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MOLDOVA



**Legal Think Tanks and Government
– Capacity Building**

Country Report. Moldova

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Table of content

Table of content.....	3
Part One. Country questions.....	5
Introduction – summary	5
Short country information	7
The map of Think Tanks in the country.....	14
Think Tanks activities – Government interactions	21
Legislative process	27
System of justice, judiciary.....	32
Legal profession	38
Access to justice	40
Legal education	43
Language of the law (quality, communication).....	45
Internationalisation of law	52
Human rights, equality, discrimination	55
Information society and the legal system and administration.....	61
Other thematic fields	62
Think Tanks – opportunities and challenges	63
Think Tanks and government.....	64
Think Tanks and Academia, scientific circles.....	66
Think Tanks and their limits	68
Interdisciplinary approach to the law	71
Think Tanks – identifying problems	72
TT and access to data	73
Think Tanks and innovations.....	76
Think Tanks – success stories	78
Think Tanks – communications and media	82

Cooperation of legal Think Tanks.....	85
Financing of legal Think Tanks activities	88
Part Two. Legal Think Tank Cards	94
Part Three. Legal Think Tank Projects Cards	124
Part Four. Country bibliography.....	156
Part Five. International bibliography. Further readings on Think Tanks.....	167
Part Six – Additional material.....	168

Part One. Country questions

Introduction – summary

Summary (max. two pages, 4000 characters), to be prepared when the country report is drafted.

- Please summarize your report and state of interaction, collaboration between legal Think Tanks and the government in your country.*
- What is most important? What is characteristic?*
- What are most important findings and recommendations from your report?*

After declaring its independence in 1991, the path for the democratisation of the country initiated. Nongovernmental organizations (NGOs) started to grow up, registering a significant increase after 1996. During the last 10 years, the country's NGOs and Think Tanks have developed considerably, mainly due to financial support from international donors. In 2016, there were more 8,000 registered public associations, private institutions and foundations. Most of the organizations are not active - only about a quarter have carried out any projects in the past three years. CSOs' main activities include education and training, social services, community development, civic participation and advocacy, health and youth, culture and others. There are about 2,500 CSOs registered in the Transnistrian region. The largest share of their main activities include social services, followed by youth and community development.

Policy dialogue has become more relevant for the Republic of Moldova as relations with the European Union have consolidated, following the launch of the European Neighbourhood Policy and the strategic reorientation of the entire Moldovan political class immediately after the parliamentary elections in the spring of 2005. Following these events, the first Moldovan legislation on cooperation between the not-for-profit sector and the Government was adopted in 2005. The 2009 change of government and the intensification of relations between the Republic of Moldova and the European Union in the framework of the Eastern Partnership have brought about positive changes in the relationship of the State with civil society. The Law on transparency in decision-making that brings several avenues that give opportunity for

involvement of Think Tanks in public affairs was adopted in 2008, followed by the Government decision adopted in 2010 that prescribes a mechanism for its implementation. In 2012, the Civil Society Development Strategy 2012-2015 was adopted. The space for civil society became more permissive and this led to many partnerships between authorities and Think Tanks. Almost all of the policy documents and strategic laws were adopted with the involvement of Think Tanks or at their initiative.

At the same time, Think Tanks face financial problems and human resources as a whole (high staff turnover, low salaries). The State does not provide funds for NGOs, only some tax benefits, such as income tax exemption. The fiscal framework though, as well as the fiscal reporting framework was always an issue for the Moldovan CSOs. Financial sustainability is among the key challenges for the non-profit sector in Moldova. Moldovan CSOs are overly dependent on external funding. Over 83% of CSO budgets continue to depend on foreign donors' funding. Think Tanks have used all the legal mechanisms available, such as research, advocacy, litigation, service delivery, national campaigns, to contribute to the democratic transition in the Republic of Moldova and the good functioning of state institutions. The legal environment in the Transnistrian region continues to be difficult. The third sector is highly politicized and strongly controlled by the authorities in power.

The complicated political context shapes the Think Tanks activities. Moldova changed three Cabinets during 2015 by a vote of no confidence of the Parliament or suspicious resignation. In the beginning of 2015, after the parliamentary elections, the story of the "one billion dollars theft" (~12% of Moldova's GDP) from three of the country's banks, including the national bank, sparked the complicated already political and economic situation. On 20 January 2016, the majority coalition installed a new Cabinet that was sworn in behind closed doors, during protests next to the Parliament. Several leading Think Tanks condemned the undemocratic manner the Government was invested into office. They declared that the circumstances in which the Government was voted do not allow society to trust it until the new Government demonstrates the opposite through concrete actions.

The Democratic Party from Moldova (DPM), lead by Mr. Plahotniuc, a Moldovan businessman, known as an oligarch that allegedly controls the state institutions, arrived to have 40 parliamentary seats instead 19 after 2014 elections as a result of MPs leaving their parties and adhering to DPM. In March 2017, DPM declared that its intention to amend the electoral system from proportional to the first-past-the post model that would be applied to next 2018 parliamentary elections. In April 2017, the draft law was sent to the Venice Commission for an opinion. Several well-known Think Tanks opposed the amendment of the electoral system, mentioning that this is not a priority or a solution for the real problems in Moldova. This was followed by attacks of affiliated bloggers, trolls and mass media. The Speaker of the Parliament declared during a TV show that NGOs should not involve in political activities, such as the electoral system. Several Think Tanks declared publicly that the attack on CSOs because they oppose the amendment of the electoral system is inadmissible and erodes trust in state authorities. There is a need for Moldovan Think Tanks to adapt to new realities and to learn to work in a shrinking space for civil society.

Short country information

(max. two pages, 4000 characters)

- Please provide short information about your country including (please do not go into details, this is to draw a general picture of current situation, trends and challenges):

- its name,*
- population and ethnic origin if important,*
- size,*
- basics of political system,*
- most important information regarding current political situation.*
- What are current biggest challenges, political and social trends in your country?*
- What are biggest problems, challenges in the legal field (system of justice, legal profession, legislative process and similar).*

- *Are there any major recent social and political changes that influence the activities of Think Tanks? For instance trends that are being described as the rise of illiberal democracy? How this influence the work of Think Tanks?*

Republic of Moldova is a landlocked country in Eastern Europe, bordered by Romania to the west and Ukraine to the north, east, and south. It emerged as an independent republic following the collapse of the Soviet Union in 1991. Currently it occupies a territory of 33.8 square km, hosting a population of approx. 3 million people (except Transnistria region).¹ Moldova is one of the poorest countries in Europe, with its economy relying heavily on agriculture. It is estimated that more than 800,000 Moldovan citizens are leaving abroad.²

A strip of Moldovan territory on the east bank of the river „Nistru” forms the breakaway „*Transnistria*” region, a territory under the *de facto* control of Russian forces since 1990.³

The political system relies on a parliamentary system with a president as head of the state and a prime minister as head of the government. Moldova is a member state of the United Nations, the Council of Europe, the World Trade Organization (WTO), the Organization for Security and Cooperation in Europe (OSCE), the GUAM Organization for Democracy and Economic Development, the Commonwealth of Independent States (CIS) and the Organization of the Black Sea Economic Cooperation (BSEC).

Moldova aspires to join the European Union. In this pursuit, on April 3, 2014, the European Parliament allowed visa-free regime for Moldovan citizens to enter European Union, acknowledging Moldova’s continuous efforts towards

¹ National Bureau of Statistics, *Population and Housing Census 2014*, Chişinău, 2017, <http://www.statistica.md/pageview.php?l=ro&idc=479&>.

² Data presented by the Ministry of External Affairs and European Integration in August 2016, <http://dodon.md/ru/golosovanie-grazhdan-rm-za-rubezhom-pravda-i-lozh/>.

³ European Court of Human Rights, *Ilaşcu and others v. Moldova and Russia*, judgment (Grand Chamber), case no. 48787/99, 8 July 2004.

EU integration.⁴ The abolition of the visa regime is also known as the end of the so-called „story of success” period on the international stage. On 1 July 2016, the Association Agreement between Moldova and the EU entered into force.

The late 2014 marked a turning point into Moldova’s European integration aspirations when a banking scandal followed by a political and economic crisis, all emerged right after the November 2014 parliamentary election. The rumours about the embezzlement of one billion dollars (~12% of Moldova’s GDP) from three of the country’s banks, including the national bank, proved to be real in 2015 (so-called ”theft of the century” or ”billion theft”).⁵ The Moldovan government’s attempts to bail out the affected banks spiked inflation, while the need to cover resulting budget deficits led to price increases. As an immediate effect, massive protest actions sparked throughout the country. The protesters accused the leaders of the former Alliance for European Integration - Moldova’s ruling coalition from 2009 to 2013 - of being responsible for the disappearance of the money. An initial external audit found that the main beneficiary of the theft of the century was the ”Shor group”.⁶ Mr. Ilan Shor was arrested and investigated in this case, but later on, he was transferred in house arrest. Other suspects, such as Mr. Veaceslav Platon and the vice-governor of the National Moldovan Bank, are under arrest and their lawyers pretend that there is a difference of treatment compared to the Shor case. In April 2017, Mr. Platon was sentenced to 18 years of imprisonment by the first instance court. The former Prime Minister Vlad Filat was arrested on corruption charges.⁷ On 11 of November 2015, Filat was found guilty and sentenced to 9 years of imprisonment, ruling maintained by a final decision of 22 February 2017 of the Supreme Court of

⁴ European Parliament, Regulation (EU) no. 259/2014, 3 April 2014, <http://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1453543189380&uri=CELEX:32014R0259>.

⁵ Jagland, T., ‘Bring Moldova Back From the Brink’, New York Times, 10 August 2015, <https://www.nytimes.com/2015/08/11/opinion/bring-moldova-back-from-the-brink.html>.

⁶ Kroll, Project Tenor – Scoping Phase, Final Report, http://candu.md/files/doc/Kroll_Project%20Tenor_Candu_02.04.15.pdf.

⁷ <http://www.reuters.com/article/us-moldova-protests-filat-idUSKCN0S91BY20151015>

Justice. All these high level corruption cases are examined behind closed doors, in spite of the requests of the CSOs to examine the Filat case openly for the reasons that the subject is of public interest and the need to respect the right to a fair trial.⁸

During 2010-2014, around USD 22 bln. were laundered out of Russia through Moldovan courts (so-called "Russian Laundromat").⁹ Even if the Supreme Council of Magistracy (self-regulatory judicial body) was aware from 2011 about the involvement of certain judges in these illegal schemes, nothing happened and some judges were even promoted during the following years. Only in September 2016, 15 judges and 3 bailiffs were arrested on charges of involvement in the Russian Laundromat case.¹⁰ The case is now examined by the national courts.

Moldova's Parliament sacked three prime-minister cabinets during 2015, all of them taken down by a vote of no confidence or suspicious resignation. Moldova success story shortly became a story of a captured state. The name of the capturer is wide spread among the public: Vladimir Plahotniuc, a Moldovan businessman, known as an oligarch that allegedly controls the state institutions, including the prosecutor's office and the majority coalition from the Parliament. The Democratic Party from Moldova (DPM), lead by Mr. Plahotniuc, arrived to have 40 parliamentary seats instead 19 after 2014 elections¹¹ as a result of MPs leaving their parties and adhering to DPM.

⁸ Public appeal, *Organizațiile semnatare solicită judecarea cauzei ex-premierului Vlad Filat în ședințe publice* (Signatory organizations request the hearing of the case of former Prime Minister Vlad Filat in public hearings), 23 March 2016, <http://crjm.org/wp-content/uploads/2016/03/03-24-Apel-public-sedintele-Filat.pdf>; Public appeal, *Solicitarea judecării cauzei ex-Premierului Vlad Filat în ședințe publice* (Requesting the hearing of the case of former Prime Minister Vlad Filat in public hearings), 24 June 2016, http://crjm.org/wp-content/uploads/2016/06/2016-Apel-sedinta-publica-FILAT_fin.pdf.

⁹ Harding L. et al., 'British banks handled vast sums of laundered Russian money', *The Guardian*, 20 March 2017, <https://www.theguardian.com/world/2017/mar/20/british-banks-handled-vast-sums-of-laundered-russian-money>.

¹⁰ Legal Resources Centre from Moldova, *Newsletter no. 11, July – September 2016*, page 6, <http://www.crjm.org/wp-content/uploads/2017/02/CRJM-17-03-09-Newsletter-11-ENG.pdf>.

¹¹ Situation as of 10 April 2017.

On January 20th of 2016, the majority coalition installed a new Government cabinet that was sworn in behind closed doors, while protesters circled the Parliament. CSOs condemned the undemocratic manner the Government was invested into office.¹² They declared that the circumstances in which the Government was voted do not allow society to trust it until the new Government demonstrates the opposite through concrete actions. This left the premiership and speaker of parliament positions in the hands of DPM, an unusual concentration of power for a party that placed fourth in the last parliamentary elections in 2014.¹³

On 4 March 2016, by a very disputed decision, the Constitutional Court cancelled the 2000 amendments to the Constitution that changed, *inter alia*, the procedure for electing the President of the Republic of Moldova when direct election by the people has been replaced by parliamentary vote.¹⁴ After 16 years, Moldovan citizens could directly elect the president again. The second tour of elections was organized on 13 November 2013. In 13 polling sections abroad, the ballots finished before the end of the voting day and more than 4,000 complaints were registered at the polling stations. The "Diaspora case" initiated by more than 130 citizens who could not vote abroad was rejected by the final decision of the Supreme Court of Justice on 12 December 2016.¹⁵ On 13 December 2016, the Constitutional Court established a range of

¹² Declaration, *The Undersigned Organizations Condemn the Undemocratic Manner the Government led by Pavel FILIP was Sworn In*, 22 January 2016, <http://crjm.org/wp-content/uploads/2016/01/2016-01-22-CS-Declar-Filip-Gov-Vote-en.pdf>.

¹³ Freedom House, *Nations in Transit 2017*, Moldova, page 2, https://freedomhouse.org/sites/default/files/NIT2017_Moldova.pdf.

¹⁴ Constitutional Court, *Judgment no. 7 on constitutional review of certain provisions of the Law no. 1115-XIV of 5 July 2000 amending the Constitution of the Republic of Moldova (modality of electing the President)*, 4 March 2016, <http://constcourt.md/ccdocview.php?tip=hotariri&docid=558&l=en>.

¹⁵ Supreme Court of Justice, decision in the "Diaspora case", 12 December 2016, http://jurisprudenta.csj.md/search_col_civil.php?id=33323.

infringements, but validated the results of the presidential elections.¹⁶ At the same time, the Court sent six addresses to the Parliament for the amendment of the legislation.

In March 2017, Mr. Plahotniuc declared that he has the intention to amend the electoral system from proportional to the first-past-the post model that would be applied to next 2018 parliamentary elections. On 14 March 2017, the draft law was registered in the Parliament and on the next day was published on the official web page and sent to the Venice Commission for an opinion. Several well-known Think Tanks opposed the amendment of the electoral system, mentioning that this is not a priority or a solution for the real problems in Moldova.¹⁷ In 2014, Venice Commission noted that the proposed amendments, which specified changing from a proportional to a mixed system, raised serious concerns.¹⁸

The level of trust in state authorities is extremely low. About 90% of people do not trust the Government, 93% do not trust the Parliament, 89.6% do not trust the judiciary, 76.7% do not trust the National Anticorruption Centre, and 77.4% do not trust the prosecution.¹⁹

Judicial reform is implemented slowly and with deficiencies. The Court of Accounts concluded that 41% of the financial resources spent for the implementation of Justice Sector Reform Strategy were spent with

¹⁶ Constitutional Court, *Judgment no. 34 on the confirmation of the election results and the validation of the mandate of President of the Republic of Moldova*, 13 December 2016, <http://constcourt.md/ccdocview.php?tip=hotariri&docid=602&l=ro>.

¹⁷ 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.crijm.org/wp-content/uploads/2017/05/2017-05-05-Declar-CSOs-change-elect-syst_en.pdf.

¹⁸ Venice Commission and OSCE/ODIHR, *Joint Opinion on the draft Law amending the electoral legislation of Moldova*, 24 March 2014, CDL-AD(2014)003, [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2014\)003-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)003-e).

¹⁹ Institute for Public Policy, *Barometrul Opiniei Publice (Barometer of Public Opinion)*, October 2016, page 42, <http://ipp.md/libview.php?l=ro&idc=156&id=804>.

deficiencies.²⁰ The appointment and promotion of judges lacks transparency and raise serious doubts about the merit-based procedure followed by the Supreme Council of Magistracy. In 2016, two main judicial reforms were adopted at the pressure of international institutions, namely the court optimization and the prosecution reform.

In 2016, a package of laws regarding the integrity reform was adopted, creating *inter alia* a new National Integrity Authority (NIA) replacing the National Integrity Commission that stopped its activity. As a result, more than 80 cases will be archived and will not be continued because at the beginning of 2017 NIA has not been established yet.

Mass-media outlets are politicized and mainly concentrated in the hands of the oligarchs. Data released by the Broadcasting Coordinating Council showed that over 80 percent of TV stations are owned by Moldovan politicians or people close to political parties. In fact, Vladimir Plahotniuc owns about 70 percent of Moldova's television market. Concentration based on political criteria has led to a decrease in the pluralism of opinion and the quality of content delivered to media consumers.²¹

The impact of Think Tanks on the creation of public policy remains limited. However, inclusion of the third sector in the legislative process was gradually improving in the last years. Moldovan Think Tanks have been particularly active in the field of justice, anticorruption, human rights, civil society space and played a significant role in the drafting of integrity legislation and monitoring the implementation of reforms. There are several organizations engaged on a regular basis in research and advocacy on any matter related to public policy.²²

²⁰ Court of Accounts, *decision no. 43 on the performance audit report, implementing the Justice Sector Reform Strategy for 2011-2016 (8 months): generous resources - uncertain results*, 30 November 2016, <http://www.ccrm.md/hotarireview.php?idh=813&l=ro>.

²¹ Freedom House, *Nations in Transit 2017. Moldova*, page 7, https://freedomhouse.org/sites/default/files/NIT2017_Moldova.pdf.

²² Cenușa D., *Consolidarea societății civile din Republica Moldova* (Strengthening civil society in the Republic of Moldova), Chișinău, 2007, page 7,

Think Tanks have also played an active role in advocating for reforms and putting public pressure on the Government. They have also worked to raise awareness of possible provocations and instigations of violent protest in Moldova, especially in the postelection period.

Only 27% of the actions provided by the Civil Society Development Strategy 2012-2015 were implemented.²³ In 2016, the Parliament created a mixed working group that developed a new draft Strategy. In the beginning of April 2017, the draft Strategy has not been published yet for public consultations.

The map of Think Tanks in the country

- *The scope of the project is broad; we can name various ways of interaction between Legal Think Tanks and Government. We are also interested in various thematic fields of Think Tanks activities. The question is – what is the best method to collect valuable comparative information from all 6 countries?*
- *We propose to start with the thematic approach. And in each field of action to point out to the experience of Think Tanks (if there is any) – activities undertaken, best practises, challenges etc. Therefore we propose to follow the same pattern for each thematic field asking authors of the country report to choose what is the most important and should be mentioned.*
- *When answering the questions regarding particular thematic fields, please bear in mind the list of possible Think Tanks methods of action:*
analysis of the state of the law in the field, in particular through the comparison of the alternatives,

<http://ong.md/uploads/docs/Documente/rapoarte/Consolidarea%20societatii%20civile%20din%20RM.pdf>.

²³ 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>.

- monitoring of the operation of the legislation, judiciary and government agencies,
 - conducting empirical surveys,
 - collection, aggregation, analysis, presentation of available statistical data,
 - analysis and comments on draft legislation, strategic documents, etc.,
 - taking part in the consultation of legislation, taking part in developing Regulatory Impact Assessment,
 - creating legislation amendments of existing regulations,
 - participation in committees, advisory boards and other structures functioning at the parliamentary level or government,
 - drafting standards and best practices,
- more activist actions (amicus curiae brief, strategic litigation, public statements of political character).
- *Please make sure you do not limit your comments to your own Think Tank but refer to wide scope of Think Tanks.*

The civil society sector in the Republic of Moldova was born „as a reaction to the communist resistance and the national liberation movements”, made possible after the collapse of the Soviet Union.²⁴ Once the sovereignty and independence of the Republic of Moldova were proclaimed, Western public and private donors committed themselves to support democratic transition and market economy in the Republic of Moldova, as well as to support the civic engagement for such an endeavour by supporting CSOs.²⁵ During the last 10 years, the country’s nongovernmental organizations (NGOs) and Think Tanks have developed considerably, mainly due to financial support from international donors.

After declaring its independence in 1991, the path for the democratisation of the country initiated. Together with state institutions, civil society organizations

²⁴ Chiriac L., *Civil Society Organizations from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue*, Chişinău, 2015, page 1, http://viitorul.org/files/4684299_en_civil_society_.pdf.

²⁵ Ibidem, p. 1.

started to grow up, registering a significant increase after 1996.²⁶ In 2016, there were more than 11,000 CSOs registered at the Ministry of Justice, with a positive trend in the last three years. Out of these 11,000 CSOs, about 8,000 represent public associations, private institutions and foundations, the rest representing religious entities, political parties, etc. Most of the registered organizations are not active - only about a quarter of these organizations have carried out any projects in the past three years.²⁷

CSOs' main activities include education and training (50%), social services (40.8%), community development (36.9%), civic participation and advocacy (26.2%), health and youth (19.2%), and culture (16.9%). There are about 2,500 CSOs registered in the Transnistrian region. The largest share of their main activities include social services (63.6%), followed by youth (50%) and community development (40%).²⁸

The notion of a Think Tank is still quite unknown, but it slowly becomes a trend in the circle of the third sector jargon. There are at least 20 highly active and visible CSOs positioning themselves as Think Tanks that actually fit into the Think Tank definition. Their main fields of activity include, among others, human rights, justice, anti-corruption, good governance, civil society, environment, economy, entrepreneurship, and foreign policy.

There are no legal or unofficial requirements in order to be called a Think Tank. The legal framework prescribing the creation and operation of Think Tanks in Moldova comes down mainly to three legal forms: public associations (membership-based organizations), private institutions (usually, organizations with no membership requirement) and foundations (associations of capital).

²⁶ UNDP Moldova, *Studiu privind dezvoltarea organizațiilor neguvernamentale din Republica Moldova* (Study on the development of non-governmental organizations in the Republic of Moldova), Chișinău, 2007, page 8, http://www.undp.md/publications/doc/Studiu_DSC.pdf.

²⁷ USAID, *2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia. Chapter on Moldova*, page 162, https://www.usaid.gov/sites/default/files/documents/1861/Europe_Eurasia_CSOSIRReport_2015_Update8-29-16.pdf.

²⁸ Ibidem, p. 162.

The creation and operation requirements of CSOs are prescribed by the Moldovan Civil Code, but also by special legal framework: the Law on Public Associations (1996) and the Law on Foundations (1999).

CSOs in Moldova can register either at the national level with the Ministry of Justice or at the local level with local authorities (in case of public associations). There is also a threshold requirement for the founding members of a public association (3 founders), initial capital required to start a foundation (~EUR 165), while in the case of private institutions no such requirement exists. Nevertheless, in the latter case, there is a pre-requirement for the founder of the institution to be accountable with the institutions assets to the extent of its own property in case the institutions assets are not sufficient to cover debt.

A Think Tank is usually registered in up to 30 days, but in order to fully be able to operate (obtain the individual tax code, register with the fiscal authorities, statistical bureau, etc.), it can take up to three months.²⁹ CSOs registration is generally favourable, while some aspects need improvement. In particular, a one-stop shop for CSOs registration is missing, which hampers the registration procedure. The overall time required to register a Think Tank is far longer than in case of legal enterprises (up to three days).

Even though the laws governing Think Tanks registration and operation is overall permissible and supportive, the legal framework was adopted at the end of the 90' and amended periodically. Therefore, the law has several shortcomings, including a lack of a broader definition of CSOs, conflicting provisions regarding the membership and the governing bodies (eg. requirement for members of the Board to also be members of the public association) and old-fashioned governing structure (eg. the requirement for a censor).

²⁹ 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.

The Moldovan legislation also imposes some limitations to the establishment or membership for legal entities (as founders or members), foreigners & non-residents (founders, members, board members) civil servants and persons deprived or limited in their legal capacity (absolute interdiction). While some of these restrictions might appear reasonable, they are disproportionate with the scope of the restriction and are contrary to international standards on freedom of association.

According to the current law on public associations, the authority which registered the public association is in charge with the control over the activities developed by public associations.³⁰ Thus, the Ministry of Justice may ask for any documents of the organization, to obtain all the information it needs about the activities developed by the association and to assist to all the activities developed by the association. This provision gives a high margin of intervention of the state in the public associations' activities and it may hamper the independence of CSOs.

The new draft law on non-commercial organizations is expected to remove these restraints. A new law on non-commercial organizations which would refer to the whole spectrum of the non-commercial organizations was drafted in 2016. The draft law brings under one umbrella the legal requirements for registering and operating all the legal forms mentioned above – associations, foundations, and private institutions. The new draft law is a product of a smooth collaboration and expertize input from one legal Think Tank and the Ministry of Justice.³¹ According to its authors, the new law will improve the

³⁰ Art. 42 of the Law of the Republic of Moldova on Public Associations no. 837 of 17.05.96, "the control of public association`s activities". The English version (not fully updated) is available here: <http://www.e-democracy.md/en/legislation/publicassociations/vii/>

³¹ Legal Resources Centre from Moldova analysed the legal framework applied for the creation, registration and functioning of NGOs and suggested in a policy paper a list of improvements of the law http://crjm.org/wp-content/uploads/2016/07/CRJM_03.2016-DPP-ONG.pdf. Following the launching of the policy paper and an official meeting with the Ministry of Justice, the ministry created the working group for the amendment of the legal framework. The working group included representatives of CSOs and the Ministry of Justice. The working group produced a draft law that was publicly consulted in autumn 2016.

http://www.justice.gov.md/public/files/noutati/documente/2016_08_22_Nota_informativa.pdf.

existing legal framework on non-commercial organizations to meet international standards on freedom of association. The law is expected to be publicly consulted in 2017, to be adopted by the Parliament and to enter into force until the end of 2017.

The State provides some tax benefits for CSOs, such as income tax exemption. The fiscal framework though, as well as the fiscal reporting framework was always an issue for the Moldovan CSOs. The available instruction on tax and accounting reporting that are very general and outdated, and sometimes conflicting.

There were no reported cases of state harassment or administrative impediments on Think Tank registration and operation. However, one of the largest protests organized with the third sector support in 2015 had to be moved because the municipality gave priority to a political party organizing an ordinary meeting with their electorate.³² A faith-based organization promoting the Chinese Falun Dafa & Falun Gong movement was banned and radiated for the CSO registry in 2015.³³ It is believed that in both cases, politicians were involved in order to influence and impede the activity of these CSOs.

The legal environment in the Transnistrian region continues to be difficult. The third sector is highly politicized and strongly controlled by the authorities in power. Transnistrian CSOs can register with the Ministry of Justice of Moldova, but political fear discourages them from doing so. The Transnistrian government tolerates the activities of CSOs in some fields, such as the environment and social rights, and even encourages them in others, such as welfare of vulnerable groups. However, other CSOs, particularly those

³² USAID, *2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia. Chapter on Moldova*, https://www.usaid.gov/sites/default/files/documents/1861/Europe_Eurasia_CSOSIRReport_2015_Update8-29-16.pdf.

³³ Supreme Court of Justice, *Decision on dissolution of the NGO Falun Gong Moldova*, 28 January 2015, http://jurisprudenta.csj.md/search_col_civil.php?id=16524.

receiving foreign funding, remain tightly controlled by both the Committee for Humanitarian Assistance and the Security Committee of Transnistria.³⁴

In addition to the legal framework, there are other challenges that Moldovan Think Tanks face, such as financial problems and staff professionalism and human resources as a whole (high staff turnover, low salaries).³⁵

A challenge encountered is the authorities' resistance to accept policy reforms coming from the CSOs especially when unpopular but necessary reforms are promoted by the CSO sector.³⁶ In many cases, the cooperation between CSOs and the Government depends on the personal attitude of the authority leadership. The staff turnover in the ministries due to the frequent change of the Governments led to a poor communication between CSOs sector and authorities. In many cases, the draft laws and regulations prepared and agreed between CSOs and Government end up to be adopted by the Parliament but with significant changes comparing to the initial draft. In many cases, the Executive does not observe the procedures on public consultations – many draft laws and regulations are posted with huge delays on the web pages of the Executive and Parliament and CSOs do not manage to submit their comments or have very limited time, which affects the quality of their input.³⁷

Think Tanks carve themselves out based on the local environment and their own strengths. The lack of incentive for change among those holding power, a deficit in democratic space, the existing legal framework and low appreciation for objective policy work in the Moldovan society, hinders the possibilities of Think Tanks to influence the public agenda. Moreover, due to the political and

³⁴ USAID, *2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia. Chapter on Moldova*, https://www.usaid.gov/sites/default/files/documents/1861/Europe_Eurasia_CSOSIRreport_2015_Update8-29-16.pdf.

³⁵ Chiriac L., Tugui E., *Civil Society Organizations from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue*, Chişinău, 2015, page. 11, http://viitorul.org/files/4684299_en_civil_society_.pdf.

³⁶ See Legal Resources Centre from Moldova Think Tank card.

³⁷ See Promo-LEX Think Tank card.

economic crisis in Moldova in 2015, emigration to other countries has increased, affecting the human resources available to Think Tanks. As a result, retention of skilled staff and volunteers is a growing problem.

It is necessary to identify the gaps and amend the legal framework to ensure an enabling environment for think tanks that will allow them to effectively operate and participate in decision-making processes both at the local and national level, including the Transnistrian region.

Think Tanks activities – Government interactions

– The scope of the project is broad; we can name various ways of interaction between Legal Think Tanks and Government. We are also interested in various thematic fields of Think Tanks activities. The question is – what is the best method to collect valuable comparative information from all 6 countries?

– We propose to start with the thematic approach. And in each field of action to point out to the experience of Think Tanks (if there is any) – activities undertaken, best practises, challenges etc. Therefore we propose to follow the same pattern for each thematic field asking authors of the country report to choose what is the most important and should be mentioned.

When answering the questions regarding particular thematic fields, please bear in mind the list of possible Think Tanks methods of action:

- analysis of the state of the law in the field, in particular through the comparison of the alternatives,*
- monitoring of the operation of the legislation, judiciary and government agencies,*
- conducting empirical surveys,*
- collection, aggregation, analysis, presentation of available statistical data,*
- analysis and comments on draft legislation, strategic documents, etc.,*
- taking part in the consultation of legislation, taking part in developing Regulatory Impact Assessment,*
- creating legislation amendments of existing regulations,*

- participation in committees, advisory boards and other structures functioning at the parliamentary level or government,
- drafting standards and best practices,
- more activist actions (amicus curiae brief, strategic litigation, public statements of political character).
- *Please make sure you do not limit your comments to your own Think Tank but refer to wide scope of Think Tanks.*

Policy dialogue has become more relevant for the Republic of Moldova as relations with the European Union have consolidated, following the launch of the European Neighbourhood Policy and the strategic reorientation of the entire Moldovan political class immediately after the parliamentary elections in the spring of 2005.³⁸ Following these events, the first Moldovan legislation on cooperation between the not-for-profit sector and the Government was adopted in 2005. The "Cooperation Concept between Parliament and Civil Society" prescribed principles of cooperation between civil society and decision makers. The document set strategic priorities for the sector's development, such as enabling legal and fiscal environment for CSOs, development of civic activism and volunteering and strengthening participation in decision making. The Concept was followed by the first Civil Society Development Strategy for 2009-2011. The Strategy followed the spirit of the concept of cooperation, adding some new elements to the table such as an implementation plan with specific outputs and outcomes. However, due to the political change in April 2009, the implementation plan stayed in its draft form and it was not followed into its full capacity by the authorities.

The 2009 change of government and the intensification of relations between the Republic of Moldova and the European Union in the framework of the Eastern Partnership have brought about changes in the relationship of the

³⁸ Chiriac L., Tugui E., *Civil Society Organizations from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue*, Chişinău, 2015, page. 23, http://viitorul.org/files/4684299_en_civil_society_.pdf.

State with civil society.³⁹ The space for civil society became more permissive and this led to many partnerships between authorities and Think Tanks.

In 2010, the Government proposed an initiative to institutionalize the relationship between the Government and Think Tanks, by creating the National Participation Council (NPC), a consultative body composed of 30 Think Tanks representatives selected by the Government in order to contribute to the adoption of public policy decisions which would correspond to the interests of society. NPC was set up in order to consult policy documents and legislative strategic projects with Think Tanks. In practice, NPC members were consulted on all pieces of legislation, therefore mistaking the NPC consultation with the public consultation. This led to overcharging NPC members and, as a result, a decrease in efficiency and inability to provide qualitative feedback on important strategic documents. The NPC mandate expired in 2014 and the Government was subsequently unable to select a new NPC because of very few CSOs that applied for being members. The Government of Moldova recently announced (30 October 2016) for a resuscitation of NPC.⁴⁰ In April 2017, the Government approved a new composition of NPC.⁴¹ About a half of the NGOs selected are unknown and signed a declaration in support of the amendment of the electoral system. Several active Think Tanks noted that in practice authorities used the NPC mechanism for public consultations that actually have to be done openly and the lack of meaningful consultation of NPC members on strategic issues for what it was created.⁴²

³⁹ Chiriac L., Tugui E., *Civil Society Organizations from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue*, Chişinău, 2015, page. 23, http://viitorul.org/files/4684299_en_civil_society_.pdf.

⁴⁰ State Chancellery, *Consultare publică* (Public consultation), 30 September 2016, <http://cancelaria.gov.md/ro/content/consultare-publica>.

⁴¹ Government Office, *Dialogul dintre Guvern și societatea civilă – instituționalizat* (Dialogue between the Government and civil society - institutionalized), 12 April 2017, <http://gov.md/ro/content/dialogul-dintre-guvern-si-societatea-civila-institutionalizat>.

⁴² Common Opinion of 23 Moldovan Think Tanks, *Participarea efectivă a societății civile în procesul de luare a deciziilor* (Effective participation of the civil society in the decision-making process), 30 June 2016, http://crjm.org/wp-content/uploads/2016/07/CRJM_-2016-07-07-Opinie_SC_cnp_fin.pdf.

With the lessons learned from the previous Civil Society Development Strategy, Think Tanks joined their efforts to develop a new policy document in 2012. As the result the current Strategy 2012-2015, together with the Action Plan as its integral part, was drafted with a broad implication of the CSOs at the developing stage. The new Strategy was adopted by the Parliament in September 2012. The Strategy comprised three pillars:

1. Strengthen the framework of participation of the civil society in developing and monitoring the implementation of public policies;
2. Promote and strengthen the financial sustainability of the civil society;
3. Develop active civic spirit and volunteering.

As the authors of the approved strategy declared, the low participation of the civil society in decision-making was based on a number of reasons, including legislative gaps on ensuring transparency in decision making, deficient institutional practices at the CPA (central public administration) and LPA (local public administration) levels, low capacity of CSOs to participate in decision-making, deficiencies of the educational system in regard to democratic citizenship, social-economic development level and, as a consequence, the lack of a vigorous middle class that would be interested in public participation.⁴³ Public participation of Think Tanks in shaping public policies was still perceived as political involvement. Acknowledging this effect, the strategy prescribed activities aimed at stimulating participation and efforts to make the CSO sector more visible through actions.

The implementation of the 2012-2015 strategy took place in a politically unstable and performance unfavourable environment. The level of implementation of the actions assumed under the CSDS represents nearly 27%, other 9% of actions are at an advanced level of achievement, and 64% of the commitments made have not been achieved, including 52% of actions

⁴³ Strategy for Developing the Civil Society for 2012–2015 and Action Plan for implementing the Strategy in Moldova, http://www.fhi360.md/docs/MD_Strategy_2012-2015_unofficial_translation_ENG.pdf.

were not started.⁴⁴ As whole, the results of implementation of the CSDS are below the expected level, and the factors that affected the implementation of the CSDS are diverse, both political, financial and related to management and coordination. This serves as an opportunity to learn certain lessons and change certain issues in the future.⁴⁵

Think Tanks in Moldova monitor the implementation of the most important policy documents, key-institutions, elections, implementation of reforms. One of the main reforms initiated by the pro-European governments was the judicial reform. Think Tanks were involved both at the moment of drafting of the Justice Sector Reform Strategy (2011-2016), and in mixed working groups created by the Ministry of Justice for monitoring the implementation, but also individual monitoring of the implementation. The activity of the Supreme Council of Magistracy (auto-regulatory judicial body) is under the loop under its transparency and efficiency aspects/limbs. Many Think Tanks are involved in the drafting and implementation of the main human right policy document – National Human Rights Action Plan. Some Think Tanks specialize in monitoring the Association Agreement.

Many Think Tanks involve in analysis of the draft legislation and in the public consultation process. Moreover, some Think Tanks even initiate discussions on new regulations or amending the existing one and take active part in creating the legislative amendments and new regulations.

In many cases, authorities are quite reticent to the proposals coming from Think Tanks. However, an activity that usually is regarded positively and accepted are trainings of public servants and public officials on a diverse

⁴⁴ Caraseni Gh., *Implementation of the Civil Society Development Strategy 2012-2015*, Chişinău, June 2016, page 4, <http://fhi360.md/docs/2016/MPSCS%20Raport%20Evaluarea%20SDSC%202012-2015%20Eng.pdf>.

⁴⁵ Moldova Partnerships For Sustainable Civil Society, <http://www.fhi360.md/index.php/en/newsroom/news-archive/367-moldova-partnerships-for-sustainable-civil-society.html?start=15>.

range of topics – human rights, discrimination, judicial independence, domestic violence, etc.

At the request of the Constitutional Court, Think Tanks can submit *amicus curiae* on cases examined by the Court. There is no *amicus curiae* procedure in Moldovan legislation. Strategic litigation is also one of the tools to put pressure on the authorities and it is used both in national and regional / international courts and bodies. In critical situations, Think Tanks present public declarations / public appeals / statements that are sent directly to the relevant authorities and distributed in mass media.

Every year, the NGO Council is organizing a conference in partnership with the Parliament on the cooperation between authorities and non-governmental sector. It is a good opportunity to put into discussion the main issues that affect the civil society. In 2016, four main topics were debated, namely the mechanisms for cooperation between the Parliament, Government and civil society; implementation of the Civil Society Development Strategy; role of the civil society in the implementation of Association Agreement with the European Union; and transparency in decision making.⁴⁶ This led to the amendment of the Government Regulation on transparency in decision-making in August 2016 and the creation of a working group at the level of the Parliament in order to revise the transparency legislation.

In the last year, especially after criticizing the obscure mid-night swearing in of the last Cabinet at the beginning of 2016,⁴⁷ Moldovan CSOs are subject to attacks and constraints. For instance, the National Anticorruption Centre (NAC) elaborated a draft Anticorruption and Integrity National Strategy 2017-2020. During public consultations that took place in December 2016, at the suggestion of three NGOs, NAC included the pylon no. 8 regarding the civil

⁴⁶ The notes of the conference of 4-5 July 2016, <http://www.consiliulong.md/wp-content/uploads/2016/07/CONCLUZII---I-PRIORIT----I-COMUNE-ale-Parlamentului-Guvernului-societ---ii-civile---i-partenerilor-de-dezvoltare-1.pdf>.

⁴⁷ Declaration, *The Undersigned Organizations Condemn the Undemocratic Manner the Government Led by Pavel FILIP was Sworn In*, Chişinău, 22 January 2016, <http://crjm.org/wp-content/uploads/2016/01/2016-01-22-CS-Declar-Filip-Gov-Vote-en.pdf>.

society and mass media. This pylon included controversial and tendentious statements, such as influence of donors on NGOs agenda, prohibition of political affiliation of the administrative body of NGOs, provision of practicing political activities by NGOs, etc. Following the reaction of several important CSOs, NAC excluded the pylon no. 8 from the draft Strategy. On 14 March 2017, the Parliament adopted the Strategy, leaving in the name of pylon no. 8.⁴⁸ The final version has not yet been published at the date of the drafting. Starting with 2016, there were several attacks against CSOs and independent mass media.⁴⁹ After several well-known Think Tanks openly opposed the amendment of the electoral system, high profile politicians declared that NGOs should not involve in political activities, such as the electoral system. Several Think Tanks declared publicly that the attack on CSOs because they oppose the amendment of the electoral system is inadmissible and erodes trust in state authorities.⁵⁰

Legislative process

Legislative process as such, as a procedure. We are not interested here in any particular legislative process on given draft law. We are interested in procedure(s).

Are Think Tanks engaged in the research and debate on the shape of the legislative process, and

What opportunities there are for Think Tanks to take part in the legislative process as an actor?

⁴⁸ Draft Anticorruption and Integrity Strategy 2017-2020, <http://parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/3659/lanuage/ro-RO/Default.aspx>.

⁴⁹ Declaration, *On Worsening Environment for Civil Society Organizations and Mass-Media in the Republic of Moldova*, Chişinău, 3 March 2017, http://crjm.org/wp-content/uploads/2017/03/Declaratie-SocCi-Media-RM_03-03-2017-final_eng.pdf.

⁵⁰ 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://www.crjm.org/wp-content/uploads/2017/05/2017-05-19-declaration_CSOs_English.pdf.

- Does the government have adequately formulated policy on creating draft laws and regulations?
 - Is there an (obligatory?) schedule/calendar for future regulation and reform?
 - Does the government cooperate with legal Think Tanks in developing legislation and policies?
 - Please provide general information whether in your country Think Tanks are engaging in this particular field.
 - Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.
 - Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.
 - Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).
 - What are the best practices regarding legislative process in the context of Think Tanks worth sharing?
 - What are main challenges?
 - Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.
- Can you formulate any recommendations for the future?
- on country level?
 - on regional level?

Think Tanks in Moldova can get involved in the legislative process both at the national and local level. The Law on transparency in decision-making was adopted in 2008 and brings several avenues that give opportunity for involvement. The Law sets out standards and procedures on the involvement of citizens, Think Tanks and other concerned parties (including private legal persons) in the decision-making process both at the national and local level. This legal framework is complemented by the Government decision (adopted in 2010 and amended in August 2016) that prescribes a mechanism for its implementation. This Law is applicable only for Executive authorities. At the local level, a Law on Local Public Administration regulates transparency in

decision-making.⁵¹ At the level of Parliament, involvement of Think Tanks in the legislative process is ensured according to the Rules of Parliament (1996) and the Concept of cooperation between the Parliament and civil society (2005). The Rules of the Parliament prescribes that each Parliamentary Committee establishes its own rules of public consultations.

Think Tanks engage in shaping the legislative process. The law on transparency in decision making expressly prescribes that CSOs can make recommendations to decision-makers by submitting opinions on draft laws, issuing public appeals or declarations, or organising press conferences. CSOs can access funding for such activities from individuals, crowdfunding, national, and foreign sources.

At least 10 working days have to be provided to interested parties to present comments on the drafts elaborated by the Government and ministries. In practice, the time provided for submitting opinions varies. At the level of the Parliament, according to the Concept for cooperation, 15 working days are provided for comments after publication of the draft on the website for consultation. The Parliament does not indicate the date of the publication or the deadline for submitting comments on its web page which makes quite difficult the timely presentation of the input by the CSOs. The public authorities have to publish the summary of the objections and comments submitted, and state the reasons if they were not accepted. A synthesis of written proposals and recommendations has to be provided, including their authors, together with the ministry's decision (accepted/partially accepted/not accepted), and the reasoning providing details why a specific recommendation was or was not accepted by the public authority. The Executive does not give reasons for admission of the comments. The Executive does not usually publish the summary of recommendations, with the exception of the Ministry of Justice.⁵²

⁵¹ Law No. 436 on Local Public Administration from 28 December 2006, http://lex.justice.md/document_rom.php?id=C8E304A4:037190E8.

⁵² Ministry of Justice web page, section transparency in decision making, drafts sent to the Government after consultations, <http://justice.gov.md/pageview.php?l=ro&idc=230>.

In line with the Law on Transparency in the Decision-Making Process, public consultations can be organised by the following means: public debates, public hearings, opinion polls, referenda, expert interviews, and the creation of standing or ad hoc task forces involving civil society representatives. No announcement is required about the consultation process adopted, and the procedures for consultations are established separately by the Parliament, the President, and the Government. Public consultations should be announced at least 15 days prior to completion of the draft decision. Within a maximum of 15 days after the public authority has begun to draft a decision, it should announce on its website the argumentation for the necessity to adopt the decision, the exact dates of public debates, if foreseen,

There are no clear and transparent mechanisms for the selection of civil society representatives invited to participate in consultations. Public consultations are more often organised by publishing online the draft laws on a governmental platform www.particip.gov.md and receiving comments by email or in hard copy by post. At the level of the Executive, this is done regularly. The Government and ministries do not often organise public hearings and expert roundtables. Roundtables are usually organised by CSOs working in a particular area of their interest & expertise.

Although at the government level CSOs are often consulted on draft laws and/or public policies, when the drafts reach the Parliament, the latter rarely consults CSOs, including when the draft laws are amended conceptually, what makes useless the previous consultations at the government level. For instance, the Parliament made some drastic amendments to the Law on Ombudsman that made useless a previous 2-years work of a working group composed by national experts, CSOs, international organizations and authorities with extensive public consultations. There is no clear process regarding public consultation when the draft laws are initiated by MPs. For instance, the 2% Law (percentage designations to CSOs) was adopted as a result of a legislative initiative of one MP and the whole process lasted about 2 months (no public consultations were held), although there was another initiative elaborated during about one year by a working group of the Ministry of Finances (MoF) composed of CSOs representatives and authorities that was not taken into account. Moreover, the draft law adopted by the Parliament

modified the concept of the MoF draft, by including the religious entities as a beneficiary of the percentage designations and, as a result, diminishing the CSOs chances to benefit from the law. These aspects are a serious barrier for effective civil society participation in decision-making processes.

During the 2016 annual Conference organized by the National Council of NGOs and the Parliament, the main discussed topic was the transparency in the process of decision-making and the involvement of CSOs in the consultation process. As a result, in August 2016 the Government amended its Decision on the implementation of the Law on transparency. The Parliament created a working group in order to prepare amendments for the decision-making process at the level of the Parliament. The working group had only one meeting, after which the Parliament sent to the Ministry of Justice the received suggestions.

Since the Government change in 2009, Think Tanks have been for a while increasingly involved in decision-making processes. According to one interviewee, the involvement and consultation of civil society in the drafting / amending legislation / policy documents usually takes place. Nevertheless, authorities fail to provide explanation when the recommendations provided by Think Tanks are not taken into consideration.⁵³ At the same time, there is a need to amend the legislation to improve the process of public consultation at the Parliamentary level in order for Think Tanks to be empowered to make use of them and participate in drafting laws / public policies at the level of the Parliament.

Moldovan Think Tanks monitor the transparency in decision-making at the level of Parliament,⁵⁴ Executive⁵⁵ and local authorities.⁵⁶ One Think Tank

⁵³ Interview conducted with Diana Enachi, economist, CSO representative.

⁵⁴ Association for Participatory Democracy (ADEPT), *Ghid Practic. Proceduri eficiente de influențare a procesului legislativ din Republica Moldova* (Practical guidelines. Efficient procedures of influencing the legislative process in the Republic of Moldova), Chișinău, 2011, <http://www.e-democracy.md/files/proceduri-influentare-procesul-legislativ.pdf>; *Activitatea Parlamentului în 2011* (Activity of the Parliament in 2011), Chișinău, 2012, <http://www.e-democracy.md/files/raport-monitorizare-parlament-2011.pdf>; *Transparența decizională în*

organised public debates on the transparency at the level of the Parliament and published the summary of discussions and recommendations.⁵⁷

System of justice, judiciary

- *Judiciary, and its qualities: independence, competence, accountability, and efficiency, management of the judiciary, IT in the judiciary.*
- *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
- *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*

activitatea Parlamentului: Prevederi legale, aplicabilitate și aplicare (Decisional transparency in Parliament activity: Legal provisions, applicability and implementation), Chișinău, 2013, <http://www.e-democracy.md/files/td/transparența-decizională-parlament-2013.pdf>;

Transparența decizională în activitatea Parlamentului: Aplicabilitate și progres (Decisional transparency in Parliament activity: Applicability and progres), Chișinău, 2014, <http://www.e-democracy.md/files/td/transparența-decizională-parlament-2014.pdf>.

⁵⁵ Association for Participatory Democracy (ADEPT), *Raport de monitorizare a respectării transparenței decizionale* (Monitoring report on the respect of transparency in decision-making), April-June 2010, Chișinău, <http://www.e-democracy.md/files/raport-monitorizare-respectarii-transparentei-decizionale-aprilie-iunie-2010.pdf>; *Raport de monitorizare a respectării transparenței decizionale* (Monitoring report on the respect of transparency in decision-making), July-September 2010, Chișinău, <http://www.e-democracy.md/files/raport-2-transparenta-decizionala.pdf>; *Raport final de monitorizare a respectării transparenței decizionale* (Final monitoring report on the respect of transparency in decision-making), April-December 2010, Chișinău, <http://www.e-democracy.md/files/raport-final-transparenta-decizionala-2010.pdf>; *Transparency in the decision-making of the central public administration authorities: January-December 2013*, Chișinău, 2014, <http://www.e-democracy.md/files/td/transparența-decizională-aapc-2013-en.pdf>.

⁵⁶ IDIS Viitorul, *Transparența procesului decizional în cadrul autorităților administrației publice locale. Dificultăți și soluții* (Transparency of the decision-making process within the local public administration authorities. Difficulties and solutions), Chișinău, July 2015, http://viitorul.org/files/library/4720295_md_policy_brief_n.pdf.

⁵⁷ IDIS Viitorul, *Sinteza audierii publice. Transparența în activitatea Parlamentului: reguli clare și obligatorii pentru toți!* (Synthesis of the public hearing. Transparency in Parliament's activity: clear and binding rules for all!), Chișinău, March 2016, http://viitorul.org/files/library/5117295_md_policy_brief_s.pdf.

- *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*
 - *Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).*
 - *What are the best practices regarding legislative process in the context of Think Tanks worth sharing?*
 - *What are main challenges?*
 - *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.*
- Can you formulate any recommendations for the future?*
- *on country level?*
 - *on regional level?*

The justice system in Moldova is in need of reform. The problems are various, including poor legal framework, dysfunctional institutions, lack of professionalism of the human resources, corruption and lack of funding. To date judicial independence in Moldova is severely affected both institutionally and by individual judges who do not think of themselves as independent. According to reports developed in this areas by the local Think Tanks, no substantial achievements took place in the period of 2013 – 2015. Most challenging elements of the reform - the optimization of the judicial map or reform of the Prosecutor's office though – have been adopted in 2016. The general public's level of trust in the justice system remains low (only 7.8%)⁵⁸ even if the Government has declared the justice reform as one of their priorities.

Think Tanks are engaging in this particular field. In 2011, CSOs were involved in drafting the Justice System Reform Strategy for 2011-2016 (JSRS) of the

⁵⁸ Institute for Public Policy, *Barometrul Opiniei Publice* (Barometer of Public Opinion), Chişinău, October 2016, page 42, http://www.ipp.md/public/files/Barometru/BOP_10.2016.pdf.

Republic of Moldova and of the draft action plan for the implementation of this strategy. The SRSJ is the main policy document for the justice sector reform in Moldova for 2011-2016. Since its adoption, Think Tanks have been involved in the monitoring process, while some actions prescribed in the strategy were actually performed by Think Tanks.

In order to achieve their objectives in the fields of intervention described above, Think Tanks employed such methods as developing advocacy campaigns & strategies, conducting comprehensive research studies & policy papers, meeting relevant stakeholders and donors, participating in working groups or provide written comments on the draft laws.

One of the core activities prescribed by the JSRS is the reorganization of the judicial map and was adopted in April 2016. The law provides for merging several first instance courts (from 44 to 15). This reform will create the necessary conditions for ensuring quality of justice and efficient spending of public funds. Before the optimisation Law was adopted, Moldova had 44 first instance courts, out of which 10 courts with less than five judges and 19 courts with less than seven judges per court. The workload per judges varies significantly throughout the country, eg from 24 to 1,229 cases annually per judge. Such discrepancies create inequalities in terms of both quality and access to justice. The reform was done based on a study carried out by a Moldovan Think Tank.⁵⁹ Given the importance and sensibility of this reform issue, a feasibility study was conducted (mainly by legal Think Tanks and foreign donor community representatives) in order to convince decision makers to go for the reform on the optimization.⁶⁰

A second core reform prescribed by the SRSJ is the new Prosecution Service reform. A new law on prosecution was expected since 2013, when a working

⁵⁹ Legal Resources Centre from Moldova, *Study on optimization of the judicial map in the Republic of Moldova*, Chişinău, 2014, http://crjm.org/wp-content/uploads/2014/06/2014-Study-Optimis-Jud-Map-MD_en-web.pdf.

⁶⁰ USAID, *Feasibility Study for Court Optimization*, Chişinău, 2016, <http://crjm.org/wp-content/uploads/2015/08/Moldova-Court-optimiz.pdf>.

group was set up to prepare the concept for reform and the relevant legislation. The law was finally adopted in February 2016, after serious local and international pressure. The development of various parts of the prosecution reform package were also developed by Think Tanks. Moldovan Think Tanks also involved in the analysis on the optimization of the structure of the prosecution.⁶¹

Moldovan legal Think Tanks monitor the implementation of JSRS. Nationally, the implementation of JSRS was monitored within the Project „Increasing Government Accountability by Monitoring the Justice Sector Reform”, implemented by Promo-LEX Association and Association for Efficient and Responsible Governance (AGER), with the financial support of the European Union. The monitoring is focused on two main components: evaluation of achievements and activities included in the Action Plan for the implementation of JSRS and monitoring of hearings.⁶² Six monitoring reports were developed during the 2013-2014 monitoring mission.⁶³ In contrast with the findings and qualifications provided by the WG responsible for monitoring the implementation of actions in each Pillar, the qualifications provided by the NGOs that monitor the implementation of JSRS are different. According to last Report No. 6 of 2014/93, it is mentioned that “unfortunately, we found that

⁶¹ Legal Resources Centre from Moldova, *Study on optimization of the structure of the prosecution service and of the workload of prosecutors from the Republic of Moldova*, Chişinău, 2014, <http://www.crjm.org/wp-content/uploads/2014/09/Study-PG.pdf>.

⁶² For more details, please see AGER Think Tank card.

⁶³ Legal Resources Centre from Moldova, *Succesele și insuccesele în reformarea justiției din Republica Moldova (Successes and failures in justice reform from Moldova)*, Chişinău, 2014, <http://crjm.org/wp-content/uploads/2014/09/Studiu-reforma-justitiei-web.pdf>;

Promo-LEX, AGER, *Quarterly monitoring report on the implementation of the Justice Sector Reform Strategy no. 1*, Chişinău, 2013-2014, <https://promolex.md/wp-content/uploads/2017/04/SRSJ-1-eng.pdf>, *Quarterly monitoring report on the implementation of the Justice Sector Reform Strategy no. 4*, Chişinău, 2014, https://promolex.md/wp-content/uploads/2016/08/doc_1395129934.pdf, *Quarterly monitoring report on the implementation of the Justice Sector Reform Strategy no. 5*, Chişinău, 2014, https://promolex.md/wp-content/uploads/2016/08/doc_1401274476.pdf, *Quarterly monitoring report on the implementation of the Justice Sector Reform Strategy no. 6*, Chişinău, 2014, https://promolex.md/wp-content/uploads/2016/08/doc_1408460384.pdf.

progress in the implementation of the Action Plan is continuously slow. Thus, of the 288 actions due for implementation by 30 June 2014, 173 were implemented, and 115 remain overdue, which represents a ratio of 60% to 40%, respectively”. Although in terms of percentage the report demonstrates a positive growth compared to the previous one, the dynamics of the implementation of due and overdue actions is worrying.

The implementation of Moldova Justice Reform Strategy (JSRS) is also closely monitored by the development partners. The first EU evaluation mission on fulfilment of conditionality of Policy Matrix (conditionality that derives from the AP) established that the Action Plan was fulfilled at the level of 88%. The fundamental backlog included the prosecution reform, lack of progress in promoting the draft law on aligning the legislative framework with art.5 of the ECHR, etc.

Think Tanks also have been involved in monitoring the transparency and efficiency of the judiciary, namely monitoring the activity of the Superior Council of Magistracy (special self-regulating judicial body, carrying out control over the activity of judges, career of judges, professional training of judges, monitoring discipline and ethics of judges and courts’ management). In this pursuit, civil society objectives are to improve the efficiency and transparency from the perspective of organization of its sittings, the procedure for adoption of decisions⁶⁴ and also to improve⁶⁴ the legal and institutional framework for the

⁶⁴ Legal Resources Centre from Moldova, *Monitoring Report: Transparency and efficiency of the Superior Council of Magistracy of the Republic of Moldova 2010-2012*, Chişinău, 2013, <http://crjm.org/wp-content/uploads/2014/04/Transparency-and-efficiency-of-SCM.pdf>; *Organizarea şedinţelor şi transparenţa Consiliului Superior al Magistraturii - provocări şi perspective* (Organization of meetings and transparency of the Superior Council of Magistracy - challenges and perspectives), Chişinău, 2015, <http://www.crjm.org/wp-content/uploads/2015/06/CRJM-DA-CSM-2015.pdf>; *Transparency and Efficiency of the Superior Council of Magistracy of the Republic of Moldova January 2015 – March 2016*. Chişinău, 2016, http://www.crjm.org/wp-content/uploads/2016/09/2016-Analiza-CSM-CRJM_2016-08-30-EN.pdf.

disciplinary responsibility of judges⁶⁵ and develop policy and promote changes for regulatory framework of investigative judges.⁶⁶

Another field of intervention in which legal Think Tanks work on is improving the mechanisms of selection and promotion of judges. In this regard, legal Think Tanks promote merit based and transparent procedures for selection and promotion of judges,⁶⁷ track the results of the appointments and promotion contests and inform the stakeholders and media on the cases in which the selection and promotion were not based on a fair and merit based criteria.⁶⁸

Think Tanks also organize surveys among judges, prosecutors and lawyers on justice reform and fight against corruption.⁶⁹ Think Tanks also participate in working groups created by authorities, mainly by the Ministry of Justice, for the monitoring of the implementation of JSRS, for the amendment of the criminal and civil procedural codes, etc.

The lack of preparatory phase for some reforms, the exaggerated speed of announced legislative amendments, and lack of a coordinating body to

⁶⁵ Legal Resources Centre from Moldova, *Analysis of the legislation and practice concerning disciplinary liability of judges 2015-2016*, Chişinău, 2016, <http://www.crjm.org/wp-content/uploads/2017/01/2016-11-Analiza-Disc-CRJM-final-ENG.pdf>.

⁶⁶ Legal Resources Centre from Moldova, *Reforming the institution of the investigating judges in the Republic of Moldova*, Chişinău, 2015, <http://www.crjm.org/wp-content/uploads/2015/01/CRJM-Raport-JI-En-28-01-2015.pdf>.

⁶⁷ Legal Resources Centre from Moldova, *Selection and career of judges – dublication of responsibilities or additional guarantees?*, Chişinău, 2015, http://www.crjm.org/wp-content/uploads/2016/03/2015-01_DP-Selection-of-Judges_CRJM-EN1.pdf; *Implicarea executivului și legislativului în numirea și promovarea judecătorilor - contrabalanță sau știrbire a independenței justiției?* (Involvement of the executive and the legislature in the appointment and promotion of judges - counterbalance or stalling the independence of justice?), Chişinău, 2015, <http://www.crjm.org/wp-content/uploads/2015/06/CRJM-DP-Numire-Jud-2015-06-25.pdf>.

⁶⁸ Moldovan CSOs reacted several times with public appeals when judges were appointed and promoted in suspicious circumstances.

⁶⁹ Legal Resources Centre from Moldova, *Survey: Perception of judges, prosecutors and lawyers on justice reform and fight against corruption*, Chişinău, 2015, http://www.crjm.org/wp-content/uploads/2016/01/CRJM_2016_SurveyJustice-ENG.pdf.

genuinely oversee the reform process rushed reforms. This might worsen the already difficult situation in the justice system. Unfortunately, the authorities in the justice system are not very keen to implement the recommendations advocated by the specialised CSOs. Therefore, it is important for Think Tanks to keep on track this field and urge the Moldovan Government to approach and coordinate the implementation of the justice reform with the CSO sector.

Legal profession

- *Regulation of legal profession, access to legal profession, legal ethics and discipline, etc.*
 - *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
 - *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
 - *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*
 - *Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).*
 - *What are the best practices regarding legislative process in the context of Think Tanks worth sharing?*
 - *What are main challenges?*
 - *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.*
- Can you formulate any recommendations for the future?*
- *on country level?*
 - *on regional level?*

Moldova regulates the activity of lawyers and entry into the profession mainly by means of a special Law on Bar Association and The Bar Association Charter. Lawyers (“avocat” in Romanian) are the law graduates qualified,

according to the Law on Bar Association, to provide legal advice and representation at any procedural stage, in any court or public authority and on any legal matter.⁷⁰ Lawyers practice law on the basis of a license, issued by the Ministry of Justice after taking an exam organized by the Commission for Licensing of the Legal Profession of the Bar Association. According to the MoJ, there are more than 3,000 practicing lawyers in Moldova.⁷¹

Various reports identified a number of shortcomings concerning the functioning of the Bar Association, especially in regard to entrance to the profession, continuous professional training, as well as disciplinary liability of lawyers.

Amendments to the Law on the Bar were approved by the Government in 2010 and they included some improvements. The procedure of admission into the profession though is still a poorly regulated area, and it grants too much discretion to the members of the Licensing Commission.

The lawyers' professional organization „Moldovan Bar Association” (or the Bar of Moldova), member of which is automatically every lawyer licensed according to the Law on Bar, is a self-governing authority, with a status of a legal entity (person). The governing bodies of the Bar are the following: Congress of Lawyers, Bar Council and three Commissions: Commission for Licensing of the Legal Profession (Licensing Commission hereinafter), Commission for Ethics and Discipline and Audit Commission.

The national legal framework of the legal profession is somewhat according to the international standards on the legal profession. However, the Law on the Bar should be amended to ensure and guarantee the independence of the legal profession and the establishment of clear rules related to accession to the profession.

⁷⁰ Article 1 of the Law on the Bar No. 1260 from 17 July 2002.

⁷¹ Article 67 of the Criminal Procedural Code and Article 75 of the Civil Procedure Code

The Bar Association has developed several strategic documents they implement. However, no set of indicators to assess and monitor the progress of implementation strategies and other policies has been developed.⁷² The Bar suffers from lack of organization, leadership and vision. Quality of services of both private and legal aid lawyers is questionable.

In this regard the collaboration between the Bar and Think Tanks is limited to training opportunity provides & legal resources development. In particular, Think Tanks conduct research,⁷³ provide trainings⁷⁴ and publish reference materials. In this way, the CSO sector is helping the Bar Association to build its capacity.

Access to justice

- *Legal services, legal aid, legal empowerment*
- *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
- *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
- *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*

⁷² Promo-LEX, *Progress in the reform of the legal profession in Justice*, Chişinău, 2016, https://promolex.md/wp-content/uploads/2016/12/web_Raport_Promo-LEX_Avocatura_draft.pdf.

⁷³ ABA ROLI Moldova, *Legal profession reform index for Moldova*, Chişinău, 2009, http://www.americanbar.org/content/dam/aba/directories/roli/moldova/moldova_ipri_04_2009_eng.authcheckdam.pdf.

⁷⁴ ABA ROLI Moldova (trainings on trial advocacy skills, pre-trial detention laws and standards, etc.), Soros Foundation and its affiliates, the Norwegian Mission of Rule of Law Advisors to Moldova, the German Federal Bar, Amnesty International, Promo-Lex, the Advocates' Law Center, the Legal Resources Centre from Moldova, the Union of Jurists and others.

- Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).
 - What are the best practices regarding legislative process in the context of Think Tanks worth sharing?
 - What are main challenges?
 - Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.
- Can you formulate any recommendations for the future?
- on country level?
 - on regional level?

The legal aid in Moldova is divided in primary and qualified legal aid. The primary legal aid services in Moldova are provided by community paralegals and by legal Think Tanks or legal clinics (also not-for-profits specialized in providing legal assistance). When qualified legal aid is required, the beneficiary is referred to a public defender and/or to the nearest territorial office of the National Legal Aid Council (NLAC), the public authority entitled to plan and manage legal aid in the country.

The legal aid system is covering both criminal legal aid as well as non-criminal matters. Even when provided, the quality remains an issue, mostly because of poor quality of services within the Bar Association and the unattractive fees paid by the state for legal aid. Starting with 2010 the Government pioneered an extremely needed initiative on setting up a network of community paralegals with the financial support of the Soros Foundation Moldova and the Government of Sweden (SIDA). By 2015, the network has grown up to 32 community paralegals from 23 in 2013. The network is financed from the state budget.

The legal framework on ensuring access to legal services for the most vulnerable persons envisages a gradual extension of the network; consequently, the NLAC annual work plans also foresee an increased number of community paralegals for each year.

The Moldovan legislation expressly prescribes the possibility for Think Tanks to be actively involved in the delivery of legal aid. Article 17 from the Law on state guaranteed legal aid⁷⁵ provides delivery of primary legal aid by non-governmental organizations. In this regards, Think Tank can collaborate with the National Council by signing cooperation agreements. Think Tanks are also entitled to provide qualified legal aid, with the exception of representation in criminal and administrative trials. Through its territorial offices, the National Council can conclude contracts with non-governmental organizations with the view to deliver qualified legal aid.

The overall goal of the partnership between state institutions and legal Think Tanks in this regard is to provide primary legal assistance, qualified, holistic and other forms of assistance to women victims of crimes, increase access to justice for persons with disabilities, especially for young people with disabilities. Based on this method of partnership and cooperation, in 2015 and 2016, over 300 persons were counselled or referred to Territorial Offices for receiving qualified legal aid.⁷⁶

Nevertheless, the system of the legal aid with Think Tank as partners face several challenges. In order to address these challenges, Think Tanks should further engage in the legal aid system, by creating new sustainable partnerships with the NLAC. This will help all the involved actors to raise awareness of legal aid system, reaching out to more people and increasing the citizens' access to justice. This will also improve the quality of provided legal on a long run, including the development of a legal empowerment mechanism, including legal empowerment tools and legal services tailored to the needs of the most vulnerable.

⁷⁵ Law no. 198 on state guaranteed legal aid of 26 July 2007.

⁷⁶ National Legal Aid Council, *Report anual 2015* (Annual Report 2015), page 3, http://www.cnajgs.md/uploads/asset/file/ro/937/2.1. Raportul_de_activitate_al_CNAJGS_2015.pdf.

Several Think Tanks offered legal advice and legal representation for some categories of vulnerable persons before the courts and specialised national and regional/international bodies. For instance, Promo-LEX performed strategic litigation of cases involving persons with disabilities and high-risk groups for infection rights in Moldova. Promo-LEX also represents people whose rights were infringed in Transnistria before the European Court of Human Rights. The Institute for Human Rights from Moldova (IDOM) offered legal advice and represented in courts people with HIV. The Legal Resources Centre from Moldova (LRCM) represented in courts and the Equality Council persons that were discriminated in labour cases.

Think Tanks can engage further by developing and implement legal education and awareness, programs for primary schools and/or law faculties. There is also a need for a better interaction with CSOs to reach out to more people representing the vulnerable groups.

Legal education

- *Legal education for lawyers (legal studies, future lawyers training systems, continuing professional education)*
- *Legal education for non-lawyers (civic education)*
- *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
- *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
- *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*
- *Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).*
- *What are the best practices regarding legislative process in the context of Think Tanks worth sharing?*
- *What are main challenges?*

- *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.*

Can you formulate any recommendations for the future?

- *on country level?*
- *on regional level?*

One of the duties of lawyers in the Republic of Moldova is to engage in continuous professional training. According to Article 54 of the Law on the Bar, a practicing lawyer should undertake at least 40 hours of training per year. The planning of the training is approved by the Council of the Bar (executive body) and they should be arranged by the Moldovan Bar Association. Various reports conducted by Think Tanks working in this area concluded that the Moldovan legislation on continuous professional training meets the European standards, however the current training curricula is insufficient for the lawyers' needs. Moreover, the Bar Association does not have enough capacity to provide the lawyers with the number of trainings requested.

Think Tanks, as well as other sponsors who from time to time organize seminars for lawyers and other legal professionals on a range of topics.⁷⁷ The Bar Council typically signs on as a co-sponsor and sometimes lists the events on its website, but according to most respondents, it contributes little else to the preparation or funding of these programs.

Legal education for non-lawyers. Society perceives ambiguously non-formal forms of organization of modern processes. In accordance with the Education Code, "Education at all levels and stages completed extracurricular activities aimed at the development of individual skills and aptitudes, interests and meet

⁷⁷ ABA ROLI, the Soros Foundation and its affiliates, the Norwegian Mission of Rule of Law Advisors to Moldova, the German Federal Bar, Amnesty International, Promo-Lex, the Advocates' Law Center, the Legal Resources Centre from Moldova, the Union of Jurists and others.

the different needs of the individual. Extracurricular activities include scientific, cultural, artistic, sports, tourism, technical and application areas.

The most active providers of non-formal education in Moldova are the NGOs. Non-formal education is in the youth resource centres, children's and youth creativity centre districts and communes by the relevant professionals, skilled workers, teachers, peers and volunteers. A few years ago, NGOs have treated non-formal education as only the shape of the method and the implementation of its statutory requirements, at this stage, to allocate many organizations whose main activity is to provide a platform for the development of non-formal education.⁷⁸

Preconditions for the recognition of non-formal education in law, and at the institutional and at the professional level providers of educational services are formed. The main difficulty for the implementation is lack of dialogue and concerted action between all stakeholders, especially the main providers of non-formal education. Post-Soviet tradition of education, training, value bases of the educational process is often not coordinated with new campaigns to education in general, and to the non-formal education, in particular. In this way, Think Tanks are one of the most active players in the field of non-formal education are those who can contribute to the establishment of democratic values in the society, especially the youth, to meet the challenges of dynamic transformations in society, and to promote cooperation between business and government to improve the quality of life.

Language of the law (quality, communication)

- *Efforts to make law more comprehensible and accessible,*
- *Advancement of new tools for communication about the law (visualisation of the law, legal info-graphics, apps etc.).*

⁷⁸ Think Tanks: Inventor, Demos, Indigo, Caroma Nord, Terra-1530, the Center for Information and Documentation children and young people, CREDO, CONTACT, etc.

- Please provide general information whether in your country Think Tanks are engaging in this particular field.
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- Can you formulate any recommendations for the future?
- on country level?
 - on regional level?

Moldovan Think Tanks adapt to the new realities and needs for a more compact and dynamic representation of the information. Long reports are replaced by short analysis documents, policy analysis and policy documents. Think Tanks tend to dedicate more time for promotion of the recommendations of their analysis. This tailors a new format of the documents and of the used language, that is readable, easy to understand and accessible.

Developing newsletters on the most essential developments in the field of activity proved itself a good opportunity to keep the target public informed and involved.⁷⁹ It is also important to have these newsletters translated in the most

⁷⁹ Legal Resources Centre from Moldova, quarterly newsletter, published in Romanian, Russian and English, <http://www.crjm.org/category/newsletter/>.

used languages in the country, including in English for the donors and development partners.

Digital graphic and visual representations of information is a developing trend, including for the Moldovan CSO sector, because the potential supporters can be found rather online than offline. One particular example of this kind of efforts is the experience of the economic Think Tank Expert-Grup – the www.BudgetStories.md website. The site hosts infographics and interactive apps intended to bring clarity on public expenditure in different sectors. BudgetStories.md shows the results of analyses in a visual form, descriptive and easily accessible.⁸⁰ According to the creators, the project is meant to provide a framework for better understanding by the citizens and especially the active part of society on the functioning public finance system and how it affects your life every day, understanding that ultimately will help a plenary society involvement in the budget process and a more efficient spending of public money.

Open budget analysis results are accompanied by data infographics and visualizations.

Infographic on the public expenditures in the family health institutions

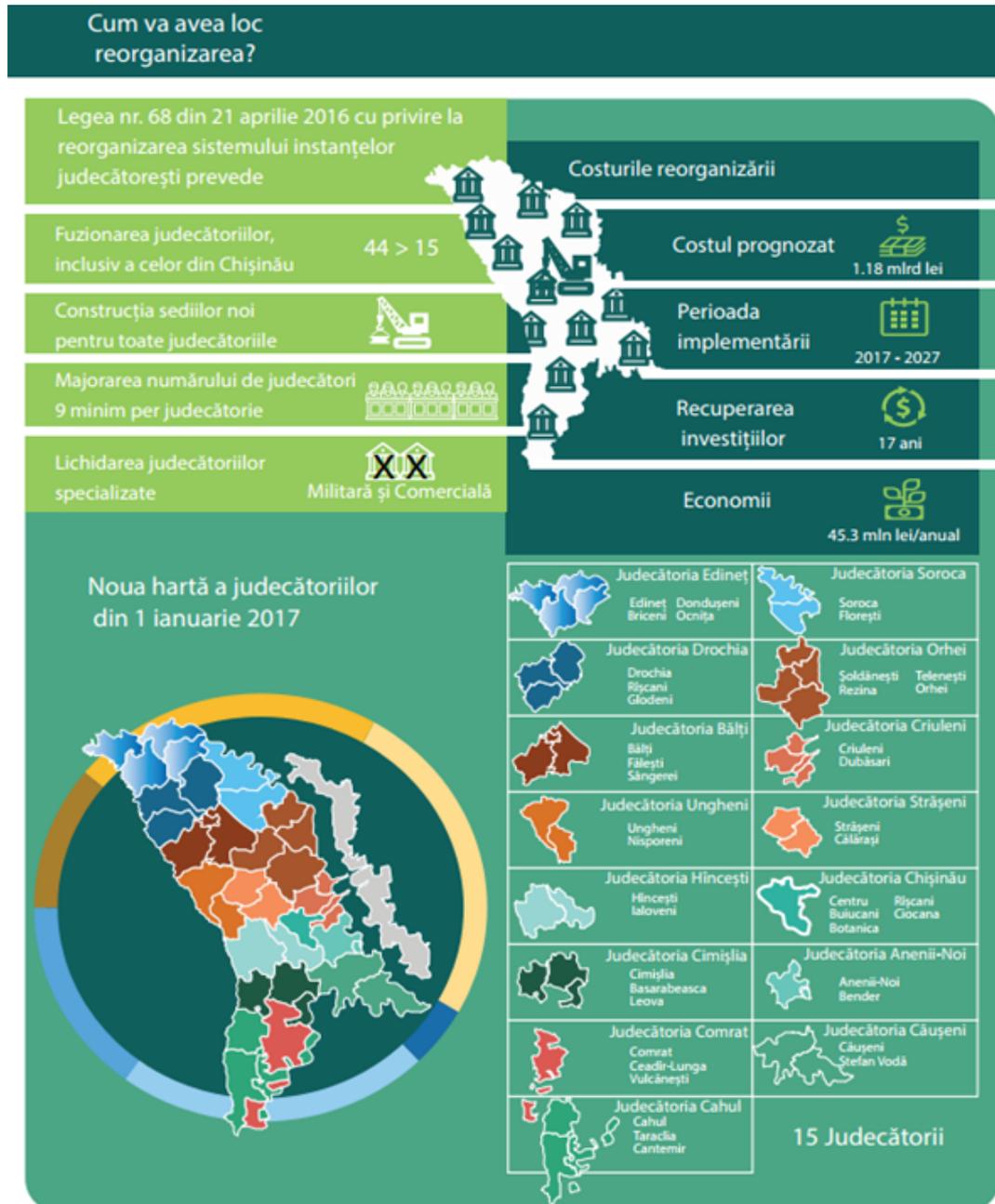
⁸⁰ <http://www.budgetstories.md/>.



Source: <http://www.budgetstories.md/cati-bani-cheltuim-pentru-centrele-de-sanatate/>

In the justice sector, infographics are used to promote and explain technical issues related to the justice sector reform. One particular example is the Legal Resources Centre from Moldova activity in the justice sector. In 2016, LRCM issued an infographic explaining the new law on optimization of the judicial map:

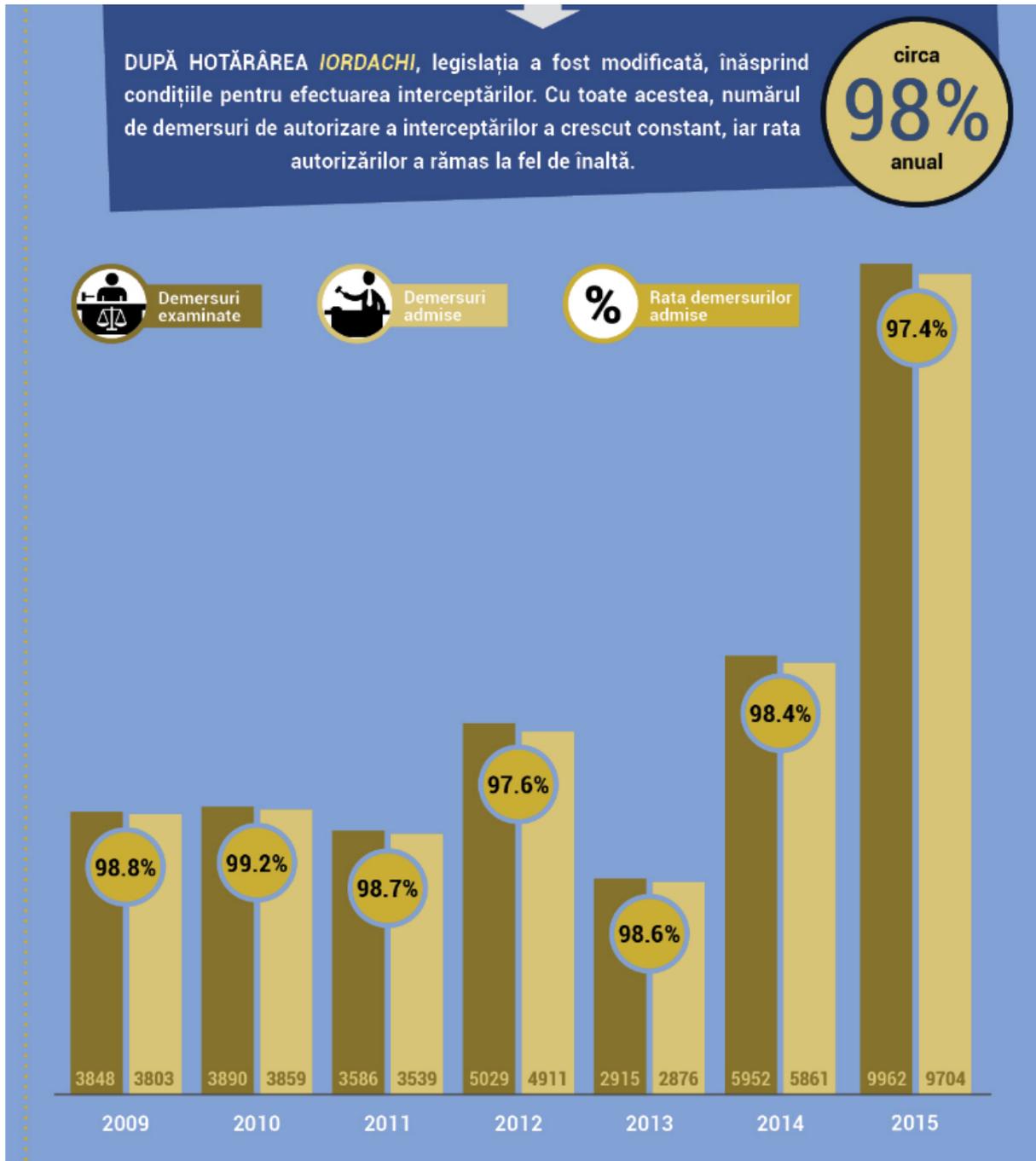
Infographic on Law on optimization of the judicial map



Source: <http://crjm.org/wp-content/uploads/2016/05/CRJM-16-05-04-Infogr-optim-harta.pdf>

In the human rights field, infographics are used by the Think Tanks to raise awareness and explain to the public about wiretapping in Moldova:

Infographic on the wiretapping legislation in Moldova



Source: <http://crjm.org/wp-content/uploads/2016/01/CRJM-Infographic-interceptari.jpg>

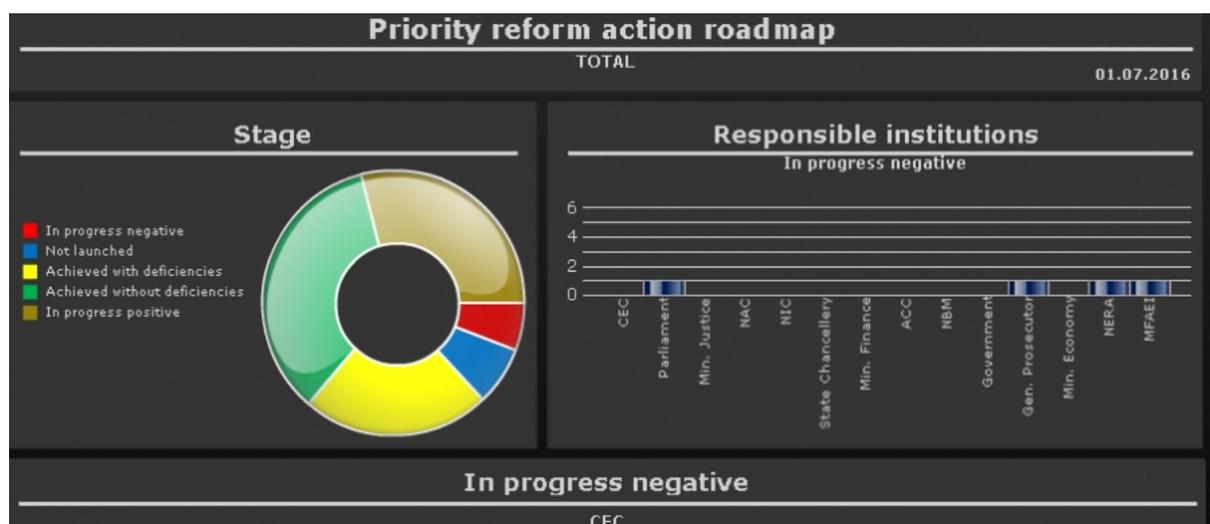
Besides infographics, local Think Tanks use interactive applications in order to track and inform the public in regard to reforms conducted by the Government. One particular example relates to the EU Association Agreement process. The

government committed to implement a number of structural reforms aimed to consolidate the democratic institutions, strengthen the rule of law, improve the business and investment climate etc. The Moldovan authorities tried to respond to this situation. On the eve of the EU-Moldova Association Council, Moldovan Government published on 11 March 2016, the Priority Reform Action Roadmap (PRAR) to speed up the reforms and overcome the challenges identified by key development partners of Moldova. The roadmap includes 69 measures grouped in 13 main reform areas that are planned to be implemented during the period March-July, 2016, until the current parliamentary session ends on.

Think Tanks used online sharing tools in order to track in real time the implementation progress for each measure. In this way, besides the monitoring monthly reports, the project team implemented an integrated app that was updating in real time information about the implementation of each measure of the roadmap.

The results of the monitoring process were displayed in an interactive dynamic infographic, that allowed everyone interested (including non-experts) to grasp rapidly the overall and detailed picture about the roadmap implementation progress.

The app for monitoring the priority reform roadmap (March - August 2016)



Source: <http://www.expert-grup.org/media/k2/attachments/FP-ENG3-02.08.swf>

This app is developed under the Monitoring report on the implementation of the Priority Reform Action Roadmap (March-August 2016). It displays interactively the progress recorded in 13 domains.

Internationalisation of law

- Processes of integration, harmonisation of the law.
 - International bodies (reporting and shadow reporting).
 - *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
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- Can you formulate any recommendations for the future?*
- *on country level?*
 - *on regional level?*

Moldovan Think Tanks engage in the internationalization of the law by taking part in the international mechanisms at the UN and Council of Europe level, in order to advocate for adjustment and improvement of the national legislation to a higher standard.

Moldovan CSOs took an active part in the framework of the Universal Periodic Review (UPR) of Moldova during both cycle of revision.⁸¹ They were involved in the UPR both nationally and internationally. Based on the submissions to the UN Office of the High Commissioner of Human Rights, the UN Human Rights Council prepared summaries both for the 2012⁸² and 2016⁸³ revisions. Think Tanks also involve in the process of the implementation of the recommendations received by the state during the UPR. In Moldova, they are integrated in the National Human Right Action Plan and NGOs monitor its implementation.

Think Tanks also engage in the consultative process with the Economic and Social Council of the United Nations (ECOSOC).⁸⁴ In this capacity, they have a primary role as they may attend meetings of the UPR Working Group. However, there is no provision for these NGOs to speak or submit written information at these meetings. NGOs in consultative status with ECOSOC may also participate in regular sessions of the Human Rights Council, at which UPR outcomes are considered and adopted, and make brief general comments pending outcome documents by the Human Rights Council. In 2014, the legal Think Tank Promo-LEX was declared the "organization with special consultative status with the UN" by the Economic and Social Council (ECOSOC) of the United Nations. This status allows the organization to

⁸¹ UPR-Info, Submissions of Moldovan NGOs for the 2011 cycle of revision, <https://www.upr-info.org/en/review/Moldova-%28Republic-of%29/Session-12---October-2011/Civil-society-and-other-submissions#top>, and for the 2016 cycle of revision, <https://www.upr-info.org/en/review/Moldova-%28Republic-of%29/Session-26---November-2016/Civil-society-and-other-submissions#top>.

⁸² UN Human Rights Council, *Summary prepared by the Office of the High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1*, A/HRC/WG.6/12/MDA/3, 22 July 2011, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/152/25/PDF/G1115225.pdf?OpenElement>.

⁸³ UN Human Rights Council, *Summary prepared by the Office of the United Nations High Commissioner for Human Rights in accordance with paragraph 15 (c) of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21*, A/HRC/WG.6/26/MDA/3, 23 August 2016, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/187/47/PDF/G1618747.pdf?OpenElement>.

⁸⁴ For more details, please see Promo-Lex Think Tank Card.

operate internationally and to become directly involved in the work of ECOSOC and its subsidiary bodies and with the UN Secretariat.

One of the most popular regional instrument used by lawyers and specialised Think Tanks is the European Court of Human Rights (ECtHR). Several Moldovan Think Tanks were at some point or still are involved in strategic litigation before the ECtHR.⁸⁵ Until 2016, Moldova was in the top four countries according the number of cases per capita.⁸⁶ Before 2009, this was an important tool in order to advocate for amendments of the legislation and practice. Several important laws were adopted following the ECtHR judgments regarding Moldova, namely the legislation on the freedom of assembly, investigation and sanctioning the torture, pre-trial arrest, etc. Unfortunately, following the institutional reforms undergone by the ECtHR and the declaration as inadmissible of a big amount of applications, its popularity among the Moldovan population and Think Tanks decreased.

At the same time, Moldovan Think Tanks started to use another instrument offered by the Committee of Ministers that monitors the state of execution of the ECtHR judgments by Member States. During the proceedings before the Committee of Ministers, individuals and NGOs can contribute by submitting comments on the execution of both individual and general measures taken by the State. Several Moldovan Think Tanks already used this mechanism,⁸⁷ but it is too early to conclude on its efficiency.

⁸⁵ Lawyers for Human Rights, Promo-LEX, Legal Resources Centre from Moldova, etc.

⁸⁶ Legal Resources Centre from Moldova, *Infografic: Republica Moldova la Curtea Europeană a Drepturilor omului 2015* (Infographic: Republic of Moldova at the European Court of Human Rights 2015), Chişinău, 2016, <http://www.crjm.org/wp-content/uploads/2016/04/Grafic-CtEDO-2016-GREEN.pdf>.

⁸⁷ Committee of Ministers of the Council of Europe, *Communication from Genderdoc-M to the Committee of Ministers in the case of Genderdoc-M against the Republic of Moldova*, (Application No. 9106/06), https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016804a6f3e;
Committee of Ministers of the Council of Europe, *Communication from Lawyers from Human Rights in the case of Dan against the Republic of Moldova*, (Application No. 8999/07), https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016806c3efc;
Committee of Ministers of the Council of Europe, *Communication from Legal Resources Centre from Moldova, in the Corsacov group and the case of Levița No. 1 against Republic*

During its eighth sitting on 28 January 2016, the Parliamentary Assembly of the Council of Europe (PACE) raised Promo-LEX case (criminal charges against Promo-LEX initiated by Transnistrian KGB because of organization of the human rights activity in the region), as well as the issue of human rights defenders in conflict zones. On 28 January 2016, PACE addressed the Member States of the Council of Europe to invest efforts in order to protect human rights defenders and ensure an enabling environment for NGOs. In this respect, two Resolutions were adopted.⁸⁸ The full text of the Resolutions in English is available here⁸⁹ and here.⁹⁰ This is a direct result of Promo-LEX advocacy efforts to raise the issue of human rights defenders work in the regions of conflict.

Human rights, equality, discrimination

- *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
- *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
- *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*

of Moldova, (Applications No. 18944/02, 17332/03),
https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806c2b7f.

⁸⁸ Parliamentary Assembly of the Council of Europe, *Strengthening the protection and role of human rights defenders in Council of Europe member States*, Resolution 2095 (2016), 28 January 2016, <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22500&lang=en>; *How can inappropriate restrictions on NGO activities in Europe be prevented?*, Resolution 2096 (2016), 28 January 2016,

<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22502&lang=en>.

⁸⁹ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22500&lang=en>

⁹⁰ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22502&lang=en>

- Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).
 - What are the best practices regarding legislative process in the context of Think Tanks worth sharing?
 - What are main challenges?
 - Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.
- Can you formulate any recommendations for the future?
- on country level?
 - on regional level?

The observance of human rights in the Republic of Moldova is majorly the task of CSOs (Think Tanks). Their field of expertise include vast areas of interest. In the field of human rights, Think Tanks involve through analysis and advocacy for the implementation of the recommendations of the analysis, advocacy for the law adoption or amendment, strategic litigation, etc.

Monitoring reports on human rights situation in Moldova are conducted on a regular basis. For instance, Promo-LEX published reports on the human rights situation in Moldova from 2007.⁹¹ Think Tanks also monitor the implementation of the European Court of Human Rights (ECtHR) judgments and decisions adopted concerning Moldova,⁹² including the Transnistrian region.⁹³ After the

⁹¹ Promo-LEX, *Human Rights in the Republic of Moldova 2007-2008*, Chişinău, 2009, https://promolex.md/wp-content/uploads/2017/04/doc_1259134469.pdf; *Human Rights in Moldova 2009-2010*, Chişinău, 2011, <https://promolex.md/wp-content/uploads/2017/04/DO-retrospectiva-2009-2010-eng.pdf>; *Human Rights in Moldova 2012-2013*, Chişinău, 2014, <https://promolex.md/2555-raport-drepturile-omului-in-moldova-retrospectiva-anilor-2012-2013/>; *Human Rights in Moldova 2014*, Chişinău, 2015, https://promolex.md/wp-content/uploads/2016/06/doc_1444027212.pdf.

⁹² Legal Resources Centre from Moldova, *Execution of judgments of the European Court of Human Rights by the Republic of Moldova, 1997-2012*, Chişinău, 2012, http://www.crjm.org/wp-content/uploads/2014/04/Execution_of_Judgments_of_the_ECHR_by_the_Republic_of_Mol

adoption of the Equality Law, several Think Tanks made thorough analysis of the compatibility of the national legislation with European and international standards on non-discrimination, but also on the activity of the Equality Council and of the national courts.⁹⁴ Analysis on the unequal pay for equal work and the necessary legislative amendments are also done in Moldova.⁹⁵

Moldovan Think Tanks also involve in law-making and law amendment in the field of human rights. During the drafting of the non-discrimination legislation, Moldovan Think Tanks took an active position and participated in the working group created by the Ministry of Justice, but also promoted the adoption of the law during the debates in the Parliament. Think Tanks assisted Moldovan authorities in improving the legislation on prohibition of torture and in

dova_1997-2012.pdf; Execution of judgments of the European Court of Human Rights by the Republic of Moldova, 2013-2015, Chişinău, 2015, <http://www.crijm.org/wp-content/uploads/2015/09/LRCM-Report-ECtHR-31-03-2015.pdf>.

⁹³ Promo-LEX, *Property rights in the Transnistrian region of the Republic of Moldova*, Chişinău, 2010, https://promolex.md/wp-content/uploads/2017/04/dreptul-de-proprietate-2010_eng.pdf; *Observance of human rights in the Transnistrian region of the Republic of Moldova. 2015 retrospect*, Chişinău, 2016, https://promolex.md/wp-content/uploads/2016/04/doc_1456905480.pdf; *Libertatea de exprimare în regiunea transnistreană a Republicii Moldova* (Freedom of expression in the Transnistrian region of the Republic of Moldova), Chişinău, 2017, https://promolex.md/wp-content/uploads/2017/03/Lib-de-expr-final-2.04.2017_publicat-web.pdf.

⁹⁴ Legal Resources Centre from Moldova, *Compatibility analysis of Moldovan legislation with the European standards on equality and non-discrimination*, Chişinău, 2015, <http://www.crijm.org/wp-content/uploads/2015/07/LRCM-Compatib-MD-EU-nondiscrim-legisl-2015-07.pdf>; Equal Rights Trust, Promo-LEX, *From words to deeds*, Chişinău, 2016, https://promolex.md/wp-content/uploads/2016/08/ENG_doc_1469547155.pdf; UNDP Moldova, *Legal analysis of the decisions of the Equality Council and the decisions of the domestic courts on discrimination cases of the Republic of Moldova*, Chişinău, 2017, http://www.md.undp.org/content/moldova/en/home/library/effective_governance/legal-analysis-of-the-decisions-of-the-equality-council-and-the-.html.

⁹⁵ Centre Partnership for Development, *Inegalitățile salariale de gen în Moldova* (Gender pay inequalities in Moldova), Chişinău, 2015, http://progen.md/files/4717_analiza_paygap_moldova.pdf; *Principiul plată egală pentru muncă egală sau pentru muncă de valoare egală. O analiză a legislației naționale* (Principle equal pay for equal work or work of equal value. An analysis of the national legislation), Chişinău, 2016, http://progen.md/files/8868_principul_plat%C4%83_egal%C4%83_pentru_munc%C4%83_eegal%C4%83_legisla%C8%9Bia_rm.pdf

promoting the law on freedom of expression. This activity led to the amendment of the Criminal Code, to ensure adequate sanctions for torture and the adoption of a new legislation on the freedom of assembly. Think Tanks were much involved in the drafting of the new Law on Ombudsman and in preventing the substantial amendment of the law in the Parliament. Moldovan Think Tanks asked the president of the Republic of Moldova not to promulgate the Law on Ombudsman because of several substantial amendments in the Parliament.⁹⁶ As a result, the draft law was returned to the Parliament that made some important amendments to it. Another public policy activity is promoting for a parliamentary review of the execution of ECtHR judgments and decisions concerning Moldova. One of the most important advocacy campaigns of Moldovan Think Tanks and Platform for Gender Equality consisted in successful promotion of the "gender package of laws", including, among others, prohibition of sexist advertisement, the right to a 14-days paternal leave paid by the state and a mandatory quota of 40% representation in the Parliament of the other sex representatives. Think Tanks were also involved in successful advocacy for the ratification of the United Nations Convention on the Rights of Persons with Disabilities, the adoption of the Strategy for the Social Inclusion of Persons with Disability (2010-2013) and the adoption of the Law on social inclusion of persons with disability (2012).

The most important policy document in the sphere of human rights, the National Plan for Human Rights, was drafted with the contribution of CSOs. At the moment of drafting the present analysis, the third National Human Rights Plan was drafted by a mixed working group created by the Ministry of Justice. Most of the UPR recommendations are usually included in this plan.

Moldovan Think Tanks also involve in educational activities related to human rights. Amnesty International Moldova succeeded to introduce a new discipline in schools, namely Education of Human Rights, and developed specific

⁹⁶ Public appeal, *Repeated request to the President of Moldova not to promulgate the Law on People's advocate*, 24 January 2014, <http://crjm.org/wp-content/uploads/2014/01/2014-01-24-Repetead-request-ombudsman.pdf>.

curriculum.⁹⁷ Other Think Tanks conducted trainings and developed resources on equality and non-discrimination for teachers and social workers,⁹⁸ for police officers on the domestic violence,⁹⁹ for school teachers on child abuse prevention and reporting and promoting children participation in the education system.¹⁰⁰ During 2015-2016, Promo-LEX in partnership with the National Institute of Justice and General Police Inspectorate have organized 8 trainings for 169 prosecutors, judges and police officers on procedures for investigating and prosecuting cases of human rights violations in Transnistria.¹⁰¹

A national study on the CSOs in Moldova noted that dozens of national campaigns to raise awareness of discrimination against people with disabilities, against domestic violence or trafficking in human beings, for the inclusion of orphaned children or for promoting a healthy lifestyle were organised. The Centre Partnership for Development and the Women's Political Club 50/50 promote equality of opportunity for women and men. The Centre for Rehabilitation of Torture Victims, "Memory", has the merit of organizing annual national campaigns dedicated to the International Day to support victims of torture. Hotlines have been created and legal and psychological assistance has been provided, such as the Non-Discrimination Line or the La Strata Line to assist victims of trafficking and sexual and commercial exploitation.¹⁰² Genderdoc-M annually organizes the Pride march. In 2017, the fifth march protected by the police will take place.

⁹⁷ Amnesty International Moldova, resources for the discipline Education for Human Rights, <http://amnesty.md/ro/despre/blog/category/resurse/>.

⁹⁸ Legal Resources Centre from Moldova, see Think Tank Cards.

⁹⁹ Promo-LEX, see Think Tank Cards.

¹⁰⁰ Child Rights Information Centre Moldova, see Think Tank Cards.

¹⁰¹ See Promo-LEX Think Tank Cards.

¹⁰² IDIS Viitorul, *Organizațiile neguvernamentale din Republica Moldova: evoluție, activități și perspectivele dezvoltării* (Non-governmental organizations in the Republic of Moldova: evolution, activities and perspectives of development), Chișinău, 2013, page 41, http://viitorul.org/files/library/4183299_md_ong_site.pdf.

There are grass root Think Tanks that offer advice and consultations to victims of human rights infringements, such as victims of domestic violence,¹⁰³ persons with disabilities,¹⁰⁴ Roma people,¹⁰⁵ children,¹⁰⁶ victims of trafficking in persons,¹⁰⁷ LGBT,¹⁰⁸ and victims of discrimination.¹⁰⁹ Most of these organisations also offer representation before the national courts/specialised bodies and international organisations. Strategic litigation is one of the instruments used by Think Tanks in the field of human rights.

Although many reforms were initiated and several regulatory acts were adopted that aimed at improving the human rights situation, their practical implementation still is less than desired. As well, in some human rights areas, the situation deteriorated. This all had the effect of raising general dissatisfaction from civil society organizations in human rights, as well as the overall society.

According to one interviewee, one of the challenges in this field is the lack of human rights based approach to public policy, including those centred on justice. Authorities not only show ignorance of this principle, and civil society organizations working in the sphere of justice often focuses on the institutional aspect of the justice system and not human rights-based approach. Another challenge highlighted is the lack of strategic vision regarding the activity of the central authorities. The lack of mechanisms for influencing the decision-making process at the local level is perhaps the most important challenge. As

¹⁰³ Women's Law Center, see Think Tank Cards; La Strada Moldova, <http://lastrada.md/eng/hotline>.

¹⁰⁴ Centre for Legal Assistance of Persons with Disabilities, <http://advocacy.md/en>; Promo-LEX, see Think Tank Cards.

¹⁰⁵ National Roma Centre, <http://www.roma.md/>.

¹⁰⁶ National Center for Prevention of Child Abuse, <http://cnpac.org.md/>; Child Rights Information Centre Moldova, see Think Tank Cards; La Strada Moldova, <http://lastrada.md/eng/hotline>.

¹⁰⁷ La Strada Moldova, <http://lastrada.md/eng/hotline>.

¹⁰⁸ Genderdoc-M, <https://gdm.md/en>.

¹⁰⁹ Nondiscrimination Coalition, <http://nediscriminare.md/en/>.

recommendations to remedy the situation created, she proposes to integrate human rights-based approach in the regulatory framework governing the development of policy documents, develop mechanisms for interaction and decision makers influencing the local central governments and civil society (especially in respect of the public finances) and to strengthen current mechanisms to ensure transparency in decision making and to incorporate the recommendations of civil society in decision-making act.¹¹⁰

Information society and the legal system and administration

- *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
 - *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
 - *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*
 - *Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).*
 - *What are the best practices regarding legislative process in the context of Think Tanks worth sharing?*
 - *What are main challenges?*
 - *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.*
- Can you formulate any recommendations for the future?*
- *on country level?*
 - *on regional level?*

¹¹⁰ Interview conducted with Olesea Perean, National Human Rights Officer la Office of the United Nations High Commissioner for Human Rights.

Moldova joined the Open Government Partnership (OGP) in April 2012. The 2012-2013 Action Plan included a participatory decision-making process at the national and local level. The 2014 Action Plan is part of the Governance e-Transformation Action Plan for 2014 (Government Decision No. 1096 on Approving the Action Plan 2014 for the Implementation of the Strategic Programme for Technological Modernisation of Governance (e-Transformation), 31 December 2013), which outlines actions related to implementing technological solutions for improving governance. There is only one Think Tank working on this issue in Moldova that participated in the elaboration of the 2012-2013 Action Plan.¹¹¹

Other thematic fields

- *If there are different thematic fields of activities of legal Think Tanks, which do not fit into any of above categories, please provide information on them here.*
- *Please provide general information whether in your country Think Tanks are engaging in this particular field.*
- *Please formulate (if possible, two, three) most important challenges in this field (milestones) that Think Tanks are focused on, that Think Tanks are monitoring, advocating for or against, in the past (10 years) or nowadays.*
- *Within this thematic field please describe types of Think Tanks activities and interaction of Think Tanks with Government.*
- *Please provide examples of particular activities of particular Think Tanks (you may refer to the Think Tank Cards and Project Cards included below).*
- *What are the best practices regarding legislative process in the context of Think Tanks worth sharing?*
- *What are main challenges?*
- *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in*

¹¹¹ Open Government Institute, <http://opengov.si.md/>.

this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.

Can you formulate any recommendations for the future?

- on country level?*
- on regional level?*

Moldovan Think Tanks involve in monitoring of elections and improvement of electoral legislation,¹¹² public procurement reform,¹¹³ anti-corruption,¹¹⁴ reforming the criminal justice system,¹¹⁵ implementation of the Association Agreement,¹¹⁶ economic development,¹¹⁷ development of independent mass-media,¹¹⁸ foreign policy,¹¹⁹ environmental issues,¹²⁰ assistance for CSOs,¹²¹ etc.

Think Tanks – opportunities and challenges

- We are formulating here some additional questions to be answered based on the research done by authors of the country report.

¹¹² Promo-LEX, see Think Tank Cards; Association for Participatory Democracy, <http://www.e-democracy.md/en/>.

¹¹³ Association for Efficient and Responsible Governance, see Think Tank Cards.

¹¹⁴ Transparency International Moldova, <http://www.transparency.md/>; Centre for the Analysis and Prevention of Corruption, <http://capc.md/en/>; Institute for European Policies and Reforms, see Think Tank Cards.

¹¹⁵ Institute for Penal Reform, see Think Tank Cards.

¹¹⁶ Institute for European Policies and Reforms, see Think Tank Cards.

¹¹⁷ Expert-Grup, <http://www.expert-grup.org/en/>.

¹¹⁸ Association of Independent Press, <http://api.md/>.

¹¹⁹ Foreign Policy Association, <http://www.ape.md/en/>.

¹²⁰ National Environmental Center <http://www.environment.md/en/>.

¹²¹ Contact Centre, <http://www.contact.md/index.php/en/>.

- We have also proposed (see below) the list of questions that might/should be used in the interviews and focus groups. In the following sections please summarise both information collected as well as your opinion and answers you received (we mark separately questions repeated from the **Questionnaire** for interviews).

Think Tanks and government

- *What are the best methods for Think Tanks to influence decision-makers?*

Questionnaire

- *How should the government draw knowledge from the Think Tanks sector?*

- *How the cooperation between the Government and Think Tanks should be structured? What needs change?*

- *Should the government build its own research structures or commission analysis from outside institutions? Why?*

- *Where should the government draw knowledge for determining regulatory policies? What are the mechanisms for government's interaction with non-governmental research structures? What should be the shape of this relation?*

In Moldova, the tag line to describe the relationship between Think Tanks and the Government can be resumed to the following: "it depends". It depends on sensitivity of the issue at stake, who is the person leading the department or the ministry, either on his/her attitude and perception of the CSO sector's role.

Nevertheless, the first on "it depends list" is the political situation. During 2014-2016, several Governments have changed in Moldova. Therefore, it is difficult to maintain contact and efficient collaboration with the ministries and governmental institutions. Think Tanks reported that many times contacts have to be set again because of the staff turnover / change of the head of the ministry or change of the party appointing the specific minister. The most common difficulty in this regard is when the lead person of the institution is changed. The whole process of establishing a dialogue with the institution should be resumed, which can be difficult. While some Government officials are very opened for collaboration, others are very reluctant. Therefore, it is

very difficult to cooperate with the Government on a long run and eventually assess the impact of the civil society work with the Government.

On the other hand, the Government has its own political agenda and it is difficult to raise new issues and initiate new legislative initiatives, especially those bringing low ratings in the election campaigns (the reorganization of the judicial map, social protection, or the retirement system). On some sensitive human rights issues, it is very difficult to initiate discussions and there is no progress for addressing these issues for many years because it is never the "right time".

A frequently reported difficulty in collaboration with the Government is also their busy agenda. In this regard, it is needed to reserve additional time in order to agree the common activities and meetings. In order to progress in these areas, usually Think Tank involve international actors to influence the Government agenda.

The second on the above mentioned list is the uncertainty factor. In many cases, the draft laws and regulations prepared and agreed between CSOs and Government end up adopted by the Parliament but with significant changes comparing to the initial draft that implies considerable amendments in the implementation. In many cases the Government does not abide by the procedures on transparent decision making and consulting the civil society—many draft laws and regulations are posted with huge delays on the web pages of Ministries and Government and CSOs don't manage to submit their comments and then their input is of poor value. Access to information remains a problem sometimes. Not all information can be found on the websites of the governmental institutions, and not always, the necessary document can also be tracked via a conversation with a responsible person from a ministry.¹²²

Think Tanks agree also that there is a lack of capacities in general (on the both sides) in order to ensure broad and continuous cooperation. Lack of long term visioning and planning skills but also political instability, corruption and favouritism seems to undermine the cooperation possibilities. Moreover,

¹²² See AGER Think Tank Card.

sometime authorities just use collaboration with CSOs to look good for international community while, in fact, the collaboration is very superficial.

It seems that the collaboration goes more easily when Think Tanks offer technical assistance or trainings to authorities rather than suggests amendments to the legislation or practice. With the tendency to shrink the space for civil society in Moldova, it is more and more difficult to advocate for change without the public support. In this aspect, it is important for Think Tanks to become more visible and present in the public debate and to bring into public space the burning issues.

Think Tanks and Academia, scientific circles

- *Does the government cooperate with the academia in developing its policies? To what extent?*
- *Do legal sciences currently deal with issues important practically?*
- *In which areas there is a lack of legal research, including empirical surveys?*
- *Do Think Tanks cooperate with academia? How? If not, why?*

Questionnaire

- *Should Think Tanks seek involvement with academia? Should they look for involvement not only as regards research but also teaching?*
- *How should the academia structure its relation with Think Tanks? Is it competition or opportunity for cooperation? How can the academia benefit from operation of Think Tanks?*
- *Do you know any examples of good cooperation of Think Tanks and academia. What?*

In Moldova, "Academia" is mainly referring to the activity of the Academy of Sciences of Moldova (ASM). This institution plays an important role in the Moldovan Government since it acts as the ministry of science. ASM president is a permanent member of the Government, being present at every Cabinet meeting. In its mandate, the ASM approves the new draft legislation associated with research activity, development and innovation. The Academy is also the main implementing body of research policies. For this purpose, it

has a research budget that is administered by the academy through its executive units.

The impact of the ASM though, is very limited. Its insufficient involvement in the development and implementation of strategies and national interest programs/ projects of vital importance for sustainable development of the country and the rule of law diminishes the prestige and image in society of the Academia.

In order to overcome the crisis in science and to create favourable conditions for its development it is necessary a radical reform of the entire system of science and, primarily, of the ASM. However, given that the private sector has a reserved attitude towards science, solving this and other cardinal issues of the future of science and the country is unachievable without a change in the attitude of the State towards science without real support from power, without introduction partnership relations between the ASM and the Government.

A study on Moldovan NGOs¹²³ noted that competitive analytical centres could also participate, together with the ASM and higher education institutions of the Republic of Moldova, in research and innovation programs financed from the state budget or the European Union. The Medium-Term Budgeting Framework estimated at the Ministry of Finance for the period 2017-2019 provides spending science and innovation for MDL 484,9 mill. in 2017, MDL 487,6 mill. in 2018, and MDL 460,2 mill. in 2019.¹²⁴ The ASM should support as part of this funding to be an open-ended research fund to which universities and analytical centres are eligible to stimulate competition and open the prospect of serious intellectual discussions on country development.

¹²³ IDIS Viitorul, *Organizațiile neguvernamentale din Republica Moldova: evoluție, activități și perspectivele dezvoltării* (Non-governmental organizations in the Republic of Moldova: evolution, activities and perspectives of development), Chișinău, 2013, page 56, http://viitorul.org/files/library/4183299_md_ong_site.pdf

¹²⁴ Ministry of Finances, *Cadrul bugetar pe termen mediu 2017-2019* (Medium-Term Budgeting Framework 2017-2019), page 55, <http://mf.gov.md/files/files/CBTM%202017-2019.pdf>.

There are no any recorded examples of good cooperation of Think Tanks and academia. According to one interviewee, based on his collaboration experience with the authorities, state officials often have taken into account the views promoted by the academia. Nevertheless, he personally believes that academia's input on draft law proposals is weak and shows a lack of specialization and a lack of comparative law analysis skills. The interviewee recommended that the Ministry of Justice should have a special committee of teachers and practitioners who would be invited to give an opinion when there are bills that affect private law and amend the provisions of the Civil Code expressly or implicitly. This would ensure the unitary and coherent regulation, as many authorities know what regulatory purpose they wish to achieve, but they lack capabilities to formulate coherent proposals and putting in the right place and use appropriate terminology.¹²⁵

Think Tanks and their limits

Questionnaire

- *What is the interaction between the activity of Think Tanks and lobbying? How should this relation be shaped?*
- *What is the interaction between the activity of Think Tanks and activism? How should this relation be shaped? Should Think Tanks get involved in social activism?*
- *Should Think Tanks look for opportunities to influence important judicial decisions (e.g. file amicus curiae briefs)?*
- *Does independence of Think Tanks matter? If yes, what are the principles for economic and political independence of research think-tanks? Where is the threshold that a think loses its independence? What is the relation between independence and transparency?*
- *Should Think Tanks operate as business entities that provide research services for remuneration?*

¹²⁵ Interview conducted with Dr. Octavian Cazac, Private Law professor from the State University from Moldova.

- *What should be avoided in the activity of a think-tanks? Please name examples of bad practice.*

Traditionally, people most commonly see Think Tanks as organisations that:

- carry out a combination of research, policy analysis and policy development;
- seek to influence government policy and political parties;
- are forward-looking and develop new ideas about social, economic, environmental or foreign policy; and
- are usually, though not always, not for profit.¹²⁶

In Moldova, the traditional functions of Think Tanks evolved by including elements of social activism and campaigning in order to attract the targeted audiences. This is particularly actual taking into account the shrinking space for civil society after the new Cabinet was sworn in the beginning of 2016. Many Think Tanks decided to shift to more communication with the outside stakeholders using mass-media, social media, press clubs, offline meetings, conferences, public appeals, declarations, press conferences, marches, etc. In the specific context of Moldova, social activism of Think Tanks might fire up. One particular example is the attempt of the authorities to amend the electoral system of Moldova from the proportional to a majoritarian. A group of NGOs opposed the proposed amendment by participating at public debates, organizing public conferences, launching public declarations, submitting legal opinions, but also by organised flash mobs and protests. As a result, they were attacked in online and mass-media by paid bloggers, trolls and politically affiliated mass-media. The Speaker of the Parliament declared during a TV show that NGOs should not involve in political issues and that commenting on the electoral system is a political activity from which NGOs should abstain.¹²⁷

¹²⁶ Slay J., *Impact: an enquiry into how Think Tanks create change*, 2017, page 4, http://www.cloresocialleadership.org.uk/userfiles/documents/Research%20reports/2015/Julia%20Slay/Julia_Slay_Impact_how_think_tanks_create_change-FINAL.pdf.

¹²⁷ TVR Moldova, TV Show "Punctul pe Azi", 15 May 2017, https://www.youtube.com/watch?list=PLFFshvOJiVM_8Zh5orfwO0UFX-aiKxnut&v=WTotAd8zPvQ.

Taking into account that in 2018 parliamentary elections will take place, it is expected to have more attacks on the active and independent CSOs in Moldova.

In order to be credible, Think Tanks have to keep and prove political and financial independence. Moldovan Think Tanks are cautious regarding the approach to the Government authorities. At the same time, some of them are increasingly closer to the Government and risk to be considered as Governmental NGOs by the rest of them. Financial independence is important too, especially when more and more official and unofficial accusations come from the Government regarding the independence of CSOs regarding the foreign donors, 90% of the budgets of CSOs relying on foreign grants. The difference between business and Think Tank research lies in the fact if there is any part of the process where the client can influence the outcome. Therefore, Moldovan Think Tanks can be considered independent in realising research and publishing the results.

A study on NGOs in Moldova noted that something does not work in the relationship between the public sector and the non-profit sector, or more precisely between the political class and non-governmental organizations. There are cases of too much (non-institutionalized) closeness between the political and the associative sector, which is absolutely unacceptable for the latter. But most of the time, the issue is related to the formal character of discussions between nongovernmental organizations and public authorities, the state still ignores the right of NGOs to "participate in the formation and implementation of public policies". In fact, the main issue is that the political class does not allow yet non-governmental organizations to participate in the entire policy cycle. Civil society actively participates in the development and promotion of policies, but does not participate in the implementation phase. Non-governmental organizations often "escape" the implementation phase and go directly to the monitoring and evaluation of public authorities. There are no effective mechanisms for control over the state yet. For example, the new Central Public Administration Law, in force since March 2013, makes

consultation with civil society a right of central public authorities, but not an obligation.¹²⁸

In the Republic of Moldova, there is no legal avenue for submitting amicus curiae before the national courts. This is the reason why Think Tanks rely on strategic litigation and/or involvement at the moment of execution of the European Court of Human Rights judgments against Moldova.

According to some interviewees, as part of organized civil society, Think Tanks need to be more active and get involved in the public policy process including their development and quality monitoring. For this to happen, the „independent” status of a Think Tank is very important for the credibility from the citizens. They recommend to avoid the involvement in political affairs and decrease the financial dependence on external funds. Sustainability and financial independence (at least partially) requires (proved by international practice) that Think Tanks should develop and provide paid services.¹²⁹

Interdisciplinary approach to the law

- Do Think Tanks promote interdisciplinary approach to the law and system of justice?

Do Think Tanks promote collaboration of lawyers with economists, psychologists, sociologists, IT experts, HR experts etc.?

As no sector is independent, Think Tanks seek cooperation activities in the field in various fields. According to the interviews conducted, in various situation, Think Tank involve large spectrum specialists to promote policy proposals lawyers - to analyse legislation, sociologists - for quantitative and

¹²⁸ IDIS Viitorul, *Organizațiile neguvernamentale din Republica Moldova: evoluție, activități și perspectivele dezvoltării* (Non-governmental organizations in the Republic of Moldova: evolution, activities and perspectives of development), Chișinău, 2013, pages 36-37, http://viitorul.org/files/library/4183299_md_ong_site.pdf.

¹²⁹ Interview conducted with Think Tank representatives.

qualitative research certain aspects, statisticians, etc. In assessing the implementation of the national policy documents in the areas mentioned, Think Tanks use to create focus groups with the participation of experts from different sectors in order to have a holistic view.¹³⁰

Think Tanks – identifying problems

Questionnaire

- What are the best methods for Think Tanks to identify problems and issues requiring their policy work?

- What type of legal Think Tank activity is lacking in your country? What are the important areas of law that are neglected by Think Tanks?

Moldovan Think Tanks use several methods in order to identify problems and issues requiring their policy work. One of them is consulting existing policy documents where the problems and the need for intervention are described. Another method consists in conducting surveys and desk research. Monitoring the evolution of a particular sphere can bring the new issues to work on. Interviews and round tables can add more information on the issues in the attention of Think Tanks. One very used scheme consists of several stages:

- (1) research using the available information (available public data, previous reports, etc.); organizing interviews and surveys if necessary;
- (2) elaboration of a draft analysis;
- (3) organization of a round table bringing together representatives of CSOs, authorities and development partners and discussing the preliminary conclusions and recommendations;
- (4) finalising the analysis based on the discussions during the round table.

The area of activity of Moldovan Think Tanks is really vast and large. However, it is missing monitoring the activity of local authorities. In the same time, taking into account that a considerable number of Moldovans immigrated

¹³⁰ Interview conducted with Think Tank representatives.

abroad, there is a need of CSOs specialised in helping children and elders left behind.

TT and access to data

- *Do Think Tanks face any problems with access to data needed for their analyses?*
- *Is the public system of collecting statistical data adequate and accessible?*

The Law on Access to Information was adopted in 2000 and it obliges central and local public authorities to provide public information. The obligation covers the Parliament, the President, the Government, public administration, judicial authorities, organisations established by the state and funded from the state budget, and individuals and legal entities that are empowered by the state to provide public services or to collect and hold official information.

Information requests are met free of charge if the information influences directly the rights and freedoms of the requesting party, if information is presented orally, is examined on the institution's premises, or contributes to the transparency of the public institution and is in the interest of society.

Fees are required for providing official information and documents, but cannot exceed the costs incurred during the search and processing of the information or parts thereof, copying, sending it to the applicant and/or translating it from the state language, based on the request of the information-seeker. The information should be provided within a maximum of 15 working days (three weeks) after the date of registration of the request. This can be extended by five working days if a very large amount of information has been requested, and it requires analysis, or if additional consultations are necessary in order to carry out the request. Authorities often apply the provision of the Law on petitioning, which allows a 30-day term for replies.

The Law on Petitioning prescribes the right of individuals to request certain actions from the authorities. A petition under this law means any claim, complaint, or suggestion addressed to relevant public bodies, including a

preliminary application contesting an administrative act or failure. The official body to whom petitions are addressed is obliged to: examine petitions; ensure the restoration and recovery of any infringed rights under law, and compensation for damage caused; and ensure the execution of decisions taken after examining petitions.

The official body has the right to reject or accept the preliminary application of the petitioner and, where appropriate, cancel or modify the administrative act. A higher authority is entitled to reject the preliminary petition and instruct a lower authority to accept or cancel the administrative act, in whole or in part (Article 12 of the Law on Petitioning).

The appropriate bodies generally examine petitions within 30 working days and, in the case of those that do not require additional examination, without delay or within 15 working days of registration. Up to 90 working days is permitted in the case of petitions that include international attributes, provided that, within 30 working days, the petitioner receives a response that informs the petitioner about the measures taken to resolve the subject of the petition. If the petitioner does not agree with the response, she or he has the right to challenge the decision in the court within 30 days (Article 8).

There is a tendency to limit media access to information on subjects of public interest. Journalists complain that in the last 2-3 years the space for mass media worsened and that they have more limitations in access to information. Rise Project published an infographic showing how many refusals they got and the costs of only one investigation – they got four refusals from state authorities, 41 days for receiving the information and costa of about EUR 90.¹³¹ In 2014-2015, the media wrote about low-priced apartments built for prosecutors and judges. Three level of courts culminating with the Supreme Court of Justice considered that the General Prosecution's refusal to provide the list of beneficiaries of apartments to the newspaper was legal, but did not explain why. The courts also blocked a request from the Journalistic

¹³¹ <http://media-azi.md/ro/stiri/ingredientele-unei-investiga%C8%9Bii-jurnalistic-timp-bani-%C8%99i-nervi-tari>.

Investigation Centre against the refusal of the President of the Republic of Moldova to provide them with information about all the refusals to approve the candidates for the position of judge during the period 2001 - 2015. The Supreme Court of Justice motivated the refusal with interference with private life of the candidates refused by the presidency and the state secret.

Access to information remains a problem sometimes also for Think Tanks. Not all information can be found on the websites of the governmental institutions, and not always the necessary document can also be tracked via a conversation with a responsible person from a Ministry.¹³²

According to the interviews conducted,¹³³ there is a general agreement that in recent years the situation regarding access to information worsened considerably. Most state institutions do not comply with the legislation and provide incomplete, inaccurate information. As challenges, interviewees describe the poor quality of the information provided. State authorities provide various shady reasons to refuse providing information, presumably based on the status of the information such as "state secret" or "personal data". This creates serious obstacles to CSOs and journalists to investigate cases of corruption. Even if information is provided, it is often presented in summary or rudimentary form.

Some Think Tanks tried to solve this issue by trial proceedings. In 2016, they filed court cases against at least five state institutions for refusal to provide public information. The situation is more difficult in cases of ordinary citizens or NGOs etc., who do not have the resources to hire lawyers to assist them, including to represent them in court. Practice shows that they do not know basic things and how to use existing tools and mechanisms to request public information. Nevertheless, there are also some good practices. The interviewees highlighted the responsiveness of the employees of the Ministry of Finance. Even though for various reasons they do not provide accurate

¹³² See AGER Think Tank Card.

¹³³ Interview conducted with Think Tanks & media NGOs representatives.

information as requested, they are open for discussion and explanations. As recommendations, they strongly suggest to use new technologies communication tools in order to improve collaboration.

Think Tanks and innovations

Questionnaire

- What is the role of technology and innovation in the business of Think Tanks as regards:

- issue spotting,
- enhancement of research quality,
- earning influence?

Think Tanks are created in order to achieve social change through influencing public policies. In order to influence policies, Think Tanks advance innovations and technology in their work. Moldovan Think Tanks use both "insider" strategies (influencing policymakers through their networks) and "outsider strategies" (using the media, and increasingly social media, to disseminate policy research).¹³⁴ After the change of regime in 2009 and the European integration of the country announced by the authorities, Think Tanks had a "gold period" of working closely and successfully with the authorities. As a result, many important public policies and laws were adopted and many reforms were initiated. After conflicts in the political arena and internal political reshaping of power and the investment of the last Government, the environment for Think Tanks activity worsened. The authorities are getting more closed and public participation is respected more in formal terms than in real involvement of civil society. These changes forced Think Tanks to adapt and to use different models of research and communication. Think Tanks began to increasingly involve mass-media and social media in disseminating the research and to bring the topics of public interest in the public debate. The research also changed as public institutions are more closed and use

¹³⁴ Lodge G., Paxton W., *Innovation in Think Tanks*, <https://medium.com/rsa-reports/innovation-in-think-tanks-d1c28b33553f>.

increasingly the reason of personal data protection on order to cover the information.

After political changes, the Think Tank community is undergoing a transformation in its role in society that affects their communications, strategies, and their research. Think Tanks strengthen their internal structures and regulations in order to be prepared to navigate the turbulent times ahead. They also become more transparent and public their activities, budgets and reports. Strict donors' requirements also helped in achieving more transparency and more internal regulations. They also change methods in bringing in new researchers, often they collaborate with external experts.

Technologies affected the way Think Tanks communicate. Almost all important Think Tanks use web pages and social media accounts where they disseminate the research, infographics, videos, broadcasting the events, etc. Public relations staff is also present in most of Think Tanks. They communicate more with mass media and influencers organizing offline meetings and clubs with journalists. Think Tanks also try to bring the research in the attention of the public organizing meetings, public lessons and summer schools for students, young professionals and professional groups.

One good practice is providing trainings to journalists on legal issues, such as integrity system, asset and interests declarations, explaining the court decisions, laws and other legal subtleties. Study visits also proved their efficiency not only in gaining knowledge and comparative practice, but also in establishing contacts among the relevant stakeholders, which ensured a smooth implementation in future.

Think Tanks engage in policy influence through developing campaigns and acting in coalitions. Major reforms were advocated this way, such as adoption of the Law on inclusion of persons with disabilities, gender package of laws, of the Law on equality, Law on ombudsman, percentage designation Law, Law on control on tobacco products, etc. In all these reforms, Think Tanks were successful due to their expertise and quality of the research. In the process of adoption of the amendments to the Law on control on tobacco products, initiated by the Ministry of Health, Think Tanks played an important role

providing the necessary research and arguments in favour of the amendments.

Think Tanks – success stories

Questionnaire

- *What are the examples that you recommend to follow in the activity of think-tanks? What is the formula for operating an efficient and influential think-tank?*
- *Please name examples of particularly effective/successful methods or projects in this respect.*
- *Please provide, if possible, concrete examples of successful interaction of the Think Tank and Government. What determined the success in that case?*
- *Are there policy areas in which think-tanks prove to be particularly useful and effective?*
- *What should be the products of a think-tank?*

For a successful realisation of the social change for which Think Tanks advocate, it is important to lay down the foundation in the public policies of the Government. For this reason, Moldovan Think Tanks involve quite active when the Government open for consultations the public policy documents. Think Tanks are very active at the moment of drafting, implementation and monitoring of implementation of a broad list of public policy documents. The Strategy for the Social Inclusion of People with Disabilities led to the ratification of the international convention and the adoption of a national Law on this subject. The Strategy for the Reform of the Justice Sector had a result the court optimisation reform that takes place in Moldova. In many cases, Think Tanks push for the elaboration of the public policy document. For instance, the Strategy for the Development of Civil Society was developed at the initiative of CSOs and after a thorough consultation with them.

At any stage of the advocacy process, it is important to carry on qualitative research. This can be both for the examples when Think Tanks see a need for change and initiate the discussions, but also in support of a Government initiative when it is in line with the objectives of the Think Tank. The percentage designation Law was adopted in July 2014, but the mechanism

could not enter into force because the Government missed to develop and adopt a Regulation establishing the implementation rules. In 2015, Legal Resources Centre from Moldova developed a paper on the shortcomings of the 2014 Law and risks of implementation of the respective Law.¹³⁵ The elaboration of the paper was followed by a launching during a round table, followed by coalition with other Think Tanks and institutionalised CSOs and targeted meetings with decision makers. Several deputies introduced a draft Law amending the 2014 Law that was adopted in July 2016. At the same time, Legal Resources Centre from Moldova initiated the discussions with three implementing authorities of the percentage mechanism and actively involved in the drafting the Regulation. As a result, the Regulation was adopted in December 2016 and the mechanism started to be applied in 2017. During January-April 2017, individuals had the right to make the designations and until 30 September 2017, the designation amount will be transferred to the beneficiaries.

In 2013, the Child Rights Information Centre Moldova (CRIC) supported the Ministry of Education to develop the regulation for school pupils' councils and the National Pupils' Council (NPC). The NPC acts as a consultative body for the Ministry of Education on the policies developed and affecting children. The importance of involving children in decision-making was recognized by the authorities and the NPC was included in the budget of the Ministry of Education since 2015. The capacities in the Ministry of Education were built by CRIC and now the NPC is run by the Ministry of Education on their own, with little support from CRIC.¹³⁶

In other cases, it is important that Think Tanks support by research the reform already initiated by the Government. For instance, on 26 June 2012, the Ministry of Health created an interministerial working group to elaborate the

¹³⁵ Legal Resources Centre from Moldova, *Impact of the 2% Law on financial sustainability of the Civil Society Organizations*, Chişinău, 2015, <http://www.crjm.org/wp-content/uploads/2015/06/CRJM-DPP-2la-suta-eng.pdf>.

¹³⁶ See CRIC Think Tank Card.

draft law amending the Law on Tobacco and Tobacco Products. Several Think Tanks were members of the working group, among which the Centre for Health Policies and Studies (Centre PAS). In the process of drafting and adoption of the law, the expertise of the Centre PAS was crucial. They presented best practices brought the evidence of essential research at the national level, for instance into the quality of the air in public eating and drinking locations. This research was necessary to substantiate arguments in favour of the law. From the experience of other countries, they knew what kind of information would be called for during the legislative process, and were able to prepare it in advance.¹³⁷ The Law was adopted in May 2015.

In many situations, Moldovan Think Tanks successfully use strategic litigation in order to achieve the desired change. In 2014, Promo-LEX represented the case of Cornel Baran, a young man with disabilities who was denied the right to sit his Baccaureate exams at home, although the Baccaureate Regulation provided that he had the right to do it. In June 2014, Cornel Baran registered a complaint with the Equality Council, being represented by Promo-LEX. He complained that the Ministry of Education and the Chisinau Department of Education, Youth and Sports had discriminated him. Following his complaint and several similar cases, the Equality Council took action to examine the degree to which the Ministry of Education fulfilled its obligation to ensure reasonable accommodation of disabled persons during the 2014 Baccaureate exams. The Council found that Cornel Baran has been discriminated by being denied reasonable accommodation during the exams. The Council also developed several recommendations for the Ministry of Education aimed to improve the Methodology for organizing and conducting Baccaureate exams to ensure reasonable accommodation for all Baccaureate candidates. represented this case.¹³⁸ Think Tanks also involve in strategic litigation before international courts, such as the European Court of Human Right. After several condemnations for torture and lack of meaningful

¹³⁷ Interview realised on 19 September 2016 with Svetlana Cotelea, Deputy Minister, Ministry of Health at the time of law drafting.

¹³⁸ See Promo-LEX Think Tank Card.

investigations and deterrent sentences, the Ministry of Justice elaborated together with representatives of Think Tanks new sanctions for torture in the Criminal Code.

Taking into account the deteriorating space for civil society in Moldova, very often the only possibility to make changes is advocacy within the donor community and development partners that provide aid to Republic of Moldova. This avenue was used in many cases. In a recent case, in December 2016, several MPs registered two draft laws that provided in essence for amnesty of capital. The two draft laws were adopted at the first reading in an unprecedented rush on 16 December 2016, in violation of all rules on transparency in the decision-making and drafting of legislative acts and without the approval by the Government and other authorities. On 19 December 2016 a group of non-profit organizations and non-affiliated experts launched a Position paper on the legislative initiative regarding the tax and capital amnesty.¹³⁹ The signatories noted that the proposed capital amnesty could lead to the legalization of previous acts of corruption and the retention of corrupt officials in office, which is in contradiction with the goals of the fight against corruption (especially the big corruption) due to the fact that the relevant institutions will not be able to verify the origin of the declared assets. The draft laws had a series of other important risks, such as the risk of higher increase of tax evasion, the risk of increased corruption and money laundering, reputational risk for the banking sector, already damaged after the bank frauds and cases of large-scale money laundering and with international resonance, as well as the risk of worsening relations with development partners, by undermining the principles of the rule of law, efforts to ensure integrity in the public sector and reform the banking system - the key conditions for budgetary support by the main development partners. The signatories requested the authors to withdraw bills no. 451 and 452 and initiate a comprehensive reform that would diminish the shadow economy. The legislative initiative regarding capital and quasi tax amnesty was critically

¹³⁹ Group of CSOs, non-affiliated experts, *Position Paper on the Legislative Initiative Regarding the Tax and Capital Amnesty*, 19 December 2016, http://crjm.org/wp-content/uploads/2016/12/2016-12-19-NP_Amnestia-fisc-capital_FINAL_en.pdf.

appreciated by the main development partners supporting the Republic of Moldova, including the International Monetary Fund and the World Bank,¹⁴⁰ who informed the Government of the risks of the draft laws even before their passing in the first reading. The initiative was criticized by the representatives of political parties in the parliamentary opposition and extra-parliamentary parties. On 28 February 2017 the President of the Parliament, Mr Andrian CANDU, declared that draft laws were withdrawn.

One of the good practices developed by Moldovan Think Tanks is publishing regular newsletters covering the main events of the organisations and in the working field. Several Think Tanks successfully implement this practice, such as Non Discrimination Coalition,¹⁴¹ Legal Resources Centre from Moldova,¹⁴² Association of Independent Press.¹⁴³

According to one interviewee, Think Tanks engaged in advocacy and lobbying must have credible partners among central authorities, which is established through direct contacts. With this established collaboration, they have the opportunity to promote the rights and legal interests of the beneficiaries.¹⁴⁴

Think Tanks – communications and media

- What are the methods of formulating the results of think-tanks work, ways of communicating with the public?

¹⁴⁰ World Bank, *Statement on Capital Liberalization and Fiscal Stimulation Law in Moldova*, 21 December 2016,

<http://www.worldbank.org/en/news/press-release/2016/12/21/world-bank-statement-on-capital-liberalization-and-fiscal-stimulation-law-in-moldova>.

¹⁴¹ <http://nediscriminare.md/ro/categorii/buletine-informative/>.

¹⁴² <http://www.crjm.org/en/category/newsletter/>.

¹⁴³ <http://api.md/page/en-buletin-informativ-anti-discriminare-270>.

¹⁴⁴ Interview conducted CSOs representatives.

- Are there in your country any best practises in relation of Think Tanks and media contacts?

Questionnaire

- How should the Think Tanks structure their relation with the media? Are there specific products, ideas, or methods of presentation that Think Tanks should address to media?

- What do the media need from Think Tanks?

- Why would media consider a Think Tank reliable and why unreliable?

- Should Think Tanks run their own social media projects?

Public trust in CSOs continues to be limited. According to the Public Opinion Barometer conducted by the Institute for Public Policy in 2015, only 24.2 percent of the public trusts CSOs, approximately the same level as in 2014. There is a significant gap between the number of people who trust CSOs in rural areas (18.%) and in urban areas (30.8%). The public remains uninformed of CSOs and their role in society. Particularly in rural areas, CSO activities are mainly associated with particular individuals from CSOs, rather than the organizations. Even if the trust in CSOs is higher than the trust in the Government, still it is a low percent and needs a change.

The elderly population is particularly sceptical about CSOs and their usefulness. In general, the public has greater appreciation of the efforts of CSO service providers. The Moldovan government generally perceives CSOs favourably due to their expertise on various issues. However, the government accused CSOs associated with the protests in 2015 of promoting anti-state movements and foreign interests. In the Transnistrian region, both authorities and the public view CSOs as grant consumers. In April 2015, the Security Committee described CSOs that receive foreign funding as a threat to security. As a result of their collaboration with CSOs on various social campaigns, the business sector has a generally positive public image of CSOs. Many CSOs have become more visible due to the Europe for You campaign, which provided them with opportunities to interact more with citizens by organizing debates, contests, shows, and discussions. In addition, with support from the East Europe Foundation, the Moldova Civic Fest highlighted many of the most successful projects carried out by CSOs. In September 2015, two CSO fairs

were organized in Balti and Chisinau. About seventy-five CSOs participated in these fairs and presented their activities to the public.¹⁴⁵

For Think Tanks, the relation with mass media is crucial. The final purpose of a Think Tank is a positive change. The advocacy for change takes much more effort and time than just the analysis itself. A successful advocacy campaign cannot be imagined without the collaboration with mass media.

A good CSO can be a source of topics for journalists or it can generate topics through the events it does organize. Journalists can get exclusive information from CSOs, depending on the relationship they are building with COSs. It is possible to distinguish a good CSO through its attitude to some major issues. A good CSO must react promptly, explain what is the issue and the consequences, be visible and vocal.¹⁴⁶

Moldovan Think Tanks try to build a good communication with mass media. One of the good practices is building and updating a database of journalists and mass media outlets and then use it when it is necessary. Many Think Tanks are present in social media. The online presence is also facilitated by a platform www.privesc.eu that transmits online live the most important events in the country, including those that involve Think Tanks. Most of the recordings are available online at no cost. For a good communication, most of the Think Tanks have web pages and hire PR staff.

In 2017, the percentage designation mechanism started to apply. Along with financial benefits, one of the side effects of this mechanism is an increased visibility and communication of CSOs with their constituents. During 2017 campaign, several capital-based Think Tanks were active and visible. It is

¹⁴⁵ USAID, *2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia. Chapter on Moldova*, https://www.usaid.gov/sites/default/files/documents/1861/Europe_Eurasia_CSOSIRReport_2015_Update8-29-16.pdf.

¹⁴⁶ Interview from 7 April 2017 with Anastasia Nani, journalist at www.anticoruptie.md.

difficult to assess the impact in the first year, but it is to be hoped that Think Tanks will become more open and visible in the coming years.

Not all the CSOs are transparent and not all of them publish their activity, financial and audit reports.¹⁴⁷ Leading CSOs publish their annual and periodic reports on their websites and social media accounts to increase transparency.¹⁴⁸

Still, the public image of the Think Tanks in Moldova is distorted and there is a need to build it up in order to improve it. Think Tanks have to be more transparent and visible. The publication of activity and financial reports is one of the tasks, but also keeping and updating a web page and social accounts.

Cooperation of legal Think Tanks

- *Do Think Tanks cooperate with each other. Are there any country networks, coalitions, and umbrella organizations? Please elaborate and describe particular projects if relevant.*
- *Do Think Tanks cooperate with Think Tanks from abroad? On what kind of project?*
- *If there is cooperation – what added value it brings.*
- *What are the best practices regarding cooperation between Think Tanks worth sharing?*
- *What are main challenges?*
- *Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in*

¹⁴⁷ IDIS Viitorul, *Organizațiile neguvernamentale din Republica Moldova: evoluție, activități și perspectivele dezvoltării* (Non-governmental organizations in the Republic of Moldova: evolution, activities and perspectives of development), Chișinău, 2013, page 25, http://viitorul.org/files/library/4183299_md_ong_site.pdf.

¹⁴⁸ USAID, *2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia. Chapter on Moldova*, page 170, https://www.usaid.gov/sites/default/files/documents/1861/Europe_Eurasia_CSOSIReport_2015_Update8-29-16.pdf.

this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.

Can you formulate any recommendations for the future?

- on country level?*
- on regional level?*

There are two major national platforms ensuring cooperation of legal Think Tanks – the National Council of NGOs of Moldova (called NGO Council)¹⁴⁹ and the National Platform of the Eastern Partnership.¹⁵⁰ There are also a number of think networks involved in policy dialogue to develop the sectors they represent such as: the Alliance of Active NGOs in the Social Protection of Child and Family, the Alliance of Organizations for People with Disabilities, the Network of NGOs working in the area of HIV / AIDS, STIDs and drug addiction, the National Youth Council of Moldova, the Anti-corruption Alliance, the Forum of Women’s Organizations of the Republic of Moldova, the Forum of environmental NGOs, the Social Entrepreneurship Platform, the Equality Platform, etc.

Under these networks, legal Think Tanks engage in activities that support the drafting and implementation of civil society legislation, empower local partners to carry on legal reform and advocacy activities, make available resources, information, and cutting-edge research, and promote the sharing of comparative expertise.

These platforms provide technical assistance and support in developing monitoring and reporting methodology for oversight of CSO Strategy implementation and help with setting up the mechanism. They are meant to support to establishing mechanisms for longer term sustainability of CSOs through, for example, providing comparative expertise in reviewing possible modalities of state financing, convening and facilitating discussion fora and

¹⁴⁹ <http://www.consiliulong.md/?lang=en>.

¹⁵⁰ <http://archive.eap-csf.eu/en/national-platforms/republic-of-moldova/>.

sharing European experience on state financing to CSOs as well as support to local experts on the issue of fiscal benefits for CSOs, e.g. VAT and benefits to enhance philanthropic giving.

The advocacy is increased dramatically when the Think Tanks action in networks. The promotion and improvement of several important laws were the result of the cooperation between CSOs and/or networks of CSOs. For instance, the authorities improved the legislation regulating the tobacco control and tobacco products due to the advocacy efforts of the Center for Health Policies and Studies and the NGO Council. The percentage mechanism is a result of long-lasting pressure of many Moldovan CSOs. The common activities not always are a result of a registered network, many times Think Tanks action together without belonging to a permanent network. One of the examples represent the public appeal to the president of the country not to promulgate the law on Ombudsman adopted by the Parliament with significant amendments, compared to the draft law approved by the Government that was elaborated by a mixed working group created by the Ministry of Justice. Because of the public appeal, the draft law was sent back to the Parliament that included important amendments.¹⁵¹ The National Coalition “Life without violence” during 2015-2016 was actively involved in promoting the amendment of the national legislation in the area of domestic violence. The amendments were adopted and the new legal provisions provide for additional protection mechanisms for victims of domestic violence (restraining order issued by the police). The amendments entered into force in March 2017.¹⁵²

At the international level, Moldova CSOs consolidate their efforts also in the framework of Moldova Partnership for Sustainable Civil Society Program, implemented by FHI 360 and the European Center for Not-for-Profit Law (with financial support of USAID). The Program’s timeline is 2014-2018. The activities are a natural follow up on the emerging needs of previous network engaged in promoting a supportive environment for CSOs in Moldova, under

¹⁵¹ See the section on human rights of the present report.

¹⁵² See Promo-LEX Think Tank Cards.

the USAID Moldova Civil Society Strengthening Program (MCSSP) in 2009-2013.

Studies carried out on the capacity of CSOs to function in networks show that the factors that prevent the creation of CSOs networks are the competition and misunderstandings between networking organizations, unclear division of responsibilities between the elements of the network, poor involvement of a part of the constituent network organizations, and the relatively high fluctuation of members. In the opinion of the authors of the study, the solutions to overcome these barriers are increasing the organisational capacities of organisations, establishing clear rules of the adoption of decisions, sources of financing the activity of the network and support by the state authorities.¹⁵³

In conclusion, the consolidation of the associative sector in the Republic of Moldova implies the existence of some platforms, networks, alliances and umbrella organizations that contribute to CSO consolidation and efficiency. Under these networks, legal Think Tanks engage in activities that support the drafting and implementation of civil society legislation, empower local partners to carry on legal reform and advocacy activities, make available resources, information, and cutting-edge research, and promote the sharing of comparative expertise.

Financing of legal Think Tanks activities

- *What are the sources of funding for Think Tanks?*
- *Are there any special funds for Think Tanks?*

¹⁵³ AXA Management Consulting, *Capacitățile ONG-urilor din Republica Moldova de funcționare în rețea la nivel național și internațional* (Capacities of NGOs in the Republic of Moldova for networking at national and international level), Chisinau, http://www.fhi360.md/files/Studiul_CAPACITATILE_ONG-URILOR_DIN_REPUBLICA_MOLDOVA_DE_FUNCTIONARE_IN%20RETEA_LA_NIVEL_NATIONAL_SI_NTERNATIONAL.pdf.

- Are there public funding sources available? On what basis (grant competition, individual contract, other)?
 - Are there private funding sources available? What are those sources (foundations, business, other)? On what basis (grant competition, individual contract, other)?
 - Are there international funding sources available? On what basis (grant competition, individual contract, other)?
 - Is crowd funding used by Think Tanks (the practice of funding a project by raising many small amounts of money from a large number of people, typically via the Internet)? What is the experience with this?
 - Are there any other sources of funding available for Think Tanks?
 - What are the best practices regarding funding worth sharing?
 - What are main challenges?
 - Recommendations – based on your desk research, your assessment of the situation as well as interviews (focus groups) what would you recommend in this context for the future. Recommendation should at least include two elements: who, and what shall perform, accomplish, take into consideration etc.
- Can you formulate any recommendations for the future?
- on country level?
 - on regional level?

Questionnaire

- What should be the guidelines for donors: government, NGOs and businesses which support Think Tanks? How should the donors evaluate whether their money is put for good use?

Financial sustainability is among the key challenges for the non-profit sector in Moldova. Moldovan CSOs are overly dependent on external funding. In 2015, Think Tanks led the research group in carrying out a survey among CSOs in and outside of Chisinau, mapping the legal framework and developing a study report. According to the survey results, over 83% of CSO budgets continue to depend on foreign donors' funding.¹⁵⁴ There is no a database on the financial

¹⁵⁴ Contact Centre, *Fundraising from Domestic Sources. Opportunities and Perspectives*, Chişinău, 2016,

resources of CSOs. Major international donors include the EU Delegation to Moldova, UNDP and other UN agencies, USAID, Swedish International Development Cooperation Agency (SIDA), and the Swiss Cooperation Office in Moldova. Several embassies, including those of the US, UK, and Slovakia, play an important role in financing CSOs.¹⁵⁵

A study on Moldovan CSOs highlights that the external donors will gradually withdraw as the Republic of Moldova advances on the European path. Of course, CSOs are eligible for funding from the Structural Instruments in the European Union, such as the European Social Fund or other European financial funds. But it is another type of financing, with much more rigorous tenders, for which CSOs in the Republic of Moldova need to be prepared. At the same time, it is also an external source of funding, while sustainable funding must primarily target internal sources.¹⁵⁶

The state provides some fiscal benefits to the civil society. Following an amendment to the Tax Code in July 2012, income tax exemptions were extended to all non-commercial organizations. Prior to this, only associations and foundations with public utility status were exempt from income tax. Currently, to be eligible for this exemption a CSO must submit a request to the local subdivision of the State Tax Inspectorate for subsequent approval by the Ministry of Finance. Neither public associations, nor foundations enjoy fiscal benefits on VAT and, with few exceptions regulated by law, do not benefit from other fiscal benefits.¹⁵⁷ According to article 36 of the Tax Code, the economic agents are entitled to the deduction of up to 5% of his taxable income for

http://fhi360.md/docs/Annex%205_Fundraising%20by%20Moldovan%20CSOs%20from%20domestic%20sources.pdf.

¹⁵⁵ Ibidem.

¹⁵⁶ IDIS Viitorul, *Organizațiile neguvernamentale din Republica Moldova: evoluție, activități și perspectivele dezvoltării* (Non-governmental organizations in the Republic of Moldova: evolution, activities and perspectives of development), Chișinău, 2013, pages 54-55, http://viitorul.org/files/library/4183299_md_ong_site.pdf.

¹⁵⁷ Chiriac, L., *Civil Society Organizations from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue*, Chișinău, 2015, page 17, http://www.csdialogue.eu/sites/default/files/mapping_md_idis.pdf.

donations for philanthropic or sponsorship purposes made during the fiscal year. However, the legislation on sponsorship and philanthropy is not clear, it is hard to apply, it is not harmonized and does not provide predictability to use it.¹⁵⁸

According to the study on fundraising from local sources, about 76% of institutions and individuals who made donations during the year gave to the Orthodox Church and convents, while just 7% donated to CSOs. Given the reduced limit on deductions for donations, companies may be less willing to make donations to CSOs, making CSOs even more financially vulnerable in the future.

The Government of the Republic of Moldova does not award grants to CSOs, with the exception of three ministries: the Ministry of Youth and Sports funds CSO projects, the Ministry of Ecology operates the Environment Fund, and the Ministry of Culture provides some grant programs for public associations. Local public authorities do not award grants to CSOs, but have begun to award contracts to CSOs for certain services such as feasibility studies or regional development strategies. Amendments made in 2012 to the Law on Public Procurement allow CSOs to provide social services along with state institutions, while the Law on Accreditation of Social Service Providers (2012) facilitates this participation.¹⁵⁹ The 2015 Law on Public Procurement include NGOs in the list of bidding entities and allow them to participate in the process of public procurement.

Think Tanks increasingly involve in social entrepreneurship activities, but Moldova lacks a specific legal framework. A Social Entrepreneurship CSOs Platform advocated the legal regulation of this sphere, elaborating the draft law

¹⁵⁸ Contact Center, *Fundraising from Domestic Sources. Opportunities and Perspectives*, Chişinău, 2016, http://fhi360.md/docs/Annex%205_Fundraising%20by%20Moldovan%20CSOs%20from%20domestic%20sources.pdf.

¹⁵⁹ Chiriac, L., *Civil Society Organizations from the Republic of Moldova: Development, Sustainability and Participation in Policy Dialogue*, Chişinău, 2015, page 17, http://www.csdialogue.eu/sites/default/files/mapping_md_idis.pdf.

together with the Ministry of Economy. The draft law reached the Parliament and awaits adoption.

The percentage mechanism (the right of individuals to redirect 2% of their income tax to a non-profit organisation or a religious entity) started to be implemented 2017. It is premature though to relate on the effects of the mechanism on the financial sustainability of the CSO sector, as the first designations will be transferred to the beneficiaries until 30 September 2017. In any case, the adoption and the implementation of the mechanism is due in main part to the active involvement of legal Think Tanks in the law-making process.

CSOs continue to strengthen their financial management systems and have multiple staff members responsible for different facets of financial management. During 2015, CICO trained more than seventy accountants and financial managers from about fifty CSOs on using accounting software and improving internal financial management systems.¹⁶⁰

CSOs from the Transnistrian region receive some support through international donor programs. For example, in March, the fourth phase of the EU-funded Confidence Building Measures Program began. This five-year €28 million program aims to facilitate the settlement of the political status of the Transnistrian region by encouraging dialogue and confidence building between Chisinau and Tiraspol. CSOs will be among the beneficiaries of this program. In general, however, CSOs in Transnistria have difficulty accessing foreign funding. Many CSOs register only with Transnistrian authorities, which are not internationally recognized. This throws the CSOs' legal status into question as well, making many donors reluctant to fund them. The state-controlled banking system is also a barrier to funding. Organizations registered in Transnistria must register foreign grants with the Coordinating Council of NGOs and

¹⁶⁰ USAID, *2015 CSO Sustainability Index for Central and Eastern Europe and Eurasia. Chapter on Moldova*, page 164, https://www.usaid.gov/sites/default/files/documents/1861/Europe_Eurasia_CSOSIReport_2015_Update8-29-16.pdf.

Political Parties of Transnistria or register them as currency transactions at the Transnistrian Republican Bank. Transnistrian CSOs sometimes receive cash transfers from flexible donors or receive funding through partnerships with CSOs from the rest of Moldova. The Moldovan public budget does not support CSOs registered in Transnistria.¹⁶¹

In conclusion, we can certainly conclude that the Moldovan CSOs are overly dependent on external funding. Because of the 2015 political crisis, the EU froze its aid to Moldova, which likely decreased financial support for CSOs, though there is no clear data on this. Donations to CSOs have generally declined. While some CSOs have successfully diversified their fundraising methods in order to improve their financial sustainability, there is a strong need to strengthen their financial management systems and have multiple staff members responsible for different facets of financial management.

CSOs in Transnistria have difficulty accessing foreign funding. Many CSOs register only with Transnistrian authorities, which are not internationally recognized. This throws the CSOs' legal status into question as well, making many donors reluctant to fund them.

¹⁶¹ Ibidem, page 164.

Part Two. Legal Think Tank Cards

Promo-LEX

INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

Name of the organization: Promo-LEX Association

Year of establishment: 2002

CEO: Ion Manole

Contact information: +37369070800, +373 22 450024; info@promolex.md

Website: www.promolex.md **Facebook:** Promo-LEX, **twitter:** @promolex,

YouTube: https://www.youtube.com/channel/UCvnZ611A2vmSOLp_qoy0Fmg

Mission

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

Key areas of activity and expertise

Promo-LEX Association implements two programs:

- Human Rights;
- Monitoring Democratic Processes.

The overall goal of the **Human Rights Program** is to promote and implement international human rights standards in the Republic of Moldova.

Priority areas of research under the Human Rights Program:

- ✓ Promoting access to justice and effective legal remedies for Transnistrian inhabitants;
- ✓ Combating torture and inhuman or degrading treatment;
- ✓ Promoting and defending liberty and security of persons;
- ✓ Preventing and combating gender-based violence;
- ✓ Combating discrimination and promoting equality.

Working methods: Provide free legal aid in the Association's priority areas, which are strategic litigation before domestic and international courts;

monitoring and reporting; drafting studies and thematic reports; opinions on draft laws and regulations on human rights; human rights training for various groups of beneficiaries; and information and awareness raising campaigns etc.

The **Monitoring Democratic Processes Program** aims to improve the quality of and to increase citizen's trust in democratic processes in the Republic of Moldova. Under this Program, Promo-LEX observes and monitors electoral processes, sectoral reforms and decision-making processes in the Association's priority areas.

Monitoring Democratic Processes Program includes:

- ✓ National election monitoring efforts in the Republic of Moldova;
- ✓ Participation in international election monitoring efforts;
- ✓ Opinions on draft laws and regulations on electoral issues;
- ✓ Advocacy on the decision-making processes;
- ✓ Monitoring of institutions, processes and sectoral reforms in the Association's priority areas;
- ✓ Civic and electoral education campaigns;
- ✓ Maintenance and development of Promo-LEX's network of observers.

Promo-LEX's monitoring experience includes long term observation and E-day observation with quick count of votes, parallel vote tabulation, SMS reporting and observation through mobile teams, as well as monitoring court hearings; activity of public institutions and democratic reforms.

ACTIVITIES AND PROJECTS

- *Review and analysis of the national legislation on organization priority issues (torture and ill-treatment, liberty and security, equality and non-discrimination, domestic violence, gender-based violence, access to justice and effective remedy) in comparison with international standards and UN and CoE treaties and conventions;*
- *Providing comments and feedback on the proposed amendments to the national legislation on organization priority issues (comments on draft laws, draft regulations, etc);*
- *Monitoring the enforcement of the legislation and practice in key areas of priority (mentioned above);*
- *Participation in elaboration and monitoring of the implementation of the National Human Rights Action Plans;*
- *Human rights monitoring in the Transnistrian region;*
- *Legal aid and assistance and strategic litigation at the national and international level (ECtHR, UN Treaty Bodies) on cases under organization areas of priority;*
- *Monitoring the enforcement of the decisions on strategic cases (issued by domestic courts and ECtHR);*
- *Participation in national platforms and working groups on legislation amendments in organization areas of priority;*
- *Organizing trainings for police, prosecutors and judges on law enforcement and good practices in relation to human rights in the Transnistrian region of Moldova;*
- *Elaborating and submitting alternative reports and submissions to UN Treaty Bodies and Rapporteurs;*
- *Elaborating general and thematic reports on human rights;*
- *Conducting awareness raising and information campaigns on human rights issues;*
- *Monitoring of the court hearings on organization issues of priority;*
- *Elaborating monitoring reports on the enforcement of legislation related to organization issues of priority;*
- *Drafting and lobbying recommendations to improve legislation, policies and practices in areas of priority;*
- *Organizing public events with relevant stakeholders on issues of priority;*
- *Training workshops for law professionals on areas of priority, etc.*

¹⁶² <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22500&lang=en>

PROBLEMS AND BARIERS

- In many cases the cooperation between CSOs and the Government depends on who is the person leading the department or the ministry, etc. and on his/her attitude and perception of CSO role. Some are very opened for collaboration, some are totally reluctant and then it is very difficult to cooperate and the impact of CSOs work is small;
- The collaboration between the CSOs and Government also very much depends on the political situation where the focus of all authorities is on elections for example;
- In many cases, CSOs hesitate to initiate discussions about adopting new laws or amend the existing once because they fear that the results may be the opposite of what expected (the amendments adopted may even worsen the law).
- In many cases, the draft laws and regulations prepared and agreed between CSOs and Government end up adopted by the Parliament but with significant changes comparing to initial draft (sometimes the involvement of the church is even allowed – the case of Equality Law in Moldova).
- In many cases the Government does not observe the procedures on transparent decision making and consulting the CSOs – many draft laws and regulations are posted with huge delays on the web pages of Ministries and Government and CSOs do not manage to submit their comments or have very limited time and then their input is of no or poor value.
- During the past years, many Governments have changed in Moldova. Thus, it was very difficult to maintain contact and efficient collaboration with the Ministries and CSOs had to establish communication and start discussions with the new staff repeatedly.
- The Government has its own political agenda and it is difficult to raise new issues and initiate new legislative initiatives. On some sensitive

¹⁶³ <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=22502&lang=en>

¹⁶⁴ <https://vodmanager.coe.int/coe/webcast/coe/2016-01-28-2/en>

human rights issues, it is very difficult to initiate discussions and there is no progress for addressing these issues for many years – it is never the right time.

- International actors also influence the Government agenda and then it can focus on certain issues but ignore some other areas, which are not a priority for the international community. In this case, CSOs that are active in such areas lack support and no one hears them and the issues they address remain invisible. This is also bad because many CSOs then start adapting their activity to the international and government agenda so they are successful in their activity.
- Sometime authorities just use collaboration with SCOs to look good for international community while, in fact, the collaboration is very superficial.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

Promo-LEX core staff includes 25 employees (the number increases during the implementation of the monitoring missions implemented by organization).

In addition, Promo-LEX has a nationwide network of observers which can be involved to monitor election processes, but also for other democratic processes (justice sector reform monitoring for instance, which was done during 2012-2014; court hearings monitoring, human rights monitoring, monitoring of the police, etc.)

Organization key working methods are: human rights monitoring and reporting; legal aid and assistance; strategic litigation; court hearings monitoring; training; lobby and advocacy at national and international level; information campaigns;

Promo-LEX Association is a member of several national and international networks and platforms including the Civic Coalition for Free and Fair Elections "Coalition 2009"; Eastern Partnership Civil Society Platform; Platform for Gender Equality; National Coalition "Life without Domestic Violence"; European Network of Election Monitoring Organizations (ENEMO); Global Network of Domestic Election Monitors (GNDEM); European Platform for Democratic Elections (EPDE); International Federation for Human Rights

(FIDH); Civic Solidarity Platform; and consultative status to the United Nations Economic and Social Council (ECOSOC).

Most of the Promo-LEX funding comes from international donors (private and governmental). Some insignificant income is generated by service providing (trainings for example) and costs for legal representation at the ECtHR.

Legal Resources Centre from Moldova (LRCM)

INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

Name of the organization: Legal Resources Centre from Moldova

Year of establishment: 2010

CEO: Vladislav GRIBINCEA

Contact information:

www.crjm.org

<https://www.facebook.com/CRJM.org/>

Mission

Legal Resources Centre from Moldova (LRCM) is a Chisinau based non-profit non-governmental organization. LRCM is a Think Tank with extensive expertise in analysing the activity and reforming the justice sector, reporting on human rights and representation before the European Court of Human Rights (ECtHR), ensuring the equality and non-discrimination, as well as in promoting reforms for an enabling environment for civil society organizations. LRCM operates in the Republic of Moldova.

LRCM believes that adequate and sustainable respect of human rights in Moldova can be ensured through systemic changes in the legislation, court system, prosecutors' office and legal profession. Many of these changes failed due to the lack of expertise. We strive to address this deficit by promoting professional, methodology-grounded, high quality analysis in all our interventions and by remaining an independent and constructive partner for governmental and private stakeholders alike.

Key areas of activity and expertise

The LRCM current main activities are focused on reforming the justice sector in the Republic of Moldova, monitoring the transparency and efficiency of the judiciary, strengthening legislative framework on functioning of the civil society organizations and implementing the best human right standards in the Republic of Moldova.

ACTIVITIES AND PROJECTS

Examples of Think Tanks interaction and collaboration with Government:

- Upon Ministry of Justice request, LRCM developed the studies on optimization of the judicial map, specialisation of judges and optimisation of the structure of the prosecution service. Based on these studies, in 2016, the Parliament voted for the optimisation of the judicial map, reducing the number of district courts from 44 to 15. This is one of the most important reforms of the Moldovan court system since Moldovan independence in 1991;
- Between 2013 and 2016, the Executive Director of the LRCM led the interdepartmental working group for the reform of the prosecution service. In 2016, the Parliament voted the new Law on prosecution service, prepared by the working group. It involves the most serious reform of the Moldovan prosecution service since Moldovan independence;
- In 2012 and 2015 LRCM published two reports about execution of judgments of the ECtHR by the Republic of Moldova. The report highlights the problems in execution of ECtHR judgments and makes recommendations for improvement of the situation. Based on findings from the first report, a new Law on Governmental Agent was adopted in 2015;
- LRCM recommendations led, in 2012, to the improvement of the provisions of the Moldovan Criminal Code sanctioning torture;
- LCRM recommendations on streamlining judicial procedures and respect for human rights led, in 2012, to amendments to Criminal and Civil Procedure Codes of Moldova;
- In 2015 LRCM published an analysis of the compatibility of Moldovan legislation with European standards on equality and non-discrimination, focused on the legislative framework and national jurisprudence, including the activity and efficiency of the legal remedies offered by the Equality Council that led to a new approach by the Equality Council in dealing with the cases;
- In 2013, our effort of monitoring the SCM resulted in the report “Transparency and efficiency of the Superior Council of Magistracy of the Republic of Moldova. 2010-2012”, with recommendations for

streamlining the transparency and efficiency of the SCM, followed by two more reports on transparency and efficiency. Unfortunately, SCM did not implement our recommendations;

- In 2015-2016, LRCM advocated and participated in drafting the percentage designation mechanism in Moldova (both the Law and the Governmental Regulation). As a result of our and other CSOs efforts, the mechanism started to be applied in 2017.

BEST PRACTISES

- The process of elaboration of analysis and policy documents usually consists in the following pattern: (1) data collection – analysis of the legal framework and practice; (2) elaboration of the first draft and sending it to the relevant stakeholders; (3) debates of the first draft during round table bringing together representatives of CSOs, authorities and donors; (4) finalisation of the document based on the suggestions received during the round table; and (5) presentation of the document to the authorities and promotion of the recommendations;
- Starting with 2014, LRCM elaborates a quarterly newsletter on the main events in the judiciary, anti-corruption, human rights and civil society issues.¹⁶⁵ It is translated into English and starting with mid 2016 in Russian also;
- We noticed an improved interest in our activities after using different interactive methods of presentation of the information, such as infographics. LRCM elaborated infographics on anonymization of the court decisions,¹⁶⁶ reasons for court optimisation,¹⁶⁷ phone tapping¹⁶⁸ etc.;
- Republic of Moldova has a significant part of Russian speaking population (Ukrainians, Russians, and Gagauz etc.). Translation into Russian of some of our documents increased the interest in the work we are doing, such as newsletters, infographics, guidelines, videos;
- LRCM developed a database with contacts of relevant CSOs,

¹⁶⁵ Legal Resources Centre from Moldova, newsletter, <http://www.crjm.org/en/category/newsletter/>.

¹⁶⁶ Legal Resources Centre from Moldova, infographic on the anonymization of court decisions, 2017, http://www.crjm.org/wp-content/uploads/2017/02/2017-02-14-infografic_date.personale.v2.pdf.

¹⁶⁷ Legal Resources Centre from Moldova, infographic on reasons for court optimization, 2016, (Romanian) <http://www.crjm.org/wp-content/uploads/2016/05/CRJM-16-05-04-Infogr-optim-harta.pdf>, (Russian) http://www.crjm.org/wp-content/uploads/2017/03/Infografic_v3.5.fin_RU.pdf.

¹⁶⁸ Legal Resources Centre from Moldova, infographic on phone tapping, 2016 (Romanian) <http://www.crjm.org/wp-content/uploads/2016/05/CRJM-Infografic-Interceptari-2016.pdf>.

authorities, donors, journalists and partners that we use in our advocacy efforts.

PROBLEMS AND BARIERS

- Authorities' resistance to accept policy reforms coming from the CSOs especially when unpopular & sensitive reforms but necessary reforms are promoted by the CSO sector.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

LRCM is eager to cooperate on the local, national regional and international level in areas regarding to its field of expertize, including but not limited to:

- Improving the efficiency and transparency of the Moldovan judiciary;
- Promoting effective judicial accountability mechanisms in Moldova;
- Promoting anti-corruption mechanisms;
- Promoting effective implementation of the European Court of Human Rights judgments by Moldova;
- Promoting improvements to the core legal framework regulating the functioning of CSOs;
- Promoting new legal provisions for ensuring fiscal and financial sustainability of CSOs;
- Promoting mechanisms for effective CSOs participation in decision-making processes.

Child Rights Information Centre Moldova (CRIC)

INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

Name of the organization: Child Rights Information Centre Moldova (CRIC)

Year of establishment: 1999

CEO: Cezar GAVRILIUC

Contact information:

www.childrights.md

<https://www.facebook.com/ciddc/>

Mission

CRIC contributes to an enabling rights environment, strengthening the capacities of the duty bearers and empowering rights holders to claim their rights. We will permanently monitor state efforts to implement its obligations under the CRC.

Key areas of activity and expertise

CRIC strategic priorities for 2016 – 2020 focus on the following areas of children’s rights:

- Establishing children as subjects of rights / children as right-holders
- Family environment (and alternative care)
- Education
- Protection from all forms of violence

In all the areas, CRIC apply the following approaches:

- Strengthening systems, structures & mechanisms to make a reality of children’s rights
- Strengthening Capacities of Rights Holders to claim their rights and Duty Bearers to fulfill their responsibilities
- Mainstreaming the application of the CRC General Principles.

ACTIVITIES AND PROJECTS

- Support the development and implementation of child protection policies, especially in the education system (develop policies, develop methodologies for child abuse prevention and reporting, training teaching staff, monitoring the implementation of the policies);
- Promoting children participation in the decisions affecting them, especially in the education system (develop policies, develop methodologies for child participation, training teaching staff, empowering children by creating opportunities to participate, monitoring the implementation of the policies);
- Promoting Human Rights Education (develop methodologies and teaching materials, training teachers);
- Involving children in the monitoring of their rights, reporting to authorities and UN Committee on the Rights of the Child

Examples of Think Tanks interaction and collaboration with Government:

- Analysis of the state of the law in the field, in particular through the comparison of the alternatives,
- Monitoring of the operation of the legislation, judiciary and government agencies,
- Conducting empirical surveys,
- Collection, aggregation, analysis, presentation of available statistical data,
- Analysis and comments on draft legislation, strategic documents, etc.,
- Taking part in the consultation of legislation, taking part in developing Regulatory Impact Assessment,
- Creating legislation amendments of existing regulations,
- Participation in committees, advisory boards and other structures functioning at the parliamentary level or government,
- Drafting standards and best practices.

BEST PRACTISES

In 2013 CRIC supported the Ministry of Education to develop the regulation for school pupils' councils and the National Pupils' Council (NPC). The NPC acts as a consultative body for the Ministry of Education on the policies developed and affecting children. The importance of involving children in decision making was recognized by the authorities and the NPC was included in the budget of the Ministry of Education since 2015. The capacities in the MoE were built by CRIC and now the NPC is run by the MoE on their own, with little support from CRIC.

PROBLEMS AND BARIERS

- Lack of capacities in general, and related to child rights in particular
- Lack of long term visioning and planning skills
- Political instability, corruption and favoritism.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

CRIC has experts in child rights, child participation, child rights education, child protection from violence.

CRIC has developed methodologies for teaching child rights in the school context.

Institute for European Policies and Reform (IPRE)

INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

Name of the organization: Institute for European Policies and Reforms

Year of establishment: 2015

CEO: Mr. Iulian GROZA

Contact information:

87, Vasile Alecsandri Street, Chisinau, Moldova

MD - 2019

Website: <http://ipre.md/>

Facebook: https://www.facebook.com/IPREMoldova/?hc_ref=NEWSFEED

Mission

IPRE's mission is to accelerate the European integration of the Republic of Moldova by promoting sustainable reforms, increasing participatory democracy and strengthening the role of citizens in decision-making processes and promoting public policies.

Key areas of activity and expertise

We aim:

- to contribute to community development, strengthening of civic activism and participatory democracy;
- to develop public policies that will ensure sustainable transformation of the Republic of Moldova based on the European development model;
- to promote public policies through advocacy at the national and local government levels.

IPRE Research & Projects Development and Implementation agenda is worked out in six key departments:

1. European Integration;
2. Justice and Anti-corruption;
3. Economic Development;
4. Social and Health Policy;
5. Foreign and Security Policy;
6. Public Administration Reform.

PROBLEMS AND BARIERS

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization (eg. staff, experts, proven work methods, tools, partnerships).

IPRE Management:

- IPRE General Assembly - Formed by 23 IPRE Members
- IPRE Board – 4 members, including the acting Chairman of the Board and 9 additional new members to be endorsed (by 2016) and 3 Honorary Members of the IPRE Board (no-voting rights)

IPRE Staff includes 26 persons:

- 10 full time employees (FTE) - Executive Director, 3 Project managers; 3 project assistants, 1 Communication Officer; 1 Chief Accountant; 1 Office manager
- 16 part-time employees (PTE): Co-Executive Director, Projects Development Director; 6 Team leaders (policy moderators); 6 associate experts; 2 regional coordinators (IPRE Offices Cahul and Balti).

IPRE results background:

IPRE is an action centre for research and analysis, founded by a team of national and international experts.

In one year and half IPRE managed to achieve the following results that adds value to our activities structured in three main areas:

I. Community development, strengthening civic activism and participatory democracy

- We have created a network of volunteers;
- We have founded local participation councils;
- We have consulted citizens on the local level in the process of developing public policy proposals.

II. Public policy development:

- We have developed policy proposals in a range of areas, in particular on competition sector, judiciary reform and fight against corruption, energy, economic development, association agreement, public administration reform and banking system.

III. Advocacy:

- We organized public debates with civil society, development partners, entrepreneurs, as well as local and central authorities;

- We promoted, explained and popularized through videos and info-graphics, our public policies proposals;
- We actively used media platforms of national, regional and international level;
- We have become the most followed Think Tank in Moldova on social network.

Thus, all this results were possible due to a unique pool of knowledgeable national and international experts with civil society and public administration backgrounds. This helped IPRE to presents itself as an organisation that manages to effectively create synergies between citizens' empowerment, public policy development and advocacy activities on national and local level. Moreover, IPRE is currently one of the leading experts organization that ensure permanent monitoring on the implementation of the EU-Moldova Association Agreement by issuing regular reports and thematic policy papers.

Partnerships:

In 2016, IPRE joined the National Platform of the Eastern Partnership Civil Society Forum

OTHER INFORMATION

Please provide any other information that do not fit into above categories and is important.

Please provide also any other materials that you think might be of interest.

About IPRE:

<http://ipre.md/new/index.php/about-us-3/presentation/?lang=en>

IPRE Publications: <http://ipre.md/new/index.php/publications/?lang=en>

Women's Law Center (CDF)

INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

Name of the organization: Women's Law Center

Year of establishment: 2009

CEO: Angelina Zaporozjan Pirgari

Contact information:

Str. Sfatur Țării 27, office 4

MD 2012, Chișinău, Republic of Moldova

Tel/fax (+373) 22 237 306

Mobil: (+373) 68 855 050

<http://cdf.md/>

<https://www.facebook.com/cdfmd/>

Mission

WLC's mission is to promote protection of women's rights and contribute to the prevention and combating of domestic violence in Moldova. WLC supports an approach based on human rights protection and promotes change at the individual, community and systemic level.

Key areas of activity and expertise

- Prevention of domestic violence and violence against women so that behaviour, attitude and perception of DV amongst target population as a result of the advocacy and lobbying, awareness raising, capacity building and networking efforts
- Effective prosecution of DV so that legislation is consistently applied with victims benefiting from adequate legal remedies and protection and aggressors receiving appropriate sentencing
- Protection and direct assistance to women and children, victims and potential DV victims so that they feel empowered and proactive and seek adequate assistance and support
- Policy changes through WLC contributions to the DV law, strategy, other research and analysis
- An agent of change and organisational role model for other

organisations

ACTIVITIES AND PROJECTS

Current projects:

Projects

1. Strengthening capacities of Prosecution and Judicial Response to Domestic Violence in Moldova
 - Main objectives:
 - Legal education of judges and prosecutors
 - Assessment of access to justice of the victims of trafficking in human being and domestic violence through the court monitoring
 - Outcomes:
 - Curriculum, manual and training report
 - Manual for the monitors and Court monitoring report
 - Cooperation with the Government:
 - Cooperation with the Judiciary bodies, Ministry of Justice, Superior Council of Magistrates and Superior Council of Prosecutors, National Institute of Justice.

2. Strengthening capacities of the WLC strategic areas:
 - Main objectives:
 - Legal education of police: strengthening capacities of the Law Enforcement Response to Domestic Violence and for adequate legal remedies to victims of domestic violence
 - Access to justice: Primary and comprehensive legal protection and assistance to victims and potential DV; strategic litigation of cases
 - Policy and legislation process nationally and internationally:
 - Nationally: Promotion of changes to the DV Law
 - Internationally: UPR submission with a number of legal recommendations, promotion and advocacy
 - Outcomes:
 - Curriculum, manual and training report
 - Standards of assistance, report on the assisted cases, cases submitted to the international bodies
 - Amendments to the DV law, Criminal, Civil and

Misdemeanor Codes, UPR recommendations on DV approved by the State

- Cooperation with the Government:
 - with the Police Inspectorates, Ministry of Internal Affairs, Police Academy;
 - with the police, judiciary, ministry of family and social affairs, ministry of health, LPAs, State Guaranteed Legal Aid;
 - with the Parliamentarian Commissions, Ministry of Justice, Ministry of Internal Affairs, ministry of family and social affairs, ministry of health.

3. Prevention and combating of violence against women and domestic violence:

- Main objectives: Development of National Strategy on prevention and combating of violence against women domestic violence
- Cooperation with the Government:
 - with the Ministry of family and Social Affairs

BEST PRACTISES

- Development of the training curriculum for the police officers
- Increase in the number of referrals by the Police Inspectorates
- Engagement of the NGO by the Ministry of Family in Social Affairs in the drafting process of the National Strategy on Combating Domestic Violence

PROBLEMS AND BARIERS

- Difficulties of setting the cooperation with the Ministry of Health
- Once there is a change of governments it always takes time to re-establish the contacts with the Ministries
- The key supporters of the cooperation/partnerships with WLC are not necessarily the most important ones.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of the organization are: staff, experts, proven work methods, tools, partnerships.

Institute for Penal Reform (IRP)

INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

Name of the organization: Institute for Penal Reform

Year of establishment: 2001

CEO: Victor ZAHARIA, Director

Contact information:

www.irp.md

<https://www.facebook.com/irp.moldova>

https://twitter.com/IRP_HumanRights

Mission

The Institute for Penal Reform (IRP) is a non-governmental organization with the mission to contribute to the respect of the human rights in the Republic of Moldova by reforming the criminal justice system and supporting the community initiatives.

Key areas of activity and expertise

1. Raising public awareness regarding the criminal justice reform in Republic of Moldova;
2. Contribution to the implementation of a functional system of probation and non-paid work for community benefit in Republic of Moldova;
3. Development of mediation and victim assistance services;
4. Contribution to the reform of enforcement of custodial sentences system;
5. Re-dimensioning the relations between community and police;
6. Development and strengthen of best practices in the Justice for children field, based on the child's best interests.

ACTIVITIES AND PROJECTS

Project “Strengthening the prevention and diversion mechanisms for children under age of criminal liability and children in conflict with the law”

Objectives:

- Strengthening the inter-sectorial cooperation mechanism for work with children under the age of criminal liability and children in conflict with law;
- Enabling environment and capacity building of specialists in using the diversion schemes;
- Modeling a prevention program for diverted children.

Outcomes of the project:

- Functional local working groups on inter-sectorial mechanism for work with children under age of criminal liability and children in conflict with the law;
- Benchmarks/guidance on identification and protection of the vulnerable children under the age of criminal liability and in conflict with the law to be implemented nationally;
- Set of indicators for individual case management and diversion scheme at local level;
- Curriculum for mediators providing services on cases involving children in conflict with the law;
- Manual of procedures for the child protection specialist who appear as child’s legal representative in criminal proceedings;
- Guidance/ recommendation on the prosecutor’s role in the diversion scheme for children in conflict with law;
- Tools and methodologies for work with diverted children are available for school psychologists, SAP psychologists and probation officers;
- Prevention program for diverted children.

Project “Drink&Drive Programme Moldova”

Objectives:

- Analysis of the current state of play and best practice exchange,
- Development of a draft specific “Drink & Drive” rehabilitation program in Moldova,

- Training of key Moldovan staff within selected pilots.

Outcomes of the project:

- Analysis report,
- Drink&Drive programme,
- Trainers manuals and annexes,
- Participants materials,
- 10 trained D&D trainers (staff of the Moldovan Probation Service).

Project “Support to strengthening judicial effectiveness and efficiency in Moldova”

Objectives:

- Baseline assessment of the current work division in the District Court of Ungheni and the Court of Appeal of Balti,
- Transfer of Dutch experience in dividing tasks in courts during a series of meetings held in the Netherlands,
- Transfer of Romanian experience in dividing tasks in courts during a series of meetings held in Romania,
- Joint working meetings on introducing changes on the work floor geared towards increasing the efficiency of judicial proceedings, streamlining the preparation of verdicts and judicial decisions, and reducing the administrative tasks for judges,
- On the job coaching in the two pilot courts on implementing the defined changes,
- Interim assessment of functionality of introduced changes to the work in the pilot courts,
- Seminar to present the outputs of the two pilot courts and to disseminate the results, including lobbying for re-use.

Outcomes of the project:

- Assessment report on current work division in two pilot courts in Moldova;
- Two study visit reports including ‘take home ideas’ and related action plans;
- Proposed lists of adjustments to the work in the pilot courts;

- On the job coaching reports;
- Interim assessment report on efficiency effects of introduced adjustments;
- Seminar report.

Interaction with the Government during the implementation of projects' activities:

- Analysis of the state of the law in the field, in particular through the comparison of the alternatives,
- Monitoring of the operation of the legislation, judiciary and government agencies,
- Conducting empirical surveys,
- Collection, aggregation, analysis, presentation of available statistical data,
- Analysis and comments on draft legislation, strategic documents,
- Taking part in the consultation of legislation,
- Creating legislation amendments of existing regulations,
- Participation in committees, advisory boards and other structures functioning at the parliamentary level or government,
- Drafting standards and best practices.

BEST PRACTISES

One of the good practice of collaboration is the frequently communication with the contact person established from the relevant institution. In this regard, it is easier to organise activities, consult their opinion, have access to updated statistical data etc.

Also, it could be mentioned as a good practice the involvement of relevant institutions representatives in the process of developing the research, analysing the legislation etc., including consulting the intuitions' necessitates according the public policies commitments.

PROBLEMS AND BARIERS

- The most common difficulty in communication with Government institutions happens when it is changed the lead person of the institution. The all process of establishing a dialogue with the institution should be resumed.
- A frequently faced difficulty in collaboration with the Government is their busy agenda. In this regard, it is needed to reserve additional time in order to agree the common activities and meetings.
- The last but not the least, as a challenge in collaboration with the Government could be mentioned the unfounded reluctance of some institutions to cooperate with CSOs.

RESOURCES OF ORGANIZATION, POSSIBLE AREAS OF COOPERATION

The key resources of organisation are:

- Staff,
- The experts network,
- Proven work methods,
- Partnerships established with central and local authorities,
- Experience on its area of expertise.

Association for Efficient and Responsible Governance (AGER)

INFORMATION ABOUT THE ORGANIZATION (THINK TANK)

Name of the organization: Association for Efficient and Responsible Governance

Year of establishment: 2012

CEO: Olesea STAMATE

Contact information: www.ager.md, info@ager.md

Website, Facebook, twitter, etc.

Mission

AGER's mission is to contribute to a more transparent, efficient and accountable governance at all levels.

Key areas of activity and expertise

- Public administration reform;
- Justice sector reform and anti-corruption;
- Public procurement reform;
- Civil society strengthening

ACTIVITIES AND PROJECTS

- Monitoring Justice Sector Reform for Increased Government's Accountability
- Analysis of the state of the law in the field, in particular through the comparison of the alternatives,
- Monitoring of the operation of the legislation, judiciary and government agencies,
- Conducting empirical surveys,
- Collection, aggregation, analysis, presentation of available statistical data,
- Analysis and comments on draft legislation, strategic documents, etc.,
- Taking part in the consultation of legislation, taking part in developing Regulatory Impact Assessment,
- Creating legislation amendments of existing regulations,
- Participation in committees, advisory boards and other structures functioning at the parliamentary level or government,
- Drafting standards and best practices.
- The above list is of course not exhaustive and therefore if there are any other types of Think Tanks activities please include them in this section.
- Participation in committees, advisory boards and other structures functioning at the parliamentary level or government, collection, aggregation, analysis, presentation of available statistical data,
- Analysis and comments on draft legislation, strategic documents, etc.,
- Monitoring of the operation of the legislation, judiciary and government agencies,
- Analysis of the state of the law in the field, in particular through the comparison of the alternatives,
- Strengthening the role of the local civil society and citizens in monitoring justice sector reform,
- Enhancing the degree of information about justice sector reform available to the public.

BEST PRACTISES

During our monitoring process, we insisted so much on the fact that the Government should take reporting on the Strategy more seriously and not “play” with indicators that slowly working group members started to change their attitude towards it.

PROBLEMS AND BARIERS

Access to information remains a problem sometimes. Not all information can be found on the websites of the governmental institutions, and not always the necessary document can also be tracked via a conversation with a responsible person from a Ministry.

Part Three. Legal Think Tank Projects Cards

Promo-LEX

PROJECT TITLE: “Monitoring Justice Sector Reform for Increased Government’s Accountability”

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Promo-LEX Association in partnership with Association for Efficient and Responsible Governance (AGER)

Olga Manole, Project Coordinator / olga_manole@promolex.md
+37369177101

PROJECT DESCRIPTION

Overall, the project’s aim was to strengthen the capacity of the civil society to monitor the justice sector reform in Moldova. The project included the following key components: Periodic review of the implementation of the Justice Sector Reform Strategy (JSRS); Trial monitoring; Users’ satisfaction surveys in courts.

The project was implemented during September 2012-September 2014.

The monitoring mission employed 36 national monitors, whose work was coordinated by a Network Coordinator, and three national experts that formed the Analytical Team.

Overall, 1800 court sessions have been monitored throughout the implementation period and 2557 questionnaires were filled in with regard to the quality of the justice where the respondents were lawyers, prosecutors and court users. Additionally, the network of observers produced 284 quarterly reports on the implementation of the JSRS. Based on the information provided by observers and Experts’ input, six quarterly reports have been developed, presented and debated with the key stakeholders, as well as extensive media coverage and participation of the project’ experts was secured throughout the project.

The experts’ team participated actively in the activity of the working groups established with the purpose of monitoring the implementation of the Strategy by the Ministry of Justice. To this end, a number of positive changes were observed, in the activity and transparency of the working groups.

Such a comprehensive exercise, where monitoring involved all rayons of the country and every single courthouse, has never accompanied the

implementation of any strategy in Moldova. The monitoring resulted in 6 comprehensive monitoring reports, which provided an objective assessment of the progress in implementing the JSRS. The figures presented in reports were different from the ones presented by the Ministry of Justice. This influenced the fact that, at some point, the Ministry changed its approach towards the presented reports, taking the data provided to the public more seriously, and qualified the reported actions more objectively.

Based on the findings of the monitoring, recommendations were delivered to state authorities in several manners. First of all, each monitoring report contained a series of recommendations regarding the implementation of the Strategy. Secondly, Action experts have provided verbal recommendations during the meetings of the working groups. Many of these recommendations have been taken into account and implemented, thus improving the activity of the working groups as well as the quality and transparency of information delivered to the public. Thirdly, the Action partners initiated and joined several appeals on subjects relating to justice reform, where recommendations on concrete actions or procedures have been formulated. Unfortunately, it is important to admit that mostly recommendations related to the monitoring mechanism have been taken into account, while the substance-related ones (on draft laws, new procedures, etc.) have rarely received reaction from the relevant authorities.

At the early stage of the project, the feedback on project and monitoring activities from actors involved in JSRS implementation was positive. However, during the monitoring and after issuing the monitoring reports, their attitude and feedback worsened. In particular, Ministry of Justice was obviously bothered by the wording and findings of the monitoring reports and assessment of the JSRS implementation progress. Thus, in many situations, project partners faced quite a reluctant attitude on behalf of relevant authorities from Institutions directly responsible for reform implementation. Regardless of that, project partners continued participation at working groups meetings and other relevant public events focused on reform implementation. At the same time, actors involved in JSRS implementation attended project events and reviewed the monitoring reports. Some actors requested reports prior to their public presentation.

As regards to the cooperation with the Ministry of Justice, as the key coordinator of the JSRS monitoring, and the responsible for the

implementation of 70% of the Strategy's actions, was not easy. Even though the action partners were accepted as observers in the activity of the working groups on JSRS implementation, being able to participate in all sessions, the Ministry, just like other institutions involved, as well as the courts were not very "happy" with the monitoring activities. However, the overall cooperation with a number of institutions involved in the justice sector reform has improved along the process, and a positive dialogue was to be observed during the public events organized by the project.

The action has impacted on such cross-cutting issues as democracy, through direct exercising of democratic rights and obligations of the civil society in overseeing the government's activity and providing objective information to citizens (access to information). Good governance in another cross-cutting issue mainstreamed in this project, as it targeted one reform process which is fundamental for good governance in any country, namely the justice sector reform. It tackled such issues as transparency, public participation, and accountability of the state actors as well as efficient spending of public funds during the reform process.

Legal Resources Centre from Moldova (LRCM)

PROJECT TITLE: Promoting legal and regulatory reforms and advocacy for reforms to foster an enabling environment for Civil society organizations

TYPE OF THE PROJECT: *Legal analysis & advocacy*

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT:

Legal Resources Centre from Moldova

www.crjm.org, sorina.macrinici@crjm.org

PROJECT DESCRIPTION:

Goal: Promoting an enabling environment for civil society organizations by promoting legal reforms and advocacy

Objectives:

- To promote improvements to the core legal framework regulating the functioning of Civil society organizations;
- To promote new legal provisions for ensuring fiscal and financial sustainability of Civil society organizations;
- To promote mechanisms for effective Civil society organizations' participation in decision-making processes;
- To strengthen the institutional sustainability of CRJ.

Activities:

- Advocacy and participation in drafting amendments to the Law on Public Associations;
- Advocacy and participation in drafting regulations for the implementation of Law 2% and monitor its application;
- Advocacy and participation in drafting amendments to the Tax Code;
- Promote revenue generating strategies for the Civil society organizations;
- Advocacy and preparing proposals for ensuring effective participation of the Civil society organizations in the decision-making process;
- Cooperation with NGO Council and other Civil society organizations;
- Training the LRCM staff;

- Draft and disseminate two LRCM newsletters;
- Draft the annual LRCM activity report.

REPORT – PUBLICATION – POLICY PAPER?

Policy document "Impact of the 2% Law on financial sustainability of the Civil Society Organizations", available here:

<http://crjm.org/wp-content/uploads/2015/06/CRJM-DPP-2la-suta-eng.pdf>

OTHER INFORMATION

PROJECT TITLE: Promoting effective implementation of the European Court of Human Rights judgments by Moldova

TYPE OF THE PROJECT: *Legal analysis, strategic litigation, advocacy*

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT:

Legal Resources Centre from Moldova

www.crjm.org, pavel.grecu@crjm.org

PROJECT DESCRIPTION:

Goal: Contributing to the improvement of the level of observance of human rights in Moldova through the effective implementation of the European Convention on Human Rights (ECHR)

Objectives:

- Combating systemic violations of human rights in Moldova.
- Creation in Moldova of an efficient mechanism for execution of ECtHR judgments.
- Facilitation of the Committee of Ministers oversight of execution by Moldova of the ECtHR judgments.
- Raising awareness about the ECtHR.

Activities:

- Advocacy for strengthening national legal standards against torture.
- Strategic litigation before the ECtHR.
- Advocacy for the adoption and implementation of the new Law on Governmental Agent and of the draft Rules for Parliamentary Supervision of Execution of ECHR Judgments.
- Drafting two submissions to the Committee of Ministers on execution by Moldova of ECtHR judgments.
- Three small scale events to inform the relevant stakeholders and mass media on the issues and recommendations formulated in our submissions to the Committee of Ministers.
- One meeting or audio conference with representatives of the Department of Execution at the Committee of Ministers in Strasbourg,

France.

- Publish the analysis of the activity of the ECtHR in 2015 concerning Moldova.
- Organization of a three-day advanced training for up to 15 lawyers active in applying the ECHR.

REPORT – PUBLICATION – POLICY PAPER?

Results:

[Wiretapping in the Republic of Moldova: progress or regress?](#) (only in Romanian) (7 December 2015)

[Infographic: wiretapping in the Republic of Moldova](#) (only in Romanian)

[Republic of Moldova at the European Court of Human Rights: Statistics for 2015](#) (only in Romanian) (29 January 2016)

OTHER INFORMATION

PROJECT TITLE: Promoting effective judicial accountability mechanisms in Moldova

TYPE OF THE PROJECT: *Monitoring, Legal analysis, advocacy*

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT:

Legal Resources Centre from Moldova

www.crjm.org, nadejda.hriptievschi@crjm.org

PROJECT DESCRIPTION:

Goal: Contributing to improvement of the accountability mechanisms for judges in the Republic of Moldova

The project will continue the activities initiated during the [first period of project implementation](#).

Objectives:

- Improved efficiency and increased transparency of the Superior Council of the Magistracy (SCM) sittings and the process of adopting decisions;
- Contribution to strengthening the system of disciplinary responsibility of judges;
- Promotion of amendments to the criteria of performance evaluation of judges and the way the evaluation decisions are drafted.

Activities:

- Monitoring the SCM sittings and reactions to some decisions;
- Promoting the adoption of a new regulation for SCM activity;
- Contributing to the amendment of the law on SCM;
- Analysis of the activity of the SCM during 2015;
- Advocacy on reforming the procedure and conditions for the appointment of investigation judges;
- Monitoring the Disciplinary Board sittings;
- Promoting amendments to the Law no. 178 on disciplinary liability of judges and of the legal framework for its implementation;

- Analysis of the Disciplinary Board decisions in 2015;
- Promoting knowledge on the disciplinary responsibility system between judges and lawyers;
- Drafting a public policy document to improve the judges performances evaluation system;
- Promoting amendments to the Law no. 154 on carrier and performance evaluation of judges;
- Promoting amendments to the criteria for performance evaluation of judges and the way the evaluation decisions are drafted.

REPORT – PUBLICATION – POLICY PAPER

Transparency and Efficiency of the Superior Council of Magistracy of the Republic of Moldova January 2015 – March 2016, Available here:

http://crjm.org/wp-content/uploads/2016/09/2016-Analiza-CSM-CRJM_2016-08-30-EN.pdf.pdf

OTHER INFORMATION

Institute for European Policies and Reform (IPRE)

I. PROJECT TITLE: “Monitoring the Implementation of the EU – Moldova Association Agreement”

TYPE OF THE PROJECT: *Policy analysis and monitoring*

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Institute for European Policies and Reforms

<http://ipre.md/>

Mr. Iulian GROZA

Contracting Entity: Slovak Aid - Official Development Assistance of the Slovak Republic

PROJECT DESCRIPTION

The project goal was to increase awareness of citizens and civil society about the importance of the Association Agreement for the Republic of Moldova. Also, it aimed to inform the public opinion about the progress achieved in the implementation process by providing statistics and policy briefs on the most important areas of the Association Agreement. The following results of the project were implemented:

IPRE publications (i.e. 4 Progress Reports and 10 Policy Briefs) were issued and distributed to over 2400 national stakeholders. IPRE Policy papers on the EU-Moldova Association Agreements are in the top of most cited independent sources in Moldovan Media and became a relevant source of information for policy makers and experts in Moldova. The IPRE Progress Report on the implementation of the EU-Moldova Association Agreement became as well a reference source for independent evaluation of the progress achieved by Moldovan authorities in implementation the commitments from the Agreement. Findings from IPRE Reports were included in the Position Paper of the EU-Moldova Association Civil Society Platform on 14th March 2016. The following papers were issued by IPRE as part of the Project:

- 1st IPRE Progress report on the preliminary evaluation on the results of the first year of implementation of the EU-Moldova Association Agreement published on 25th August 2015 .
- 2nd IPRE Progress Report on the evaluation of the implementation of the EU-Moldova Association Agreement (August-October 2015), published on 30th November 2015 .

- 3rd IPRE Progress Report on the evaluation of the implementation of the EU-Moldova Association Agreement (November 2015 – March 2016), published on 28th April 2016
- Policy brief on Moldova's commitments in implementing EU-Moldova Association Agreement Competition provisions, published on 25th August 2015 .
- Policy brief on Financial Assistance provided by European Union for the Republic of Moldova, published on 26 September 2015 .
- Policy Brief on Financial and Banking Sector provisions of the EU-Moldova Association Agreement, published on the 3rd November 2015
- Policy Brief on the preparation of the DCFTA implementation in Transnistrian region, published on 4th November 2015 .
- Policy Brief on the Energy provisions of the EU-Moldova Association Agreement, published on 26th January 2016 .
- Policy Brief on the Justice and Anticorruption provisions of the EU-Moldova Association Agreement, published on 27th January 2016 .
- Policy Brief on implementation of DCFTA provisions of the EU-Moldova Association Agreement, published on the 16th February 2016 .
- Policy Brief on the recent development of the EU-Moldova Dialogue in the context of EU-Moldova Association Agreement, published on 6th April 2016 .
- Policy Brief on the implementation of Agriculture and Rural Development provisions of the EU-Moldova Association Agreement, published on 19th April 2016
- Policy Brief on the National Bank of Moldova activity in the context of the EU-Moldova Association Agreement, published on 4th May 2016 .
- The yearly Progress Report on the implementation of the EU-Moldova Association Agreement
- 7 Public Events were organized (i.e. 4 Public Events/press conferences, 2 Workshop one Youth Summer School). All in all over 250 participants, including public authorities, active civil society representatives and journalists, attended the events.

Media outreach - All the activities of the project where largely reflected in the Moldovan press. Over 200 unique reflections/appearances about the issued publications where registered in the Moldovan and regional mass media. All

IPRE Public Events were broadcasted online by www.privesc.eu and www.realitatea.md. The IPRE project experts were invited to national and regional TV and radio stations to comment on the findings of the issued papers. Over 40 interviews to Moldovan TV, Radio, news websites and newspapers were given. All the publications were published on the www.ipre.md website and Facebook page. An unkind-partnership between IPRE and Agora.md was established that *resulted in a number of info-graphics published on www.agora.md*.

REPORT – PUBLICATION – POLICY PAPER?

Public Events were organized (i.e. 4 Public Events/press conferences, 2 Workshop one Youth Summer School). All in all over 250 participants, including public authorities, active civil society representatives and journalists, attended the events.

Media outreach - All the activities of the project were largely reflected in the Moldovan press. Over 200 unique reflections/appearances about the issued publications were registered in the Moldovan and regional mass media. All IPRE Public Events were broadcasted online by www.privesc.eu and www.realitatea.md. The IPRE project experts were invited to national and regional TV and radio stations to comment on the findings of the issued papers. Over 40 interviews to Moldovan TV, Radio, news websites and newspapers were given. All the publications were published on the

www.ipre.md website and Facebook page. An unkind-partnership between IPRE and Agora.md was established that resulted in a number of info-graphics published on www.agora.md.

II. PROJECT TITLE: “Empowering minority and civil society organizations to promote sustainable conflict resolution practices in the Black Sea region”

TYPE OF THE PROJECT: Empowerment

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Institute for European Policies and Reforms

<http://ipre.md/>

Mr. Vladislav KULMINSKI

Contracting Entity: The Federal Foreign Office of Germany

PROJECT DESCRIPTION

The project goal is to increase awareness of citizens and civil society about the importance of the Association Agreement for the Republic of Moldova. Also, it will inform about the progress achieved in the implementation process by providing statistics and policy briefs on the most important areas of the Association Agreement.

The project on "Empowering minority and civil society organizations to promote sustainable conflict resolution practices in the Black Sea region", implemented together with the European Integration Strategy Association in Berlin and funded by the Federal Foreign Office of Germany started with preparatory meetings with experts and a first workshop in Kiev from August 25th-28th. It was organized together with the Institute for World Policy in Kiev. In this workshop around 25 civil society experts and minority representatives from the Ukraine and Moldova, together with some international experts discussed challenges facing minority integration, the possibilities for and the promotion of inclusive identities in Moldova and the Ukraine.

With the same occasion, a Civil Society Platform on minority inclusion, consisting of each three Moldovan and Ukrainian civil society experts, was established. From November 23rd-24th the second workshop was held, where more than 70 representatives of the national minorities participated. Also, the project team prepared a policy paper on "Integration of national minorities in the post-soviet space – Ukraine and the Republic of Moldova", published and shared on December 18, 2015 (<http://ipre.md/ipre-a-finalizat-studiul-integrarea-minoritatilor-nationale-in-spatiul-post-sovietic-ucraina-si-republica-moldova/>)

III. PROJECT TITLE: "With Civil Society against Corruption"

TYPE OF THE PROJECT: Policy development and analysis

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Institute for European Policies Berlin

<http://iep-berlin.de/en/>

Mr. Dominic MAUGEAIS

Contracting Entity: The Federal Foreign Office of Germany

PROJECT DESCRIPTION

“Together with Civil Society against Corruption” is an anti-corruption training program dedicated to Civil Society in the Republic of Moldova. The project was funded by the Federal Foreign Office of Germany and implemented together with the Institute for European Policy in Berlin.

The objectives of the Anti-Corruption Training were: (1) to provide Moldovan CSOs with a toolkit of proven and tested anti-corruption measures; (2) to strengthen the network of CSOs, thereby ensuring a better coordination of anti-corruption reform proposals and activities; (3) to enable CSOs in Moldova to critically monitor governmental anti-corruption policies as watchdogs.

The project enhanced civil society actors' knowledge on anti-corruption measures. The participants were the representatives of non-governmental organizations, media, research institutes and think-tanks.

The main output of the project was familiarizing Moldovan civil society actors with successful anti-corruption strategies of other post-socialist societies, such as Romania, Croatia, and Georgia. It consisted of three thematic workshops and one public conference. Each of the workshops lasted two days:

1. 15th and 16th September, 2015 - "Anticorruption: State of Play (state of things, current situation, present etat d'etre) and Case Study of Romania". The event allowed 50 participants to get familiar with the anticorruption efforts of Romania, including the work and experience of DNA (National Anticorruption Directorate). The invited experts were: Ms. LAURA STEFAN, Anticorruption consultant, Expert Forum (EFOR) and Mr. NISTOR CĂLIN, Deputy chief prosecutor of the National Anticorruption Directorate (DNA).
2. 27th and 28th October, 2015 – “Anti-Corruption Reforms and Strategies - Good practices from Croatia and Georgia”. The invited experts

were: Ms. Saša ŠEGRT, Deputy Executive Director GONG, Zagreb and Ms. Eka TKESHELASHVILI, President, Georgian Institute for Strategic Studies (GISS), Tbilisi.

3. 2nd and 3rd December 2015 – “Anti-Corruption Multiplier Skills and Good Practices from Latvia”. Issues like awareness raising and campaigning skills, the importance of advocacy and networking for anti-corruption reforms were discussed with experts from Latvia and 35 participants from Moldova.

The closing conference was held on December 7th 2015 and was a great success. “Anti-Corruption Conference: Together with Civil Society against Corruption” aimed to provide opportunities for civil society actors to critically monitor the governmental anti-corruption measures. There were 125 participants at the event and the invited international speakers included Mr. Nistor CĂLIN, deputy chief prosecutor of the National Anti-Corruption Directorate (DNA), Bucharest, Ms. Eka TKESHELASHVILI, president of the Georgian Institute for Strategic Studies (GISS), Tbilisi and Ms. Ana Otilia NUTU, Policy Analyst, Expert Forum Romania (EFOR), Bucharest. The event deliberations were on the following themes: i) Law Enforcement – Key preconditions for a functioning Anti-corruption system; ii) Public Administration Reform – Why a comprehensive approach to the phenomena of corruption is needed; iii) With Civil Society against corruption – what role for civil society within the anti-corruption reform process.

The anti-corruption reform priorities, also the international experience and role of civil society in triggering reform processes were enhanced in a policy paper entitled „Civil Society and the Fight against Corruption: Promoting effective Anti-Corruption Policies by Reforming the Public Sector and Law Enforcement Authorities” .

IV. PROJECT TITLE: “Key deficiencies for the European Integration of Moldova in the following sectors: Economy, Justice System and Public Sector”

TYPE OF THE PROJECT: Policy analysis

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Institute for European Policies and Reforms

<http://ipre.md/>

Mr. Iulian GROZA, Executive Director

Contracting Entity: Konrad Adenauer Stiftung (KAS)

PROJECT DESCRIPTION

The project consisted in conducting in-depth research regarding Moldova's progress in its European Integration path, identifying main deficiencies in three key areas: public sector, economy and justice system. Deliverables of the project were the following:

1. A Study each on:
 - a. Key Deficiencies and Challenges in the Energetic Sector for the European Integration of Moldova
<http://www.kas.de/moldau/ro/publications/44092/>
 - b. Key Deficiencies and Challenges in the Justice System and Anti-Corruption for the European integration of the Republic of Moldova
<http://ipre.md/new/index.php/publications/justice-and-anti-corruption/?lang=en>
 - c. Key Economic Deficiencies and Challenges for the European integration of Moldova
<http://ipre.md/new/index.php/2016/05/19/analiza-tematica-privind-activitatea-bancii-nationale-a-moldovei-in-contextul-acordului-de-asociere-rm-ue/?lang=en>
2. For each of the studies two additional activities were organized:
 - a. A civil society workshop, organized internally to ascertain the validity of the study and suggest proper conclusions/recommendations.

A public event with the participation of the academic (university professors, scientists, sociologists etc.) representatives and students, to debate the findings of the research and validate its conclusions/recommendations.

V. PROJECT TITLE: "Fostering citizens' influence on the assessment and discussion of options in key policy areas"

TYPE OF THE PROJECT: Policy analysis, empowerment, advocacy

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Institute for European Policies and Reforms

<http://ipre.md/>

Mr. Iulian GROZA, Executive Director

Contracting Entity: European Endowment for Democracy

PROJECT DESCRIPTION

The project aims to conduct a policy development process with direct influence of citizens on key policies and will foster citizen influence on the assessment and discussion of options in key policy areas. These following areas have been identified as priorities in the project:

- Economic development, finance and banking sector reforms;
- Public sector reform (both local and central-level reform of public management);
- Justice reform and anti-corruption strategies;
- EU Integration policies; - Foreign Policies, Security, re-integration and integration of Transnistria and Gagauzia, where secessionist sentiment has lately increased;
- Social policies, health, education, minorities and diaspora policies.

The **main activities** include:

1. Setting up a team of 12 reputable experts and policy practitioners with academic, policy and analytical expertise, as well as experience in the legislative and executive bureaucracies in Moldova who will have the role of: monitoring key government policies and legislative proposals, assessing the pressing reform needs in Moldova and developing and publicly promoting alternative courses of policy action based on citizen input;
2. Collecting citizens' opinions on key policy areas in 16 target districts of Moldova (of a total of 31 districts) that will serve as inspiration for policy solutions supported by the think/action tank. Additionally, a total of 6 conferences, one per each of the main topics of focus, will be organized at the national level, in order to identify key subjects and organize initial consultations;
3. Developing policy outlines - a total of 16 policy papers will be produced

outlining the policy options advocated for by the team, which will support the political programme of the reformist team;

4. Presentation of policy papers at the local level, involving volunteers and subjecting the advocated policy options to wide scrutiny of citizens, by organizing wide social debates at the local level, involving national and local government structures, civil society organizations, informal citizen groups in formalized policy conferences and seminars: 16 policy seminars organized in 16 districts.
5. Organizing Citizens' Participation Councils at the local level in 16 districts in Moldova, ensuring a strong local and citizen input to the policy solutions that will be developed;
6. Communication. IPRE employed a communication consultant who coordinated visible campaigns over the internet and social media. The Institute also produced a website and had several interactive tools: animated movies explaining promoted policy choices. Additionally, high-resonance events have been organized on important developments to capture media and public attention. A number of the Institute's board members and founders promoted both the organisation and the policies promoted;

In support of these main activities, 4 training events have been organized to train volunteers from the 16 target districts. Networking and other events solicited by volunteers have been organized in order to motivate their active involvement in the process;

VI. PROJECT TITLE: "Promotion of public policies in the context of the European Integration of the Republic of Moldova"

TYPE OF THE PROJECT: Public policy development, advocacy

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Institute for European Policies and Reforms

<http://ipre.md/>

Mr. Iulian GROZA, Executive Director

Contracting Entity: Konrad Adenauer Stiftung (KAS)

PROJECT DESCRIPTION

The Project aims at contributing to the development and promotion key public policy proposals in the context of the European Integration of the Republic of Moldova.

Thus, according to the project outline during 2016 at least four public policy proposals will be drafted, debated and promoted in the areas of:

- a. **First Public Debate** was organized on 30th March 2016 and was dedicated to **Vulnerabilities of Financial and Fiscal Legislation in the context of offshore jurisdictions**. In this regards a Discussion Paper¹⁶⁹ describing the public policy proposals was drafted and debated. ;
- b. **Second Public Debate** was organized on 22nd April 2016, and was dedicated to the **Review of the National Mechanism of Coordination of European Integration**. The Discussion Paper for the public debate was issued as well¹⁷⁰.
- c. **Third Public debate** from June 2016 that addressed the Financial and Banking of the Republic of Moldova
- d. **Forth Public Debate** organized on 27 October 2016 and dedicated to the initiative about an International Mission to support rule of Law in Moldova

Prior to the Public Debates separate Preparatory Expert's Meetings Workshops are organized in order to prepare and steer the debates.

The Debates are broadcasted on-line by www.privesc.eu. IPRE is ensuring follow-up to the debated topics by gathering support for the promotion of the intervention in the public sector reform.

VII. PROJECT TITLE: “Strengthening of Civil Society in Fighting Corruption in Moldova”

TYPE OF THE PROJECT: Policy development, empowerment, advocacy

¹⁶⁹ <http://ipre.md/analiza-tematica-este-necesara-deoffshor-izarea-urgenta-a-republicii-moldova/>

¹⁷⁰ <http://ipre.md/societatea-civila-cere-consolidarea-mecanismului-de-coordonare-in-domeniul-integrarii-europene-a-republicii-moldova/>

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, www, person responsible

Institute for European Policies and Reforms

Partner organisation: Institute for European Politics (IEP), Berlin

<http://ipre.md/>

Mr. Iulian GROZA, Executive Director

Contracting Entity: German Foreign Office

PROJECT DESCRIPTION

The Project aims at developing together by the Civil Society organizations, Business and Students associations from Moldova a set of key anticorruption priorities, which shall be proposed to the relevant Moldovan authorities to be reflected in the future National Anticorruption Strategy of Moldova.

The priorities shall be first identified by means of Inception Anticorruption Workshops with Civil Society, Business and Students Associations. On the basis of the preliminary identified priorities a group of legal experts shall develop a set of draft legal or institutional solutions in the respective areas of intervention.

The draft proposal than shall be consulted again with the Civil Society Organizations, Business and Students Associations, so that on 14 December 2016 during the Final Conference the Priorities shall be finally presented and endorsed by Moldovan civil society organizations.

Child Rights Information Centre Moldova (CRIC)

PROJECT TITLE: Children involvement in monitoring of their rights
TYPE OF THE PROJECT: *qualitative research on children's rights*

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Child Rights Information Centre Moldova (CRIC)

Eugen Coca str. 15; MD-2008, Chisinau

www.childrights.md

Tel: (+373 22) 716598, 747813, 744600

Person responsible: Cezar Gavriliuc

PROJECT DESCRIPTION

Children participate in the 4th and 5th reporting cycle on the implementation of the Convention on the Rights of the Child in the Republic of Moldova.

The **overall aim** of this project is to contribute to the institutionalization of the principle of child participation in the policies and practices of the state organizations working with and for children and especially to creation of the opportunities for children to make their voices heard on the implementation of their rights.

As a result of this project:

- 30 children, members of the Reflection Group, representing different monitoring groups and including vulnerable children, strengthened to take active part in the 4th and 5th reporting cycle of Moldova on CRC, by developing and presenting their own report, using a methodology developed from children perspectives.
- A Children's report on the implementation of the CRC in Moldova developed and presented to the national authorities and CRC Committee in Geneva.
- National authorities are aware of children's recommendations on the implementation of their rights and thus better equipped to plan further actions to improve children rights.
- Children's recommendations on the implementation of their rights are included in the Committee's Concluding Observations for the Republic of Moldova.

- A replicable and participatory model of children's involvement in the CRC monitoring and reporting process is developed, documented and tested.

- elements/phases of the project (in chronological order)

1. A Reflection Group of children, representing different children monitoring groups, including vulnerable children, created and actively involved in the 4th and 5th reporting cycle of Moldova.
2. 30 children, members of the Reflection Group, empowered to learn about their rights, ways to monitor them, to develop and present reports to national authorities and Committee on the Rights of the Child in Geneva.
3. Five 3-day workshops organized for children, members of the Reflection Group, to share the results of the monitoring of their rights and develop children's report on the implementation of the CRC. Five categories of children's rights (education, protection from violence, protection from economic exploitation, health, family) researched by children, members of the Reflection Group.
4. At least 1000 children have their voices, on the implementation of their rights, consulted by the members of the Reflection Group and included in children's report.
5. A group of children, delegated by the Reflection Group, will participate in the pre-session of the Committee on the CRC and present children's report.

- methods/tools used

Children used tools adapted by them to collect information on their rights and develop their report.

- type of interaction with the government

Children report on their rights was presented to local authorities and government in different events.

- outcomes of the project

Children report on the implementation of the CRC developed and presented to national authorities and Committee on the Rights of the Child in Geneva.

A film documenting and presenting the experience of the Reflection Group developed and available for sharing with target groups (children, local and national authorities, local, national and international NGOs).

- the project compared to other activities

The project builds on previous initiatives to involve children in the monitoring of their rights, started by CRIC in 2008 and continuing during all those years.

REPORT – PUBLICATION – POLICY PAPER?

Children report will be available soon on www.childrights.md

It includes children views on the implementation of 5 groups of rights: education, family environment, protection from violence, protection from economic exploitation, health of adolescents.

Women’s Law Center (CDF)

PROJECT TITLE: Strengthening capacities of Prosecution and Judicial Response to Domestic Violence in Moldova: Court Monitoring component

TYPE OF THE PROJECT: *analysis of court practices and application of laws regarding domestic violence*

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Organisation : Women’s Law Center

Persons responsible for the implementation:

Angelina Zaporojan-Pirgari

Nicoleta Muntean

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Str. Sfatul Țării 27, office 4

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<http://cdf.md/>

<https://www.facebook.com/cdfmd/>

PROJECT DESCRIPTION

The project goal is to increase the judiciary and prosecutorial capacities to hold gender-based violence offenders accountable and better protect the safety of domestic violence (DV) and trafficking in persons (TIP) victims and their children.

The objectives of this project are:

1. To evaluate the application of DV and TIP legislation through observation and documentation, with the goal of achieving a better response to victims and more effective legal remedies for victims and society and fair treatment for offenders, including appropriate sentencing.
2. To identify existing gaps in the language of the current applicable legislation and the application of that legislation and procedures in DV and TIP cases.
3. To use monitoring findings to make recommendations for reforms in law, policy and practice of the justice system response to DV and TIP crimes.
4. To inform a revised training curriculum for judges and prosecutors involved in Moldova's justice response to DV and TIP on effective response of those disciplines in light of the identified gaps and report recommendations.

Phases of the project (in chronological order) are:

August – September 2016: identification of WLC partners, recruitment of the National Coordinator, recruitment of the court monitors

September-November 2016: development of the Court Monitoring manual

October - November 2016: signing the partnership agreement with the Superior Council of Magistrates

November 2016: training of the Court Monitors

November 2016 – November 2017: court monitoring

November 2017 – January 2018: court monitoring analysis, report and its advocacy, revised training curriculum

The following *methods/tools* will be used:

1. There will be a Court Monitoring Manual developed to serve as a resource and a guide for the court monitors involved in DV and TIP proceedings.
2. Monitors will court monitoring forms for the criminal or civil court. The methods employed will be the commonly practiced in the social sciences, primarily open participant observation and documentation.
3. The findings will be further recorded into a database by the National Coordinator.
4. The interviews with selected bodies/persons that could contribute to the Report findings.
5. The WLC will further develop a Court Monitoring Report.

Types of interaction with the government:

1. Partnership agreement with the Superior Council of Magistrates.
2. Distribution of the Court Monitoring Report with the Ministry of Justice mainly and other government authorities once developed.
3. Revision of the training materials for the judges and prosecutors jointly with the National Institute of Justice.

Outcomes of the project:

The **Court Monitoring Report**, which be shared with the Parliament, Moldovan justice system and the public, as well as **law and policy revision recommendations** and revised **training curriculum** are the main outcomes of the projects.

Court Monitoring Report will incorporate the international human rights legal framework and internationally identified best practices in responding to DV and TIP crimes.

The project compared to other activities (was it a continuation or a part of a bigger project?)

- This component is a part of a larger project on strengthening the efficiency of judges and prosecutors in combating domestic violence. This multi-step project is designed to result in more offender accountability and improved protection for victims of gender-based

violence and their children, and lead to a safer Moldovan society.

- It is the first time WLC conducts a Court Monitoring of DV and TIP cases.

REPORT – PUBLICATION

Available soon

OTHER INFORMATION

The project is supported by the United States Embassy in Chisinau who is committed to advancing the capacity of the Moldovan judiciary in the areas of domestic violence and trafficking in persons and with the guidance from WLC expert partner, Global Rights for Women (GRW).

Institute for Penal Reforms (IRP)

PROJECT TITLE: Strengthening the prevention and diversion mechanisms for children under age of criminal liability and children in conflict with the law

TYPE OF THE PROJECT: empirical research and legal analyses.

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Institute for Penal Reform

info@irp.md,

www.irp.md

person responsible, coordinator Olga Rabei

PROJECT DESCRIPTION

The project is a continuation of other 2 big projects implemented by the organization within the period 2012-2015.

The project's goal consists in diversion of cases with involvement of children under age of criminal liability and children in conflict with the law through strengthening the inter-sectorial cooperation mechanism, capacity building of specialists, as well as modeling the prevention program for diverted children.

We are looking to achieve the following objectives:

- Strengthening the inter-sectorial cooperation mechanism for work with children under the age of criminal liability and children in conflict with law,
- Enabling environment and capacity building of specialists in using the diversion schemes,
- Modelling a prevention program for diverted children.

The project will focus on helping local authorities enforcing existing legal provisions and use the good practices in the field of diversion of cases with involvement of children under age of criminal liability and children in conflict with the law.

Close linkage and interconnection will be ensured with local multi-disciplinary teams working with children in conflict with the law within the framework of the inter-sectorial cooperation mechanism for identification, referral, assistance

and monitoring of children victims of abuse, neglect, exploitation and trafficking.

The outcomes established to be achieved are as following:

- Functional local working groups on inter-sectorial mechanism for work with children under age of criminal liability and children in conflict with the law;
- Benchmarks/guidance on identification and protection of the vulnerable children under the age of criminal liability and in conflict with the law to be implemented nationally;
- Set of indicators for individual case management and diversion scheme at local level;
- Curriculum for mediators providing services on cases involving children in conflict with the law;
- Manual of procedures for the child protection specialist who appear as child's legal representative in criminal proceedings;
- Guidance/ recommendation on the prosecutor's role in the diversion scheme for children in conflict with law;
- Tools and methodologies for work with diverted children are available for school psychologists, SAP psychologists and probation officers;
- Prevention program for diverted children.

REPORT – PUBLICATION – POLICY PAPER?

The prevention program for diverted children it is an ongoing activity.

However, the document is based on researches of relevant area and identification of current necessities provided in two publications, as following:

“The Diversion mechanism in Republic of Moldova”

http://irp.md/uploads/files/2015-06/1433748307_dejudiciarizarea-2015.pdf

“Current situation regarding the prevention of juvenile delinquency. Prevention programs”

<http://irp.md/news/633-situaia-actual-privind-prevenirea-delincvenei-juvenile.html>

Association for Efficient and Responsible Governance (AGER)

PROJECT TITLE: Monitoring Justice Sector Reform for Increased Government Accountability

TYPE OF THE PROJECT: *monitoring performance in justice reform*

NAME OF THE ORGANIZATION RESPONSIBLE FOR THE PROJECT

Contact information, *www*, person responsible

www.ager.md, *info@ager.md*, *Olesea Stamate (Olesea.stamate@ager.md)*

PROJECT DESCRIPTION

The **overall objective** of this action is to strengthen the capacity of the civil society to perform democratic oversight of the reform processes undertaken in the Republic of Moldova.

The **specific objectives** of the action are:

- 1) to develop independent monitoring of the justice sector reform process
- 2) to increase the public interest towards and information about the reform process of the justice sector ;
- 3) to provide useful and timely recommendations to the state authorities regarding the implementation of the Justice Sector Reform Strategy (JSRS) ;
- 4) to improve the dialogue between the civil society and officials regarding the reform process of the justice sector ;

to create a solid platform for continuous oversight activities by the civil society in the justice but also other sectors in the future.

The target groups are:

- 1) 43 observers to be directly involved in monitoring activities and other civil society representatives
- 2) state institutions involved in the Justice Sector Reform process

The overall type of activities carried out by the project were:

Elaboration of the monitoring & evaluation methodology; design of specific advocacy tools; monitoring launching event; training of the observers; developing the monitoring activities; presentation of the M&E reports; organization of public discussions & debates on the JSRS progress; creation of the platform for democratic oversight/watch-dog activities; concluding

conference.

The project trained 43 observers who monitored the implementation of specific activities of the Reform Strategy in the districts throughout the country. The Chisinau-based team has observed the overall fulfilment of the Strategy and Action Plan and produced shadow reports (4 in total).

REPORT – PUBLICATION – POLICY PAPER?

The project produced 4 monitoring reports. All of them are available on www.ager.md and www.promo-lex.md (the project partner was Promo-Lex).

The reports reveal the degree of fulfilment of actions set in the Justice Reform Strategy, highlighting priority areas for fast intervention and formulating recommendation for the Government and other state institutions.

One of the authors is Olesea Stamate (Olesea.stamate@ager.md)

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Part Five. International bibliography. Further readings on Think Tanks

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Part Six – Additional material

Please provide a list of any additional material that might be of interest to us in this project and you will submit to us (like for instance copy of interesting paper on legal Think Tanks, or standards on collaboration of government with Think Tanks, if developed, or any other source of information that you think is important and will help us to reach our objectives etc.).

Please summarise briefly the most interesting documents, like for instance the research done on Think Tanks.

Annex. List of the interviewed persons:

1. Mariana Rață, Media CSO representative
2. Ion Mazur, Media NGO representative
3. Olga Lanovaia, content-manager, CSO representative
4. Tatiana Pașcovschi, CSO representative
5. Tatiana Chiriac, Faith Based organisation Falun-Dafa
6. Natalia Postolachi, Media CSO representative
7. Nicolae Cușchevici, Media CSO
8. Elena Robu, journalist
9. Victoria Dodon, Media CSO representative
10. Diana Enachi, economist, NGO representative
11. Elena Botezatu, public policy consultant, CSO
12. Dr. Octavian Cazac, Private Law professor, State University of Moldova
13. Natalia Camburian, jurist, CSO representative
14. Olesea Perean, National Human Rights Officer la Office of the United Nations High Commissioner for Human Rights
15. Anastasia Nani, journalist
16. Svetlana Cotelea, former Deputy Minister, Ministry of Health