹⁷⁰ Analysis by the Legal Resources Centre from Moldova (LRCM)¹⁷¹ identified 37 cases brought against media organisations in the Supreme Court of Justice between 2019 and 2023, of which the Court rejected 70 per cent, suggesting that these were SLAPPs attempting to silence the media in question. LRCM states that, in the lower trial courts, there is a much higher number of lawsuits filed against media organisations. Two-thirds of the actions analysed directly attacked media sources and more than half of the plaintiffs were politicians or state officials. The average length of examination of these cases was more than three years, triple the average length of examination of all civil cases.

In May 2024, the Parliament introduced a new definition for the already-existing crime of treason.¹⁷² Amnesty International Moldova criticised the amendment, stating that the new '*broad definition of treason is vague and open to abuse, posing a particular threat to the right to freedom of expression*'.¹⁷³ The criticism revolves around the extension of the article's application during peacetime, the removal of the requirement that state damage be caused, and broadened applicability to include treason committed in support of

¹⁶⁶ Law 50/2024 regarding the Media Subsidization Fund <https://www.parlament.md/ProcesulLegislativ/Proiectedeactenormative/tabid/61/LegislativId/6629/language/ro-RO/Default.aspx>.

¹⁶⁷ Government decision 329/2024 regarding the Mechanism for Financing the Distribution of Periodical Publications from the Republic of Moldova for the year 2024 https://www.legis.md/cautare/getResults?doc_id=143307&lang=ro.

¹⁶⁸ Law 165/2023 on Whistle-blowers, https://www.legis.md/cautare/getResults?doc_id=137744&lang=ro.

¹⁶⁹ Art. 70, (Defamation) Contraventions Code.

¹⁷⁰ CJI, 'The CJI campaign regarding the need to amend the article of the Contraventions Code concerning defamation', 19 August 2022 (in Romanian) <https://cji.md/campania-cji-privind-needesitateamodificarii-articolului-din-codul-contraventional-ce-vizeaza-calomnia/>.

¹⁷¹ LRCM, 'Media freedom through the lenses of justice: How to counteract strategic lawsuits against public participation', 2024 (in Romanian) <https://crjm.org/libertatea-de-exprimare-a-mass-mediei-in-fata-justitiei-cum-combatem-procese-judiciare-menite-sa-reduca-la-tacere-jurnalistii/23189/>.

¹⁷² Law 136/2024 for the amendment of some normative acts (amendment of the Criminal Code and the Contraventions Code) https://www.legis.md/cautare/getResults?doc_id=143519&lang=ro.

¹⁷³ Amnesty International Moldova, 'The new definition of treason, adopted by the Parliament, threatens freedom of expression', 3 June 2024 (in Romanian) <https://amnesty.md/recente/moldova-noua-definitie-a-inaltei-tradari-adoptata-de-parlament-ameninta-libertatea-de-exprimare/>.

‘unconstitutional entities’ (introduced in 2023). According to the authors, ‘*this new definition of treason could be used to target political dissent and critical voices under the guise of countering malevolent foreign influence*’ that could be extended to target disinformation campaigns.

Specific recommendations:

- The Government and specialised institutions should combat disinformation via a predictable, clear and transparent mechanism applicable for identification and sanctioning sources that promote false information, including procedural guarantees and an appeals procedure;
- The Audiovisual Council should develop institutional capacities for monitoring freedom of expression in the online environment by building human capacities and creating of a subdivision dedicated to online content;
- The Parliament should amend the legislation on video-sharing platform services in accordance with the EU *acquis*, including the EU Act on Press Freedom and the EU Digital Services Act; and
- The Parliament should adopt anti-SLAPP legislation on the model of ‘Daphne's Law’ / Directive (EU) 2024/1069¹⁷⁴ to protect people who speak out on matters of public interest against abusive legal action designed to silence them (including a mechanism for accelerated determination of the SLAPP nature of the action brought against mass media, possibly resulting in the rejection of the examination of the case).

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 for everyone and cannot be subject to arbitrary or illegal interference in either a physical or a virtual environment regardless of the author. Personal data is protected under a dedicated law and the state provides protection for personal data held by legal persons through the National Centre for Personal Data Protection (CNPDCP) which carries out monitoring and control functions. CSOs are entitled to handle personal data and are subject to the same obligations and requirements as other legal persons. The legal framework provides for the protection of privacy and personal data, but this protection is not always offered in practice.

¹⁷⁴ Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (‘Strategic lawsuits against public participation’), <https://eur-lex.europa.eu/eli/dir/2024/1069/oj>.

In 2024, the Parliament adopted a new Law on Personal Data Protection which transposes the EU General Data Protection Regulation (EU GDPR) into national legislation. The law will come into effect in 2026.

Surveillance is legally possible as part of a criminal investigation, but only upon authorisation of the investigative judge at the prosecutor's request. 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. Criminal procedure 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.

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

The recommendations remain the same as in 2023 and focus on the need to review the expanded powers of the SIS that could impact privacy, data protection, and freedom of expression. Additionally, it is recommended that the Prosecutor General ensures post-factum notification requirements regarding the use of special interception and surveillance methods in legal investigations.

Standard I. Everyone enjoys the right to privacy and data protection.

The right to privacy, family and private life, home and correspondence is protected by the Constitution of the Republic of Moldova¹⁷⁵ for everyone and cannot be subject to arbitrary or illegal interference, in either a physical or a virtual environment regardless of the author.¹⁷⁶

Personal data is protected under a dedicated law,¹⁷⁷ which regulates the processing, storing and use of personal data. CSOs are entitled to handle personal data and are subject to the same obligations and requirements as other legal persons. Monitoring and control of compliance with the relevant legislation is the duty of the CNPDCP.¹⁷⁸ Violations of privacy entail sanctions for contravention.¹⁷⁹ In July 2024, the Parliament adopted the new Law on Personal Data Protection,¹⁸⁰ which will enter into force in August 2026. The new Law transposes the EU GDPR¹⁸¹ into the national regulatory framework, includes provisions regarding the activities of the CNPDCP and covers liability for non-compliance with the legal framework. The Law provides benefits such as easier access to personal data, a new right to data portability, a clearer 'right to be

¹⁷⁵ 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) *op. cit.*

¹⁷⁶ 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) *op. cit.*

¹⁷⁷ Law 133/2011 on Personal Data Protection, https://www.legis.md/cautare/getResults?doc_id=10607&lang=ro.

¹⁷⁸ National Centre for Personal Data Protection (CNPDCP), <https://datepersonale.md/en/>.

¹⁷⁹ Contraventions 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).

¹⁸⁰ Law 195/2024 on personal data protection https://www.legis.md/cautare/getResults?doc_id=144681&lang=ro.

¹⁸¹ EU GDPR, <https://eur-lex.europa.eu/eli/reg/2016/679/oj>.

forgotten', a comprehensive set of rules regarding the violation of personal data security, more clearly defined responsibilities for data controllers and clearer obligations for data processors, techniques favourable to confidentiality (pseudonymisation), and a modern set of tools for international data transfers.

The CNPDCP's latest annual report, covering 2023 and published in 2024, shows an increase of 70 per cent in the number of personal data accesses. The total number of accesses by national institutions surged from 36.5 million in 2022 to 52 million in 2023. The main institutions that process personal data stored in the main automated state information resources were the Ministry of Internal Affairs (over 26 million accesses – double that of 2021), the State Fiscal Service (over 9 million accesses – double that of 2022), the SIS (over 73,000 accesses), the National Anticorruption Centre (over 53,000 accesses – less than in 2022), and the General Prosecutor's Office (over 15,000 accesses – half the number from 2022).¹⁸²

No court decision has yet been issued in the 2019 case of unlawful interception of communications and video recording in the homes of 52 politicians, CSO activists and journalists,¹⁸³ in which five ex-police officers were tried in 2021 for alleged violation of personal life and violation of the right to secrecy of correspondence. Similarly, no court decision is available in the 2022 case of hacking of the private correspondence¹⁸⁴ of several high-ranking Moldovan officials, including the President and several ministers and officials, that was leaked online. In 2024, the European Court of Human Rights (ECtHR) found violation of the right to respect for private and family life by the Republic of Moldova¹⁸⁵ in a case that occurred in 2019.

Standard II. The state protects the right to privacy of CSOs and associated individuals.

The state provides protection for private data held by legal persons. Personal data stored and processed by CSOs is subject to specific legal procedures.¹⁸⁶ Reports submitted by CSOs are compliant with personal data protection legislation and they do

¹⁸² CNPDCP, 'Annual activity report 2023', March 2024, (in Romanian) https://datepersonale.md/wp-content/uploads/2024/03/raport_de_activitate_2023_romweb.pdf.

¹⁸³ The so-called case of 'illegal wiretapping of opposition representatives, civic activists and journalists'. RISE Moldova, Journalistic Investigation 'The Ministry of Interceptions', 2019 <https://www.rise.md/articol/ministerul-interceptarilor/>.

¹⁸⁴ Ziarul de Garda, 'Leak of Private Correspondence of High-Ranking Officials in the Republic of Moldova: The Telegram channels of Minister Andrei Spînu and President Maia Sandu have been hacked. Several conversations attributed to Minister Litvinenco have been published. 9 December 2022, (in Romanian) <https://www.zdg.md/stiri/scurgere-de-corespondenta-privata-a-oficialilor-de-rang-inalt-din-r-moldova-canalele-de-telegram-a-ministrului-andrei-spinu-si-a-presedintei-maia-sandu-au-fost-sparte-mai-multe-conversatii-atribuite-m/>.

¹⁸⁵ European Court of Human Rights, Case of Oleg Balan v. the Republic of Moldova, (Application no. 25259/20), JUDGMENT <https://hudoc.echr.coe.int/fre#%7B%22appno%22:%5B%2225259/20%22%5D,%22documentcollectionid%22:%5B%22JUDGMENTS%22,%22DECISIONS%22%5D,%22itemid%22:%5B%22001-233631%22%5D%7D>.

¹⁸⁶ Law 133/2011 on Personal Data Protection, *op. cit.*

not affect the privacy of members, donors, board members and employees, or the confidentiality of their personal assets.

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 Criminal Procedure Code.¹⁸⁷ In 2024, there were no reported cases of the authorities breaking into CSOs' offices or accessing CSOs' documents.

Surveillance is legally possible as part of a criminal investigation, but only upon authorisation of the investigative judge at the prosecutor's request.¹⁸⁸ Criminal procedure¹⁸⁹ 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 has been the case in previous years. In 2024, there were no recorded cases of unauthorised interference in the confidentiality of communications of CSOs or associated persons.

Surveillance by the SIS is possible also outside of a criminal investigation.¹⁹⁰ The SIS has the right 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. There is also a confusing procedure for authorising counterintelligence measures (essentially, special investigative measures). The Council of Europe's Venice Commission has pointed out that the SIS has extensive surveillance powers, and identified issues regarding the control mechanism and undefined notions that allow for ambiguous interpretations.¹⁹¹

¹⁸⁷ 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.

¹⁸⁸ Chapter III, Criminal Procedure Code, *op. cit.*, Law 59/2012 on Special Investigation Activity https://www.legis.md/cautare/getResults?doc_id=110235&lang=ro.

¹⁸⁹ 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) *op. cit.*

¹⁹⁰ 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.

¹⁹¹ Venice Commission, 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).

Specific recommendations:

- The 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.

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. CSOs and associated individuals have access to effective complaint and appeal mechanisms in court against decisions affecting freedom of association or other rights and freedoms exercised by a CSO or its members. CSOs can also represent beneficiaries whose rights have been violated in court and conduct strategic litigation.

For the third year in a row, law enforcement proactively protected the 2024 LGBTQ+ Pride March from hostile third-party groups.

CSOs are vulnerable to surveillance and interception of private communications, but it is not common practice for these kinds of attacks to be addressed in court. 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. Investigations and court cases related to illegal interferences with private life have not yet produced final outcomes.

In 2024, MONEYVAL found that the deficiencies identified in its previous evaluation of Moldova regarding FATF Recommendation 8 on NPOs persist, and the country maintained a 'Partially Compliant' rating. Although the previous National Risk Assessment found no indications of terrorist financing associated with the non-profit sector, to date, all CSOs are considered 'high risk' in AML/CTF banking policies. The FIU initiated a new National Risk Assessment of Money Laundering and Terrorist Financing with the participation of CSOs, fulfilling one of the recommendations of the 2023 CSO Meter report.

2024 was the first year without restrictions to freedom of assembly, freedom of expression, and access to information imposed in Moldova under the state of emergency implemented during the Covid-19 pandemic.

The overall score for the area of State Duty to Protect, as well as the legislation and practice scores, remained the same as in the previous reporting period.

The recommendations in this area include identifying measures to combat the financing of terrorism based on the risk assessment of NPOs, with CSO participation. Additionally, CSOs are encouraged to initiate dialogue for adopting a law on the protection of human rights defenders.

Standard I. The state protects CSOs and individuals associated with CSOs from interference and attacks.

The Constitution sets out the obligation of the state to protect its citizens.¹⁹² The life, integrity, health, freedom, property and other legitimate rights of citizens and communities are protected by law,¹⁹³ with both positive and negative obligations placed on state institutions. The state respects, protects and ensures freedom of association, and may intervene in the activities of CSOs only if necessary in a democratic society to ensure national security, public safety, law enforcement or the prevention of crime, or the protection of the health, morals, rights and freedoms of others.¹⁹⁴

CSOs or associated individuals can challenge in the courts decisions affecting the exercise of freedom of association,¹⁹⁵ judgments prohibiting or changing the conditions of an assembly,¹⁹⁶ a refusal of access to information,¹⁹⁷ freedom of expression¹⁹⁸ and other particular rights provided by specific laws. CSOs can also represent beneficiaries whose rights were violated in court and conduct strategic litigation.

Public institutions have the obligation to intervene in order to protect CSOs and associated individuals from attacks and interference on the part of third parties or state bodies' representatives. While CSOs have access to justice, it is uncommon for such attacks to be brought to court, especially considering lack of trust in the judiciary.¹⁹⁹ A judgment has not yet been issued in the case of illegal surveillance and interception of opposition representatives, civic activists and journalists, relating to five former police officers sent to court in 2021 for violating the right to private life.²⁰⁰

¹⁹² Art. 18 (Protection of the Citizens of the Republic of Moldova) Constitution of the Republic of Moldova *op. cit.*

¹⁹³ Art. 18, Law 320/2012 on Police; Art. 22, Law 219/2018 on General Inspectorate of Carabineers; Art. 1, Law 3/2016 on the Prosecutor's Office.

¹⁹⁴ Art. 5(1), 5(11), Law 86/2020 on Non-Commercial Organisations *op. cit.*

¹⁹⁵ *Ibid.*, Art. 13(13), 16(4), 25(6), Law 86/2020 on Non-Commercial Organisations.

¹⁹⁶ Art. 15, Law 26/2008 on Assemblies *op. cit.*

¹⁹⁷ Chapter IV, Law 148/2023 on Access to Information.

¹⁹⁸ Chapter II, Law 64/2010 on Freedom of Expression *op. cit.*

¹⁹⁹ 15% trust in Justice system according to Public Policies Institute, Public Opinion Barometer, October 2024 (in Romanian) <https://ipp.md/2024-10/barometrul-opinii-publice-2024/>.

²⁰⁰ Courts portal, https://jc.instante.justice.md/ro/agenda-of-meetings?dossier_number=1-21153305-12-1-18102021&dossier_part=Cojocaru%20Valeriu%20&type=Penal&apply_filter=1.

Verbal attacks against CSO representatives manifest mainly on the illiberal side of the political spectrum and at the local level.²⁰¹

In 2024, for the third year in a row, law enforcement took a proactive role in protecting the LGBTQ+ Pride March from hostile third-party groups. The court sanctioned the author of a death threat against an LGBTQ+ activist made in 2022.²⁰² 2024 is the first year without restrictions to freedom of assembly, freedom of expression, or access to information being imposed under the state of emergency formerly in place since the onset of the Covid-19 pandemic in 2020 and the beginning of the Russian invasion of Ukraine in 2022.

Standard II. Measures used to fight extremism, terrorism, money laundering or corruption are targeted and proportionate, in line with the risk-based approach, and respect human rights standards on association, assembly, and expression.

The state can establish rules for CSOs for the purposes of AML/CTF only to the extent that these rules are in line with international human rights standards.²⁰³ AML/CTF laws²⁰⁴ and anti-corruption laws²⁰⁵ do not contain provisions which directly restrict or impede CSOs from carrying out their legitimate activities or enjoying their fundamental freedoms, nor do they restrict or infringe the rights of their employees and donors. Nevertheless, AML/CTF banking policies create barriers to CSOs' fundraising activities, such as high commission rates for non-cash donations, the rejection of payments made to CSOs from foreign credit cards, treating crowdfunding platforms as 'high-risk' clients akin to e-commerce, and the imposition of extra requirements and high commission fees.²⁰⁶

CSOs are affected by AML/CTF regulations as they must submit statements on the UBO of the legal entity, identified as the individual(s) who exercise ultimate control over the non-commercial organisation (based on amendments from 2023).²⁰⁷ In 2024, according to an ASP regulation,²⁰⁸ a CSO's UBOs are considered to be its founders, council members, or general assembly members. However, these individuals are not the true

²⁰¹ Bogdan Tîrdea, 'Sorosists and the deep state in Moldova', 18 November 2024 (in Romanian) https://youtu.be/MjY6F8gikTA?si=40uxwY_wTMX4NAec.

²⁰² GENDERDOC-M, 'Sentence for the man who threatened Marin Pavlescu with death', 21 June 2024, (in Romanian) <https://gdm.md/ro/2024/06/21/sentinta-pentru-barbatul-care-l-a-amenintat-cu-moartea-pe-marin-pavlescu-trebuie-sa-achite-aproape-60-000-de-lei/>.

²⁰³ Art. 5(10), Law 86/2020 on Non-Commercial Organisations *op. cit.*

²⁰⁴ Law 308/2017 on Preventing and Combating Money Laundering and Terrorism Financing.

²⁰⁵ Law 82/2017 on Integrity, https://www.legis.md/cautare/getResults?doc_id=120706&lang=ro.

²⁰⁶ ECNL, ICNL, 'Assessment of the Legal Framework for Philanthropy in Moldova', September 2024 <https://ecnl.org/sites/default/files/2024-10/Environment%20for%20Philanthropy%20in%20Moldova%20-%20Assessment%20Report%20by%20ECNL%20and%20ICNL.pdf>.

²⁰⁷ Art. 5 and 14, Law 308/2017 on Preventing and Combating Money Laundering and Terrorism Financing; Law 66/2023 for the modification of some normative acts, https://www.legis.md/cautare/getResults?doc_id=136851&lang=ro, 1 July 2023.

²⁰⁸ ASP Order 573/04.09.2023.

UBOs, meaning the legal definition does not align with the concept for CSOs as it does for business entities.

In 2024, MONEYVAL, the permanent monitoring body of the Council of Europe, maintained the category 'Partially Compliant' for Moldova regarding FATF Recommendation 8. MONEYVAL stated that the deficiencies identified in the previous round of evaluation (May 2022) for Moldova under c.8.3 ('the measures applied to promote effective supervision to NPOs at risk of financing terrorism are not applied by supervisory authorities in a risk based manner, and the authorities provided no information on rules for NPOs to prevent ML/TF or justification for lack of necessity thereof') and c.8.4 ('the monitoring of NPOs' compliance with the requirements of Recommendation 8 is not risk-based') have not been addressed and, therefore, the rating of Recommendation 8²⁰⁹ concerning NPOs remains only 'Partially Compliant'.²¹⁰

As a follow-up, in September 2024, the FIU of Moldova commenced its Terrorist Financing Risk Assessment of the NPO Sector, with the support of the EU Global Facility on AML/CFT, based on the Greenacre methodology.²¹¹ In contrast with the previous National Risk Assessment,²¹² CSOs were invited to participate in the assessment at the earliest stage, both as part of a working group and as part of a larger oversight group. The Risk Assessment is expected to be published in 2025 and it is anticipated to have a positive impact on CSOs' operations. The previous National Risk Assessment found no evidence of terrorist financing linked to the non-profit sector and deemed the risk of CSOs being used for such purposes as very low. However, CSOs are classified to date as 'high risk' in AML/CTF policies, requiring them to submit extra documents such as project details for outgoing international transfers.

In 2024, as in previous years, there were no reported cases of CSOs being affected by claims of a connection with extremism, terrorism financing, money laundering or corruption. The anticorruption normative framework does not affect the activity of CSOs and their stakeholders. However, the Russian-based NPO 'Eurasia', which operates in Moldova, is suspected²¹³ to be linked to the criminal case initiated for the

²⁰⁹ FATF Recommendation 8 requires that the laws and regulations that govern NPOs be reviewed so that these organisations cannot be abused for the financing of terrorism.

²¹⁰ MONEYVAL, 'AML and CTF measures Republic of Moldova, 2nd Enhanced Follow-up Report & Technical Compliance Re-Rating Follow-up Report', May 2024 <https://rm.coe.int/moneyval-2024-4-md-5thround-2ndenhfur/1680b05e46>.

²¹¹ Greenacre's NPO Sector Risk Assessment [Methodology](#).

²¹² Service for the Prevention and Combating of Money Laundering, Report on the National Risk Assessment of Money Laundering and Terrorist Financing 2022, http://spscb.gov.md/ro/news/raportul-privind-evaluarea-na-ionala-riscurilor-in-domeniul-sp-l-rii-banilor-i-finan-rii-terorismului?fbclid=IwAR0Q2RvREUxzooq9PDeimzt_vDGwve4HjN-1L7yILdy8Zq7sJLdQlvdgWDY.

²¹³ IPN, 'SOR' criminal group continues to recruit citizens for subversive purposes', 26 September 2024 (in Romanian) https://www.ipn.md/ro/gruparea-criminala-sor-continua-recrutarea-cetatenilor-in-scopuri-subversive-7965_1107598.html.

illegal financing of political parties²¹⁴ in which Moldovan citizens received money²¹⁵ for electoral corruption purposes. In September and October alone, police reported USD 39 million in illegal financing from Russia to at least 130,000 people.²¹⁶ The fugitive oligarch Ilan Șor has claimed that both the amount of money and the number of people involved were much higher.

Specific recommendations:

- The FIU and the National Bank should implement CTF measures impacting CSOs (including banking policies) only to FATF NPOs, in line with FATF Recommendation 8, arising from the Terrorist Financing Risk Assessment of the NPO Sector;
- The FIU should continue to proactively engage CSOs in identifying measures to address CSOs' vulnerabilities to terrorist financing and money laundering;
- 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 violation, online attacks, etc.);
- The National Bank should initiate a dialogue with CSOs and banks to address issues related to CSOs' access to banking services and explore potential solutions to improve de-risking policies and practices, using a risk-based approach; and
- CSOs should relaunch dialogue on the adoption of a law on the protection of human rights defenders.

²¹⁴ General Police Inspectorate, 'Dozens of searches in a case of illegal financing of political parties and money laundering', 3 June 2024, (in Romanian) <https://politia.md/ro/content/zeci-de-perchezitii-intr-un-dosar-de-finantare-ilegala-partidelor-politice-si-spalare-de-0>.

²¹⁵ Ziarul de Garda, 'In Service of Moscow. Three Months Among Sor's "Servants." Undercover Investigation by ZdG, 11 October 2024 (in Romanian) <https://www.zdg.md/investigatii/ancheta/video-in-slujba-moscovei-trei-luni-printre-robii-lui-sor-investigatie-zdg-sub-acoperire/> and 'In Service Of Moscow. Four Months Among Sor's "Servants." Undercover Investigation' 31 October 2024 (in Romanian) <https://www.zdg.md/investigatii/in-slujba-moscovei-patru-luni-printre-robii-lui-sor-investigatie-sub-acoperire/>.

²¹⁶ General Police Inspectorate, 'New methods of illegal financing of political parties documented by PA and INI', 03 October 2024 (in Romanian) <https://politia.md/ro/content/noi-metode-de-finantare-ilegala-unor-partide-politice-documentate-de-pa-si-ini>; General Police Inspectorate, 'Press briefing held by the head of the General Police Inspectorate' 24 October 2024 (in Romanian), <https://www.facebook.com/politiarepubliciimoldova/videos/568661872357353/>.

3.9 State Support

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

Legislation: **4.7/7**

Practice: **4.0/7**

The state provides funding to CSOs through different mechanisms such as non-reimbursable financing (based on a framework regulation for all CPAs), contracting of works and services, or through special purpose financing, including social order, percentage designation, and direct subsidies to CSOs. CSOs are exempt from income tax, including for economic activities, if they conduct activities according to statutory purposes, but pay income tax, social and medical contributions for their employees. CSOs can benefit from a zero VAT rate and customs benefits for projects approved under international treaties.

CPAs run yearly grant programmes in the areas of youth, culture and the environment totalling 3.3 million EUR, based on a Framework Regulation. Some LPAs support grant programmes at the district level. Percentage designation is a growing trend (0.65 million EUR in 2023), but is still far from its full potential. In 2024, the Parliament reintroduced paper tax declarations, reversing a 2023 amendment that limited the percentage designation mechanism to electronic declarations.

The fiscal benefits for donations are low and do not encourage philanthropic activity and the related amendments proposed by CSOs are not considered by the Government. Social entrepreneurship reached 1.9 million EUR in revenues in 2023, but is still insufficiently used and underdeveloped (with only 12 officially-registered social enterprises). The participation of CSOs in public procurement procedures is burdensome and puts CSOs at a disadvantage compared to commercial entities. There are only four social services contracted by the state from CSOs, while dozens of CSOs were contracted annually for medical and sanitary services.

Direct subsidies are provided preferentially to only a few CSOs. Almost all forms of support have their own drawbacks and provide only minor incentives to CSOs.

In 2024, there were 88 CSOs with public benefit status (mostly for in-kind benefits) attributed via a clear procedure by the Certification Commission for a period of five years.

There are legal benefits for volunteering but also some burdensome administrative responsibilities for CSOs which do not serve to encourage volunteering. In 2024, the Ministry of Education and Research consulted on a new draft Law on Volunteering which includes existing incentives and adds new favourable provisions, including recommendations from the 2023 CSO Meter report regarding a volunteer programme and a policy implementation structure. Other implemented CSO Meter recommendations in this area include operationalising an accreditation system for social service providers, including CSOs, and the Parliament's withdrawal of the initiative to include educational institutions as beneficiaries of the percentage designation mechanism.

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

The recommendations remain the same as in 2023 and aim to develop state support tools, including popularising the percentage designation mechanism, improving the regulatory framework for social entrepreneurship, finalising the Law on Volunteering, and increasing financial support for CSOs.

Standard I. There are a number of different and effective mechanisms for financial and in-kind state support to CSOs.

State funding can be provided to CSOs through mechanisms²¹⁷ such as non-reimbursable financing, contracting of works and services, or through special purpose financing, including social order, percentage designation, and direct subsidies to CSOs.²¹⁸ Resources allocated for this purpose are provided for in the state budget and in local government budgets. In-kind support granted by the state is achieved mainly by offering CSOs the right to use public property either free of charge or on preferential terms.²¹⁹

International donors remain the main source of income for CSOs (72.7 per cent of funding),²²⁰ with limited state support covering a small part of their basic needs. According to the latest available information (from 2023), 144 CSOs received 3.3 million EUR²²¹ in non-reimbursable Government funding for social, youth, culture, health and business projects, an increase of over 1 million EUR from 2022. More than half of this funding went to health projects, supported by the Global Fund to Fight AIDS, Tuberculosis and Malaria.²²² At least 16 CSOs were contracted for medical care services,²²³ but only a few social services were outsourced to CSOs.²²⁴

On 21 March 2024, the Parliament amended²²⁵ the Tax Code to reintroduce paper tax declarations (following the initiative of the *Centrul CONTACT* CSO),²²⁶ reversing the 2023 amendment to the Tax Code that limited the percentage designation mechanism to electronic declarations. It is not clear how long paper declarations will remain applicable. In 2023, only 20,000 persons submitted electronic income declarations, of

²¹⁷ State Budget Law, Law 131/2015 on Public Procurements; Law 179/2008 on Public-Private Partnership; Government Decision 1213/2010 Approving Some Measures to Support Youth Activities; 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 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.

²¹⁸ Art. 5(4), Law 86/2020 on Non-Commercial Organisations, *op. cit.*

²¹⁹ Art. 5(6), Law 86/2020 on Non-Commercial Organisations, *op. cit.*

²²⁰ *Centrul CONTACT*, 'Survey: What Moldovans think about CSOs', 14 May 2024 (in Romanian),

<https://contact.md/wp-content/uploads/2024/05/Ce-cred-moldovenii-despre-OSC-uri-2024-1.pdf>

²²¹ State Chancellery, 'Generalised information on the granting of funding by the state non-refundable to non-commercial organisations during 2023', 2024 (in Romanian)

https://cancelaria.gov.md/sites/default/files/document/attachments/info_fn_proiecte_on_2023.pdf.

²²² UCIMP, Project 'Strengthening tuberculosis control and reducing AIDS and related mortality in the Republic of Moldova' https://www.ucimp.md/index.php?option=com_content&view=article&id=129&Itemid=215.

²²³ National Medical Insurance Company, Contracts with medical and sanitary institutions 2023 (in Romanian) <https://date.cnam.md/contracte-cu-institutiile-medico-sanitare/?dir=7988>.

²²⁴ Free telephone assistance for children (116 111) provided by 'CNFACEM' Association. Hotline for female victims of domestic violence provided by 'La Strada' Centre. Free telephone assistance service for people with disabilities provided by AO Keystone Moldova. Public Association „Woman and Children - Protection and Support”.

²²⁵ Law 61/2024 for modification of some normative acts https://www.legis.md/cautare/getResults?doc_id=142461&lang=ro.

²²⁶ *Centrul CONTACT* <https://www.facebook.com/Contact.md>.

which 9,000 directed 2 per cent of their income to a CSO, while 29,000 declarations were made on paper. In 2023, the percentage mechanism generated 0.65 million EUR in income for 780 CSOs from 38,000 taxpayers,²²⁷ showing growth, but still with untapped potential, mostly because of a lack of awareness among the population, the high number of invalid designations (8 per cent of the total) and an imbalance in the distribution of the income between benefitting organisations.²²⁸ In 2024, following critical reactions from CSOs, the Parliament did not pursue the 2023 initiative²²⁹ to include public educational institutions as beneficiaries of the percentage designation mechanism. In 2024, the State Financial Control Inspectorate conducted²³⁰ its first monitoring related to the correct use and reporting by benefiting CSOs, as provided by the legislation. Of the total of 1,497 monitored declarations, 56.6 per cent contained errors, 15.62 per cent were not submitted and 27.8 per cent were presented correctly. Additional on-site financial inspections were conducted at the top 14 beneficiaries to verify the correct use and reporting of funds from the percentage designation mechanism. Inspections revealed that 12 of the 14 entities submitted incorrect financial reports, with some using percentage designation funds for illegal purposes such as debt settlement or mutual benefit. In 2024, the Ministry of Finance initiated the amendment of the Regulation on the percentage designation mechanism to simplify the updating of beneficiary data at the ASP and to eliminate bottlenecks and validate transfers more quickly.²³¹

As described in section 3.2 (*Equal Treatment*), a number of CSOs receive direct subsidies, which is not in line with good practices of the principles of transparency, free competition open to wider civil society and equal treatment.

The number of officially-registered social enterprises²³² grew from 8 to 12 in 2024.²³³ The total revenues of social enterprises were 1.9 million EUR in 2023, with 92 per cent of revenues accounted for by two social enterprises. The National Commission for

²²⁷ State Tax Service of Moldova, Report on the results of the percentage designation in the year 2023, 2023 (in Romanian) <https://sfs.md/uploads/files/rapoarte/raport%20desemnarea%20procentuala%202023.pdf>.

²²⁸ ECNL, ICNL, Assessment of the Legal Framework for Philanthropy in Moldova, 2024 <https://ecnl.org/sites/default/files/2024-10/Environment%20for%20Philanthropy%20in%20Moldova%20-%20Assessment%20Report%20by%20ECNL%20and%20ICNL.pdf>.

²²⁹ Draft law 333/28.09.2023, <https://www.parlament.md/material-details-md.nspx?param=ffadbab5-ede3-4f4a-ab6e-6058b6938099>.

²³⁰ State Financial Control Inspectorate, 'Monitoring report on the implementation of the percentage designation mechanism', 16 October 2024 (in Romanian) <https://icfs.gov.md/content/raport-de-monitorizare-implementarii-mecanismului-de-desemnare-procentuala>.

²³¹ Draft Government Decision on amending the Regulation on the percentage designation mechanism, approved by Government Decision no. 1286 din 30.11.2016, 2 September 2024 <https://mf.gov.md/ro/content/proiectul-hg-cu-privire-la-modificarea-regulamentului-cu-privire-la-mecanismul-desemn%C4%83rii-1>.

²³² Law 223/2017 on amendment and completion of certain legislative acts, https://www.legis.md/cautare/getResults?doc_id=101472&lang=ro.

²³³ Ministry of Economic Development and Digitalisation, LIST of organisations with the status of social enterprise / social insertion enterprise, updated on 02.05.2024 (in Romanian) https://mded.gov.md/wp-content/uploads/2024/05/lista_org.necomerciale_srl_cu_statut_isi_is-2.docx.

Social Entrepreneurship resumed its activities after appointing its members in October 2023. A disincentive to obtaining social enterprise status, however, is the fee that the entity must pay in addition to the fees paid upon registration of the entity's legal form. Recommendations²³⁴ from CSOs to improve the legal, fiscal, and procurement aspects of social entrepreneurship are yet to be considered by the Government and the Parliament.

The participation of CSOs in public procurement procedures is possible, but it is burdensome and CSOs are put at a disadvantage compared to commercial entities. See section 3.2 (*Equal Treatment*) for further details.

Standard II. State support for CSOs is governed by clear and objective criteria and allocated through a transparent and competitive procedure.

State support for CSOs is guided by the Framework Regulation Regarding the Non-Reimbursable Financing Mechanism for Projects of Non-Commercial Organisations.²³⁵ Financial support should follow a public tender and should be guided by the principles of transparency, free competition, equal treatment, proportionality and simplicity, dialogue, non-retroactivity, annual public tenders, multi-annual financing and efficient use of public financial resources. The Regulation requires the funding authority to consult funding priorities with non-commercial organisations and to publish them on the authority's official website at the beginning of the financial year. Commissions consisting of at least five members, including at least one CSO representative, evaluate and select grant recipients. The Regulation does not specify a monitoring and evaluation mechanism for state funding to CSOs.

Government grant programmes (for youth, culture, active aging, and environmental initiatives) were implemented and awarded in 2024 according to regulations adopted in 2023.²³⁶ Information on the funding priorities, application procedure and selection criteria²³⁷ was published on the webpages of the relevant authorities along with the

²³⁴ Eco Visio, 'White Paper on Social Entrepreneurship 2022', 2022 (in Romanian) <https://drive.google.com/file/d/1m-dRZgx5PjENWESNoO8Wix9ogF3S-oar/view>.

²³⁵ 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.

²³⁶ Order of Ministry of Labour 23/23.02.2023, Regulation regarding the organisation 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>, Order of the Ministry of Education and Research 419 / 28.04.2023, Regulation on the organisation and conduct of project competitions for youth organisations, https://mec.gov.md/sites/default/files/program_de_granturi_semnat_1.pdf, Ministry of Culture, Order 13/2024 for the approval of the Regulation regarding the non-reimbursable financing mechanism of cultural projects implemented by non-commercial organisations, <https://mc.gov.md/sites/default/files/file-cloud/reg-pro-cult-onc-24-rar>, 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.

²³⁷ National Youth Agency, Grant programme for youth organisations (in Romanian) <https://tineret.gov.md/programe/programul-de-granturi-pentru-organizatiile-de-tineret/>, Ministry of Culture,

selection results.²³⁸ Non-reimbursable financing for health projects was run under a procedure coordinated by the Unit for Coordination, Implementation and Monitoring of Health Projects, with support provided by the Global Fund.²³⁹

There is no evidence that state support is used to interfere in the activities of CSOs, or to undermine their independence.

Standard III. CSOs enjoy a favourable tax environment.

CSOs pay income tax, social and medical contributions for employees, but are exempt from income tax, including for economic activities, if they conduct activities according to statutory purposes.²⁴⁰ If, during a given year, a CSO sells services for more than 60,000 EUR, it is obliged to pay VAT. The Tax Code lacks clarity on the level of detailed required in a CSO's bylaws to ensure tax-exempt income from fundraising activities like charitable events.²⁴¹ CSOs can benefit from a zero VAT rate and customs benefits for projects approved under international treaties.²⁴² In 2024, there were over 700 projects (mostly implemented by CSOs) benefiting from this facility. This is less than 2023, when over 900 projects implemented by CSOs benefited from these allowances.²⁴³

CSOs can receive public benefit status attributed by the Certification Commission for Public Benefit Status for a period of five years²⁴⁴ via a clear procedure.²⁴⁵ At the date of the current report, there were 88 CSOs with public benefit status,²⁴⁶ of which 4 CSOs were awarded the status during 2024. Monitoring and evaluation of compliance with public benefit requirements does not interfere with CSOs' activities. There is no record

Cultural projects contest (in Romanian) <https://mc.gov.md/ro/content/proiecte-culturale-2024>, Ministry of Labour and Social Protection, Small grant program for active aging (in Romanian) <https://social.gov.md/comunicare/ministerul-muncii-si-protectiei-sociale-a-dat-start-inscrierilor-pentru-programul-de-granturi-mici-in-domeniul-imbatranirii-active-editia-2024/>, National Environment Fund (in Romanian) <https://onipm.gov.md/apel-fnm>, <https://onipm.gov.md/finantare>.

²³⁸ Grant programme for youth organisations, Selected projects https://tineret.gov.md/wp-content/uploads/2024/03/lista_proiecte_castigatoare_pg_2024.pdf, Cultural projects contest, List of financed projects <https://mc.gov.md/ro/content/un-numar-record-de-84-de-proiecte-lista-finala-proiectelor-culturale-finantate-de-stat-anul>, Small grant program for active aging, awarded grants <https://social.gov.md/comunicare/comunicate/ministerul-muncii-si-protectiei-sociale-a-desemnare-castigatorii-celui-de-al-viii-lea-program-de-granturi-mici-in-domeniul-imbatranirii-active/> National Environment Fund, List of approved projects <https://onipm.gov.md/sites/default/files/lista%20proiectelor%20aprobate.pdf>

²³⁹ UCIMP https://www.ucimp.md/index.php?option=com_content&view=article&id=129&Itemid=215.

²⁴⁰ Art. 52 (Non-commercial organisations), Tax Code of the Republic of Moldova.

²⁴¹ ECNL, ICNL, Assessment of the Legal Framework for Philanthropy in Moldova, September 2024 <https://ecnl.org/sites/default/files/2024-10/Environment%20for%20Philanthropy%20in%20Moldova%20-%20Assessment%20Report%20by%20ECNL%20and%20ICNL.pdf>.

²⁴² Government Decision 246/2010 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, https://www.legis.md/cautare/getResults?doc_id=110454&lang=ro.

²⁴³ 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.

²⁴⁴ Art. 22(2), Law 86/2020 on Non-Commercial Organisations, *op. cit.*

²⁴⁵ *Ibid.*, Chapter V, Public Benefit Status.

²⁴⁶ ASP, Certification Commission, (in Romanian) <https://www.asp.gov.md/ro/informatii-utile/comisiei-de-certificare>.

of CSOs being subject to unjustified tax penalties, or the withdrawal of public benefit status by state authorities.

Standard IV. Businesses and individuals enjoy tax benefits for their donations to CSOs.

The Law on Philanthropy and Sponsorship²⁴⁷ defines the legal status of philanthropy and sponsorship activities, contractual standards, the mechanisms for providing tax benefits and reporting. Businesses that offer donations to CSOs can officially enjoy tax benefits, unlike individuals who do not enjoy tax incentives for donations. Taxpayers have the right to make tax-deductible donations (both monetary and non-monetary) during the fiscal year for philanthropic or sponsorship purposes, but they cannot exceed 5 per cent of the total taxable income - a threshold that provides no effective incentives.²⁴⁸ The Platform for the Promotion and Development of Philanthropy proposed a set of amendments pursuing an increase in the tax benefits for donors to up to 20 per cent of taxable income, with progressive levels depending on size of income/business turnover. The proposed amendments have not yet been accepted by the Ministry of Finance.

In 2024, the Parliament adopted amendments²⁴⁹ promoted by CSOs which provide that food donations for CSOs are exempt from VAT and the expenses related to food donation become deductible as with residues, waste, and natural perishability. VAT paid on donated food is not deducted if it exceeds a set monthly limit (up to five units of any food product can be donated to each consumer, with culinary product donations determined by the individual operator).²⁵⁰

Standard V. Legislation and policies stimulate volunteering.

The status of volunteers and volunteering is defined in a dedicated Law on Volunteering.²⁵¹ The Law and its associated regulatory framework²⁵² provide for volunteering activities in organisations that have the status of 'host institution'. CSOs can be certified as institutions by the Certification Commission²⁵³ (which ended its mandate in June 2024) that operates under the Ministry of Education and Research.

²⁴⁷ Law 1420/2002 on Philanthropy and Sponsorship,

https://www.legis.md/cautare/getResults?doc_id=108161&lang=ro.

²⁴⁸ Expert Grup, 'Fiscal Mechanisms for Stimulating Philanthropy,' 2011 (in Romanian), https://www.expert-grup.org/media/k2/attachments/Mecanisme_fiscale_de_stimulare_a_filantropiei.pdf.

²⁴⁹ Law 148/2024 for the amendment of some normative acts (facilitating food donation) https://www.legis.md/cautare/getResults?doc_id=143894&lang=ro.

²⁵⁰ Art. 12 of the Law 299/2022 on the prevention of food loss and waste, https://www.legis.md/cautare/getResults?doc_id=132168&lang=ro.

²⁵¹ Law 121/2010 on Volunteering, https://www.legis.md/cautare/getResults?doc_id=18722&lang=ro#.

²⁵² Regulation Implementing the Law on Volunteering, https://www.legis.md/cautare/getResults?doc_id=18722&lang=ro.

²⁵³ Order 525/2014 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, Certification Commission 2021-2024, https://mec.gov.md/sites/default/files/componenta_comisiei_igav.pdf.

In 2024, there were 62 CSOs registered as volunteering host institutions,²⁵⁴ more than in 2023 (50 CSOs),²⁵⁵ but still less than in early 2019 (100 CSOs). The causes for the decrease could be the surge in volunteering during the Covid-19 pandemic and the burdensome administrative responsibilities for CSOs related to volunteering (such as a special certificate, internal volunteering regulation, the three-year volunteering programme, annual activity reports, contracts, volunteer cards and registers for cards, contracts and volunteers).

There are legal incentives²⁵⁶ for volunteers, but these are not observed to a great extent in practice. Volunteering experience is considered as work experience upon employment, it is an advantageous criterion for enrolling in higher education institutions, receiving scholarships or obtaining university accommodation, and transferable study credits are available from universities for internships in areas of public benefit that are related to the volunteer's education profile and speciality. LPAs may grant tax exemptions from local taxes and provide facilities to hosting institutions.²⁵⁷ International volunteering is defined and regulated by law.²⁵⁸ CSOs can engage foreign volunteers and also send volunteers abroad.

In 2024, the Ministry of Education and Research consulted on a new Draft Law on Volunteering.²⁵⁹ The Draft Law includes existing incentives for volunteering and adds new provisions related to recognition of informal volunteering, digitisation and de-bureaucratisation of volunteer registration, recognition of the skills and abilities acquired by volunteers, delimitation of roles in the elaboration and implementation of the volunteering policy, and the creation of the Committee for Coordination of Volunteering Policies that will include CSO representatives. Certification and management functions will be attributed to the National Agency for Development and Youth Programmes and Activities. The authors of the Draft Law have also proposed to regulate volunteering in the field of civil protection in a distinct law.

²⁵⁴ Ministry of Education and Research, List of institutions hosting the volunteer activity, 2024, https://mec.gov.md/sites/default/files/registru_de_evidenta_al_institutiilor_gazda_a_activitatii_de_voluntariat_3.pdf.

²⁵⁵ Ministry of Education and Research, List of institutions hosting the volunteer activity, 2023, https://mec.gov.md/sites/default/files/registru_igav_16.05.2023.pdf.

²⁵⁶ Chapter IV, Policies and Measures Encouraging Volunteering, Law 121/2010 on Volunteering, *op. cit.*

²⁵⁷ *Ibid.*, Art. 16.

²⁵⁸ *Ibid.*, Art. 2 and Art. 17 (International volunteering).

²⁵⁹ Draft Law on volunteering, <https://particip.gov.md/ro/document/stages/ministerul-educatiei-si-cercetarii-anunta-despre-initierea-procesului-de-consultare-publica-a-proiectului-de-lege-a-voluntariatului/12755>.

Specific recommendations:

- 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 taxable income and to extend the mechanism of the percentage 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 MDED should simplify the procedure for obtaining social enterprise status by eliminating double taxation upon registration of the status;
- The Ministry of Finance/the MDED should adopt a permanent tax break for social enterprises, on the tax of undistributed income in the form of dividends;
- The Government should adjust the legal framework to facilitate social contracting, including costing standards, an accreditation system, a legal mechanism for public procurements, a standard package of model documents and to remove barriers for CSOs (e.g., the requirement for bank guarantees);
- The Public Procurement Agency and LPAs should build knowledge and capacity in the field of social services contracting;
- 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 adopt the new Draft Law on Volunteering, including setting up the Committee for Coordination of Volunteering Policies;
- The Government should develop a national programme and fund to support volunteering; and
- The State Chancellery should establish a working group comprising the Ministry of Finance, the State Tax Service, the Platform for the Development and Promotion of Philanthropy, CSOs, and other key stakeholders to discuss challenges related to philanthropy and the percentage designation mechanism, identify short-term and longer-term practical steps to address these challenges, and monitor the implementation of relevant government policies.

3.10 State-CSO Cooperation

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

Legislation: **4.6/7**

Practice: **4.0/7**

Institutionalised cooperation between the state and CSOs is legally enabled mostly based on transparency and participation legislation, joint structures for monitoring specific policies, and permanent structures for specific areas. The National Security Strategy includes cooperation between state institutions and civil society as one of the four principles. The implementation of the CSO Development Programme 2024-2027 (CSODP) started in 2024, but its progress is not yet clear.

The Directorate for Human Rights and Cooperation with Civil Society, part of the State Chancellery, is the state structure with the largest mandate for monitoring CSO-related policies and cooperation with CSOs, although it has scarce resources and tools. The Government continued to create cooperation platforms for every CPA, but most are not yet functional. The Parliament created expert councils with CSO participation for every parliamentary committee, although these are not yet functional.

There are also 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 of which are the NGO Council and the Moldovan National Platform (the Eastern Partnership Civil Society Forum).

At the local level, there are a number of forums for participation (CRPs and CLTs) for CSOs to engage in the decision-making process at the district or municipal level based on specific regulations. CSOs continued their partnerships with LPAs and the CPA in the effort to support displaced persons following the Russian invasion of Ukraine.

The overall score in the area and the score for practice remained unchanged. The legislation score increased from 4.5 in 2023 to 4.6 in 2024 due to the start of the implementation period for the 2024-2027 CSODP.

The recommendations in this area focus on allocating sufficient resources for the implementation of the CSODP and maintaining and deepening dialogue formats between the Government and the Parliament with CSOs. Additionally, the development of framework cooperation mechanisms between LPAs and CSOs is encouraged.

Standard I. State policies facilitate cooperation with CSOs and promote their development.

Implementation of the CSODP 2024-2027,²⁶⁰ approved by the Government in 2023, commenced in 2024. The CSODP is focused on three main objectives: (i) to strengthen cooperation mechanisms between the CPA, LPAs and civil society and increase transparency in policy formulation and decision-making; (ii) increase the financial sustainability of CSOs; and (iii) improve CSOs' capacities, addressing social issues and promoting democratic values. The CSODP Action Plan includes specific deliverables,

²⁶⁰ Government decision 845 / 01.11.2023 to approve the Civil Society Organisations Development Programme 2024-2027, https://www.legis.md/cautare/getResults?doc_id=141016&lang=ro.

deadlines, responsible institutions and budgets. The monitoring and evaluation process will be carried out by the State Chancellery, with the results reflected in progress reports. To date, there are no conclusive assessments on the implementation of the CSODP.

The OGP Action Plan 2023-2025 is under implementation and focuses on the following areas: (i) access to information; (ii) open institutions; (iii) open budgets; (iv) public procurement; and (v) capacity development integrated with other commitments²⁶¹ with the supervision of the Coordinating Committee, including CSO representatives. According to the self-assessment report, 26 per cent of the actions in the Plan have been completed, while 50 per cent are in progress. Significant progress was recorded on the first area, with the other areas evaluated as being in the implementation phase. Specifically, the following progress has been observed:

- Access to Information (out of 11 actions: 5 completed and 5 in progress);²⁶²
- Transparency in Decision-Making (out of 14 actions: 1 completed and 11 in progress);
- Digitalisation of Correctional Services (out of 6 actions: 3 completed and 3 in progress);
- Transparency of the reporting and evaluation mechanism regarding the implementation of the United Nations Convention against Corruption (UNCAC) (out of 6 actions: 1 completed and 2 in progress);
- Open Budgets (out of 7 actions: 2 completed and 5 in progress); and
- Open Public Procurement (out of 2 actions: 2 in progress).

The National Security Strategy adopted in December 2023²⁶³ states the following goals relevant to state-CSO cooperation as two of its four principles: the ‘cooperation and coordination between state authorities and non-governmental entities including civil society, academia, and mass media’ and the ‘development of cooperation between public institutions, civil society and mass media in order to counteract threatening informational influences’.

Standard II. The state has special mechanisms in place for supporting cooperation with CSOs.

Cooperation between state institutions and CSOs is legally enabled through different mechanisms. The transparency legislation²⁶⁴ provides public institutions with a

²⁶¹ Government decision 158 / 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.

²⁶² Including the progress detailed in section 3.5 (*Right to Participation in Decision-Making*) of this report.

²⁶³ Parliament Decision 391/2023 regarding National Security Strategy, https://www.legis.md/cautare/getResults?doc_id=141253&lang=ro.

²⁶⁴ The Law 239/2008 on Transparency in Decision-making, *op. cit.*

framework for creating temporary working groups with the participation of CSOs for developing or consulting on public policies. There are also joint structures for monitoring specific policies, alongside permanent structures for specific areas established based on government decisions (such as the National Council for Child Rights Protection²⁶⁵ and the National Committee for Combating Trafficking in Human Beings).²⁶⁶

For CSOs operating at the municipal/district levels, there are a small number of forums for participation (CRPs and CLTs)²⁶⁷ which engage CSOs in the decision-making processes and monitoring of LPAs.²⁶⁸

The Directorate for Human Rights and Cooperation with Civil Society (part of the State Chancellery) is a dedicated body for cooperation with CSOs which also includes the focal point for relations with CSOs (instituted in 2019). The focal point is, however, not supported by a specific framework which provides tools and methods to be applied in the Directorate's relations with CSOs. The Directorate itself has little visibility or direct engagement with CSOs, apart from supporting the coordination for several national programmes, strategies and secretariats.²⁶⁹

In 2024, the Government and the Parliament initiated the creation of multiple cooperation structures with CSOs as part of the platforms initiated in 2023. The Government initiated the creation or reorganisation of consultative platforms for each CPA, including a platform at the level of the State Chancellery consisting of five CSOs. The Parliament, as part of the platform concept, created expert councils (see section 3.5 (*Right to Participation in Decision-Making*) of this report for more details). Most of these councils have not yet become functional, however, and the concept for the councils was developed largely without CSO participation. The Parliament planned the annual conference 'Cooperation between Parliament and Civil Society' to take place on 17 December 2024, a dialogue format between the legislature and CSOs that was revived in 2023.²⁷⁰

In 2024, the Government created 35 working groups within the coordination mechanism of Moldova's EU integration process.²⁷¹ CSO representatives were invited to

²⁶⁵ National Council for Child Rights Protection, <https://cnpdc.gov.md/ro/advanced-page-type/membrii-consiliului>.

²⁶⁶ National Committee for Combating Trafficking in Human Beings, <http://antitrafic.gov.md/>.

²⁶⁷ Soroca Rayon Participation Council, <http://euparticip.md/>; Causeni Rayon Participation Council, <https://www.facebook.com/crp.causeni/>; Cahul Rayon Participation Council, <https://crp-cahul.md/>.

²⁶⁸ Art. 43(1)(t), Law 436/2006 on Local Public Administration.

²⁶⁹ Commission for Consultations and Collective Negotiations <http://cncnc.gov.md/>, National Council for Human Rights <https://cancelaria.gov.md/ro/apc/consiliul-national-pentru-drepturile-omului>.

²⁷⁰ 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.

²⁷¹ Government Decision 180/2024 on the coordination mechanism of the accession process of the Republic of Moldova to the European Union and the organisation and functioning of the negotiation team within this process, https://www.legis.md/cautare/getResults?doc_id=142350&lang=ro.

33 of these groups that participated in the bilateral screening stage in the first stage of the negotiations.

At the local level, the existing 40+ LAGs are an important cooperation format between LPAs, CSOs and businesses for the benefit of local communities. The most prominent self-organised platforms of CSOs are the NGO Council,²⁷² a representative structure engaged in dialogue on issues concerning the CSO enabling environment, and the Moldovan National Platform (Eastern Partnership Civil Society Forum),²⁷³ which supports EU integration and serves as a consultative platform.

CSOs continued to support Ukrainian refugees in cooperation with the CPA and LPAs under the coordination of the Commission for the Coordination of Activities in the Field of Migration and Asylum.²⁷⁴ In 2024, Moldova hosted 123,000 Ukrainian refugees²⁷⁵ and the estimated financial requirements for the UN Refugee Agency's Regional Refugee Response Plan for the Republic of Moldova were estimated at 303 million USD.²⁷⁶

Specific recommendations:

- The Government should allocate all necessary financial resources to ensure the implementation of the CSODP 2024-2027;
- The Parliament should maintain organisation of the annual cooperation conference with CSOs as a tool for ongoing dialogue;
- The State Chancellery should adopt institutional procedures for direct and open collaboration between the Directorate for Human Rights and Cooperation with Civil Society and CSOs, including specific instructions to enhance the activities of the focal point appointed for relations with CSOs and the consultative platform; and
- LPAs and the CPA should develop a framework mechanism for cooperation with CSOs, to ensure the representation, involvement and development of local CSOs.

²⁷² NGO Council, <https://www.consiliuon.md/prezentarea-general/>.

²⁷³ Moldovan National Platform – Eastern Partnership Civil Society Forum, <https://www.eap-csf.md/>.

²⁷⁴ Government decision 947/2018, https://www.legis.md/cautare/getResults?doc_id=129950&lang=ro.

²⁷⁵ UNHCR Operational Data Portal, Republic of Moldova, RRP 2024
<https://data.unhcr.org/en/dataviz/248?sv=54&geo=10784>.

²⁷⁶ Ukraine Regional Refugee Response Plan (RRP)
<https://app.powerbi.com/view?r=eyJrjoiZWE5MTAyYjYtNDZmYi00NGYzLWFkYjEtMzQ5MTAxZDBiZTU1liwidCI6ImU1YzM3OTgxLTY2NjQ0tNDEzNC04YTBlLTY1NDNkMmFmODBiZSIsImMiOiJh9&pageName=ReportSection437de5295a71905db6ba>.

3.11 Digital rights

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

Legislation: **4.5/7**

Practice: **4.1/7**

There is widespread and affordable access to the internet across the whole of Moldova, allowing for increasing online activity. The digital environment is regulated by laws and institutions mostly oriented on technical aspects. There is little to no public awareness on digital rights in Moldova and the legislation does not explicitly regulate digital rights.

In 2024, the MDED issued the White Book on Data Governance and AI that should serve as a guideline for the development of public policies in this field and constituted the SCIA which includes CSO representatives. To date, digital technologies have been developed without mechanisms to ensure respect for human rights.

Officially, there is no AI technology applied by the information systems of public institutions, but the topic was addressed by the Government including through two regional conferences. In September 2024, Moldova signed the Council of Europe Framework Convention on AI. State-owned systems currently in use include facial recognition technology, surveillance, and traffic monitoring systems, some of which are interconnected with registries that hold personal data.

The Digital Transformation Strategy of the Republic of Moldova 2023-2030 (STDM 2023-2030) tangentially addresses the 'digital divide', digital illiteracy and the promotion and protection of rights and freedoms online. There are a few modest initiatives in place to close the 'digital gap' in Moldova. The main recommendations of this report are to build digital proficiency in the justice sector, to strengthen policy-making capacities and to integrate a human rights-based approach in the digital area. Additionally, public authorities should take a more proactive approach to closing the 'digital divide' and involve CSOs in the development process of the STDM 2023-2030.

The overall score and the legislation score for the area of Digital Rights remained the same as in the previous reporting period. The practice score has increased from 4.0 in 2023 to 4.1 in 2024, due to the publication of the White Paper on Data and AI Governance and the establishment of the SCIA, with the participation of CSOs.

The main recommendations in this area focus on building multilateral dialogue on digital rights, integrating a human rights-based approach into digitalisation policies, and increasing digital skills and digital literacy nationwide.

Standard I. Digital rights are protected, and digital technologies are compliant with human rights standards.

The access of any natural or legal person to publicly-accessible electronic communications services is guaranteed throughout the territory of the country, under non-discriminatory and confidential conditions.²⁷⁷ The protection of the exercise of rights online is not subject to specific legislation, but rather to general legislation.

²⁷⁷ Law 241/2007 on Electronic Communications,
https://www.legis.md/cautare/getResults?doc_id=125279&lang=ro.

Limitations to digital rights could arise from gaps in legislation, which has not been expressly designed for the online environment.

The online environment is protected by the Law on Electronic Communications and other laws and administrative bodies, including 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, and regulators (such as ANRCETI, the CNPDCP and specialised law enforcement, such as the Directorate for Combating Cyber Crimes, part of the General Police Inspectorate). The STISC²⁷⁸ supports these efforts by managing IT infrastructure, telecommunications for public authorities, and implementing cyber security policies.

There is a lack of legislation regarding new digital technologies (such as AI, blockchain, the internet of things (IoT), big data, mining, etc.). In September 2024, the MDED issued the White Book on Data Governance and AI,²⁷⁹ which presents the vision of accelerating the creation of a data governance ecosystem and the adoption of AI for the development of the Republic of Moldova and should serve as a guideline for development of public policies in this field.

The MDED manages digital policy making, including through the support of an Advisor on AI and Cybersecurity. The MDED coordinates and monitors the implementation of the STDM 2023-2030,²⁸⁰ which aims for a well-protected cyberspace, ensured rights in the digital space and personal data protection. Key interventions include promoting internet access as a fundamental human right, fast and affordable internet access for every citizen, participation of citizens in political life through digital technologies, a national digital literacy programme, integrating digital literacy in basic educational processes, proactive, simple and intuitive digital public services, and establishing a cybersecurity authority. The new Cyber Security Agency²⁸¹ has been established under the MDED, with the mission of implementing the state's cybersecurity policy to ensure a high level of security for service providers' networks and IT systems. The targets of the STDM 2023-2030 include 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 at least 100 Mbps, and 25 per cent of the population covered by the 5G cellular network.

²⁷⁸ Serviciul Tehnologia Informatiei si Securitate Cibernetica (STISC) (Information Technology and Cyber Security Service <https://stisc.gov.md/ro>.

²⁷⁹ MDED, 'White Book on Data Governance and Artificial Intelligence', 2 October 2024 (in Romanian) <https://mded.gov.md/cartea-alba-privind-inteligenta-artificiala-si-guvernanta-datelor-primul-document-cadru-de-politici-al-mded/>.

²⁸⁰ 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.

²⁸¹ Government Decision 1028/2023 on the establishment, organisation and operation of the Cyber Security Agency https://www.legis.md/cautare/getResults?doc_id=143785&lang=ro.

In 2024, the MDED established²⁸² the SCIA which includes CSO representatives. The SCIA's mission is to contribute to the development and responsible implementation of AI and data governance by facilitating collaboration between stakeholders from the public, private sector, academia, industry, civil society and development partners.

In September 2024, Moldova signed²⁸³ the Council of Europe Framework Convention on AI²⁸⁴ that is to be transposed into the national legislation.

Public services technology is developed by the EGA,²⁸⁵ focusing on electronic services. The Register of State Information Resources and Systems (RRSI), operated by the EGA,²⁸⁶ lists 85 information systems and 6 registers run by state institutions. The RRSI was created to address the lack of centralised records of the various state information systems, which had led to chaotic development and duplication of technical solutions and data stored. Some state systems fail to meet legal requirements for documentation (concepts, regulations, terms of reference) and concerns have been raised about security, personal data management, interoperability and sustainability.²⁸⁷

In 2024, the Government created the Cyber Security Coordinating Council, led by the Minister for Economic Development and Digitalisation, which is tasked with promoting and coordinating cybersecurity policies at a strategic and operational level.²⁸⁸ The Council consists exclusively of representatives from state institutions.

For the purposes of fighting child pornography, law enforcement has a mechanism (covering both hardware and software) that allows for the monitoring of providers' data and the blocking of any webpage. In July 2024, the Parliament amended²⁸⁹ the cybercrime legislation to allow the SIS and the police to 'block access to webpages that contain information intended and used for preparing or committing crimes or regarding the removal at source of online content that contains information intended and used for the preparing or committing of crimes'.

²⁸² MDED Order 91/23.07.2024, <https://mded.gov.md/ordin-de-instituire/>.

<https://www.facebook.com/MinisterulDezvoltariiEconomicSiDigitalizarii/photos/a-fost-lansat-sub-consiliul-consultativ-pe-inteligenta-artificiala-si-guvernanta/892869516221261/?rdr>.

²⁸³ MDED, Republic Moldova has signed the Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, 5 September 2024 (in Romanian) <https://mded.gov.md/republica-moldova-a-semnat-conventia-cadru-a-consiliului-europei-privind-inteligenta-artificiala-drepturile-omului-democratia-si-statul-de-drept/>.

²⁸⁴ Council of Europe Framework Convention on Artificial Intelligence, Human Rights, Democracy and the Rule of Law, <https://www.coe.int/en/web/artificial-intelligence/the-framework-convention-on-artificial-intelligence>.

²⁸⁵ E-Governance Agency, <https://egov.md/en/about>.

²⁸⁶ RRSI, <https://rsi.gov.md/>.

²⁸⁷ DCAF, 'Strategic Assessment of the Ministry of Internal Affairs of the Republic of Moldova', 2021.

²⁸⁸ Government Decision 333/2024 regarding the establishment, organisation and functioning of the Coordinating Council in the field of cyber security https://www.legis.md/cautare/getResults?doc_id=143430&lang=ro.

²⁸⁹ Law 200/2024 to amend the Law on the prevention and combating of cybercrime, https://www.legis.md/cautare/getResults?doc_id=144568&lang=ro, https://www.legis.md/cautare/getResults?doc_id=144598&lang=ro.

Following the end of the state of emergency in December 2023, the SIS has continued to block webpages with ‘fake news’ content, but without a clear legal basis for doing so.²⁹⁰ There is otherwise no widespread practice of blocking websites or removing online content. There are no cases of arrests of or pressure on activists, bloggers, journalists, or CSOs that engage in online activities.

Standard II. The state creates conditions for the enjoyment of digital rights.

There is no express legal provision that guarantees open, accessible and affordable internet. The access of any natural or legal person to electronic communications services accessible to the public is guaranteed throughout the territory of the country, under non-discriminatory and confidential conditions.²⁹¹ The providers of public electronic communications networks and/or services have the obligation to measure and publish the values of the administrative and technical quality indicators of the connections.²⁹² Internet access in Moldova is relatively affordable and accessible.²⁹³ The latest data (2023) shows that 94.6 per cent of the population had active mobile-broadband subscriptions, while 4G/LTE/WiMAX mobile networks cover 99.3 per cent of the population. The affordability of internet in Moldova was 0.68 per cent of GNI per capita for data only and mobile data and voice low-consumption basket and 1.43 per cent of GNI per capita for fixed-broadband internet basket, compared to European averages of 0.56 and 1.28 per cent of GNI per capita respectively.²⁹⁴

The EGA is responsible for technological development of administrative (including for CSOs) and public services, with most of these available online.²⁹⁵ Available online services include business registration, electronic submission of documents for CSO registration and services related to judicial procedures and electronic petitioning, all with the protection of personal data. The possibility to use a digital signature is open to everyone for a fee of at least 11 EUR annually and a fee for each use.²⁹⁶ Nevertheless, there are inconsistencies among public institutions in terms of signatures created on mobile devices not being recognised as electronic signatures. In 2024, the EGA launched the ‘EVO’ public services integrated application that provides individuals

²⁹⁰ Ziarul de Garda, ‘SIS requested blocking access to seven other Russian propaganda websites’, 26 September 2024 (in Romanian) <https://www.zdg.md/stiri/sis-a-solicitat-blocarea-accesului-la-alte-sapte-site-uri-cu-propaganda-rusa/>.

²⁹¹ Law 241/2007 on Electronic Communications, https://www.legis.md/cautare/getResults?doc_id=125279&lang=ro#.

²⁹² ANRCETI, Quality parameters of public electronic communications services (in Romanian) https://www.anrceti.md/parametrii_de_calitate.

²⁹³ ITU, Republic of Moldova Country Digital Development Profile, 2021 <https://www.itu.int/en/ITU-D/Regional-Presence/Europe/Documents/Events/2021/Regional%20Innovation%20Forum/Moldova.pdf>.

²⁹⁴ ITU DataHub, Moldova <https://datahub.itu.int/data/?e=MDA>.

²⁹⁵ Public Services Portal (in Romanian) <https://servicii.gov.md/ro>.

²⁹⁶ ASP, ‘Expansion of the pilot project: issuing electronic signatures in ASP multifunctional centres’, 30 August 2024 (in Romanian) <https://www.asp.gov.md/ro/media/2024-08-30>.

with digital access to personal and business information²⁹⁷ and the National Bank of Moldova launched the 'MIA Instant Payments' system that requires only the beneficiary's phone number to send payments. In October 2024, the Government approved the concept of the 'e-Dosar' information system, which will allow the management of criminal and civil cases in electronic format.²⁹⁸

In 2024, in a significant case concerning 'revenge porn' involving a closed *Telegram* group, the police initiated seven criminal cases for violations of privacy and blackmail.²⁹⁹ Nevertheless, the case highlighted the difficulties facing the police to promptly detect and investigate such cases.

Access to services through digital technologies has specific limitations, such as the *Facebook* donate feature being unavailable in Moldova. The big digital divide in Moldova 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)³⁰⁰ is being addressed by the EGA via a digitalisation agenda³⁰¹ that seeks to ensure that services are accessible to all citizens. The digital divide and digital illiteracy are also addressed in the STDM 2030. In 2024, the EGA extended from 42 to 64³⁰² the number of digital public services available in the network of 103 Unified Public Service Centres (CUPS).³⁰³ CUPS are common access points where specialists offer information and technical support to the rural population so that it can obtain quality public services.

Public awareness on digital rights in Moldova is essentially non-existent, but the strategic priorities of the Ombudsman for 2023–2030³⁰⁴ include that 'digital services and AI respect and facilitate the realisation of human rights', through building a legislative framework for digitalisation that safeguards human rights, fostering dialogue with the courts on digital rights, training authorities and the private sector on human rights in the digital sphere, and ensuring protection against abuse and discrimination. There is also a lack of literacy in digital rights among law enforcement and in the justice sector that could potentially affect the quality of the interpretations

²⁹⁷ EGA, Launch of EVO application, 6 June 2024 (in Romanian) <https://www.egov.md/ro/node/40407>.

²⁹⁸ Government Decision 714/2024 for the approval of the Concept of the Information System 'e-Dosar: Electronic Management of Criminal / Misdemeanour Cases', https://www.legis.md/cautare/getResults?doc_id=145496&lang=ro.

²⁹⁹ Moldova.org, 'The authors of a Moldovan Telegram group promote revenge porn and make money from it', 28 August 2024 (in Romanian) <https://www.moldova.org/grup-de-telegram-promoveaza/>.

³⁰⁰ UNFPA, Report of the 'Generations and Gender' Study in the Republic of Moldova', 2022, <https://moldova.unfpa.org/en/publications/generations-and-gender-survey-report>.

³⁰¹ EGA, Digital Literacy Campaigns (in Romanian) <https://www.egov.md/ro/advanced-page-type/digital-literacy-campaigns>.

³⁰² Public Services Portal, Unified Centres for the Provision of Public Services, <https://servicii.gov.md/ro/cups>.

³⁰³ 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.

³⁰⁴ Strategic Development Program of the Ombudsman Office 2023-2030, 2023 (in Romanian) <https://ombudsman.md/post-document/strategic-development-program-of-the-peoples-advocate-office-2023-2030-4/>.

and decisions regarding violations of digital rights. Public institutions use several technologies, such as face recognition systems at border control, road traffic monitoring systems (including drones)³⁰⁵ and may also use more advanced technologies in monitoring and surveillance, including machine learning. Still, there is no oversight mechanism for seeking remedies against violations of digital rights and any suspicions of violation may only be subject to traditional legal mechanisms.

Moldova hosted the AI & Big Data Regional Conference in April 2024³⁰⁶ and the Moldova Digital Summit 2024,³⁰⁷ although these events lacked a human rights or digital rights perspective.

In November 2024, the Parliament adopted on its first reading the Draft Law on Contracts for the Supply of Digital Content and Digital Services, initiated by the MDED, with the stated aim of transposing the EU Digital Services Act into Moldovan legislation.³⁰⁸ Also in November, the Government established the Agency for Digitalisation in Justice and Judicial Administration through the merger of the Agency for Court Administration and the Agency for Legal Information Resources.³⁰⁹

³⁰⁵ General Inspectorate of Police, 'The process of equipping the National Police with modern equipment and training police officers continues', 15 April 2024 (in Romanian) <https://politia.md/ro/content/procesul-de-dotare-politiei-nationale-cu-echipamente-moderne-si-instruirea-politistilor>.

³⁰⁶ Regional AI & Big Data Conference <https://aimoldova.org/>.

³⁰⁷ Moldova Digital Summit 2024 <https://moldovadigitalsummit.md/>.

³⁰⁸ Law 247/2024 on contracts for the provision of digital content and digital services. https://www.legis.md/cautare/getResults?doc_id=145889&lang=ro.

³⁰⁹ Government Decision 748/2024 Regarding the Agency for Digitalization in Justice and Judicial Administration, https://www.legis.md/cautare/getResults?doc_id=145852&lang=ro.

Specific recommendations:

- The MDED should build policy-making capacities to integrate a human rights-based approach in digitalisation policies;
- The Government should build around the SCIA an informal national platform for open dialogue between state institutions, the business sector, CSOs and national human rights institutions (the Ombudsman and the Equality Council) 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 and law enforcement should develop the proficiency of the literacy in digital rights of judges, prosecutors and lawyers;
- CSOs should adopt a proactive position in the promotion of digital rights;
- The Parliament should adopt the legislation on the provision of digital content and digital services in line with the EU *acquis*, including the EU Digital Services Act; and
- The Government should ensure institutional capacity to implement priority areas under the STDM 2023–2030, in particular to align legislation with EU requirements on electronic identification, data protection and cybersecurity, including the EU 5G Cybersecurity Toolbox.

IV. KEY PRIORITIES

The overall situation for the CSO enabling environment in the Republic of Moldova did not change significantly in the period January–November 2024, but there were some positive developments, as described below, that could lead to improvements in the coming period.

In 2024, public institutions implemented one key recommendation regarding the FIU's initiation (with EU support) of an NPO Risk Assessment with the participation of CSOs. Three other recommendations from the 54 total recommendations outlined in the CSO Meter 2023 report have also been implemented. These include the adoption of a police regulation to sanction hate speech, a functional accreditation system for social services providers including CSOs, and the Parliament dropping the initiative to include education institutions in the list of beneficiaries of the percentage designation mechanism.

There were ten other recommendations that were either partially implemented or their implementation was started in 2024. These include the ASP completing the development of the State Registry (which includes an online registration module that should positively impact the registration procedure, expected from 2025); the Draft Law on Volunteering initiated by the Ministry of Education and Research, which addresses part of the recommendation regarding the establishing of a body responsible for implementing policies related to volunteering; the operationalisation of cooperation platforms of the Government and the Parliament; improvements in the regulation and the amount of state support for the implementation of the Law on Access to Information of Public Interest; and the end of the restrictions on freedom of assembly and freedom of expression with the lifting of the state of emergency. The recommendations applicable to the Commission for Exceptional Situations are no longer relevant as the state of emergency has now ended.

On the downside, in 2024, law enforcement has repeatedly intervened in peaceful assemblies without clear reasons for doing so, resulting in the disruption of some assemblies. In addition, the SIS continued to block webpages seen to be promoting false information without a clear legal basis for doing so.

In light of this, the following seven recommendations out of total number of 58 recommendations in 11 areas are identified as key priorities:

1. The Ministry of Finance should increase tax benefits for philanthropic donations and sponsorship to a level that would provide real benefits for philanthropic activity;
2. 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;
3. The legal framework for public procurement should be adjusted, with a legal mechanism for social contracting with clear instructions, a standard package of model documents, and knowledge being built in public institutions based on this mechanism;
4. 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;
5. The FIU and the National Bank should implement CTF measures impacting CSOs (including banking policies) only to FATF NPOs, in line with FATF Recommendation 8, arising from the Terrorist Financing Risk Assessment of the NPO Sector;
6. The Government should adopt amendments provided by CSOs for the regulatory framework on social entrepreneurship in order to boost the development of related initiatives; and
7. LPAs should increase transparency in decision-making by developing modules on their webpages similar to those used by the Government (particip.gov.md) and establish District Participation Councils (CRPs) based on existing functional models.

V. METHODOLOGY

The CSO Meter supports regular and consistent qualitative and quantitative 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.

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 boards have two main tasks: to review the narrative reports and to assign scores for every standard based on the narrative reports.

This country report covers the period of January–November 2024.

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 2023-2024. 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 groups, 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:

Ana Bezărașu (Programme Coordinator, *Centrul CONTACT*), Irina Buzu (Advisor to the Deputy Prime-Minister and Minister for Economic Development and Digitalisation), Tatiana Puga (Director, *CredemEco Social Enterprise*), Irina Serebreanschi (Head of the Parliamentary Studies Directorate, *Parliament Secretariat*), Lilia Pascal (Head of the *Directorate for Human Rights and Cooperation with Civil Society*), Natalia Postică (Deputy Head of *Directorate for Human Rights and Cooperation with Civil Society*), Aurelia Isac (Principal Consultant, *Directorate for Human Rights and Cooperation with Civil Society*), Mihail Drăgan (Head of the Department of Registration and Licensing of Legal Entities, *ASP*), Veronica Ignat (Head of Section for Registration of Non-Commercial

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Brief information exchange:

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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 Consultancy and Training, CICO*)
- Serghei Lîsenco (President, *Criuleni Debate Centre*)
- Serghei Neicovcen (Executive Director, *Centrul CONTACT*)
- Natalia Răileanu (President, *ProCimișlia Association*)
- Andrei Lutenco (Executive Director, *Centre for Policies and Reforms Moldova*)
- Irina Corobcenco (Hate Speech Analyst, *Promo-LEX Association*)
- Vitalie Hotnogu (Project Coordinator, *Cahul 2030 Association*)
- Natalia Postolachi (Executive Director, *CASMED Association*)
- Svetlana Ciobanu (Executive Director, *Pas-cu-Pas South Region 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 1 November 2024. 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 the Standards of the 11 areas of the CSO Meter tool in Legislation and in Practice which noted significant changes as compared to the previous year's reports. 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 of each area is then calculated as the average value of the final scores of each standard and calculated and rounded with 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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