

DECLARATION ON SHRINKING SPACE FOR CIVIL SOCIETY IN MOLDOVA

12 September 2017,
Warsaw

Mr./Ms. Chairperson,
Dear Audience,

In light of relevant OSCE and international law commitments regarding respect for the freedoms of expression, association and assembly, civil society organizations from Moldova express deep concern about the worsening of their legal and operational environment.

While an increasing number of civil society organizations (CSOs) in Moldova are taking a stand with regard to actions aimed at weakening our democratic institutions (such as the recently adopted amendments to the electoral system), we are witnessing with concern numerous actions aimed to divide, discredit and discourage us from being vocal and from participating in public affairs. Affiliated mass-media conduct smear campaigns, portraying the non-profits as shady bodies hijacked by political interests, governmental agencies and ministries cause administrative harassment by refusing to provide access to public data or by excluding CSOs from ministerial working groups, whilst political leaders convey an aggressive rhetoric labelling CSOs as foreign agents. These orchestrated attacks are an indicator of a real danger for a normal functioning of CSOs in Moldova and a threat to democracy. Moreover, legislative initiatives accompany the mentioned attacks.

In August 2017, Ministry of Justice presented for public consultations draft provisions limiting foreign funding of non-commercial organizations. These provisions ban both foreign and public funding of CSOs involved in vaguely and broadly defined “political activities”. The draft also calls for additional reporting obligations for the non-profits and provides for harsh penalties for the failure to comply with the ban and reporting requirements. The proposal is a direct attack on CSOs that are active in promoting public policies or any other activities to develop participatory democracy. Besides their actual effect, such provisions are intended to portray civil society organizations receiving foreign funding (more than 80%) as acting against the interest of the society. Similar limitations are promoted in several OSCE member states and have been harshly criticized by the European Union and the Council of Europe.¹

In case of the adoption of the draft limiting the foreign funding of the CSOs, the provisions will have a disastrous effect on the not-for-profit sector in the Republic of Moldova. The absolute majority (at least 83%) of the civil society sector from Moldova is dependent on foreign funding. This is still a simple legislative initiative of the Ministry of Justice and not a law in force. However, the deteriorating daily context we operate in, as well as the existent consolidated political majority in Moldova supporting the hostile environment for civil society, suggest treating this initiative with utmost seriousness.

We urge the Government of Moldova to reconsider this draft initiative and uphold its international obligations and OSCE commitments to promote freedom of association and give up any initiative to impose restrictions on civil society from Moldova that can reduce the capacity of the civil society to genuinely participate in the policy decision making process.

We call on the representatives of public authorities, political parties and media institutions from Moldova **to refrain from attacks on civil society organizations that are active, independent and**

¹ In case of Hungary: The Venice Commission, Opinion 889/2017, available at: [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)015-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)015-e); Press release of the European Commission regarding the launch of the infringement procedure as of 13 July, available at: http://europa.eu/rapid/press-release_IP-17-1982_en.htm; In case of Azerbaijan: The Venice Commission, Opinion 787/2014, available at: [http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2014\)043-e](http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2014)043-e); In case of Russian Federation: ECtHR, ECODFENCE and Others v. Russia, communicated to Russia on 22 March 2017, <http://hudoc.echr.coe.int/eng?i=001-173049>.

have critical views on the initiatives of the authorities. We call for an open dialogue with all civil society organizations in order to promote the rule of law and reforms that are really necessary in the society.

At the same time, bearing in mind the growing restrictions on the freedoms of NGOs in the region, **we call on the international community to disapprove all actions that undermine freedom of association and expression in the Republic of Moldova. We also call on international community to encourage the Moldovan authorities to effectively uphold the international standards on freedom of association and take effective actions in developing a robust civil society in Moldova, rather than suppress it by direct and tacit actions.**

Thank you, Mr./Ms. Chairperson

Authors/Signatories



Legal Resources Centre from Moldova (LRCM) is a think tank with extensive expertise in analyzing the activity and reforming the justice sector, reporting on human rights and promoting reforms for an enabling environment for civil society organizations. LRCM operates in the Republic of Moldova. More information about LRCM can be found at www.crjm.org



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. More information about Promo-LEX can be found at www.promolex.md



The Institute for Public Policy (IPP) is a non-affiliated organization. Its goal is to contribute to the development of the Republic of Moldova in the spirit of an open, participatory and pluralist society, committed to democratic values. More information about IPP can be found at www.ipp.md



Human Rights Embassy (HRE) is international human rights NGO based in Chisinau, Moldova, focused on professional development trainings on human rights standards and mechanisms for legal professionals (defence lawyers, judges, prosecutors, and police officers), NGOs and Mass-Media, as well as on legal aid, litigation of human rights violation cases and raising awareness on human rights protection mechanisms. HRE operates in Moldova, CIS region and internationally. More information about HRE can be found at www.humanrightsembassy.org



Association of Independent Press (API) is one of the most important media organizations in the Republic of Moldova that promotes and assists independent media and apolitical journalists. API promotes the principles of free press and contributes to the development of open society in the Republic of Moldova. More information about API can be found at www.api.md



EXPERT-GRUP is a Moldovan non-governmental and not-for-profit organization that specializes in economic and policy research. EXPERT-GRUP does not represent any economic, corporate or political interests. As an independent organization, EXPERT-GRUP reflects the ideals of the young Moldovan intellectuals who have created the institution with the purpose of contributing to Moldova's development. More information about Expert-Grup can be found at www.expert-grup.org



Amnesty International Moldova (AIM). Information about AIM can be found at www.amnesty.md



CPR Moldova – „Reforms should be seen in real life, not on paper or on TV. More information about CPR can be found at: www.cpr.md



Transparency International Moldova (TI). Information about TI Moldova can be found at: www.transparency.md



WatchDog.MD Community – Information about WatchDog Community can be found at www.facebook.com/watchdogmd/



Association for Efficient and Responsible Governance (AGER) is a public association whose main aim is to promote good governance overall through consultancy and policy reform in public administration. More information about AGER can be found at www.ager.md



Center Partnership for Development works to promote and advance gender equality and non-discrimination in Moldova through policy analysis, advocacy and community empowerment programs. More information about Center Partnership for Development can be found at www.progen.md



The Center for Health Policies and Studies (PAS Center) is a Moldovan, independent, non-profit, non-political organization. The Mission of the PAS Center is to build up a democratic society through improvement and development of health and social sectors, policy advocacy and evaluation, capacity building and reform supporting. More information about PAS Center can be found at www.pas.md