LCRM – Legal Resources Centre from Moldova

Civic society are concerned about worsening environment and respect of fundamental the rule of law principles in the Republic of Moldova

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The undersigned organizations, members of the National Platform of the Eastern Partnership Civil Society Forum (hereinafter – *Platform*), express their concern about worsening environment for civil society organizations and respect of fundamental the rule of law principles in the Republic of Moldova. In particular, we observe systematic actions designed to divide and discredit the civil society organizations, including by setting them against some quasi-nongovernmental organizations. Moreover, we note a general climate of increased intimidation of independent media by public authorities.

For this purpose, we consider important to communicate to the general public, development partners and the Moldovan state authorities the Platform's position on some of the above-mentioned trends with the view to discourage them and prevent further deterioration of the situation in these areas.

We are witnessing increasingly some representatives of the public authorities "penalizing" the civil society organizations and non-affiliated media representatives for critical opinions expressed against the activity carried out by such authorities, being unduly accused of promoting a "poor image" of public institutions or promoting partisan political views. Moreover, some non-governmental organizations and media institutions have become "undesirable" for some authorities and are excluded from their dialogue with civil society. All these things take place while the representatives of the legislative, executive and judicial powers launch various declarative initiatives of openness and cooperation with the civil society in the Republic of Moldova.

Another worrying phenomenon observed lately is the attempt of some non-governmental organizations to promote an allegedly civil society representative agenda, applying different non-transparent and non-inclusive actions and approaches, making use of and even abusing certain platforms or venues established by the civil society. The most recent example of this took place on 22 February 2017 when the Civic Forum on Monitoring the Implementation of the Moldova-EU Association Agreement was organized. During this event the organizers were to present three thematic reports on monitoring the implementation of the Moldova-EU Association Agreement in terms of environment, justice and energy. CReDO (Resource Centre for Human Rights) had to present its reports dedicated to justice and energy sectors, but regretfully the report on justice has not been published or submitted to the Platform members so far. Moreover, the draft declaration on justice sector reform, proposed to be adopted by the participants at the event, was not consulted in

advance with the representatives of the Platform, while its content did not cover many serious and evident problems existing in this area. In this context, the signatory members of the Platform reject any association of the National Platform of the Eastern Partnership Civil Society Forum with the opinions and presentations made by CReDO at the event dated 22 February 2017.

Another regrettable situation was created by the opportunity to promote Pillar VIII (invisible), as part of the draft National Integrity and Anticorruption Strategy (NIAS), dedicated separately to the civil society and media integrity. This proposal was sent to the National Anticorruption Centre during the last stage of the consultation process by three civil society organizations, which argued the need to include such provisions in the new draft NIAS. Pillar VIII promoted the idea that there were serious integrity concerns in the non-governmental sector. However, the authors of this "statist" concept referred exclusively to the non-governmental organizations playing active civic role, omitting a vast network of religious organizations and trade unions. It is worth mentioning that the draft NIAS prohibited any "political affiliation" of members of the non-governmental organizations managing bodies. On the other hand, in the signatories' opinion, inclusion in the draft NIAS of a pillar dedicated to civil society would "relativize" public authorities' integrity, introducing the idea of ??an additional attribution to the state to determine what kind of and how much integrity should be vested with the non-governmental sector. Thus, although there is general understanding within the civil society organizations about the importance of respecting the principles of integrity and transparency, still, the integrity standards should be subordinated to an internal process of self-regulation within the associative sector, in order not to prejudice the fundamental constitutional principles of freedom of association and freedom of opinion. Consequently, as a result of additional consultations, the National Anticorruption Centre, the author of the draft NIAS, gave up promoting Pillar VIII, which we welcome. At the same time, we encourage all stakeholders to pay special attention within public debates to the importance of respecting the opinions of all participants to the consultations in the spirit of a constructive dialogue, avoiding accusatory and personalized rhetoric.

Additionally, we point to the fact that lately several incidents of direct and indirect intimidation of independent media institutions and investigative journalists were registered, in a context of continuing vicious practice of monopolizing media by groups subordinated to political oligarchies. Thus, by the end of 2016, the investigative journalist Mariana Rata was invited by prosecutors to give explanations in a criminal investigation. The journalist was suspected that by publishing a journalistic investigation about the assets of a former police commissar, she disseminated information about his private life. Although it was clear from the start that no criminal offence was committed and the case should be dismissed, the prosecutor invited the journalist for testimonies. Only after the case drew public attention, it was dismissed. Another symptomatic case is the one of 21 February 2017, when the weekly investigative newspaper „Ziarul de Gard?" reported about the appearance of a phantom website named ziaruldegarda.com, which used the name „Ziarul de Gard?" and disseminated information written by anonymous authors or taken over from other web pages. The portal resembled other anonymous websites that promote anti-opposition and pro-government content. Several civil society organizations have urged the authorities to investigate this incident. The website disappeared shortly after the statement. On the other hand, over the past few months, more public institutions unduly refused to provide the journalists with information of public interest, citing protection of personal data. In February 2017, based on the protection of personal data, all decisions from the courts web pages were anonymised, making it impossible to find judgments in high profile cases. These are serious obstacles to investigative journalism.

In conclusion, we express our disappointment that the dialogue between national authorities and

civil society is strongly affected by mistrust, inconsistency and harmful rhetoric. The cases when collaboration with civil society is being used by the government as a facade for legitimization of its own actions are on the increase. In this respect, in their interaction with public authorities are favoured those organizations that promote a more convenient and/or closer position to them and their decision makers. It is important that public authorities to promote an inclusive and non-discriminatory approach in their relationships with all civil society organizations and the community of experts, including with the ones with critical voices or civil society representatives who decide to publicly express their political preferences.

In light of the above-mentioned, the signatories to this Declaration:

1. Reiterate that, in a state based on the rule of law, civil society and media play a key role in increasing transparency and accountability of public institutions. It is particularly important for all civil society organizations and media to be guided in their work by and respect the principles of transparency, fairness, professionalism and professional ethics;

2. Call on the public opinion and development partners to closer monitor, prevent and disapprove all actions that come to undermine freedom of association, freedom of opinion and expression in the Republic of Moldova;

3. Urge the Moldovan public authorities to an open, non-discriminatory and honest dialogue on issues of public interest, involving representatives of all non-governmental organizations and media, irrespective of their expressed opinions.

The declaration is available here.

The undersigned organizations, members of the National Platform of the Eastern Partnership Civil Society Forum:

1. Association for Participatory Democracy „ADEPT”
2. Association of Professional and Business Women from Moldova
3. Foreign Policy Association
4. Association of Independent Press
5. Eco-TIRAS International Environmental Association of River Keepers
6. BIOS
7. Business Consulting Institute
8. Independent Journalism Center
9. Legal Resources Centre from Moldova
10. National Environmental Center
11. Institute for Development and Social Initiatives (IDIS) “Viitorul”
12. Institute for Urban Development
13. Institute for Public Policy
14. Institute for European Policies and Reforms
15. Ecological Movement of Moldova
16. PromoLex
17. TERRA153
18. Transparency International – Moldova
19. *Union* of *Disabled* People *Organizations*

The list of signatories remains open.

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