



PROMOTING RULE OF LAW THROUGH CIVIL SOCIETY OVERSIGHT

The project aimed to improve the rule of law and accountability of the justice system in Moldova via active civil society oversight and participation in decision-making processes. The project was developed in the context of the USAID Country Development Cooperation Strategy (CDCS) 2013-2017 for Moldova, development objective I: More Effective and Accountable Democratic Governance.

MAJOR AREAS OF SUPPORT

PROMOTE AN ENABLING ENVIRONMENT FOR CIVIL SOCIETY ORGANIZATIONS

The project strived to improve the legal environment for civil society organizations (CSOs) and amendment of regulations and improvement of practices to allow for a better involvement of CSOs in decision-making.

KEY RESULTS



2% LAW AND REGULATION The LRCM team successfully managed to advocate for the improvement of the legislative framework and the process of designing and implementing the percentage designation mechanism in Moldova (2017 and 2019) – a financial tool that strengthens CSOs financial sustainability and positively improves the visibility of the CSO sector. Since 2017, more than 1.3 million USD was raised for the CSO sector in Moldova. LRCM trained over 300 CSO representatives on how to apply and use the 2% mechanism, and launched a dedicated website, www.2procente.info, which hosts updated information on the progress of the mechanism in Moldova. LRCM monitored the implementation of the mechanism and drafted several [guidelines](#) and [infographics](#) explaining how to make use of the mechanism and how to conduct communication campaigns.

KEY RESULTS



THE NEW NCO LAW Successful advocacy for improvement of the legislative framework resulted in the adoption of a [new NGO law in Moldova](#) (2020). The law enshrines the best European standards on freedom of association, limits the mechanisms through which the authorities can put pressure on the CSO sector, and simplifies the CSOs' registration procedure and the rigid internal organizational structure.



PROTECTION OF CIVIL SOCIETY SPACE The LRCM team facilitated the design and creation of the monitoring instrument for the [attacks against civil society](#). Its main purpose is to draw attention on defamation and smear campaigns against CSOs and to determine public authorities, politicians, affiliated mass media, private institutions and individuals supporting those attacks to stop them and allow the CSOs to act freely. This document also aims to enable the CSOs to formulate a prompt response to attacks against them. More than 20 leading Moldovan CSOs endorse the document yearly.

INCREASE THE ACCOUNTABILITY AND TRANSPARENCY OF THE MOLDOVAN JUSTICE SYSTEM

The project monitored the implementation of the main policy documents related to judiciary, advocating for a more independent, transparent and accountable judiciary.

KEY RESULTS



THREATS TO JUDICIAL INDEPENDENCE WELL DOCUMENTED AND EXPOSED Judicial independence is at the core of a rule of law state. In a difficult political context, the project solidly contributed to limiting the continuous deterioration of the judiciary, in terms of transparency and independence. The project monitored and reacted or coordinated civil society responses to [systemic threats](#) against judicial independence, as well as individual cases, such as [judge Manole](#), [judge Munteanu](#). The project team collaborated with the [International Commission of Jurists](#) (ICJ) that carried out an [assessment on the independence of the Moldova's judiciary](#), concluding that Moldova remained a significant way from having a functionally independent judiciary and recommending a series of improvements. Civil society reactions and the ICJ report caught the attention of national and international stakeholders able to put pressure on Moldova's Government to improve the judicial independence in Moldova. They also sent an important supportive message to individual correct judges that are under undue pressure from the system.

KEY RESULTS



IMPROVED CRITERIA AND MECHANISMS FOR SELECTION, PROMOTION AND ACCOUNTABILITY OF JUDGES

Merit-based appointments in the judiciary and clear accountability rules are key for an independent and professional judiciary. LRCM successfully advocated for legislative amendments in these fields, as a first step for improving judicial independence and accountability. Appointment of judges based on evaluation results, with limited discretion of the Superior Council of Magistracy and through periodic contests, among other, [were introduced in 2018](#). The [disciplinary procedure](#) against judges was simplified (2018), although there is still room for improvements. LRCM [analysed the disciplinary mechanism](#) regarding judges and proposed improvements to be further implemented.



MONITORING OF THE SUPERIOR COUNCIL OF MAGISTRACY

The Superior Council of Magistracy (SCM) is the self-regulation judicial body, with wide competencies regarding judicial administration. Its functioning directly affects the entire judiciary. LRCM has consistently monitored the SCM sittings, raising awareness about its role among the journalists, media and the public. Our efforts have contributed to an increased media and public interest in the functioning of this important institution, and indirectly to its increased transparency. LRCM has successfully advocated for increasing the transparency of the SCM decision-making [through abolishment of the rule of taking decisions in-camera](#) and for [changes to its composition](#) to include a more representative proportion of judges to the system (in 2020). LRCM has also advocated for [transparent elections and appointments of members of the SCM](#), which are still not the rule.



POLICY AND RESEARCH ON THE JUSTICE REFORM PROGRES

More than 10 outstanding [series of policy and research documents](#) on judiciary affairs related to justice reform, administration of justice and judicial practice were produced and presented to national stakeholders. The project issued [quarterly newsletters](#) (in Romanian, English and Russian) presenting the most important developments related to the main areas of LRCM work – judiciary, human rights and civil society. Other 50 [legal opinions](#) were submitted to authorities on various topics related to the reform of justice and human rights, including comments for the [new justice development strategy](#) for 2021-2024.

PROMOTE EFFECTIVE IMPLEMENTATION OF EUROPEAN HUMAN RIGHTS STANDARDS IN MOLDOVA

The project monitored the implementation of the European Court of Human Rights (ECtHR) cases in Moldova, provided training of judges, prosecutors and lawyers on European Convention on Human Rights (ECHR) standards and advocated for setting up a new mechanism of supervision of execution of ECtHR judgements.

KEY RESULTS



PROMOTION OF SYSTEMIC CHANGES VIA STRATEGIC LITIGATION

The European Convention of Human Rights (ECHR) is directly applicable in the Moldovan legal system. In this context, the LRCM has taken several cases to the European Court of Human Rights (ECtHR), aimed at promoting systemic changes in the national legal system. One case has already been won, *Mătășaru v. Moldova* ([no. 69714/16](#)), setting a strong precedent to allow the genuine exercise of the right to protest and freedom of expression in the Republic of Moldova. Another four cases are pending, focused on issues regarding the freedom of association, independence of judges, security and privacy and family life. Seven briefs relating to [detention conditions](#), [forcible transfer and deprivation of liberty](#), [pre-trial arrest](#), and [ill-treatment](#) were sent to the [Committee of Ministers](#) to advocate for an effective execution ECtHR judgments implementation of ECtHR standards in Moldova.



AWARENESS RAISING ON ECHR

LRCM, in collaboration with lawyers from the ECtHR Registry, has organized a series of trainings for more than 100 lawyers, judges and prosecutors. They benefited from a solid learning experience on the practical application of the ECHR to help them better serve their clients. Statistical data concerning Moldova and [summarisation of judgements and decisions issued by the ECtHR](#) in Moldovan cases was also developed on early basis.



ADVOCACY FOR EFFECTIVE NATIONAL REMEDIES ON EQUALITY AND NON-DISCRIMINATION

The project advocated for improvements to the [legislative framework on combating hate speech](#) and hate crimes, and for [improvements to the national mechanism on equality and non-discrimination](#). The legislative amendments are pending. The project provided an [in-depth analysis](#) of the jurisprudence of courts in cases of discrimination, compliance with non-discrimination legislation and the functioning of the Equality Council, with the aim of strengthening the legal framework and practice of equality and non-discrimination in Moldova.

STRENGTHEN THE INSTITUTIONAL CAPACITY AND TO ENSURE THE SUSTAINABILITY OF LRCM

The project carried out a series of activities to improve LRCM institutional ability to monitor and react promptly to important decisions related to rule of law and human rights in Moldova.

KEY RESULTS



WATCHDOG COMPETENCIES AND PARTNERSHIPS DEVELOPED

LRCM has significantly expanded the scope of its work, from think-tank to watchdog organization, one of the most vocal voices in the civil society field in Moldova on justice, human rights and civic space. The LRCM transformation was determined by the complex and changed political context installed soon after the initiation of the project. The project played a crucial part in this transformation, allowing the LRCM team both flexibility to choose relevant activities for advancing democracy and rule of law in the country, and learning opportunities allowing the team to quickly adapt to the new changes. The LRCM also managed to become a pivotal organisation establishing partnership and cooperation in a network of national CSOs.



BLOCKING OR HIGHLIGHTING INITIATIVES DANGEROUS FOR MOLDOVA'S DEMOCRATIC DEVELOPMENT

The LRCM team, in partnership with other like-minded NGOs, successfully reacted to several legislative initiatives that were dangerous for the democratic development of Moldova. For example, the draft law on liberalisation of capital and fiscal amnesty (2017) was [withdrawn after negative opinions](#) from [civil society](#) experts and development partners were analysed. Another draft law, so-called the 'big brother' law, provided for introduction of general measures of supervision and wide competencies to law enforcement to access computer data, was stopped as a result of effective civil society interventions, including [LRCM](#).

PROJECT DURATION:

October 2016 – November 2020

TOTAL BUDGET:

\$ 1.2 million USD

ACTIVITY REPORTS:

<https://crjm.org/en/category/rapoarte-de-activitate/>

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