

DECLARATION
of the Moldovan National Platform of the Eastern Partnership Civil Society Forum
Regarding the Activity Program of the Government of the Republic of Moldova

Adopted at the General Assembly of the Eastern Partnership Civil Society Forum
Brussels, 6 December 2019

The signatory organizations members of the Moldovan National Platform of the Eastern Partnership Civil Society Forum express their concern that the Activity Program of the Government of the Republic of Moldova, invested in November 2019 and led by Ion CHICU, does not include a series of reforms from the agenda of the previous Government, led by Maia SANDU. In the opinion of the signatory organizations, this threatens the implementation of genuine reforms in such fields as sustainable development, judiciary, anticorruption, strengthening of the independence of legal institutions, improvement of the media situation and environmental protection. At the same time, the priority included in the Activity Program of CHICU's Government limiting the participation of civil society organizations (CSOs) in the decision-making process, is completely against the principles of a functional democracy.

On 6 November 2019, the SANDU's Government [assumed the responsibility](#) for amending the Law on the Prosecutor's Office to ensure the election of an independent Prosecutor General. On 12 November 2019, the deputies from the Party of Socialists of the Republic of Moldova (PSRM) and the Democratic Party of Moldova (DPM) voted the [censure motion against the Government](#) led by Maia SANDU. As a result, the Government was dismissed. In just two days, on 14 November 2019, the Parliament granted a [vote of confidence to a new Cabinet of Ministers](#), led by Ion CHICU. The same day, the Cabinet of Ministers took the oath and published the [Government Program](#), which covers the period until the presidential election expected in autumn 2020.

The signatory organizations express their concern that the Activity Program of CHICU's Government, supported by the PSRM and DPM, does not secure the continuity of SANDU's Government commitments that were supported by civil society and main development partners of the Republic of Moldova and unlocked the financial assistance of the European Union. Notably, CHICU's Government Activity Program does not include policies of critical importance related to the judiciary, the fight against corruption, the strengthening of the independence of legal institutions, the situation of the media, protection of the environment and the free functioning of civil society organizations, which were reflected in the [Action Plan for 2019 – 2020](#) of SANDU's Government. These policies were also agreed with civil society and confirmed through the [political agreement](#) regarding the transitional objectives of the Government, the Presidency and the Parliament, including the factions of PSRM, the Party of Action and Solidarity (PAS) and the Dignity and Truth Platform Party (PPDA).

The CHICU's Government Activity Program includes the objective of developing a new national development strategy (NDS) "Moldova 2025", despite the existence of a draft project of the NDS Moldova 2030, developed in accordance with the 2030 Global Agenda and with the support of development partners, civil society and the community of experts. Although the previous governments approved the adapted versions of that document, the Parliament and the President of the Republic of Moldova have invariably rejected it. We consider that it is important to revert to the

previous version of the NDS "Moldova 2030", to update it and to have it adopted by the Government and the Parliament of the Republic of Moldova as soon as possible through inclusive public consultations with the civil society and development partners of the Republic of Moldova.

In the field of judiciary, the Government Program does not refer to the need to develop a new Strategy on judiciary. The Program does not provide for genuine measures to strengthen the independence of judges, particularly the amendment of the Constitution to annul the initial five-year judicial appointment term, the annulment of the appointment of the Supreme Court judges by the Parliament and the change of the composition and the establishment procedure of the Superior Council of Magistracy. In addition, the Program does not provide for the repeal of Article 307 of the Criminal Code of the Republic of Moldova, under which numerous judges were prosecuted in a selective mode. The Program does not include objectives aimed at securing the continued implementation of Law No. 76 of 21 April 2016 on the reorganization of the courts. The references on the improvement of transparent and merit-based selection and promotion of judges are also missing.

However, the Government Program includes certain less clear policy measures that are potentially dangerous for an independent, efficient and credible justice. For example, it proposes to reorganize the Superior Council of Magistracy and its subordinated bodies *"to select new members who have sufficient credibility and legitimacy to participate in the justice reform"*. At first glance, this measure should suggest pursuing the objective of judges' evaluation and selection, as a primary measure for the justice reform, but it is unclear what impact this will have and how the proposed reorganizations may influence the mandate of the selected people in these bodies. It is also proposed *"to limit the number of legal actions a lawyer can participate in during one week."* Such an approach can seriously damage the quality of the lawyers' services, their professional freedom and consequently their independence. The Program also includes the initiative to set up an anticorruption court, which was abandoned by previous Governments. We consider that, in the current context of the Republic of Moldova, there is no sufficient number of cases to create a separate anticorruption court. The concentration of corruption cases within a single court risks leading to the concentration of interests and control over that specific court, further undermining its credibility and independence, but also affecting the efficiency of the fight against high-level corruption, especially in the absence of a credible mechanism for the evaluation and selection of candidates for such an extraordinary court.

In the field of anticorruption, the Government Program does not include any objective targeting the legal framework and practice on verifying the assets and interests of civil servants, focusing on high-ranking officials and the efficiency of the mechanisms of fight against high-level corruption and high-profile cases. There are no references regarding the improvement of the legal framework on money laundering and terrorism financing and on the application of sanctions.

As far as cooperation with civil society is concerned, the Government Program includes one action only: *"Strengthen the watch-dog role of civil society organizations and prohibit their involvement in political activities"*. The restriction included in the Government Program concerning the CSOs' involvement in political activities goes against the [international standards](#) and denies the CSOs' right to engage in public policies and to participate in debates on topics of public interest. Like any other person or entity, CSOs have the right to freedom of expression in all matters of public importance, including the existing or proposed legislation, as well as state policy and actions. The public speech concerning the limitation of CSO's activity areas is against the principles of democracy and the rule of law, as well as the commitments assumed under the Association Agreement between the Republic of Moldova and the European Union, which encourages the involvement of all relevant stakeholders, including CSOs, in the development of policies and reforms in the Republic of Moldova. The Eastern Partnership also recognizes civil society as a partner in the relationship of the Member States with the European Union. Furthermore, the Program does not include objectives regarding the transparency

in the decision-making process, the consolidation of a favorable activity climate and development of civil society in the Republic of Moldova and the involvement of CSOs in the development of policy papers. Finally, it is worrying that the political parties that supported CHICU's Government Program failed to include the objective of implementing the law on non-commercial organizations, which should have been adopted by the Parliament long time ago.

The Government Program includes only a few summary provisions on **human rights**, missing a separate chapter dedicated to this particularly important subject. The Program lacks any action concerning the adjustment of the legal framework on equality, including the national mechanism for preventing and fighting discrimination, although this is a topic on the public agenda for many years. At the same time, the Government Program does not include any **actions dedicated to young people** and their participation in important decision-making processes. We reiterate that the interests of young people require a cross-sectional approach that is not limited to sports, cultural and educational activities, as presented in CHICU's Government Program. In this regard, it is necessary to continue the process of setting up and ensuring the functionality of the National Agency for the Development of Youth Programs and Activities and the Intergovernmental Commission for Youth Policies and to set up local co-management committees.

The CHICU's Government Program does not include provisions dedicated to the **media**, although this field is affected by numerous problems, such as the lack of the editorial independence of the public radio broadcaster, media consolidation, unfair competition on the advertising market, the limitation of access to information, the lack of fiscal facilities for the development of media institutions, etc. Although **the quality of the environment** in Moldova is alarming when it comes to water, forests, waste and air, the Government Program does not include actions concerning a sustainable development, environmental protection and climate change adjustment. The CSOs have requested CHICU's Government to include the commitments regarding [the improvement of the media situation](#) and [the protection of the environment](#) in its Government Program, but have not received any answer so far.

In the context of the above, CHICU's Government is committed to approve *"a detailed Action Plan with clear implementation timeframes, quantifiable performance indicators and institutions and officials responsible for the implementation of the actions included in the Plan, within 30 days from the assumption of power."* **In this regard, we call the Government of the Republic of Moldova to comply with all legal procedures regarding the transparency in decision-making and the public consultation of the draft Action Plan of the Government in order to set priorities that reflect the commitments of the Republic of Moldova laid out in the EU – Moldova Association Agreement and the 2030 Global Agenda to ensure the functioning of democratic institutions and the rule of law, the respect of fundamental human rights and the sustainable development of the Republic of Moldova.**

We hope that, this time, the approval process the Government Action Plan will not repeat the same worrying and non-transparent practice with ignoring the requirements of the legislative process and the transparency of decision-making, failing to involve all the stakeholders, including civil society, the way it happened during the approval of the draft Law on the state budget for 2020.

In this context, we would like to remind that, as noted by [the European Parliament](#), during the period of 2016 through 2019, Moldova was *"a state captured by oligarchic interests with a concentration of economic and political power in the hands of a small group of people exercising their influence on the parliament, the government, political parties, the state administration, the police, the judiciary and the media."* The CHICU's Government was also invested by the votes of the MPs from PSRM and DPM. On 8 June 2019, the Parliament of the Republic of Moldova, including the PSRM MPs, adopted the [Declaration on the Recognition of the Captive Character of the Republic of Moldova](#), which stated,

inter alia, that “the state and legal institutions of the country have been captured” and that “the citizens of this country are suffocated by endemic corruption, thefts, the illicit privatization of public assets, the oligarchy’s total control over the judicial system and numerous attacks on citizens’ rights and freedoms”. The signatories of the declaration concluded that “the implementation of the rule of law is the absolute priority and this is the only way we can stop the Republic of Moldova from slipping into dictatorship. We will be able to start policies for solving the social-economic problems of the citizens only by releasing the state from captivity. We will be able to stop the mass exodus of people, which has become an existing threat for Moldova, exclusively by restoring the citizens’ trust in the functionality of the state”. Thus, our expectation is that the Government of the Republic of Moldova will demonstrate through specific actions, and an inclusive Action Plan, the assurance of a continuity of the reforms started in June 2019 and not the reversal to the previous situation.

Given the above, **the signatory organizations members of the Moldovan National Platform of the Eastern Partnership Civil Society Forum, ask the Government of the Republic of Moldova to:**

1. Comply with the European principles of public administration and the legislation regarding regulatory acts and to ensure the transparency of decision-making in the process of developing and approving the Government Action Plan, taking into account the objectives of the **EU – Republic of Moldova Association Agreement** and the **2030 Global Agenda**, in particular the priority actions that would target the sustainable development of the Republic of Moldova, good governance, judiciary, anti-corruption, the prevention and combating of money laundering, human rights and the functioning of civil society organizations, as well as the improvement of the media situation, as [required earlier](#) by media CSOs, and the provisions regarding environmental protection and the climate change adjustment, as [required earlier](#) by environmental CSOs;
2. Continue the systemic reforms aimed at strengthening democratic institutions, democracy and the rule of law in the Republic of Moldova;
3. Ensure transparent cooperation with civil society and to guarantee a favorable space for its activity, the development and involvement in the monitoring and promotion of public policies.

The members of the Moldovan National Platform of the Civil Society Forum of the Eastern Partnership express their willingness to contribute to the achievement of these objectives and the wish to get involved at all stages of consultation in order to offer public policy proposals to all the actors involved in the decision-making process in the Republic of Moldova.