

ACTIVITY REPORT

2018

LRCM

LEGAL
RESOURCES CENTRE
FROM MOLDOVA

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About LRCM

Identity

The Legal Resources Centre from Moldova (LRCM) is a non-profit organization that contributes to strengthening democracy and the rule of law in the Republic of Moldova with emphasis on justice and human rights. Our work includes research and advocacy. We are independent and politically non-affiliated.

Vision

We live in a democratic and prosperous country where people are free and accountable, live in safety, enjoy equal opportunities, are protected by law, trust the justice and are confident in their future.

Mission

The LRCM promotes an independent, efficient, and accountable judiciary, respect of human rights, an enabling environment for civil society and democracy. We identify problems with systemic impact in these domains, bring them into the public agenda, propose solutions, react to abuses and mobilize partners for changes for the better.

Values

The LRCM believes in democracy, rule of law, respect for human rights and values of an open society.

Principles

The LRCM is guided by the following principles:

- Professionalism
- Integrity and transparency
- Respect for professional ethics
- Human rights approach
- Pro-active and constructive attitude towards change for the better
- Collegiate spirit and participatory approach to strategic decision making
- Gender balance
- Political non-affiliation

LRCM Team

Vladislav GRIBINCEA, Executive Director
Nadejda HRIPTIEVSCHI, Program Director
Sorina MACRINICI, Program Director
Ion GUZUN, Legal Officer
Ilie CHIRTOACĂ, Legal Officer
Daniel GOINIC, Legal Officer
Dumitru AMBROCI, Legal Officer
Victoria VIRSCHI, Legal Officer
Olga BURUCENCO, Director of Administrative Service
Aurelia CELAC, Accounting and Financial Manager
Natalia ȘEREMET, Web and Social Media Manager
Mihaela CIBOTARU, Communication Coordinator

LRCM board of management

Tatiana RĂDUCANU, President (since June 2018)
Arcadie BARBĂROȘIE, President (until June 2018, afterwards the member of the Administration Board)
Corina CEPOI
Peter-Vlad IANUȘEVICI
Elena PROHNÎȚCHI
Nicolae ROȘCA (until June 2018)

LRCM members

Raisa BOTEZATU
Andrei BRIGHIDIN
Vladislav GRIBINCEA
Ion GUZUN
Nadejda HRIPTIEVSCHI
Elena LEȘAN
Sorina MACRINICI
Cristina MARTIN
Veronica MIHAILOV-MORARU
Ana REVENCO
Nicolae ROȘCA
Corneliu RUSNAC
Octavian ȚÎCU

LRCM supporters and donors

United States Agency for International Development (USAID)
Embassy of the United States of America
Embassy of the Kingdom of the Netherlands to Romania
Delegation of the European Union to the Republic of Moldova
Open Society Foundations
Soros Foundation-Moldova
European Centre for Not-for-Profit Law (ECNL)

MESSAGE OF THE EXECUTIVE DIRECTOR



2018 was a predictable, but not a pleasant continuation of 2017 at all. The general climate in the country has become progressively worse. The elections of the Mayor of Chisinau were invalidated, the judiciary practically did not react to the derailment of the executive and the legislature, the authorities continued the attacks against the civil society, and the way of appointment of the key persons in the judiciary was neither transparent nor based on merit. Numerous justice and civil society previously initiated projects were blocked by central public authorities, while other initiatives have been launched, which derailed from previously promoted policies. For these reasons, in 2018 we cooperated less with public authorities on drafting of legislation and focused more on initiatives or attacks launched by the authorities. Particular attention has been paid to strengthening of the civil society.

The activities of the Legal Resources Centre from Moldova (LRCM) in the field of justice have been marked by the uncertainty of the justice reforms envisaged, lower openness of the representatives of the judiciary to genuine reforms and attempts to silence critical opinions within the judiciary. In 2018 we paid particular attention to the transparency of the judiciary and measures that could undermine the independence of judges and the fight against corruption. We continued to monitor the activity of the Superior Council of Magistracy (SCM) and informed the society about its activity.

The LRCM continued its information and training activities in the field of human rights and consolidation of civil society in the Republic of Moldova. We have informed the Council of Europe, European Union and other development partners of the level of respect for human rights in the country. We have publicly reacted to particularly serious violations of human rights and requested to hold the perpetrators accountable, although with little success. To increase the level of education amongst young people in the spirit of democracy, the LRCM organized public lectures at universities.

Criticism expressed by several civil society organizations (CSOs) towards the problematic policies promoted by the authorities has led to tough attacks of the governance aiming to discredit and divide CSOs. The LRCM, together with other organizations, has published a document regarding the attacks on civil society, to highlight this issue and discourage such practices in future. At the same time, together with other non-governmental organizations (NGOs), we have monitored the implementation of the priority reforms undertaken by the Government. In 2018, the percentage designation mechanism (2% Law) was applied again, for the second consecutive year. In 2018, we continued to promote it, both among the CSOs and taxpayers.

In 2018 the Association became even more visible, especially among the general public, due to interviews given to the main independent media sources, film screenings, events organised in the regions and activity carried out within the social networks.

Using this opportunity, on behalf of the LRCM team, I would like to express gratitude and thank all the partners, supporters and donors of the LRCM for good collaboration and support of our activities, as well as promotion of common goals. I am also deeply grateful to members of LRCM Board, Association members and the LRCM team for commitment and engagement.

Vladislav GRIBINCEA

Executive Director, Legal Resources Centre from Moldova

A stylized, handwritten signature in blue ink, appearing to read 'V. Grincea'.



Diploma and award granted to the Legal Resources Centre from Moldova at the European Union Awards Gala for Civil Society

LRCM – winner of the European Union awards for civil society

On 12 May 2018, the European Union awarded the achievements and initiatives of the CSOs that had a positive impact on democracy, economic development and social cohesion in the Republic of Moldova. [The LRCM was among the award winners](#), receiving the special award “ADVOCACY for CHANGE” for the implementation of the project [Promoting Equality - Strengthening the Agents of Change](#). The project was aimed at increasing the awareness of the public on equality and non-discrimination in the Republic of Moldova.

Enhancing the independence, efficiency and accountability of the judiciary

I. Selection and promotion of judges

In 2018, the Parliament [amended the procedure for appointment and promotion of judges](#). These amendments are in line with the [LRCM recommendations](#). The new amendments concern the selection processes, requiring the Superior Council of Magistracy (SCM) to announce openly all vacancies from the system and give the right to the competitive candidates with the highest score to primarily choose the desired available position. These amendments encourage the candidates' excellence and create prerequisites for selection and promotion of judges based on merit.

The LRCM continued to monitor the activity of the SCM. We continued to monitor the appointment and promotion of judges. We were interested in whether the appointments are based on merit, which is an essential condition for the independence of judges. The appointments to the Supreme Court of Justice (SCJ) and the Constitutional Court (CCM) done in 2018 could have hardly been considered merit-based. The SCM, as a rule, does not motivate its decisions regarding the contest, discouraging good candidates from participation in the contest again. In most of the contests for the position of a judge at the SCJ or for other chief positions, only one candidate participated, which was an increasingly widely spread practice in 2017-2018. As a result, the selection processes turned to be, de facto, appointments of the desired candidate.

The LRCM reacted to non-transparent appointments in the judiciary. Together with other CSOs, we [condemned the hasty, secret and political appointment](#) of three judges to the CCM. We have urged the SCM, the Government and the Parliament to develop clear procedures for the appointment of judges to the CCM, which would be transparent and ensure the appointment of constitutional judges based on merit.

II. Independence, impartiality and accountability of judges

The Law on Disciplinary Liability of Judges was fundamentally amended in July 2018. The amendments took into account some of the [recommendations made by the LRCM](#) related to simplification of the procedure for examining disciplinary cases against judges. In particular, the procedure for the examination of manifestly unfounded complaints was simplified, the powers of the Judicial Inspection were widened and the meaning of some disciplinary offences was clarified.

In 2018, the LRCM analysed how uniform was [the court practice in cases involving the integrity of the public officials](#) in 2014-2018. We have found that many judicial solutions regarding the declaration of assets were inconsistent. We also monitored several high-profile cases of selective justice and published two infographics, one reflecting the comparison of [Filat, Platon and Shor cases](#), and another on [the penalties for corruption applied to high-ranking officials](#). They have been viewed by over 13,000 persons on social networks only. Being driven by the 20 convictions of the Republic of Moldova at the European Court of Human Rights (ECtHR), [we analysed how uniform is the SCJ practice](#) regarding the admission of revision requests in civil cases. 70 judgements of the SCJ were studied within the framework of the research. The authors of the analysis had serious doubts whether sufficient grounds existed for revision in 28 out of 70 judgements (40%).

Launch of the analytical document "Admission of revision requests in civil cases – is the practice of the Supreme Court of Justice uniform?"



In November 2018, CBS AXA, at the request of the LRCM, conducted [a survey](#) among lawyers. The survey aimed to identify perceptions regarding the independence, efficiency and accountability of the judiciary and the impact of some reforms in the judiciary. The SCM and the Prosecutor General's Office did not approve questioning of judges and, respectively, prosecutors within the framework of this survey. For this reason, the lawyers were questioned only. The results are not satisfying at all: only 48% of respondents consider that the reform of the judiciary has had a positive impact on the judiciary. 44% of respondents acknowledge the quality of justice as being worse than in 2011. 81% of the respondents do not believe that the judges of the Republic of Moldova are independent. With regards to the solutions given by judges of the Republic of Moldova, 65% of lawyers do not consider them fair and adopted without any external influence.

Together with other CSOs, the LRCM criticized the initiative to amend the [rules on the publication of judgements](#), promoted by the National Centre for Personal Data Protection (NCPDP). The amendments extended the categories of court decisions that should not be published on the web and required the anonymization of all judgements. The SCM did not support these amendments. However, the problem did not disappear. A new package of laws on personal data protection is being promoted in the Parliament. It imposes the obligation to anonymize all court judgements.

In order to communicate to the European Parliament, the LRCM [has analysed](#) the major challenges of the judiciary of the Republic of Moldova and how they can be addressed. The document contains specific recommendations on how to redress the deplorable state of the judiciary.

Respect for human rights

In January 2018, the LRCM published the traditional [analysis of the situation of the Republic of Moldova at the ECtHR](#) for the previous year. In 2017, Moldova ranked 5th out of 47 member countries by the number of applications submitted to the ECtHR. The most frequent types of violations found in Moldovan cases are non-enforcement of court judgements (old judgements), ill-treatment, inappropriate investigation of ill-treatment and deaths, detention in bad conditions, arbitrary detention and unlawful quashing of final court judgements. LRCM also summarised the [violations from the ECtHR judgements adopted within 1997-2017](#) in Moldovan cases. The LRCM also informed the Committee of Ministers of the Council of Europe [about the conditions of detention](#) and [investigation of torture](#) in the Republic of Moldova. 24 lawyers [were trained](#) about the fairness guarantees in the criminal proceedings.

Presentation of the analytical document regarding the situation of the Republic of Moldova at the ECtHR



The large number of arrests and wire-tapings implicitly confirms the existence of systemic problems. Apparently, one of these is the activity of the judges who authorize these measures (investigative judges). The LRCM [analysed](#) the effectiveness and challenges of the investigative judges' institution in order to provide additional protection for human rights in criminal proceedings. We have found that, although in the last ten years the workload of investigative judges almost tripled, the number of investigative judges did not change significantly. This is undoubtedly questioning the quality of their work. The fact that many investigative judges are former prosecutors or criminal investigators also affects their attitude. The LRCM recommended introducing a legal ban for the judges to serve as investigative judge unless they have few years of experience balancing their workload and ensuring more rigorous control of their activity.

Participants at the training on the European Convention on Human Rights (ECHR)



In 2018 we continued our activity on information and training in the field of human rights. About 280 students were informed about the rule of law and human rights at [public lectures](#) and during [film screenings](#). Because of delayed funding, the summer school scheduled for 2018 took place in January 2019.

Launch of the document “Fifteen Years of Investigative Judges’ institute: Achievements and Prospects for the Future”



The film "Looking into the soul - about the profession of judge" screened to lawyers



Large-scale protests were announced for August 2018. In order to ensure the right to peaceful protest, the LRCM prepared [recommendations for protesters](#), explaining what is allowed and what is forbidden at the protest, and how to file a complaint against the authorities' abuses towards protesters. Also, the LRCM, alongside with other NGOs, criticized the behaviour of the authorities at the protest held on 26-27 August and 1 September 2018.

In September 2018, the LRCM, together with other NGOs, [publicly reacted to the abusive expulsion of seven Turkish citizens](#) from the country and [urged](#) that those responsible of that abuse to be hold accountable. We also [spoke against](#) the hate speech of politicians, requesting the prosecution to take necessary measures. Prosecutors did not react to our requests, as they have not seen any appearance of offence.

Promoting an enabling environment for the development of civil society and democracy

I. Policy monitoring

In October 2017, the LRCM, together with [Expert-Grup](#) and [ADEPT](#), continued the process of monitoring the implementation of the priority reforms undertaken by the Government and the Parliament in relation to the European Union. The purpose of the monitoring was to provide an independent opinion on the implementation of the reforms and holding the government accountable. The results of the monitoring, published in 2018, showed that 55% of the proposed actions were fulfilled. The highest level of achievements was estimated for the domain of “Governance in the Financial and Banking Sector”, with “Justice and Combating Corruption” domain being on the opposite side. The LRCM also analysed [the degree of compliance of the Republic of Moldova with the commitments of the Association Agreement](#) concerning civil society.

Presentation of the Final Monitoring Report on the Implementation of the Priority Reform Action Roadmap



II. Civil society

On 18 May 2018, the [Civil Society Development Strategy \(CSDS\)](#) for 2018-2020 and the Action Plan for Strategy Implementation were published. The LRCM contributed to their improvement, particularly with regard to the financial sustainability of CSOs.

In May 2018, the LRCM and 35 other CSOs [requested](#) the Parliament to adopt the Draft Law on Non-Commercial Organizations in the final reading. This request was also supported by the EU Ambassador

to Chisinau Mr. Peter MICHALKO and Director of the USAID Mission to Moldova Ms. Karen HILLIARD. Unfortunately, the draft has not yet been adopted.

Transparency in the decision-making process is an important component of the rule of law. The practices in this domain in the Republic of Moldova are often problematic. For this reason, the LRCM has followed up this area. In October 2018, the LRCM [published an analysis](#) of the legislative framework and practice regarding the transparency of decision-making process at the Parliamentary level. The document contains recommendations for the Parliament to improve public consultation processes for draft acts and access to information. In the same context, the LRCM [requested](#) the Parliament to organize public debates before the adoption of the new Code of Parliamentary Procedures. The consultations were not organized, but the Code was not adopted in the final version either.

In 2017, the CSOs from Moldova continued to be the target of the attacks. The purpose of these attacks seems to be the defamation of the CSOs and deterrence of the NGO sector from active involvement in public affairs or criticizing the initiatives of the Government. The LRCM, along with 16 other organizations, [published](#) a joint document that presents over 30 attacks against civil society launched by public officials, bloggers, and media affiliated to the power.

The LRCM was one of the main promoters of introducing the taxpayers' right to allocate 2% of their income tax to an NGO (2% mechanism). The mechanism was introduced in 2016 and is applied since 2017 onwards. The LRCM summed up the [results of the first year of implementation of the 2% Law](#). 2018 was the second year of implementation of the 2% mechanism, and the statistical data confirms that the mechanism is becoming more and more popular. 28,388 taxpayers designated 2% of their income tax in 2018. It is by 34% more than in 2017, and the total transferred amount doubled compared to 2017.

In order to promote the 2% mechanism, the LRCM continued trainings for NGOs. They were attended by 91 persons. For the same purpose, we have developed a set of [informative materials](#) for the beneficiaries of the 2% mechanism on how to plan and carry out an effective promotion campaign. In September 2018, we [discussed with authorities](#) the optimizations needed to make the 2% mechanism more efficient. Many of the [LRCM proposals](#) were accepted by the Government. These refer to notification of the NGOs about the existence of debts to the state, informing the taxpayer on the validation of the designation and generation of data for NGOs about taxpayers who have designated sums for their benefit.

Meeting with representatives of the authorities regarding the optimization and streamlining of the 2 % mechanism



III. Combating corruption

Together with other civil CSOs, the LRCM [has publicly condemned](#) the adoption of legislation on capital amnesty. Basically, it represented an amnesty of the capital obtained from dubious sources. Despite our requests, the law was quickly adopted by the Parliament and promulgated by the President.

In the summer of 2018, the strategy for bank fraud recovery was made public. [The LRCM analysed this strategy](#) and found that the exact amount of money stolen from the banking system is not known. The Strategy does not mention that, after three years of investigation, no stolen money has yet been recovered. The strategy also contains contradictory information or the date is presented in a manipulative fashion. It is also not clear who approved the strategy and what is the degree of commitment to its successful implementation.

Throughout 2018, the LRCM developed informative materials on [the activity of the National Integrity Authority \(NIA\)](#) and [integrity inspectors](#), as well as on [the certificate of integrity](#). Other materials, including video clips, focused on [conflict of interest](#), [verification of civil servants assets](#) and [the risks of corruption acts](#). The materials were widely taken over by the media and distributed by the NIA.

2018

LRCM in figures

REPORTS AND OTHER
PUBLICATIONS

14

2017
14



LEGAL OPINIONS

10

2017
14



APPEALS/STATEMENTS

22

2017
28



MASS MEDIA
APPEARANCES

394

2017
661



VIDEO CLIPS

4

2017
0



OTHER
PUBLIC EVENTS

12

(over 320 participants)

2017
11



INFOGRAPHICS

8

(over 3.000 views)

2017
3



SEMINARS AND PUBLIC
LECTURES

13

(over 380 participants)

2017
8



FILM SCREENINGS

11

(about 300 participants)

2017
13



Facebook / LIKES*

f 5,845
4,694 / 2017

Twitter / FOLLOWERS*

t 256
147 / 2017

Subscribers to
the LRCM news*

e 1200

* On 31 December

Financing sources¹

US Agency for International Development USAID - grant agreement no. AID-117-A-1600003 (USAID RoL)
Embassy of the Netherlands - grant contract no. 4000000535 (DEJ)
US State Department - grant contract no. S-INLEC-17-GR-0059 (INL)
European Non-Profit Center for Law - grant contract f / no. (ECNL2 ECNL3)
Swedish Agency for International Development SIDA - grant agreement no. 12136 (SIDA)
Embassy of the Netherlands, Agreement BKR-18-MATRA-02 \ (MATRA-IS)
Independent Analytical Center Expert-Group - service contract no PRAR-2/2 (PRAR2)
Soros-Moldova Foundation - agreement for the provision of services no. nr.25 BG 2017 \ (FSM BG3)
Cash inflow from sales of fixed assets
Percentage designation 2%
Self-financing fund LRCM

Sources of financing USD

Sources of financing EUR

Sources of financing MDL

Total sources of financing, MDL equivalent

NOTE: **Total financing 2018** – equivalent of **USD 575,902**.
Total cumulative financing – equivalent of **USD 2,307,491**
Total uses of funds 2018 – equivalent of **USD 599,020**.
Total cumulative uses of funds – equivalent of **USD 2,226,439**.
The official average exchange rate for 2018 – 16.8031 MDL/USD.

¹ Excerpt from Audit report of the LRCM for 2018

Currency	Year 2018		Cumulative		Budget
	MDL	USD/EUR	MDL	USD/EUR	
USD	4,381,733	256,886	9,454,030	602,964	1,200,000
EUR	101,769	5,289	901,220	42,789	42,675
USD	1,753,044	105,917	4,258,077	241,936	249,981
USD	664,130	39,757	664,130	39,757	40,174
USD	1,734,448	101,662	1,734,448	101,662	625,000
EUR	872,380	44,718	872,380	44,718	103,672
USD	96,295	-	96,295	-	96,295
MDL	27,782	-	27,782	-	27,782
MDL	15,151	-	-	-	-
MDL	6,142	-	-	-	-
MDL	24,067	-	-	-	-
	6,895,202	504,222			
	2,708,597	50,007			
	73,142	-			
	9,676,941	554,229			

Balance sheet of the LRCM ²

	31 December 2018 MDL	31 December 2017 MDL
Non-current assets		
Intangible Assets	18,065	34,772
Property, plant and equipment	350,545	358,593
TOTAL NON-CURRENT ASSETS	368,610	393,365
Current assets		
Accounts receivable	491	5,549
Receivables related to special purpose funds	914,004	271,860
Receivables related to the budget	-	-
Cash	1,491,420	1,126,758
Current financial investments	1,325,767	753,110
Low value items	46,517	43,818
Deferred expenditure	-	624
TOTAL CURRENT ASSETS	3,778,199	2,201,719
TOTAL ASSETS	4,146,809	2,595,084
Equity and liabilities		
Equity		
Net surplus	44,636	35,336
Non-current assets fund	368,610	393,364
Self-financing fund	1,281,673	1,002,813
TOTAL EQUITY	1,694,919	1,431,513
Current liabilities		
Special purpose financing and receipts	1,935,220	836,484
Commercial liabilities and advances received	6,909	3,401
Payables on settlements with the budget	-	-
Deferred income	55,190	51,826
Other current liabilities	454,571	271,860
TOTAL CURRENT LIABILITIES	2,451,890	1,163,571
TOTAL EQUITY AND LIABILITIES	4,146,809	2,595,084

² Excerpt from Audit report of the LRCM for 2018

Situation on income and expenditure ³

	2018	2017
Income related to special purpose funds	7,787,062	7,633,242
Expenditure related to special purpose funds	(7,771,911)	(7,633,242)
Surplus related to special purpose funds	15,151	
Income from economic activity	124,077	350,590
Expenses from economic activity	(94,592)	(315,254)
Profit from economic activity	29,485	35,336
Net surplus	44,636	35,3366

³ Excerpt from Audit report of the LRCM for 2018

Legal Resources Centre from Moldova

📍 33, A. Sciusev 33, MD-2001
Chisinau, Republic of Moldova

☎ +37322843601

☎ +37322843602

@ contact@crjm.org

🌐 www.crjm.org

📘 CRJM.org

🐦 CRJMoldova

🏠 CRJM

