

NEWSLETTER

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IN BRIEF

FACTS AND FIGURES ABOUT THE PRESIDENTIAL ELECTIONS AND THE REPUBLICAN CONSTITUTIONAL REFERENDUM

On 20 October 2024, the presidential elections and the referendum on amending the Constitution in view of Moldova's accession to the European Union (EU) were held simultaneously. **1,562,705 people** participated in the presidential elections, with a turnout rate of 51.68%. In the 231 polling stations opened abroad, 240,548 voters (15.39%) cast 240,548 votes, while 16,131 votes (1%) were cast by voters from the left bank of the Nistru River.

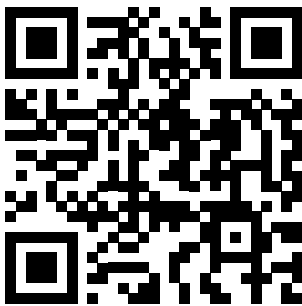
Maia Sandu, the incumbent president and the Action and Solidarity Party candidate, obtained the highest number of votes – 42.49%. Alexandr Stoianoglo, the candidate of the Party of Socialists of the Republic of Moldova, came second with 25.95% of the votes. The other candidates were voted for as follows: Renato Usatii of the Our Party – 13.79%, independent candidates Irina Vlah – 5.38% and Victoria Furtună – 4.45%, Vasile Tarlev, candidate of the Party for the Future of Moldova – 3.19%, Ion Chicu, the candidate of the Party for Development and Consolidation of Moldova – 2.06%, Octavian Țicu, the candidate of the Electoral Bloc "Together" – 0.93%, and independent candidates Andrei Nastase – 0.64%, Natalia Morari – 0.61% and Tudor Ulianoschi – 0.52%. The first two candidates were promoted in the second round of the elections, as neither received at least half the total votes.

In the republican constitutional referendum, citizens voted YES or NO to the question, "Do you support amending the Constitution in view of Moldova's accession to the EU?". A total of 1,532,264 citizens (50.72%) cast their ballots, of which 50.35% supported the amendment of the Constitution. On 31 October 2024, the Constitutional Court (CC) validated the referendum results. It ruled that the proposed amendment does not affect the Republic of Moldova's sovereign, independent and unitary character, nor its permanent neutral status. On 5 November 2024, the amendment **entered into force** with the publication of the CC ruling in the Official Gazette.

On 3 November 2024, **1,699,945 people** exercised their right to vote in the second round of the presidential elections, with a turnout rate of 54.34%, 2.66% more than in the first round. Diaspora turnout increased



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LEGAL RESOURCES CENTRE FROM MOLDOVA



33, A. Șciusev st.,
MD-2001, Chișinău,
Republic of Moldova



+373 22 84 36 01



+373 22 84 36 02



contact@crjm.org



www.crjm.org



crjm.org



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On 20 October 2024, in addition to the presidential elections, the republican referendum on amending the Constitution in view of Moldova's accession to the EU took place. The Constitutional Court confirmed the referendum result and allowed the amendment of the Constitution.

by 4% compared to the first round, while voters from the left bank of the Nistru River increased by 0.54%. Following the vote count, Maia Sandu won the election with 55.35% of the votes and was re-elected President of the Republic of Moldova, while her opponent Alexandr Stoianoglo obtained 44.65% of the votes.

For the first time, [postal voting](#) was implemented (in both rounds) for Moldovan citizens entitled to vote in the USA, Canada, Norway, Sweden, Iceland, Norway, Iceland and Finland (details in [Newsletter no. 67](#)). According to the Central Electoral Commission (CEC), [1,344 citizens](#) cast their postal votes in the presidential elections and the constitutional referendum of 20 October, with [1,447 citizens](#) participating in the second round.

Compared to the [snap parliamentary elections](#) of 11 July 2021, 81 additional polling stations were opened. At the same time, the [number of](#) polling stations in the Russian Federation was [reduced](#) to five, but the CEC decided to open only [two polling stations](#). This decision was taken after receiving the opinion of the Ministry of Foreign Affairs and the Security and Intelligence Service, which are aimed at protecting the life and bodily integrity of citizens participating in the vote, as well as "the security of the electoral process in polling stations in states on whose territories military actions are being carried out".

On 6 November 2024, the Civic Coalition for Free and Fair Elections [found that](#), despite legislative and institutional improvements, the 2024 electoral process was marred by influences that affected the freedom and fairness of the elections. It cited the unprecedented scale of external interference through illegal campaign financing, voter corruption, and disinformation campaigns, as well as the use of administrative resources for electoral purposes, hate speech, and social division.

VETTING COMMISSION: FINAL DECISIONS ON CANDIDATES FOR THE SCM BOARDS. SITTING SCJ JUDGES' EVALUATIONS ALSO FINALISED

On [3 October](#) and [5 October 2024](#), the Vetting Commission (the Commission) announced the results of evaluating six candidates for specialised Boards under the Superior Council of Magistracy (SCM). The Commission assessed their compliance with the [criteria of](#) financial and ethical [integrity](#).

According to the Commission, Natalia Bondarenco, Lilia Potînga and Lucia Bagrin, candidates for the Disciplinary Board, passed the evaluation (more details in [Newsletter no. 73](#)). In contrast, [Ion Buruiană](#) and Sofia Aramă did not pass the evaluation (more information in [Newsletter no. 65](#) and [Newsletter no. 70](#), respectively). Similarly, [Eugeniu Beșelea](#), a candidate running for membership of the Board for the Selection and Evaluation of Judges, passed the evaluation (more details in [Newsletter no. 73](#)).

On 11 October 2024, the Commission completed the evaluation of the 25 candidates running for the two specialised boards of the SCM. Of the 13

17 of 25 candidates running for membership at the SCM specialised boards passed the external evaluation.

candidates for membership of the Board for the Selection and Evaluation of Judges, one candidate withdrew from the competition, and the SCM withdrew another candidate. The remaining candidates passed the evaluation, with a pass rate of 85% of the total number of candidates registered in the evaluation process. On the other hand, of the 12 candidates for the Disciplinary Board, three withdrew or were withdrawn by the SCM during the process. Six candidates passed, and three did not pass the assessment, with a pass rate of 50% of the total number of candidates.

On 1 October 2024, the Commission published the [report](#) on the failure of Dorin Munteanu, a candidate running for Superior Court of Justice (SCJ) membership, to pass the evaluation (more information on the candidate in [Newsletter no. 70](#)). On 29 October 2024, the SCM [accepted the report](#) and found that the candidate failed the evaluation and ordered to dismiss him from the position of judge. On 6 November 2024, the Commission [announced](#) that Mariana Ursachi (Pitic), a candidate running for SCJ judgeship (more details in Newsletters [no. 73](#) and [no. 70](#)), failed the evaluation. The judge did not attend the hearings; thus, the Commission finalised the assessment based on the information gathered. The SCM will now reach a decision on the evaluation report.

The Commission completed evaluating the SCJ sitting judges when the law on the SCJ vetting entered into force. Still, it *will evaluate as many candidates as necessary to fill all SCJ vacancies*.

THE SCJ HAS IRREVOCABLY SOLVED THE FIRST APPEAL OF THE CANDIDATES FOR THE SCJ JUDGESHIP

In October, the Supreme Court of Justice (SCJ) published the [reasoned judgment](#) on the first appeal solved under the [law on the external evaluation of judges and candidates running for SCJ judgeship \(Vetting Law\)](#). The case concerns the appeal filed by a lawyer against his failing the evaluation. The Vetting Commission (the Commission) identified a considerable discrepancy (almost 600,000 MDL) between the candidate's income and expenses during the assessed period.

The applicant argued that she had several cash assets obtained before the beginning of the evaluation period, which she did not declare "by mistake". The applicant also disagreed with the Commission's calculations of her consumption expenses, arguing that they were much higher than her actual expenses. The applicant claimed expenses of about 12,000 MDL per year, as opposed to the Commission's estimate of about 65,000 MDL per year, which would have reduced the discrepancy. The applicant also disagreed that the Commission's verifications included the years 2001-2010 (exceeding the 12 years required by law) and with the Commission's approach that did not interpret the doubts in favour of the candidate, as required by the Administrative Code.

The SCJ noted several important findings in this case that will impact future

SCJ – any savings candidates declare, including those obtained before the evaluated period, may be verified to establish their source.

evaluations. Starting specifically from the difference in income found and the candidate's argument that she had cash savings before the evaluation, the SCJ established that the Commission has the task of verifying all savings that the subject uses during the evaluation period to justify expenses. Thus, if a candidate declares savings obtained before the evaluation, the Commission must verify the origin of this money.

Likewise, the SCJ established that the provisions of the Vetting Law are special to those of the Administrative Code. As long as contradictions with the principles of the Administrative Code have not been established, the provisions of this law shall take precedence over the provisions of the Administrative Code. For matters not regulated by the Vetting Law, the provisions of the Code shall apply to the extent that they do not contradict the purpose of the Vetting Law. Concerning the burden of proof, the SCJ held that if the Commission's doubts result from objective factual circumstances, it is up to the subject of the evaluation to prove that the Commission's doubt is unfounded. Failure to meet this burden results in doubts being maintained, leading to the failure of the evaluation.

Concerning the methodology for calculating the consumption expenditure of the population, the SCJ noted that it has certain limitations. For example, the goods received free of charge are reported, according to the Commission's methodology, as having been purchased, and the margin of error of the data obtained is +/-5%. These limitations can probably be treated in the applicant's favour. At the same time, the competence of the SCJ to examine appeals filed under the Vetting Law, the SCJ may reach a different conclusion from the SCM or the Commission. Therefore, the SCJ may decide, in the same case, that some serious doubts found by the SCM do not stand, while others do. Should the court be suspicious of at least one fact, it can find that the candidate failed the evaluation.

THE DIGEST OF THE HEARINGS OF CANDIDATES RUNNING FOR MEMBERSHIP OF THE SCP BOARDS

On 7 November 2024, the Commission for the Evaluation of Prosecutors (the Commission) [issued a decision](#) on Nicolae Zanevici, a candidate running for membership in the Board for the Selection and Evaluation of Prosecutors under the Supreme Council of Prosecutors (SCP). At the [hearing](#) held on 29 September 2024, he was asked about a plot of land granted by the City Hall of Straseni to build a house, a project he did not realise. According to the candidate, the land did not meet the requirements for construction. It was donated to his father so that he could participate in a programme run by the Prosecutor General's Office to improve the living conditions of prosecutors. They also discussed the 2013 decision of the Disciplinary Board related to possible violations of the rules of ethics and criminal procedure in a tax evasion case, which ended without disciplinary sanctions. Ultimately, the Commission found that Zanevich met the ethical and financial integrity criteria, thus promoting the evaluation.

In October 2024, the Commission further interviewed candidates running for membership in the Board for the Selection and Evaluation of Prosecutors. Thus, [Valeriu Sirbu](#), a prosecutor in the Prosecutor's Office for Combating Organized Crime and Special Cases, was questioned about the source of significant donations received from relatives and reported in his asset declarations, the opening of six bank accounts in six different banks with amounts between 10,000 EUR and 15,000 EUR, as well as additional cash savings identified in 2023. The Commission also asked him to explain how he purchased a car in 2016 and sold it in 2023 at a considerably higher price, how he bought a house in 2010 and the transactions in the process.

[Octavian Lazarev](#), a prosecutor at the Chisinau Municipal Prosecutor's Office, was asked about his failure to report a donation from his parents and child-raising allowances from the Romanian Government in his asset declarations. The Commission also asked him to explain how he purchased a house in the town of Stăuceni in 2011 for 23,120 MDL, which the Commission said was below market value. He was also asked about the ethical nature of serving as a contact person for the company owned by his wife.

[Grigore Niculiță](#), a prosecutor in the Anticorruption Prosecutor's Office (APO), was asked how he purchased an apartment in 2015 at a price below market value. It also asked how he bought a car in 2017, for which he noted in the 2017-2022 wealth declarations that he paid 17,000 EUR, which does not correspond to the amount of 10,000 MDL specified in the sale-purchase contract.

[Dumitru Triboi](#), chief prosecutor of the Ungheni District Prosecutor's Office, was asked to clarify the data in his asset declarations from 2012 to 2019. The questions focused, in particular, on his wife's income from running a stall at the market on a license basis and from her position as a sales assistant in a furniture salon. He was also questioned about the source of the funds that enabled the purchase of a car in 2012. The Commission also asked him to explain a fatal road traffic accident in which he was involved and which led to the opening of a criminal case currently being investigated. Given his involvement in an unsolved criminal case, the Commission asked why he wanted this appointment to the SCP Board. At the hearing, the candidate described the questions about his wife's income as provocative, accusing the Commission of pressuring him. He also said that regardless of the Commission's decision, he intends to withdraw from all competitions for which he has applied.

The Commission also interviewed candidates running for Disciplinary and Ethics Board membership. Thus, [Vladislav Gutan](#), deputy chief prosecutor of the Chisinau Prosecutor's Office, Buiucani headquarters, was questioned about several financial transactions, including the purchase of 5,000 EUR in 2009 and the realisation of a bank deposit of 1,900 EUR in 2015. The Commission also asked him to clarify how he purchased a car in 2020 for 150,000 MDL and sold it later in 2023 for 425,000 MDL. In addition, the candidate was questioned about numerous accommodation changes between 2011 and 2018, including his wife's ownership of an apartment in Romania.

[Victor Comerzan](#), the deputy chief prosecutor of the Prosecutor's Office of Briceni District, was asked about the financial resources used to build a house in Briceni City between 2005 and 2014 and all related expenses. The commission also raised questions about the *revolving* credit lines contracted, for which the candidate allegedly did not meet the financial criteria set by the banks concerned and, in this context, the possible link to the rural household run by his mother and brother. Other questions concerned the constant loans granted to close relatives who are entrepreneurs, the imbalance between the candidate's income and expenses in the periods 2008-2011, 2017-2018 and 2021, and the source of funds for purchasing a car.

[Ion Bunica](#), a prosecutor at the Chisinau Municipal Prosecutor's Office, was asked about his in-laws' purchase of an apartment from a former prosecutor general in 2017 at a price considered below market value and his possible connection to it. The Commission also asked to explain his actions and involvement in the case of businessman Valentin Eșanu, for which the Republic of Moldova has been [condemned at the ECtHR](#).

Regarding [Viorel Beiu](#), deputy chief prosecutor of the Chisinau municipal prosecutor's office, the Commission was suspicious of the period and source of funds used to build a residential house in the town of Sîngera. The Commission also asked the candidate to explain his sources of income up to 2008 and the sources of income of his family between 2008 and 2017.

[Alexandru Lozan](#), acting head of the Prosecutor General's Office, was asked about failing to declare his family's savings to purchase an apartment in 2020 and the financial sources for buying a car. The commission sought clarification on a 2020 journalistic investigation in which the candidate was among the prosecutors suspected of under-declaring assets – an investigation that prompted the PA to carry out the necessary checks.

[Eugenia Zubco](#), a prosecutor in the Chisinau municipal prosecutor's office, was asked about the financial sources used to purchase an apartment in 2023. The Commission asked for details about her brother's income. Her brother has been working abroad since 2015 and gave her a cash donation of 25,000 EUR to purchase an apartment and an additional contribution to buy a car.

THE CONSTITUTIONAL COURT HAS RULED: THE LENGTH OF INTERIM TERMS OF OFFICE OF SCM MEMBERS SHOULD BE REGULATED, AND THE SELECTION PROCEDURE FOR LAY MEMBERS SHOULD BE REVISED

On 1 October 2024, the Constitutional Court (CC) declared unconstitutional some provisions of the [Law on the Superior Council of Magistracy \(SCM\)](#) regulating the procedure for selecting candidates for the position of SCM member and

The competition to select future lay members of the SCM will no longer be organised by the parliamentary committee but by a commission independent of MPs. Parliament must amend the legislation in this regard.

those aimed at extending the term of office after its expiration. An MP filed the complaint.

In their [judgment](#), the SC ruled that the selection of candidates for the position of member of the SCM from lay members by the Legal Committee for appointments and immunities (the Committee) does not ensure the necessary independence from the Parliament, which is the appointing body. The CC noted that the procedures for the selection and appointment of members must be separate and independent, but as long as the Commission is a working body subordinate to Parliament, accountable to it, the sufficient level of independence between the selection and appointment bodies is not ensured. Thus, to avoid political appointments, the CC noted that this task should be entrusted to an independent, apolitical commission that inspires public confidence.

The CC also declared the provisions regulating the possibility of extending SCM members' expired terms of office until the new members take office unconstitutional. The CC found that the law does not set a time limit for the extension, nor does it incentivise the authorities to expedite the election or appointment of new members. The CC noted that while a short extension of the term of office may be inevitable, it should not become the rule. According to the CC, the absence of a concrete time limit in this respect leads to the lengthening of the interim terms of the members of the SCM, which would undermine the institution's credibility.

The CC also recognised constitutional provisions allowing the appointment of SCM members by a simple majority (51 votes) after two failed attempts to appoint them by 3/5 of the number of elected MPs (61 votes). The CC ruled that the regulated mechanism is necessary to unblock and avoid deadlock in appointing SCM lay members. It provides sufficient guarantees of independence by requiring the favourable opinion of the commission of independent experts composed of the People's Advocate, a lawyer appointed by the Council of the Union of Lawyers, a judge appointed by the Supreme Court of Justice, a prosecutor appointed by the Superior Council of Prosecutors and a member appointed by the President of the Republic of Moldova.

HOW PRESIDENTIAL CANDIDATES (DID NOT) ADDRESS HUMAN RIGHTS AND THE RULE OF LAW IN THEIR ELECTORAL PROGRAMMES

On 16 October 2024, the LRCM [presented to the public](#) the analytical note "[Presidential Candidates' Election Programmes through the Prism of Human Rights and the Rule of Law](#)". The research aimed to identify and assess the measures proposed by politicians in these areas. The commitments were analysed for clarity, compatibility with international standards and state policies, and feasibility regarding the President's powers.

Presidential candidates have emphasised social and economic rights, proposing vague and declarative measures, and the rule of law has been addressed superficially, merely to meet widespread expectations.

Of the 11 programmes reviewed, only seven included relevant actions. In the other cases, information was collected independently from the candidates' public statements and appearances. The analysis revealed that all candidates have committed to observing human rights and the rule of law, a sign of a positive development in the electoral culture. In quantitative terms, these activities account for one-third of all pledges.

However, candidates had a worrying tendency to make unrealistic and populist promises. These required legislative and administrative reforms to be implemented at the level of the Government and Parliament, including amending the Constitution. Thus, the candidates have taken actions that are improper for the President.

All electoral programmes included human rights measures. Most focused on social and economic rights such as social protection, education, and health. Civil and political rights were addressed on only four platforms: freedom of the press, minority rights, and protection against hate speech. All candidates promised support for vulnerable groups – families with many children, pensioners, people with disabilities, veterans. However, the promises were vaguely formulated, without details of implementation and funding sources. Some problematic measures have also been identified, such as banning 'LGBT propaganda' and promoting a restrictive definition of the 'family' based exclusively on heterosexual relationships, which is contrary to the principles of non-discrimination and pluralism. These measures incite hatred, amplify polarisation and have no place in an inclusive society.

All platforms also included actions on the rule of law. There was a tendency to promise measures "desired by society" but not necessarily helpful or beneficial, such as the creation of a court and an anti-corruption department similar to Romania's DNA, the transition to a presidential republic, the direct election of judges and the public prosecutor by citizens or the introduction of a jury system. On the one hand, these measures could obstruct ongoing reforms, undoing efforts and achievements. On the other hand, their implementation is beyond the President's powers, including constitutional amendments.

Although the election programmes touched on human rights and the rule of law, the commitments made were declarative and vague, reflecting more a desire to meet widespread expectations of society than sincere and reasoned intentions to strengthen these values.

I IN BRIEF

On **2 October 2024**, the National Integrity Authority [initiated](#), based on a complaint, the control of the assets of the former judge of the Chisinau Court of Appeal and former member of the Superior Council of Magistracy, Nina Cernat, after she tried on 20 August 2024 to deposit 145,000 EUR in cash onto a bank account. When asked by the bank to justify the origin of the money, the

former judge said that these were her savings from her salary and pension, obtained in 2016-2024. Still, she could not provide supporting documents, arguing that the currency transactions were made gradually at the exchange offices, and she did not keep the receipts. [According to the law](#), the control is to be carried out within nine months, with the possibility of extension up to a maximum of 18 months.

On **8 October 2024**, a group of journalists from several regions of the country participated in a [legal training session](#) organised by the LRCM. The session aimed to strengthen journalists' knowledge and skills in covering events related to justice, anti-corruption, and human rights. It also served as a platform for exchanging information and ideas on translating legal content into a language accessible to the general public.

On **11 October 2024**, the Pre-Vetting Commission [announced](#) that judge Marina Rusu failed [her re-evaluation](#) for the position of member of the Superior Council of Magistracy because she did not meet the integrity criteria. During the hearings, the candidate was questioned about why she did not file the declaration of assets in 2017 for the years 2014-2016, as well as about the delay in examining 16 complaints related to the conditions of detention in 2019 (more in Newsletters [no. 52](#) and [no. 70](#)). The Commission's decision can be challenged before the Supreme Court of Justice.

On **11 October 2024**, the Special Commission for the Pre-selection of Candidates for the position of Chief Prosecutor of the Prosecutor's Office for Combating Organized Crime and Special Cases (PCCOCS) [announced the final scores](#) of the following candidates: Ion Neguriță, acting chief prosecutor at Ialoveni – 139.7 points; Victor Furtuna, acting chief prosecutor at PCCOCS – 134.5 points; Alexandru Machidon, deputy chief prosecutor at PCCOCS – 121.4 points; Andrei Mațco, lawyer – 76.4 points. The Commission recommended the appointment of the top two ranked candidates. On 29 October 2024, the Superior Council of Prosecutors [determined the admissibility](#) of the pre-selection procedure and set the interviews for 7 November 2024.

On **15 October 2024**, the Commission for the Evaluation of Judges (the Commission) [requested the Superior Council of Magistracy](#) to present the complete list of judges of the Balti, Cahul and Comrat Courts of Appeal to initiate the procedure for their evaluation. Next, the Commission will notify the subjects and will request that the candidates submit an updated declaration of assets for the last five years, including the expenses for the period in question, a completed ethics questionnaire and the declaration on the list of close persons who are or have been active in the last five years in the judiciary, prosecution and public service. From the moment of notification, the subject has 20 days to decide whether to continue the evaluation procedure or to resign from the system.

On **16 October 2024**, the [criminal case in which judge](#) Oleg Melniciuc was accused of sexual harassment was sent to court. According to the prosecutor's

office, in February-April 2022, he allegedly took advantage of his status and position as the head of the internship programme to induce a female student to participate in unwanted sexual activity, inviting her several times to his office. These actions caused the victim long-term psychological trauma. The judge pleads not guilty, and he has been subjected to the procedural measure to appear before the prosecuting body or the court.

On **23 October 2024**, the LRCM filed an [amicus curiae](#) brief with the Equality Council on two cases under review. The applicants, a group of judges, consider discriminatory the higher pay differential applied to prosecutors and judges who have passed the external evaluation. The LRCM argued that the difference in remuneration between vetted and non-vetted judges and prosecutors does not contradict the principle of equal pay for equal work. The salary increases function as an incentive, not a standard payment, to promote integrity and attract candidates to fill vacancies in the judiciary due to mass resignations. The salary increase encourages participation in vetting while giving the same increase to all judges and prosecutors would automatically discourage participation, negatively affecting the vetting process and perpetuating problems in the justice system. Thus, salary differentials are proportionate to the goals of judicial reform and filling vacancies.

On **24 October 2024**, students from the State University's Law and Journalism Faculties attended [a public lecture by Lavly Perling](#), an international member of the Judicial Evaluation Commission and former Prosecutor General of Estonia. The expert spoke to the young people about the external evaluation process, the importance of integrity in judges' careers, and the challenges societies face in broad reform processes.

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Program Director

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Andrei NASU
Legal Officer

Dumitru JOMIR
Communication Coordinator

Aurelia PALAMARCIUC
Legal Officer

Natalia ROTARU
Communication Specialist



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LEGAL RESOURCES CENTRE FROM MOLDOVA



33, A. Șciusev st.,
MD-2001, Chișinău,
Republic of Moldova



+373 22 84 36 01



+373 22 84 36 02



contact@crjm.org



www.crjm.org



crjm.org



crjmoldiva