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Shrinking space for Civil Society in Moldova

POLICY BRIEF

Executive summary

This briefing paper analyses the extent to which Moldova implemented its commitments under the EU-Moldova Association Agreement on ensuring an enabling environment for civil society and the Civil Society Organizations (CSOs) participation in the decision-making process.

A worsening situation in civil society resulted from several legislative initiatives that put the operational environment at risk for Moldovan CSOs. Of particular concern is the attempt to introduce legislation that would prohibit political activities and legislative advocacy by the NGOs that receive foreign funds. The controversial provisions were dropped in the draft law approved by the Government at the end of March 2018, which looks similar to the version drafted together commonly with the civil society. However, this delayed the legal changes necessary to improve the conditions for civil society. The draft law needs to be adopted by the Parliament in order to enter into force. The re-introduction of the controversial amendments in the Parliament cannot be fully excluded. The current legislation on non-commercial organizations is outdated and grants the Ministry of Justice substantial powers to interfere in all aspects of any NGO's activity. The Ministry of Justice has made it clear that they intend to maintain this prerogative.

In addition, the new Civil Society Development Strategy for 2018-2020 was only adopted at the end of March 2018, potentially undermining the implementation of activities for the first year. The new 2018-2020 Civil Society Development Strategy was developed by mixed working groups and a group of MPs registered the draft in the Parliament on 22 December 2017. Importantly, the civil society contributed to most of the

¹ www.crjm.org/en/

recommendations reflected in the final text of the document. However, there is no budget support for a series of actions. Unity at the level of the State Chancellery responsible for coordination of the activities related to civil society raises questions about its real functionality taking into account the reform of the central public administration conducted by the government since 2017.

After opposing the controversial amendment of the electoral system, Moldovan CSOs are under constant attacks from public officials, and other entities affiliated with the ruling party, including mass media, bloggers and online trolls. Several Moldovan CSOs reported the attacks against CSOs, in a chronological order, undertaken between 2016 and 2017.

Inclusion of the civil society in the legislative process has gradually improved in the last years. However, the final impact on policy-making remains limited. In many cases, the draft laws and regulations, brokered between CSOs and government, are approved in the Parliament with significant changes from the initial draft. The Regulation of the Parliament does not provide clear provisions about public consultations of draft legislation with the participation of civil society. Moreover, it does not provide rules for the procedure of adoption of draft legislation in the emergency procedure. Last but not least, the amendments of MPs for the second reading are not published on Parliament's webpage, which restrains CSOs from intervening in a timely manner in the decision-making process.

Introduction

CSOs have become an important actor in Moldova's public life. In March 2018, there were 11,000 CSOs registered at the Ministry of Justice, showing a positive trend in recent years.² Out of the total amount about 9,200 represent public associations, private institutions, foundations, trade unions, and the rest consist of religious entities. The CSOs registered in the Transnistrian region account for about 2,364 non-commercial organizations.³

According to the USAID CSO Sustainability Index, between 2014-2016, Moldova's index was consistently 3.9, which indicates a quite good situation.⁴

According to EU-Moldova Association Agreement's Article 4 (b), the two sides should ensure respect for human rights and fundamental freedoms, while the Article 135 aims at increasing civil society participation in the decision-making process and facilitating the process of strengthening institutions and CSOs.⁵

² State Registry of Non-Commercial Organizations, <http://rson.justice.md/organizations>.

³ USAID, 2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia. Chapter on Moldova, page 158, https://www.usaid.gov/sites/default/files/documents/1866/CSOSI_Report_7-28-17.pdf.

⁴ The scale ranges from 1 to 7, with a score of 1 indicating a very advanced civil society sector with a high level of sustainability, and a score of 7 indicating a fragile, unsustainable sector with a low level of development.

⁵ USAID, 2016 CSO Sustainability Index for Central and Eastern Europe and Eurasia. Chapter on Moldova, page 158, https://www.usaid.gov/sites/default/files/documents/1866/CSOSI_Report_7-28-17.pdf.

Main issues of concern

1. Tentative of the authorities to prohibit political activities and foreign funding for NGOs through revisions in the new draft Law on non-commercial organizations

The new draft Law on non-commercial organizations elaborated by a mixed working group during more than one year and scheduled for adoption before the end of 2017 was withdrawn after CSOs opposed the introduction of provisions limiting the ability of foreign funded NGOs to operate. Though the draft law was ready for legislative examination and further adoption at the end of 2016, the minister of Justice Vladimir CIBOTARU unilaterally introduced, in the last moment, three more articles (Articles 28-30) under a chapter on special provisions in July 2017. The majority members of the working group that elaborated the initial draft Law rejected the minister's proposals because they were contrary to international standards.

Particularly, these provisions prohibited foreign funding for CSOs involved in "political activities", proposing burdensome financial and activity reporting obligations to any CSO that receives foreign funding or state funds and additional sanctions for the latter. The draft Law defined vaguely what "political activity" meant. The Ministry of Justice provided no reasoning about the necessity of such limitations in the informative note to the draft law. Protesting against this, about 160 CSOs issued a public declaration calling on the Ministry to withdraw the controversial provisions on foreign funding (Art. 26-28 of the draft law).⁶ On 11 July 2017, the Ministry of Justice published the draft law for public consultations and accepted comments until 11 August 2017. 24 CSOs submitted comments, calling on the Ministry of Justice to waive these provisions, as well as any other initiatives aimed at limiting CSO work.⁷ In an attempt to dilute the scandal, the Ministry of Justice extended the work on the draft, making a public call to other CSOs to join the mixed working group.⁸

Unexpectedly, on 12 September 2017, the leader of the Democratic Party (DPM) Vladimir PLAHOTNIUC announced that amid the public speculations on the draft law, he and his DPM colleagues asked the minister of Justice to stop any work on the draft law.⁹ On the same day, the minister of Justice dissolved the working group in charge of drafting the Law on non-commercial organizations. Instead of withdrawing the three problematic articles, the ministry abandoned the entire draft altogether. This resulted in maintaining the old Law on public associations no. 837 dating from 17 May 1996, unfit for the present-day needs of the non-commercial sector. Therefore, a number of limitations on freedom of association, including an extended registration procedure and excessive interference from the state authorities, stay valid.¹⁰ The decision to abandon the new draft law contradicts with the goals of the National Action Plan for the implementation of the Moldova-EU Association Agreement 2017-2019 that scheduled the adoption of the draft Law during the 4th quarter of 2017,¹¹ but also 2017 EU-Moldova Association Council's Recommendation.¹²

The initiative of the Ministry of Justice came at a time when CSOs were heavily attacked after opposing the initiative to change the electoral system in Moldova (more details below). This adds to the worrying statement made by the President of Moldova Igor DODON in May 2017 on the usefulness of promoting provisions limiting foreign funding of NGOs, similarly to Hungary.¹³

⁶ Declaration, The attempt to limit foreign funding of NGOs endangers the functioning of democracy in Moldova and cannot, under any circumstances, be accepted, 11 July 2017, <http://crjm.org/wp-content/uploads/2017/07/2017-07-11-Declaration-MJ-initiative-contrary-to-law.pdf>.

⁷ Proposals for amending the draft law on non-commercial organizations, 11 August 2017, http://crjm.org/wp-content/uploads/2017/08/2017-08-11_Comentarii_Legea-ONG_final-ENG.pdf.

⁸ Ministry of Justice, press release, The Working Group for the elaboration of the non-commercial organizations draft law will be expanded, 17 July 2017, <http://justice.gov.md/libview.php?l=ro&idc=4&id=3555>.

⁹ DPM weekly briefing, 12 September 2017, starting with min. 09.20 (Romanian), <https://www.privesc.eu/arhiva/77823>.

¹⁰ Legal Resources Centre from Moldova, Soluții pentru un cadru legal adecvat necesităților organizațiilor necomerciale (Solutions for a sustainable legal environment for CSOs), Chișinău, 2016, http://crjm.org/wp-content/uploads/2016/07/CRJM_03.2016-DPP-ONG.pdf.

¹¹ Government Decision no. 1472, on the approval of the National Action Plan for the implementation of the Moldova-EU Association Agreement 2017-2019, 30 December 2016, Title II, Article 4 (b) "ensuring respect for human rights and fundamental freedoms", L6, <http://www.legis.md/cautare/rezultate/98544>.

¹² EU-Republic of Moldova Association Council, Recommendation no. 1/2017, 4 August 2017, p. 2.2 (iii) "civil society cooperation", <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22017D1489&from=EN>.

¹³ Press release of 26 May 2017, <http://presedinte.md/rom/comunicate-de-presa/in-cadrul-vizitei-de-lucru-la-budapesta-igor-dodon-a-avut-o-intrevedere-cu-presedintele-ungariei-janos-ader> (Romanian).

The new minister of Justice Alexandru TĂNASE resumed the work on the abandoned draft law and declared that finalizing the draft law was a priority for the Ministry of Justice.¹⁴ The working group was called to finalize the draft law and to send it to the Government and Parliament for adoption. After the sudden resignation of minister Tănase, the Ministry of Justice sent the draft law to the Government that approved it on 28 March 2018. There are enough reasons to believe that the draft law can be newly altered in Parliament, making it more difficult for the civil society to intervene.

2. Delayed adoption of the main state policy document regarding CSOs and the lack of budget coverage

The Parliament failed to adopt the new Civil Society Development Strategy (CSDS) by the end of 2017.¹⁵ The draft of CSDS for 2018-2020 was registered as a legal initiative only on 22 December 2017 and adopted only on 28 March 2018.¹⁶ Moreover, the budget support for a series of actions is very uncertain, limited to unclear available financial sources. This may endanger the implementation of the planned actions, which require sufficient financial coverage. The establishment of a unity within the State Chancellery, in charge with coordination competences for the activities related to civil society, is under question, because it contradicts the reform of the central public administration started by the governing party in 2017. The same action was included in the previous CSDS for 2012-2015, but not achieved yet. In the absence of a published strategy for a clear reform of the central public administration, it is difficult to predict the implementation of this action.

The previous CSDS for 2012-2015 had a very low rate of implementation. Only 27% of actions were implemented, while the document lacked a clear mechanism of implementation.¹⁷ The implementation of a Civil Society Development Strategy for 2017-2020 is part of the recommendations of 2017 EU - Moldova Association Council.¹⁸

¹⁴ Ministry of Justice, press release, Discussions on the draft law on non-commercial organizations, 20 February 2018, <http://justice.gov.md/libview.php?l=ro&idc=4&id=3848>.

¹⁵ In 2016, the Parliament created a mixed working group that developed a new draft Strategy. In the beginning of June 2017, the draft CSDS 2017-2020 and its Action Plan were published for public consultations.

¹⁶ Draft CSDS 2018-2020 in Romanian <http://parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/4044/language/ro-RO/Default.aspx>.

¹⁷ Caraseni Gh., Implementation of the Civil Society Development Strategy 2012-2015, Chişinău, June 2016, <http://fhi360.md/docs/2016/MPSCS%20Raport%20Evaluarea%20SDSC%202012-2015%20Eng.pdf>.

¹⁸ EU-Republic of Moldova Association Council, Recommendation no. 1/2017, 4 August 2017, p. 2.2 (iii) "civil society cooperation", <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22017D1489&from=EN>.

¹⁹ Draft law adopted by the Parliament on 16 March 2017, <http://parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/3984/language/ro-RO/Default.aspx>.

3. Intrusive provisions on transparency of CSOs

According to the current legislation on non-commercial organizations, the Ministry of Justice is already entitled to obtain information about all aspects of any NGO's activity and to attend their meetings. Vaguely defined, such legal provisions allow civil servants to attend meetings, access internal organizational documents, even the confidential documents. Even if in practice there were no such cases registered yet, such provisions are not favoring unconditional independence of CSOs. Given the frequency of the attacks and the pressure from the public sector on CSOs (more details below), such provisions embody risks for CSOs in the 2018 electoral year.

4. Despite the announced reforms, the timeframe of registration of NGOs is still much longer than for commercial organizations

In the framework of a bigger public administration reform, on 16 March 2018, the Parliament adopted amendments to the Law on Public Association and the Law on Foundations, transferring the registration of NGOs from the Ministry of Justice to the Public Services Agency, which will also register political parties and private companies.¹⁹ According to the new law, not published yet in Official Gazette, the registration time of NGOs will be reduced from 30 to 15 days, which doesn't correspond to the approximate 3 day period offered for the registration of commercial organizations.

5. After opposing the new electoral system, CSOs face constant attacks, increasingly hostile public institutions and defamation.

a. Attacks after opposing the change of the electoral system. In a joint statement addressed to development partners and the public at large on 3 March 2017, a group of Moldova's most prominent CSOs warned about the worsening of the working environment for civil society organizations.²⁰ They drew attention to actions conducted by the government-affiliated media aimed to divide and discredit civil society organizations, including by their positioning against quasi non-governmental organizations. They also expressed general concerns regarding the climate of increased intimidation of independent mass media by public authorities.

The attacks intensified amidst the opposition of the several well-known and active NGOs against the initiative to amend the electoral system.²¹ Consequently, these NGOs were labelled as being politically affiliated to various politicians by the government affiliated mass media, bloggers and online trolls. The speaker of the Parliament, Andrian CANDU, stated on 15 May 2017 that the NGOs opposing the new electoral system have political affiliations, suggesting that the NGOs should not be involved in political activities, such as the electoral reform.²² Following this statement, on 19 May 2017, more than 20 CSOs launched a common declaration urging the authorities to immediately cease attacks against CSOs that have dissenting or critical views in relation to the actions or initiatives of the government.²³ The Speaker repeated his previous allegations in a TV show in December 2017.²⁴ The leader of Democratic Party Vladimir PLAHOTNIUC also conveyed accusations that NGOs of political affiliation after several public protests were led by them against the amendment of the electoral system.²⁵ During the 9th Annual Assembly of the Eastern Partnership Civil Society Forum, on 25 October 2017, Marian LUPU, Chair of the Democratic Party faction in the Parliament, underscored again the idea that the civil society should stay out of politics. Similar statements came from the Prime Minister Pavel FILIP on 26 September 2017. According to him, "*many NGOs are attracted to the political process, namely they do politics.*" He also proposed to institute a system of state funding for NGOs.²⁶

b. Hostile public institutions towards CSOs. In February 2017, the National Anti-corruption Center (NAC) included in the National Integrity and Anti-corruption Strategy for the years 2017 – 2020 (NIAS) the Pillar VIII "Civil Society and Media." The problems attributed to the pillar contained tendentious statements about civil society, such as: "*a low level of trust in nongovernmental organizations and in the media*"; "*the financial reliance of nongovernmental organizations on foreign funds to an extent of 85%, which influences their priorities*"; "*most nongovernmental organizations do not comply with ethics and integrity rules*"; including "*allegations of political partisanship*". No references and concrete cases were provided to prove such allegations. The solutions proposed to solve these shortcomings included the prohibition of political membership and affiliation for the members of CSOs' administration boards, which constitutes a violation of European and international standards related to the freedom of association. After comments from several CSOs, the NAC excluded the description from Pillar VIII of NIAS, but maintained its title. The Parliament adopted the draft proposed by the NAC on 30 March 2017.²⁷ The Parliament kept the title of Pillar VIII, despite the recommendations of CSOs²⁸ to exclude it.

²⁰ Declaration on worsening environment for civil society organizations and mass media in the Republic of Moldova, 3 March 2017, http://crjm.org/wp-content/uploads/2017/03/Declaratie-SocCi-Media-RM_03-03-2017-final_eng.pdf.

²¹ Declaration, The parliamentary majority is amending the electoral system by breaching the legislation and common sense, undermining the principles of democracy, 5 May 2017, http://www.crjm.org/wp-content/uploads/2017/05/2017-05-05-Declar-CSOs-change-elect-syst_en.pdf.

²² Punctul pe Azi TV Show, 15 May 2017, https://www.youtube.com/watch?list=PLFFshvOjVM_8Zh5orfwoUFX-alkXnut&v=WTotAd8zPvQ (minutes 13.20 to 16.22, Romanian).

²³ Declaration, The attack on civil society organizations because they oppose the amendment of the electoral system is inadmissible and erodes trust in state authorities, 19 May 2017, <http://crjm.org/wp-content/uploads/2017/07/2017-05-19-Declaratie-ONG-NEafiliere-politica-EN.pdf>.

²⁴ In profunzime TV Show, 14 December 2017, <https://www.youtube.com/watch?v=IVUeTISw2JU> (Romanian).

²⁵ <https://www.youtube.com/watch?v=saG-oPStuaU> (Romanian).

²⁶ DPM weekly briefing, 26 September 2017, starting with min. 04.45 (Romanian), <https://www.privesc.eu/arhiva/78033/Briefingul-saptamanal-organizat-de-Partidul-Democrat-din-Moldova>.

²⁷ Draft decision of the Parliament, <http://parlament.md/ProcesulLegislativ/Proiectedeacteleislative/tabid/61/LegislativId/3659/language/ro-RO/Default.aspx>.

²⁸ Legal Resources Centre from Moldova, Association for Participatory Democracy, opinion of 24 February 2017 (Romanian), http://crjm.org/wp-content/uploads/2017/02/2017-02-24-Opinie-SNIA-PA_CRJM-ADEPT-Promolex-1.pdf.

²⁹Public discussion „Building bridges of trust between civil society and the justice sector”, 17 March 2017, <https://www.privesc.eu/arhiva/75002/Discussia-publica--Construirea-podurilor-de-i-ncredere-dintre-societatea-civila--s-i-sectorul-justitiei->.

³⁰Amnesty International Moldova, press release, General Prosecutor's Office is intimidating and questioning the HR expertise of Amnesty International, 11 July 2017, <http://amnesty.md/en/media/procuratura-general-a-incearca-sa-intimideze-si-sa-descalifice-profesional-miscarea-amnesty-international-2/>.

³¹Legal Resources Centre, Significant difference in statistical data on the special investigation activity provided by the Agency for Administration of Judicial Courts and the Prosecutor General's Office, 6 February 2018, <http://crjm.org/en/diferenta-considerabila-in-datele-statistice-privind-activitatea-speciala-de-investigatie-ale-agentiei-de-administrare-a-instantelor-judecatoresti-si-procuraturii-generale/>.

³²Interview with Mr. Micu, head of the SCM, 13 July 2017, <http://newsmaker.md/rus/novosti/ya-ne-znayu-gospodina-plahotnyuka-i-ne-soglasen-s-tem-chto-on-kontroliruet-yustits-32522> (Russian).

³³Declaration, Media NGOs qualify public admonitions for journalists as an attempt to intimidate (Romanian only), 19 July 2017, <http://api.md/news/view/ro-ong-urile-de-media-califica-admonestariile-publice-la-adresa-jurnalistilor-drept-tentativa-de-intimidare-1601>.

³⁴<http://newsmaker.md/rus/novosti/zhal-chto-ministr-yustitsii-ne-ponimaet-chto-znachit-demokraticheskoe-obshchestvo-35232> (Russian).

³⁵IMAS, Socio-Political Barometer, 18 July 2017, page 24, [http://imas.md/pic/archives/2/Prezentare%20\[bsp\]%20Iulie%202017_English.pdf](http://imas.md/pic/archives/2/Prezentare%20[bsp]%20Iulie%202017_English.pdf).

³⁶The list of controversial elements of the survey: "population knows a few things about their activity", "their activity is influenced by certain political forces", "these are organizations used for money laundering", "their activity supports certain political forces", "they use inefficiently the money of international organizations", "the impact of their activity is reduced".

³⁷IMAS, Socio-Political Barometer, 12 December 2017, pages 15, 17, 18-19, http://imas.md/pic/archives/6/Socio-Politic%20Barometer%20December%202017_EN%20.pdf.

³⁸Declaration, The signatory organizations condemn public opinion manipulation on NGOs activity, shown in the polls conducted by IMAS at the request of the Democratic Party, 18 December 2017, <http://crjm.org/wp-content/uploads/2017/12/2017-12-18-Declaratie-sondaj-IMAS-Eng.pdf>.

³⁹Press release of 16 December 2017, <http://imas.md/eng/news/imas-press-release-58>.

There are attempts to target the outspoken NGOs. Thus, on 9 February 2017, during a meeting of the working group on the supervision of the implementation of Justice Sector Reform Strategy, a member of the Superior Council of Magistracy (the judicial auto regulating body) declared publicly that the SCM is collecting data about the Legal Resources Centre from Moldova (an NGO specialized in the monitoring of the judicial reform) and soon will come with a report.

Insinuations of politicization and inaccurate data operating received more visibility. In March 2017, the General Prosecutor suggested, during a public event, that civil society distorts public information and those who want to do politics, to do it openly; otherwise, the Prosecutor General's Office (GPO) will have to inform the donors.²⁹ In 2017, GPO invited representatives of Amnesty International Moldova to a meeting that was video recorded and transmitted live. GPO representatives made a recommendation to AI Moldova to coordinate ex-ante its reports with the prosecutor office before publishing them.³⁰ In February 2018, the GPO published on its webpage the 2017 statistical data on special investigative measures. The institution also insinuated that a certain NGO provided inaccurate statistical information on phone interception. The Legal Resources Centre, which previously published the mentioned information, explained that the presented data originated from the Agency for the Administration of Judicial Courts, which compiles data from the courts.³¹

Moreover, NGOs are targeted in light of their project-based relationship with donor community. So, in June 2017, the head of the SCM declared in an interview that some NGOs engage only in criticism to get funding from donors.³² The intimidating actions from the public authorities also include the invitation of 18 July 2017 from the Supreme Council of Magistracy, addressed to journalists and civil society representatives, to discuss two journalistic materials, criticized for allegedly untrue content.³³ Additionally, during public debates in December 2017, the former minister of Justice invoked that CSOs that expressed criticism against the draft law on decriminalizing economic crimes are not representative.³⁴

c. Defamation actions conducted to discredit civil society. Two polls ordered by the Democratic Party, and conducted by a sociological company IMAS during 2017, featured the civil society in a negative light. In the first case, the survey published in July 2017 showed that six out of ten questions had negative connotations about NGOs.³⁵ They included numerous questions and proposed answers that were leading to pejorative public perception.³⁶ Published in December 2017, the second survey contained questions that had a defamatory impact about the work of the non-governmental sector.³⁷ 45 NGOs issued a common declaration condemning the manipulative actions of the polls' executor (IMAS) and the Democratic Party, noting that they amounted to an attack against CSOs.³⁸ Two days before the declaration was published, the sociological company IMAS published a press release mentioning "*guerrilla actions, based on blackmailing and threatening with mails, denigrating [imas] activity.*"³⁹ IMAS described the criticism from civil society as an attempt to impose censorship, and threatened to carry out a national qualitative study on citizens' perception towards the civil society in Moldova. IMAS's position was seen as an intimidating action to prevent the publishing of the CSOs declaration on defamatory impact of IMAS's polls.

In December 2017, about eight mass media outlets published almost identical defamatory articles stating that NGOs finance opposition parties,⁴⁰ based on an investigation assessing the providers of donations to the parties in 2016, and mentioning several members of NGOs.⁴¹ The articles claimed that donations came from the NGOs, not individually from the members of the NGOs, and mentioned that for this reason NGOs are politically affiliated. The arguments used against NGOs refer to the results of IMAS survey of December 2017.

A public statement on reported cases of prosecution and harassment of lawyers representing opposition figures, human rights defenders and journalists and reprisals against NGOs in the Republic of Moldova was issued by the United Nations High Commissioner for Human Rights in September 2017.⁴² 17 CSOs reported, in a chronological order, on the attacks against CSOs that took place in 2016-2017.⁴³

6. Insufficient regulation ensuring effective civil society's participation at the level of the Parliament in the law-making process

The national regulations provide that the draft legislation has to be elaborated and consulted on with the participation of civil society. The 2017 Recommendation EU-Republic of Moldova Association Council's provides for strengthening the framework of NGOs' participation in developing and monitoring the implementation of public policies.⁴⁴ Inclusion of the third sector (NGOs) in the legislative process was gradually improving in the last years. However, the impact of CSOs on shaping the public policy remains limited. In many cases, the draft laws and regulations, prepared with contribution from the CSOs, suffers changes in Parliament. This practice makes useless the previous public consultations at the Executive level. For instance, in 2013 the Parliament made some drastic amendments to the Law on Ombudsman that made useless a previous 2-year work of a working group composed by national experts, CSOs, international organizations and authorities with extensive public consultations. Often, in the second reading are introduced new norms that do not relate to the scope of the initial drafts. For example, in December 2017, the Parliament introduced in a draft Law on courts secretariat submitted and publicly consulted by the Ministry of Justice additional amendments related to the appointment of the investigative judges. The amendments introduced at the Parliament level are contrary to the spirit of the amendments adopted in 2016.

Moreover, Parliament's Regulation lacks clear rules for public consultations of the draft legislation that would involve the civil society. The Regulation also excludes any criteria for the selection of drafts meant for adoption in urgent procedure. Though the Parliament's Standing Bureau can decide on matters of urgent legal acts, such decisions are not published, which keeps the civil society away. The amendments of the MPs for the second reading of draft legislation are not published until the draft is adopted; therefore, there is no space of involvement for CSOs.

In October 2016, the Parliament set a mixed working group to work on new legislation concerning the transparency in decision-making. The working group had only one meeting. The Parliament asked the CSOs to submit proposals of amendments to the legislation in writing. There were many proposals to amend the actual Law on transparency in decision-making and the Regulation of the Parliament. In March 2017, the Parliament sent all the proposals that it received to the Ministry of Justice in order to include them in a draft law. There was no follow-up to those proposals.

⁴⁰ <http://moldova24.info/2017/12/pas-a-dat-pe-fata-arama-ong-urilor-politizate-partidul-maiei-sandu-primeste-bani-de-la-unele-organizatii-neguvernementale-care-se-declara-in-afara-politicii/>, <http://hotnews.md/articles/view.hot?id=45825>, <http://www.democracy.md/?article=22095>, <http://24h.md/politizarea-societatii-civile-confirmata-din-nou-mai-multi-representanti-ai-unor-ong-uri-finanteaza-partide-politice/>, <http://evenimentul.md/partidul-actiune-si-solidaritate-sustinut-financiar-de-ong-uri-ce-se-declara-apolitice-paradoxul-societatii-civile-din-rm/>, <http://stiridinmoldova.com/2017/12/ong-urile-politizate-au-donat-din-greu-pentru-campania-electoral-a-maiei-sandu/>, https://www.publika.md/organizatiile-neguvernementale-se-implica-in-politica-ong-urile-au-donat-zeci-de-mii-de-lei-partidului-actiune-si-solidaritate-condus-de-maia-sandu_2990345.html, <http://www.timpul.md/articol/scandalos-reprezentanii-unor-ong-uri-independente-prini-ca-au-finanat-un-partid-politic-125493.html> (Romanian).

⁴¹ <https://anticoruptie.md/ro/investigatii/economic/sponsorii-partidelor> (Romanian).

⁴² United Nations High Commissioner for Human Rights, Opening statement at Human Rights Council 36th session, 11 September 2017, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22041&LangID=E>.

⁴³ Radiography of attacks against nongovernmental organizations from the Republic of Moldova, September 2016 – December 2017, <https://crjm.org/wp-content/uploads/2018/03/2016-2017-radiography-NGO-attacks-EN.pdf>.

⁴⁴ EU-Republic of Moldova Association Council, Recommendation no. 1/2017, 4 August 2017, p. 2.2 (iii) "civil society cooperation", <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:22017D1489&from=EN>.

Conclusion and recommendations:

The civic space deteriorated significantly in the last two years in the Republic of Moldova. CSOs are attacked because of differing opinions on state policies, in particular with regard to the electoral system. The main state policy document regarding the development of civil society was adopted with delay and foresees uncertain financial coverage. The legal initiatives prohibiting political activities and foreign funding are extremely restrictive for the functioning of CSOs in Moldova. The large powers of control of state institutions over the CSOs activities raise serious questions to the space in which CSOs function in Moldova. The lack of clear regulations on transparency and public consultations at the level of the Parliament hampers effective civil society's participation in the law-making process.

Recommendations to the Moldovan authorities:

- ④ **Authorities should ensure implementation and budget support for the actions planned in the Action Plan adopt the Civil Society Development Strategy (CSDS) for 2018-2020;**
- ④ **Parliament should adopt the draft Law on non-commercial organizations elaborated by a mixed working group created by the Ministry of Justice, ensuring that the problematic provisions are not repeatedly included in the draft (eg. limiting foreign funding and renouncing government control over the functioning of the CSOs);**
- ④ **The timeframe for registration of NGOs necessitates shortening, making it similar to the registration for commercial organizations;**
- ④ **All the attacks and defamation of CSOs should stop, and replaced with fully enabling space for civic participation in decision-making;**
- ④ **Law on transparency in decision-making and the Regulation of the Parliament should be amended in order to provide adequate participation of the civil society in developing and monitoring the implementation of public policies at the Parliament level.**