

# **PUBLIC CALL for ensuring transparency and inclusiveness in the process of adoption of the draft law on nonprofit organizations**

**Attn.: The Parliament of the Republic of Moldova  
Commission for Legal Matters, Appointments, and Immunities**

**Sent via email**

30 April 2020

## **PUBLIC CALL**

**for ensuring transparency and inclusiveness in the process of  
adoption of the draft law on nonprofit organizations**

**Civil society organizations welcome Parliament's intention to resume the consultation on the draft law on nonprofit organizations and to refine it and call on the legislator to pass the draft law, to ensure a genuine transparency in decision-making, and to involve all relevant civil society organizations in the consultation process prior to finalizing the draft.**

On 15 April 2020, the Commission for Legal Matters, Appointments, and Immunities of the Parliament of the Republic of Moldova directed the letter CJ-04 No. 62 to several civil society organization, requesting their opinion that would help to refine [Draft Law No. 109](#) of 3 April 2018 (Law on Nonprofit Organizations). The draft law had passed its first reading almost two years ago, on 3 May 2018.

The draft law transposes the [best practice and standards concerning freedom of association](#) recommended by the Venice Commission and the OSCE/ODIHR. It simplifies the registration of nonprofits and removes the rigid internal organization structure imposed on them by current laws. The draft law limits the possibilities for exerting pressure on nonprofits and excludes unjustified limitations on the foundation of nonprofits by persons from certain categories. As for political activities, the draft law completely prohibits nonprofits from supporting election candidates and sets clear limits on the relationship between nonprofits and political parties. The draft law also establishes the legal framework concerning the government financing or support for nonprofits—a field that has been insufficiently regulated by current laws. It does not require the repeated registration of nonprofits and does not restrict foreign funding for them. Civil society contributed to the development of the draft law, after which the Ministry of Justice has put it out once again for [public consultation](#) that was improved after it. The draft law received [endorsements](#) from relevant international organizations.

The signatory organizations welcome Parliament's intention to resume the consultation on Draft Law No. 109 and to refine it, which they interpret as a response to the [3 March 2020 public call signed by more than 20 civil society organizations](#). On that occasion, the signatory organizations called on Parliament to pass the draft law in the final reading, to bar any amendments that could impede nonprofits' work, and to consult with **civil society organizations about any proposed amendment to the draft law in a transparent and inclusive way**.

With a view to refining the draft law—especially amid the COVID-19 pandemic conditions which impose physical distancing and hinder participation in decision making – the signatory organizations call on the Parliament:

- To publish the latest version of Draft Law No. 109 on

the [Parliament's webpage dedicated to it](#) in real time as it comes in for discussion by the Commission on Legal Matters, Appointments, and Immunities;

- To publish potential amendments to Draft Law 109 and all submitted and registered opinions, comments, or objections received before this public call;
- To constantly update the Parliament's webpage dedicated to the draft law by adding all opinions, comments, or objections that will come in during the finalization of the draft law within 24 hours from their receipt at the longest;
- To consult about any proposed amendment to the draft law in a transparent and inclusive way with the civil society organizations that have relevant expertise and field of work and have already participated in the development of this law until present, including via the Advisory Platform of Civil Society Representatives at the Parliament of the Republic of Moldova and the National Platform of the Eastern Partnership Civil Society Forum;
- To ensure the live-streaming of the meeting at which the Commission for Legal Matters, Appointments, and Immunities will discuss the draft law and to facilitate the participation of civil society organizations, especially of all members of the working group that have contributed to the development of the draft law. They can also participate via electronic means of communication (Skype, Zoom, or other tools);
- To pass the draft law on nonprofits in the final reading without delay, without admitting any amendments that can hinder the work of nonprofits, especially those that limit freedom of expression or the nonprofits' possibility to advocate for public policies or to access foreign This will also contribute to the fulfillment of the general conditions upon which the Republic of Moldova can unlock the second installment of the European Union's microfinance assistance.

The public call in English is available [HERE](#).

**Signatory organizations:**

1. Legal Resources Centre of Moldova (LRCM)
2. East Europe Foundation
3. Contact Center
4. Soros Foundation – Moldova
5. Independent Journalism Center (CJI)
6. Independent Press Association (API)
7. Terra-1530 Association
8. Association for Efficient and Responsible Governance (AGER)
9. A0 AVE Copiii
10. The Center “Partnership for Development”
11. Promo-LEX Association
12. The Community MD
13. Institute for European Policies and Reforms (IPRE)
14. IDIS Viitorul
15. Center for Organizational Training and Consultancy (CICO)
16. Public Association Eco-Răzeni
17. Institute for Public Policy (IPP)
18. Public Association BIOS
19. INFONET Alliance
20. Development Foundation
21. Association for the Rehabilitation of People with Disabilities from Moldova (ARIM)
22. Center for Training and Educational Development (CIDE)
23. The Union of Moldovan Organizations for People with Disabilities (UOIRM)
24. The International Association of the Keepers of the Nistru Eco-Tiras
25. Public Association Caroma Nord
26. European Institute for Political Studies in Moldova
27. LDA Moldova
28. EcoContact

29. Association for Participatory Democracy ADEPT
30. Rehabilitation Center for Victims of Torture Memoria
31. National Youth Council of Moldova
32. Expert-Grup
33. A0 Certitudine
34. A0 Centrul Internațional „La Strada”
35. Association for Foreign Policy (APE)
36. Automobile Club of Moldova
37. INVENTO
38. Millenium Training and Development Institute
39. CPR Moldova
40. Amnesty International Moldova
41. The Alliance of Active NGOs in the Field of Child and Family Social Protection (APSCF)
42. Public Association Eco Sor