



THE BEST WAY

#TheBestWayBulletin
no. 8

2021



CONTENT

Champions of Change 2021.....	3
Towards modernisation of the Republic of Moldova through digitalisation and administrative form / Dan NICU, Vlada MANGIR.....	5
Russia and NATO put their cards on the table in Central and Eastern Europe / Dan NICU.....	9
METaverse – media industry’s new challenge / Olga GUTUTUI.....	12
Prosecutors’ independence – police framework versus reality / Igor CIUREA, Constantin CHILIAN.....	15
Challenges related to intellectual property: which are they and how do we overcome them? / Rodica CRUDU.....	20
Electoral reform: how to strengthen citizen confidence in electoral processes? / Victor PRUTEANU.....	24
About us.....	30

This material was developed by LID Moldova experts under the project **The Best Way: Periodic Bulletin** funded by the **Friedrich Naumann Foundation for Freedom (FNF)**.

Opinions and conclusions expressed in this material are those of the authors and the experts and do not necessarily reflect the position of the funder.

Elements of text, images, tables or charts may be taken over provided that the source is cited, i.e. **LID Moldova**, and that the appropriate hyperlink is attached.

Copyright © LID Moldova



Notă de limitare a responsabilității

Opiniile exprimate în buletinul de față reprezintă exclusiv punctul de vedere al autorilor!

Editor:

Victoria CAZACU

Coordinators:

Sergiu BOGHEAN, Igor CIUREA

Design and layout:

Vitalie ICHIM

Contacts:

Republic of Moldova, Chisinau City, 84/1 Alexei Mateevici Street
office@lidmoldova.org
https://lidmoldova.org/

Champions of Change 2021

The third edition of the CHAMPIONS OF CHANGE Awards Gala, which took place on 22 September 2021, continues to promote success stories and encourage more public initiatives: from young entrepreneurs and small communities rallied around the common objective of improving the place where they live, to civil society organisations fighting for transparency and fairness, to academic communities working on big ideals both at home and across the European community.

The future is in the hands of those who act and assume responsibility regardless of circumstances or political contexts. Those who, despite challenges and failures, move forward, succeed, and encourage further changes. They are the real champions.

There are 15 of them, all of different ages and working in various areas. Each of them brings change for the better to the communities they live in.

Igor Ciurea, President of LID Moldova: *‘Our champions are very diverse. We have people working in the non-governmental sector, people making art and changing communities through art, and people from the IT sector who bring about social change through IT. I am convinced that in the Republic of Moldova there are many champions of change whom we hope to discover in the next editions of the ‘Champions of Change’ Gala.’*

During the three years of the CHAMPIONS OF CHANGE Gala in the Republic of Moldova, LID Moldova and the Friedrich Naumann Foundation for Freedom have nominated and awarded 45 champions of change.

‘We will not stop at this edition. We will organise this event every year because it is important. Civil society is important to us because you are the reason we exist and because each and every one of you, by doing what you do in your field, by changing things one bit at a time, contribute to people wanting to stay here, at home,’ said **Raimar Wagner, Friedrich Naumann Foundation for Freedom Project Director for Romania and the Republic of Moldova.**

Here are the 15 winners of the 2021 CHAMPIONS OF CHANGE Gala:

Dinu ȚURCANU, Vice-rector for Computerisation, Socio-economic Relations, Image and Communication, Technical University of Moldova;

Mihaela ȚARANU, President of ‘Code for Moldova’;

Anetta DABIJA, Specialist in History and International Relations;



Constantin ȘEVCIUC, entrepreneur, founder of ‘Chateau Cristi’;

Mariana ȚURCAN, Director of the ‘Creative Development Association’ NGO;

Ludmila ADAMCIUC, founder of the organisation ‘My Friend’;

Victoria DUNFORD, founder of the ‘Phoenix’ template centre for young people with disabilities in the north of Moldova;

Anatolie BOLEA, founder of the Counselling and Personal Development Centre www.rethink.center – a free counselling platform for teenagers and young people;

Doina CERNAVCA, Executive Director of the ‘Ajută un Om’ NGO;





Victoria MOROZOV, Director of 'The Moldova Project' NGO;

Natan GARȘTEA, Economics and Communication Advisor to the Governor of the National Bank of Moldova, author of the podcast 'Istoria Moldovei';

Andriano MARIAN, founder of the Moldovan National Youth Orchestra and of the projects 'Voices of Moldova', and 'La, la Play' Music Expedition;

Einar VALLBAUM, Honorary Consul of Moldova in Estonia;

Igor BELEI, Executive Director of the 'Diaconia' Social Mission;

Veronica CREȚU, Co-chair of the National Committee for Open Government.

Ludmila ADAMCIUC, **Mihaela ȚARANU** and **Victoria MOROZOV** are the winners of this year's edition and have won a grant worth one thousand euros each, offered by the organisers of CHAMPIONS OF CHANGE 2021 to encourage and motivate them to continue implementing initiatives and ideas that have an impact for the greater good of the society we live in.

Ludmila ADAMCIUC is the mother of Beatrice, a 4-year-old girl with Down syndrome. Ludmila promotes tolerance and acceptance of children with an extra chromosome through her active online presence, and recently she founded the non-governmental organization 'My Friend', through which she aims to contribute to the early development of as many children with Down syndrome in the Republic of Moldova as possible: 'This October, as part of the International Down Syndrome Awareness and Acceptance Month,

I challenge you to wear yellow and blue, the distinctive colours of Down syndrome.'

Mihaela ȚARANU is the president of the 'Code for Moldova' organisation. One of her team's most recent projects is the 'Together Against COVID-19' initiative: 'Our organisation responds to social issues with digitalisation solutions and we want them to create a stronger society. I want that agent of change to be in each one of us, because it is the belief that each one of us makes a difference that makes the difference.'

Victoria MOROZOV is the director of 'The Moldova Project' non-governmental organisation, which since 2008 has helped hundreds of socially vulnerable families to achieve a sustainable and self-sufficient lifestyle: 'I founded this association because I love people very much, in general, but I also have a lot of empathy for vulnerable people (...). For me, this award confirms, once again, that the issues we struggle with every day as a team are real and need to be addressed.'

LID Moldova is an independent non-profit organisation, founded in 2019 by a group of young professionals, opinion leaders and specialists in their fields of expertise.

Champions of Change 2021 is a project implemented by the Laboratory of Initiatives for Development (LID Moldova) with the support of the Friedrich Naumann Foundation for Freedom, Office for Romania and the Republic of Moldova. The views expressed are those of the speakers and do not necessarily reflect the position of the FNF and LID Moldova.

Towards modernisation of the Republic of Moldova through digitalisation and administrative reform

The Laboratory of Initiatives for Development – LID Moldova – is a think-do tank that has been at the forefront of efforts over the last two years to bring to the Republic of Moldova more digitalisation and smart innovations in the sphere of public institutions that work in other countries and to familiarize and train citizens in using digital technologies for a much stronger integration of them into their daily lives to save time, energy, and material resources.

In the second half of 2021, as a logical continuation of its previous activities, LID Moldova focused on initiating collaboration with local government representatives, who are open to the prospect of implementing digitalisation and e-government/administration in the local government institutions they lead. It was therefore decided to organise an event that would bring together local councillors and independent mayors from all over the country to present them the possibilities and advantages of introducing electronic public administration systems and digitalisation, but also to gain an insight into the needs they are experiencing themselves in this area, as well as their views on administrative reform, a subject that has lately become increasingly important in public debates. Discussions with these representatives of the local public authorities revealed the need to establish an organisation that would bring together mayors and other representatives of the local public authorities concerned with the development of their localities through innovation, efficiency and reform.

Mayors and local, city, and district councillors from across the country attended the Community of Local Independent Candidates (CLIC) launch event on 4 and 5 December 2021.

From Ungheni, Andrei Butnaru, in his second term as municipal councillor, attended.

Cahul was represented by Svetlana Ciobanu and Nicolae Negru, also municipal councillors.

From the central part of the country Sergiu Armasu attended, mayor of Ialoveni, who is focused on developing local e-government. Ialoveni was also represented by Maria Levinte, Hansca local councillor and Ialoveni district councillor. For her part, Maria contributes to increasing the transparency of the town hall.

The district of Straseneni was represented by Mayor Valentina Casian who is in her third term of office and is also the vice-president of the Congress of Local Authorities. She made her greatest achievements in the field of electronic transparency, namely the web-streaming of meetings, as well as the development of the free economic zone in the Straseneni sub-area. Other representatives of Straseneni district included: Ion Scobic, deputy mayor and Leonid Boaghi, mayor of Sireti village.

Mayor of Sangera, Valeriu Popa, also came from the central part of the country. As an expert in the capital market, he has promoted the issue of municipal bonds, which has preserved the local budget. The Taraclia district was represented by Tatiana Turcan, the mayor of Vinogradovca, who manages a commune of four villages.

'The digital transformation of any locality comes down to one simple thing – simplifying people's daily activities', says Victor Guzun, a diplomat and LID Moldova expert in e-government, e-transformation and public administration reform. Victor told us about Cahul digitalisation, progresses made and future plans.

The digital transformation of Cahul city started a few years ago, with the support of representatives of the local public authorities of Cahul municipality, Estonia, as well as the ambassadors of the European Union and Germany. Introducing the position of the deputy mayor in charge of digital transformation in the district council administration is a great achievement for the city and a model to be followed by other localities that are slowly but surely moving towards



a digital future. Stela Badin holds this position, and she has managed to set up a working group, with the help of which she identifies problems in the community, whether administrative or social, and tries to find digital solutions that could solve the problems.

The Action Plan of Cahul pursues several target goals with a digital direction. In this regard, the aim is to implement an online public portal where citizens can register, and connect with the network of civil servants in Cahul. The platform aims to harmonise communication between citizens and local public authorities, while also eliminating any redundant forms of interaction between them. One example would be the creation of a sub-unit on the platform with examples of pre-filled forms through which citizens can express their wishes in all existing areas of public administration, whether they are petitions, requests, or complaints. A simpler interface will be created based on this platform: the city of Cahul application, which can be accessed from any electronic device, including a phone.

An integrated document management system and an integrated cadastral system are two further innovations that are to be implemented. After consulting with the Deputy Prime Minister for Digitalisation, working groups, made up of business analysts and development partners, will be set up to implement these innovations. In addition to these, another key priority is the e-kindergarten and e-school system: electronic kindergartens and schools. Using them, parents will be able to speak openly and easily with the educator/teacher, or even the principal, and also check on their child's situation, including meals and schedule. Pupils would also benefit directly from this system, as they would have access to a confidential online electronic register that would allow them to track their academic progress, number of absences, and maintain correspondence with teachers without having to go to school premises.

Another element of the digitalisation process that has already been discussed is the e-transport system,

which would allow inhabitants to manage their time more efficiently by having the transport timetable at hand, as well as pay via the electronic card system with a validator.

Next, other digital and e-government-based projects are to be up for discussion, such as an interactive tourist map; an electronic queuing system at the Post of Moldova branches; automated parking spaces in Cahul city neighbourhoods; a common interest platform that would display short-term jobs; identification of a pay-by-phone parking solution; e-waste collection; increasing the number of digital signature users; medical bracelets for patients with chronic illnesses; safety reflectors for children, and much more.

Participants in the CLIC launch event had the unique opportunity to benefit from a real transfer of know-how from two leading representatives of local and central public administration in Estonia – Viktor Svjatõšev, currently Deputy Mayor, former Mayor of Jõgeva municipality and former Governor of Jõgeva County, and Väino Tõemets, Head of the Regional Administration Department of the Ministry of Finance and former Mayor of neighbouring Helme and Tõrva localities. They extensively shared Estonia's experience in the two areas of interest of the event: **digitalisation of administration and local public administration reform**. From the perspective of the citizens of the Republic of Moldova, the results this country has achieved are truly impressive. Thus, the use of official documents and internal paper documentation has been completely abandoned, although citizens still have the option of requesting them. In order to facilitate citizens' interaction with the local public authority, an online portal of the city has been created, which can be accessed by any citizen to immediately obtain any document they may



require. Basically, the need for the physical presence of citizens at the town hall and its related services has been completely excluded. Moreover, even meetings of local public authorities – municipal councils, other authorities – are most of the time held online. Even before the pandemic, this was widespread in Estonia. The physical presence of local elected representatives is required only at the meetings for the establishment of new local public authorities, after the elections, and for the election of mayors, deputy mayors, and other heads of de-concentrated services. Special software designed by specialised companies providing these services to authorities is also used to ensure a smooth running of these online meetings. There is a special electronic system for circulating working documents and documentation between different offices and subdivisions of local public services, and decision-makers – such as the mayor, deputy mayor and others – sign all these documents electronically. All these innovations have allowed for substantial reductions in budgetary expenditure on public administration. Thus, with a population of over 13,000 inhabitants and a territory of 1,038 square kilometres (the size comparable to a district in the Republic of Moldova), Jõgeva municipality has only 59 employees in all local public services, including the town hall.

When the issue of territorial-administrative reform was raised in Estonia in the 2000s, efficiency, cost reduction, and harmonisation of the identity of local territorial-administrative units were also discussed. Procedures to implement this reform began in 2015. It consisted of two major actions: first, the 15 county governments were abolished, leaving them with merely a statistical role. Second, the 213 pre-existing municipalities (30 urban



municipalities and 183 rural municipalities), equivalent of communes, towns and municipalities in the Republic of Moldova, were merged into 79: 15 urban municipalities and 64 rural municipalities. They are required by law to have a population of at least 5,000 inhabitants, although the recommended number is 11,000 inhabitants. Väino Tõemets also told the audience about the smart implementation of the administrative reform, with municipalities having the freedom to consult with each other and decide on mergers and being well funded to carry out the reform. In Estonia, administrative reform and digitalisation have resulted in the localisation of all public services, removing the need to travel outside one's place of residence to deal with administrative matters.

Estonia is more than 10,000 square kilometres larger than the Republic of Moldova, and the latter has 898 town halls and more than 30 districts – more than 10 times as many. There are certain conclusions to be made and, subsequently, certain actions to be taken. These were discussed during the workshop with mayors and local councillors that was focused on identifying solutions for the implementation of digitalisation and outlining the key elements of the territorial-administrative reform concept. One of the solutions identified by the mayors and councillors who were present at the event was to establish direct contact with central public authorities, such as the Deputy Prime Minister for Digitalisation and the head of the Public Services Agency, in order to facilitate the implementation of e-government elements at

the local level, including using the Estonian model. It was also suggested that arrangements be made for a delegation of mayors from Moldova to visit Estonia in order to shadow local public administration, namely take over good practices to implement back home. Regarding the potential territorial-administrative reform in the Republic of Moldova, the event's participants proposed conducting a detailed study that would include an analysis of local administration expenditures, as well as an estimate of the cost of the administrative reform and savings opportunities through the full implementation of digital solutions in the administration. Subsequently, the results of this study could be disseminated and used as a basis for discussions with central authorities. As the Constitution of the Republic of Moldova provides for two levels of local government, it was concluded that there might be constitutional barriers to a full reform of local government. It thus became clear that the Constitution needs to be amended in order to move to one level of LPAs and a possible merger or administrative units.

Participants in the CLIC launch event agreed to further tap into the contacts started with this occasion and to expand the group of mayors interested in innovations and digitalization. And this means that the efforts of CLIC and LID Moldova to bring digital solutions closer to Moldovan people and to recommend intelligent, functional and advantageous solutions of administrative reform will continue.

Dan NICU, Vlada MANGIR

Russia and NATO put their cards on the table in Central and Eastern Europe



Dan NICU | Associate Expert
at LID Moldova

He studied political science at the National School of Political and Administrative Studies in Bucharest and wrote two volumes of social and political analysis, the latter being entitled 'Moldovans in Transition' and focusing on the subject of post-Soviet transition in the Republic of Moldova within a wider paradigm of social and political transformations in this territory over the last two centuries. He collaborated with the periodicals 'Adevarul', 'Adevarul Moldova', 'Cotidianul' (Bucharest), 'Timpul' (Chisinau) with his domestic and foreign policy analyses, especially about the post Soviet space and the Black Sea region. In 2019-2020 he majored in strategic communication at the University of Warsaw, with a fellowship under the Lane Kirkland program. His analytical and research interests include both regional security in the Black Sea area, post-Soviet space and the political sphere in the Republic of Moldova, which are related topics. He is passionate about history, geography and science fiction literature.

After the annexation of Crimea and the beginning of the Donbas War with the support of Moscow, the relations between the North Atlantic Treaty

Organization and Russia have gradually worsened since 2014, leading to the transformation of the Black Sea and other geographical spaces into an arena of bilateral tensions. The latter take the form of military security incidents – mutual interception of aircraft, threats targeting sea vessels – as well as of increased propaganda actions and information warfare. Nevertheless, until October 2021, Russia and NATO maintained diplomatic relations and had representatives in Brussels and Moscow respectively. This is already out of date – diplomatic relations have been broken at the Russian initiative, when the North Atlantic Treaty Organization excluded eight Russian diplomats accused of espionage from the Russian diplomatic mission to NATO.

What does this mean for their bilateral relations? At first sight, this event may seem serious, but if you look at it closer it looks more like tokenism, an admission of the state of things, i.e. the relations between Russia and NATO are reduced to the minimum after the aggression towards Ukraine in 2014. We can understand whether this had been a real break or just a formality after analysing the subsequent events. These are the subjects we will approach hereinafter.

Between 8 and 11 November we witnessed a series of security events in Central and Eastern Europe that were very serious compared to the previous period, which was also tumultuous, in line with the new tension existing after the 2014 events. Let's analyse them one by one.

In the Black Sea territory Russia accuses a substantial increase in the aerial espionage activity of NATO forces existing in the region. Thus, only on 10 and 11 November, the Ministry of Defence of the Russian Federation identified six American reconnaissance aircraft in the Eastern region of the Black Sea, while the day before one of the aircraft got 35 km close to the Russian coast. The Russian authorities perceived these actions as aggressive and destabilising. The U.S. authorities demanded the Russian side to be transparent with respect to their troops movements at the Ukrainian border, which seemed to increase over the last weeks, and declared that NATO operations in the Black Sea would continue as needed. At the same

time, Russia accuses Ukraine of its increased military operations in Donbas, after the Ukrainian forces used for the first time a military Bayraktar drone to bomb an artillery emplacement of the pro-Russian separatists. Therefore, we notice increased tension close to the South part of the Eastern flank of NATO. On 10 November, the Ukrainian President Vladimir Zelensky responded to the concentration of Russian troops at the Ukrainian border, stating that 'Our fighters on the Eastern front keep fulfilling their duty, they defend Ukraine and its citizens. (...) From those who suffer from a disease called invasion of foreign territories. Recently we received information about a potential exacerbation of the disease. Our Western partners provided us with data regarding intense movement of Russian troops along the Ukrainian borders and of their increased concentration. (...) I hope that now everybody sees clearly who really wants to have peace and who concentrates about 100,000 soldiers at our borders.'¹ In this train of thought, Moscow accused the U.S. that by their increase in aerial espionage near the Russian coast on the Black Sea they try to prepare Ukraine to start an attack against their troops in Donbas. Washington responded by a sending a notification to the EU claiming that Russia considers the military invasion of Ukraine.

Along with the increased tensions in the Black Sea region, we have to face another unprecedented situation near the Baltic Sea, where thousands of migrants from the Middle East, especially Iraq and Syria, storm the border with Poland to get in, and then to get to Germany – their ultimate destination. This year, since May, tens of thousands of Iraqis, Syrians, Yemenis, as well as African citizens tried to cross illegally the border between Belarus and EU-member countries, first with Lithuania and Latvia and more recently with Poland. Since 8 November, the crisis at the Belarusian-Polish border developed into confrontations between the crowds of migrants and the Polish law enforcement authorities that try to stop them from entering the country. In less than 48 hours, Warsaw mobilised almost 20,000 soldiers from the territorial defence forces, police officers and border guards alongside the most problematic border sectors. As a response, Minsk announced conducting aerial patrol missions to be carried out by the Russian strategic bombardiers, as well as about ad-hoc exercises of special and airborne forces of Belarus and Russia in Grodno region, very close to the Polish border. The photos published by Poland show how soldiers in

Belarusian uniforms coordinate the actions of migrants that try to destroy the barbed wire fences and storm the border-crossing points. The sides accuse each other of using weapons and ill-treatment of migrants. Poland declared that they consider the full closure of the border with Belarus, and Aleksandr Lukashenko declared that he might respond by blocking the transportation of Russian gas to Poland via the pipes going across the Belarusian territory. The Western allies from NATO and the European Union expressed their support for the Warsaw's position, and President Andrzej Duda announced that all armed forces of Poland were on high alert. At the same time, Warsaw announced that they requested the help of British military forces in their mission to secure its borders, and London confirmed their engagement. Several Telegram channels showed images of Leopard tanks bearing the symbols of the German army, transported on railway platforms to the Polish city of Olsztyn, located at 250 kilometres from the Belarusian border, as stated by the authors of those materials. At the time when this article was being written, there were no signs of situation calming down, though it was announced that the air transportation of migrants to Minsk stopped. At least, this gives hope that the number of migrants in Belarus will decrease, as many of them will leave the country, but no others will take their place. It is hard to estimate the precise number of migrants who are now in Belarus, but we are probably talking about a few tens of thousand.

Both Poland, and its other allies declared unanimously that the events took the form of a hybrid war of Aleksandr Lukashenko against Europe. What he wants is lifting the sanctions affecting the Belarusian economy, which were imposed following the fraud in Presidential election, bloody repression of the opposition and forced return of the Ryanair aircraft in order to arrest the journalist Roman Protasevich. Implicitly, waiving the sanction policy would mean that the European Union recognizes Lukashenko as the legitimate President of the country.² However, EU doesn't show any signs of concession yet – on 15 November there will be discussions about a new package of sanctions against the Minsk regime.

Both the situation at the Polish-Belarusian border, and that in the region of the Black Sea are very likely to exacerbate the security climate in the Eastern Europe and to degenerate into military confrontations. The rest of November should show whether the situation will calm down or devolve into an international security

¹ <https://www.unian.net/war/armiya-gotova-dat-otpor-zelenskiy-o-koncentracii-rossijskih-voysk-na-granice-s-ukrainoy-video-novosti-donbassa-11605708.html>

² <https://belsat.eu/ru/news/10-11-2021-obyasnyajem-pochemu-migranty-idut-cherez-belarus-v-germaniyu-i-cto-govoryat-vlasti/?fbclid=IwAR345CuREbhuhD5kZzXQYPQaqcZcvWR2PliwRrQnZw8Z4P70iAn5lz4lIE>



crisis similar to the 1962 Cuban Missile Crisis. At this moment, the discussions between sides and the official communication that we are witnessing show that de-escalation is far away.

These serious events in the vicinity of the Republic of Moldova occurred in the background of the European Energy Crisis, which has not yet been overcome. Albeit President Putin's spokesperson, Dmitry Peskov, denied the scenario of blocking the transportation of gas to Europe via the Yamal pipe that crosses Belarusian territory³, the mere fact that Lukashenko allows himself to make such threats is bad enough not to help solve the energy crisis, but to rather worsen it. Coincidentally or not, but one day after Lukashenko's statement, the volume of gas delivered via the Yamal pipe has decreased by 40% compared to the previous day. In addition, taking into account the extremely tense relations between Belarus and Ukraine in the last two months, we will likely witness in the next weeks a 'merger' of the two crises on the NATO's Eastern flank. I mean the simultaneous or nearly simultaneous escalation of confrontations at the Polish-Belarusian border, as well as in the East of Ukraine, and potentially at the Belarusian-Ukrainian border, where, according to the declarations of President Zelensky, thousands of Ukrainian soldiers have already been sent to strengthen the border in the event of a displacement in the migrant attacks led by Belarusian soldiers towards Ukraine. If this happens, we will have to consider the military involvement of Russia in both crises. It is well possible that Moscow, having signed with Minsk a number of agreements of integration into the Union State of Russia-Belarus, wants to take advantage of the situation in order to 'seal' even more the unification of the two countries, ensuring a robust military presence on the Belarusian territory, especially taking permanent military control over its border with Poland. On the Ukrainian front, Russia would aim to repel a possible attack of Ukrainian forces targeting Donetsk and Lugansk. Furthermore, Russia would like to expand forcefully the area under separatist/Russian

control at least until the administrative boundaries of Donetsk and Lugansk regions. Nevertheless, the idea of a 'land bridge' between Crimea and Donbas through the regions of Zaporizhzhia and Kherson is also tempting and has not been totally given up on.

Looking back to the end of October, when diplomatic relations between Russia and NATO had been broken, and taking into account the events that have occurred ever since, it appears like the two sides have thrown the gauntlet down and have removed the last barriers impeding their confrontation. Thus, in light of recent events, the estimates of the analysts who stated that the closure of the Russian diplomatic mission at NATO and the closure of NATO information office in Moscow were only formalities and they would not have immediate consequences and start to seem erroneous. Russia and NATO seem to have put their cards on the table and to have begun a new chapter in their relation, wherein both take the confrontation path.

What can we expect in the Republic of Moldova? It is hard to believe that Russia will start to 'thaw' immediately all conflict zones where its troops are engaged. As shown by the current situation, the operation arenas in Ukraine and Belarus are much more important for Moscow. However, we can not calm down while tension is building up around us. The Government of the Republic of Moldova tries to deal with challenges coming from outside and it made hard efforts to ensure a new contract for gas import from Russia. Given the situation in the region, Chişinău has to reaffirm its close partnership with the European Union and the only Member State neighbouring Moldova, that is Romania. Moldova needs to strengthen the military and security collaboration with NATO and USA, as well as with Romania in particular. In the event of an imminent threat, the Government of the Republic of Moldova has to act in line with the 2017 Decision of the Constitutional Court interpreting Article 11 of the Constitution of the Republic of Moldova on neutrality, stating that neutrality cannot be interpreted as a self-destructive pact, and in the event of an existential threat to the country, the authorities can request military aid, including the presence of military troops of allied and friendly states on Moldovan territory. The Republic of Moldova has already made its choice in favour of Western Countries, which is proven by social, cultural and political options of its citizens. We have to stick to this choice, as there is no way we can keep playing both sides, because Russia proved repeatedly that it perceives us as enemies. Therefore, the security guarantees that we need to seek can only come from the West.

³ <https://www.rbc.ru/politics/12/11/2021/618e3de89a79476b4f7e22ad>

METaverse – media industry’s new challenge



Olga GUȚUȚUI | Expert LID Moldova

She has been working in the field of the media since 2011 and specialises in media law. During 2011–2015 she held the position of Main Consultant for the Parliamentary Committee for Culture, Education, Research, Youth, Sport and Mass-media. Subsequently she became a Member of the Broadcasting Council. Currently Olga is executive director at New Media Platform. During her career, she has been involved in multiple research projects and assessments of the media situation in the Republic of Moldova. Since 2020 Olga has been an expert for LID Moldova in the area of media legislation and policies.

At the end of October (2021), Facebook founder announced the company’s name change to Meta¹. It reflects the company’s growing ambitions beyond social media. Even the announcement of the name change was made during a virtual reality conference. To paraphrase Mark Zuckerberg, Meta CEO, today, Facebook is seen as a social media company, but in its DNA, it is an entity that builds

technology to connect people; the Metaverse is the next frontier just like social networking was when they got started with Facebook. I would add that the technological revolution interconnects industries so that we increasingly speak about them as a whole. Media is neither seen anymore, nor is addressed only as a separate traditional entity but rather as a component of a process connected to everything that means transformation.

Why Meta and what is the Metaverse?

Michael Abrash, Chief Scientist at Meta Reality Labs, was saying in a post ‘everything has started with Snow Crash’. It is about Neal Stephenson’s novel, written in the early 1990s. In the novel, the author saw the Metaverse as a virtual, persistent and common world, a world where you can move around as an avatar, you can look the way you want, respecting some limits though, (for example) someone’s avatar cannot be taller than it actually is, to prevent the Metaverse from being crowded with giants. Meta does not necessarily bring Stephenson’s novel to life, but the vision of Facebook on the Metaverse has the same concept: a virtual, common and connected world where you can create, learn, work, do shopping, communicate and meet new people.

So, Meta derives from Metaverse that is equal to ‘Meta’ prefix (which means beyond, after) and ‘Universe’. We are talking about a place where the real and virtual worlds come together, a space where digital representations of people can interact in different contexts.

After the announcement made by Facebook, other tech industry players also started talking about their own visions of virtual reality and augmented reality. Satya Nadella, Microsoft CEO considers that ‘Metaverse [...] changes not only the way we see the world, but also they way we participate in it – from the factory floor until the meeting room.’ Unlike Facebook, Microsoft and Nvidia

focus more on team collaboration and business-to-business communication². Vision differences speak to the intent of the different organisations and the means by which they intend to go to market. It is obvious that, specialised companies, that are investing and will invest in the Metaverse will focus more and more on artificial intelligence, virtual reality, augmented reality, 5G and cloud computing.

The Metaverse erases the notion of borders

According to ‘Report: Make Sense of the Metaverse’³, the Metaverse erases the notion of borders and physical distance. In this regard, the Metaverse becomes a landscape of unlimited opportunities (for travelling, collaborations, studies, services, etc.), an environment that means connection, cooperation and openness. The same document shows that products of virtualisation already exist, taking into account that everyone can attend a concert on a certain platform or can watch a NBA season with friends from a virtual stadium experienced through Oculus headsets. All these experiences, as Meta founder has also stated, are disconnected from each other, whereas a key characteristic of the Metaverse will be the interoperability between them, allowing an experience of moving from one space to another.

Matthew Ball mentions other essential characteristics of the Metaverse⁴ and says that it will:

- be persistent – which is to say, it never ‘resets’ or ‘pauses’ or ‘ends’, it just continues indefinitely;
- be synchronous and live – even though pre-scheduled and self-contained events will happen, just as they do in ‘real life’, the Metaverse will be a living experience that exists consistently for everyone and in real-time;
- be without any limits for users who access the system simultaneously, while also providing each user with an individual sense of ‘presence’ – everyone can be a part of the Metaverse and participate in a specific event or activity together, at the same time and individually without depending on anyone else;



<https://arstechnica.com/>

- be a fully functioning economy – individuals and businesses will be able to create, own, invest, sell, and be rewarded for an incredibly wide range of ‘work’ that produces ‘value’ that is recognized by others;
- be an experience that spans both the digital and physical worlds, private and public networks/experiences, and open and closed platforms;
- The Metaverse will offer unprecedented interoperability of digital data, of assets and content across each of these experiences. Today, the digital world basically acts as though it were a mall where every store used its own currency, required ID card, own units of measurement;
- be populated by ‘content’ and ‘experiences’ created and operated by an incredibly wide range of contributors, some of whom are independent individuals, while others might be informally organised groups or commercially-focused enterprises.

Virtual reality versus Augmented reality

Virtual reality and augmented reality are based on similar but not identical technologies. The common point starts with how users interact with the digital environment. Whereas virtual reality tries to replace completely the real world, augmented reality just adds new elements to it. In this way, people can interact with the physical environment and at the same time, they can obtain additional information through augmented

¹ Facebook announces name change to Meta in rebranding effort, <https://www.theguardian.com/technology/2021/oct/28/facebook-name-change-rebrand-meta>

² Microsoft and Nvidia are working on their own more practical metaverse, <https://www.techspot.com/news/92064-microsoft-nvidia-working-their-own-more-practical-metaverse.html>

³ Report: Make Sense of the Metaverse, <https://media.monks.com/articles/report-make-sense-metaverse>

⁴ The Metaverse: What It Is, Where to Find it, and Who Will Build It, <https://www.matthewball.vc/all/themetaverse>

reality devices and applications that they use. In other words, virtual reality ‘transports’ the user to a virtual world, while augmented reality ‘adds’ virtual elements to the real world⁵.

The *virtual reality* term comes from English and implies the absence of visual boundaries, a reality of dreams, an imaginary one. The first virtual reality system, Aspen Movie Map, was developed by MIT engineers in 1978. It presented a simulation of the city of Aspen, Colorado, where the users took a tour on the streets in one of the predefined modes. Then, the ‘boom’ years in the rise of virtual reality followed.

Augmented reality has been known since 1968, when Harvard computer science professor, Ivan Sutherland, created the world’s first head-mounted display, named ‘The Sword of Damocles’. The ‘augmented reality’ term was coined in 1990 by Tom Caudell and David Mizell⁶, scientists at Boeing company. They also kicked off the use of augmented reality in an industrial setting. Augmented reality was brought to media and entertainment in 1994 by Julie Martin, writer and producer. It is about ‘Dancing in Cyberspace’ theatre production. The performance featured acrobats dancing near virtual objects on a real stage in front of an audience. Briefly, augmented reality gives users the opportunity to see the same environment they are in, where certain digital elements are projected, with no need for a special device. This technology offers a unique visual experience and makes information on certain subjects much easier to access, therefore it is being increasingly used in education.

Media industry in the Metaverse

Although the Metaverse is at the initial development stage, it becomes a hot topic, especially for the technology, media and telecommunication industries. Big investments are made to revolutionise digital media. In 2020, with events cancelled due to the pandemic, more and more users used social media to interact not only in their free time, but also for work. At the moment, more than ever, online has proven its unique networking capacities. This aspect refers to the activity of both businesses and individuals. Most industries, that do not require the physical presence of the staff,

moved their activity online, the educational process was (and continues) online providing the opportunity to access courses not only on the national but also on the international level. Many mass events also moved online. Moreover, subjects who managed to navigate the plenty of events over the past two years, cashed in enormous sums from Spotify, Netflix, podcasts and other online products which are booming whether or not there is an economic crisis. One way or other and also under unavoidable pressure of the pandemic, the Metaverse has made its presence felt in communication and networking. This period was an incentive for various brands to increase their virtual activity; personalised content developed very much, especially video content. In fact, personal accounts on social networks were the first step in personalizing the informational content. Or, every user of Facebook, Instagram, Twitter, YouTube or of any other platform becomes a source of information who chooses what kind of content they want to share with their community of friends and followers. The results are visible, especially in media and creative industries, personal video content grows steadily and becomes more diversified, and once the influence of the Metaverse increases, people will experience it even more. On the other hand, when the pandemic started, the entertainment industry was damaged in terms of live performances, when technology could not be used to create digital content. What I want to say is that media production diversified very much and continues to do so. In this respect, media industries need to determine their path very clearly and it should be in line with the development of innovative technologies that continue to amaze us. People need to be prepared for the next iteration of the Internet and content creators should ask themselves about what the Metaverse is, how they can be involved and what they need to do before it becomes a dilemma for their work, considering that just with the advent of social media, people migrated from traditional to social media, now the path will be the same, from social media to the Metaverse, which is a big challenge.

A lot remains unknown, but it is obvious that the Metaverse must provide a friendly, safe and respectful space for everyone. People need to feel free to be present, to find communities and start businesses.

⁵ Realitate augmentată vs. realitate virtuală, <https://www.orange.ro/help/articole/realitate-augmentata-vs-realitate-virtuala>

⁶ The History of Virtual and Augmented Reality, <https://www.dummies.com/software/the-history-of-virtual-and-augmented-reality/>

Prosecutors’ independence – police framework versus reality



Igor CIUREA | Chairman, LID Moldova

He is member of National Agency for Research and Development (NARD). He is also member of various international groups of experts, such as the European Youth Researchers of the EU-CoE partnership, European Youth Forum’s Expert Group, etc. Igor Ciurea constantly provides consultancy and analysis services for UN agencies in Moldova, public institutions and nongovernmental organisations in the following areas: civil society development, human rights, development of results and evidence based national and local public policies, youth and sustainable community development.



Constantin CHILIAN | Expert LID Moldova

He has an eight-year experience in the legal field. He started his career as a court clerk at Chisinau Court, Rascani branch and continued as a legal assistant at the Supreme Court of Justice. He was member of the Editorial Board of the Bulletin of the Supreme Court of Justice between 2017 and 2019. In June 2018, he graduated from the Leadership Program for Young Lawyers from the Republic of Moldova (LEAD). In December 2019 he was appointed as judge of UNGHENI Court, specialised in civil cases. He also studies the peculiarities of the European Court of Human Rights case law and engages in different activities in the area of justice.

The American author James Freeman Clarke wrote one of the most famous quotations related to the difference between a politician and a statesman. The author stated particularly that:

‘A politician thinks of the next election: a statesman, of the next generation.’ A politician looks for the success of his party; a statesman for that of his country. The statesman wishes to steer, while the politician is satisfied to drift.

In this regard, we recall that in 2016 the Parliament has reviewed the Constitution, specifically the part concerning the ‘Public Prosecution’. The Law No 3 on the Prosecutor’s Office was also adopted on 25 February 2016 (‘Law on Prosecution’). These key actions were meant to provide independence and autonomy to prosecutors in the long run, for the future generations. Nonetheless, in the past 5 years, politicians ‘updated’

the Law on Prosecutor's Office by *around* 18 laws amending or supplementing the first version.

There is no secret that when the Constitution was reviewed, the Republic of Moldova was very scared that the prosecutors' independence would be actually applied, and not just remain a principle on paper. It is true that the new Law on Prosecutor's Office includes a separate chapter 'guaranteeing the prosecutor's independence' and obliging the prosecutors to wear a robe, not an uniform as in the past. In fact, the Chief Prosecutor still assigns manually cases to prosecutors. By comparison, judges receive their cases randomly distributed by a special software.

In the same context, though it is mentioned that prosecutors perform their functions by discretionary decision-making and procedural independence, **however, decisions on a certain case can be subjected to substantiated cancellation by the superior prosecutor** if deemed as illegal (Article 33(3) of Law on Prosecutor's Office). Therefore, the superior prosecutor can control any decision made by the prosecutor appointed to a particular case. This matter has been reviewed by the Constitutional Court, which suggested that there was no constitutional problem, *stating that:*

'Prosecutors do not automatically become magistrates (having the same independence guarantees) just because the Superior Council of Prosecutors participates in their appointment. (...) On the other hand, the Court underlines that Article 299(4) of the Code of Criminal Procedure provides explicitly that the Order issued by the superior public prosecutor to settle the complaint may be challenged by the investigating judge (DCC No 30 of 29 March 2018, paras 21, 26)'. **In any case, the Article referring to the Constitutional Court does not legally entitle the prosecutor to personally contest the decision of the Chief Prosecutor.**

Actually, their independence is more important and crucial. In practical terms, the *Superior Council of Prosecutors* was instituted, which represents the safeguard for the independence and impartiality of individual prosecutors. In other words, this is the only body that is authorised to propose the appointment or dismissal of the Prosecutor-General; to propose the appointment, transfer, promotion and dismissal of prosecutors, including to apply disciplinary actions in relation to individual prosecutors. In the previous Law on Prosecutor's Office, this was the safeguard of the autonomy, objectivity and impartiality of the prosecutor.

This body proves to be important, given the attempts of politicians to change both its membership, and powers

relating to appointment or dismissal of the Prosecutor-General. The first attempt in 2019 was 'nullified' by the Decision of the Constitutional Court No 13 of 21 May 2020. In particular, the Constitutional Court found that there was a need to return to the initial procedure of prosecutor appointment, because:

- **paragraph 80.** (...) If an external body had an advisory role, or, for instance, examined the candidates based on their professional qualifications in order to ensure transparency and integrity of the recruitment process, it would not significantly interfere with the constitutional mandate of the Superior Council of Prosecutors.
- **paragraph 82.** Considering the above mentioned, the Court believes that the involvement of the Commission set up by the Ministry of Justice in the appointment of the Prosecutor-General, in the manner set out in Article 17 of Law on Prosecutor's Office is contrary to Article 125 of Constitution.'

As regarding the Council membership, the Constitution provides that prosecutors **shall hold a substantial part within the Superior Council of Prosecutors.** The decisive factor in making a decision is the ratio between the prosecutor and non-prosecutor members.

Thus, by the 2019 Law, the Parliament changed the Council's membership **from 12 members** (6 career prosecutors; the Prosecutor-General and 5 non-prosecutors) **to 15 members** (6 career prosecutors; the Prosecutor-General and 8 non-prosecutors). The majority of prosecutors was replaced by a majority of non-prosecutors including, among others,

- Minister of Justice;
- a member appointed by the President;
- one appointed by the Parliament;
- another one – by the Government (...).

In this particular case, according to the Decision of the Constitutional Court No 13 of 21 May 2020, the Constitutional Court outlined that the expression used in the Constitution – **'shall hold a substantial part' – is not equivalent to the expression 'shall hold the majority.'** In the Court's opinion, the number of 7 prosecutors against 8 non-prosecutor members complies with the provisions of the Constitution. According to the Court, this solution establishes a balance between ensuring the prosecutors' independence and avoiding a corporate self-governance within the Superior Council of Prosecutors.

There was no surprise when after the elections conducted in the summer of 2021, the parliamentary



<https://www.dvartora.ro>

majority examined the same law from legislative point of view. Specifically, the Law No 102 of 24 August 2021 amending and supplementing the Law on Prosecutor's Office broadly refers to:

- I. *procedure of assessing the performance of the Prosecutor-General;*
 - II. *suspension by law of the Prosecutor-General;*
 - III. *termination of mandates of Deputy Prosecutors-General;*
 - IV. *membership of the Superior Council of Prosecutors.*
- First, the same politicians who voted to increase the number of members of the Superior Council of Prosecutors, decided now to reduce it from 15 to 12. The Prosecutor-General, the Chief Prosecutor of the ATU Găgăuzia Prosecutor's Office and the President of the Union of Lawyers were excluded. The power ratio decreased to 5 career prosecutors / 7 non-prosecutors, including:

- The Ombudsperson, *elected by the majority of elected MPs;*
- The Minister of Justice, *elected by the majority of elected MPs;*
- a member appointed by the President;
- one appointed by the Parliament, *elected by the majority of elected MPs;*
- another one appointed by the Government, representing the *majority of elected MPs (...).*

The age limit was also instituted for the members of the Superior Council of Prosecutors, stating that their mandate shall be terminated when reaching the age of 65. Therefore, the mandate of the former member

appointed by the President was terminated, **and the current President appointed a new candidate.** In addition, the interim President of the Superior Council of Magistracy, **has recently been entitled** to take part and vote at the meetings of the Council.

Second, the Constitutional Court delivered a judgment on the inadmissibility of notifications submitted by the parliamentary opposition, meaning that it has not reviewed the specific content of Law No 102, but ruled that the Parties' arguments do not raise any constitutional problems. Nonetheless, particular attention should be drawn to the separate opinion written by judge Serghei Țurcan, who mentioned that:

'Any change in the Council membership and establishment shall not impair the independence of this constitutional public authority and shall not put the Council under political influence or control. As a result, any legislative intervention to its membership shall be justified and deeply substantiated. Therefore, removing the Minister of Justice, the Chairperson of the Superior Council of Magistracy, and the Ombudsperson was proposed by international bodies and experts (see, for example, the 'Review of the composition and operation of the Superior Council of Prosecutors of the Republic of Moldova' technical document of February 2021, which was developed under the 'Action against corruption in the Republic of Moldova' Project by James Hamilton and Mjriana Visentin, experts of the Council of Europe).

Further, the President of the Venice Commission stated in Chișinău that *'haste should not be confused with emergency in the legislative process in such sensitive matters'* Moreover, the President of the Commission

mentioned that he would send his official position in regard to the Law No 102/2021.

After a long series of changes, it has become obvious that they do not fight for the 'advisory bodies' that might propose the appointment or the dismissal of the Prosecutor General, but rather for the membership of the Superior Council of Prosecutors, the sole constitutional body safeguarding the independence and impartiality of prosecutors.

In fact, it is hard to find an ideal formula for the membership of the Superior Council of Prosecutors. In this regard, several international standards were described through the opinions of the Venice Commission, the recommendations developed by the Group of States against Corruption or the opinions developed by national and international experts. **Anyway, thanks to first-hand knowledge about the society and its needs, national authorities are mostly well-positioned to decide and assess this 'public interest'.**

This interest should be identified stemming from the constitutional purpose of this body. On the one hand, the Council as a whole has to ensure the independence and impartiality of prosecutors. On the other hand, a corporate self-governance has to be avoided from the part of the Council's prosecutors. At the same time, a prosecutor has to be sure that his/her procedural independence in relation to the executive, legislative or any other authority will be protected. In the same train of thoughts, the solutions adopted by the Council should convince an impartial observer (the society, the judicial system) that there weren't any external interferences and that proper guarantees were ensured for the impartiality, accountability and transparency.

In other words, the membership of this body shall be sustainable in the long run and find a wide political consensus, which would not be tempted to operate changes after every parliamentary elections. Therefore, the following recommendations may be formulated:

1. *equal distribution of prosecutor and non-prosecutor positions within the Council;*
 - in most cases, the Council shall decide with the majority of attending members, if at least 2/3 of the total number are present. Each member has the right to vote, and in case of equal voting, the President of the Council has the casting vote; (see below the procedure for the president election);
 - interpreting the expression 'prosecutors shall hold a substantial part within the Superior

Council of Prosecutors' as being equal in number, given that we can't similarly state that the parliamentary opposition holds a substantial part within the Parliament's membership as long as it has no real leverage over decisions made by the parliamentary majority. To this end, the Constitution provides in certain matters the qualified vote (3/5 or 2/3 out of 100 MPs) of MPs in decision-making;

- a similar measure was adopted for the Superior Council of Magistracy (6 judges and 6 non-judges), which received a positive opinion from the Constitutional Court, stating that the draft ensured the balance between independence of judges and avoiding of corporate self-governance in the Superior Council of Magistracy;
2. *introduce the rotating Presidency, that shall be exercised by rotation by a prosecutor member and, if needed, by a non-prosecutor member. The presidential mandate shall be curtailed to 2 years, which should enable the effective operation of this measure.*
 3. *exclude the Minister of Justice (including interim), the President of the SCM (including interim) and the Ombudsperson from the number of members;*
 - this proposal is substantiated in the 'Review of the composition and operation of the Superior Council of Prosecutors of the Republic of Moldova' technical document of February 2021, which is developed within the 'Action against corruption in the Republic of Moldova' Project by James Hamilton and Mjriana Visentin, experts of the Council of Europe.
 - It is true that the Ombudsperson is politically independent, *especially* due to the fact that he/she can be removed from office by vote of 2/3 of elected MPs. Nevertheless, he/she is appointed by majority vote of elected MPs, which, in particular cases, might stir discussions among civil society and might not be able to convince an independent and impartial observer in regard to the competition results.
 - It is worth mentioning that there is no European standard stating against direct involvement of the Minister of Justice as a Council member. The Minister of Justice shall be replaced with one of his/her representatives elected under the above mentioned conditions or by the Government at his proposal. Nonetheless, perceptions are very important. They should generate trust in

this body and not raise any concerns about it. For instance, following a constitutional reform in France in 2008, former legal members – the President of the Republic and the Minister of Justice – were excluded. Nowadays, the Minister of Justice can take part in Council meetings, except for disciplinary proceedings and without having the right to vote.

- We agree with maintaining the current situation concerning the exclusion of the Prosecutor-General. This one shall have a role similar to that proposed for the Minister of Justice.
4. *Change the method of electing non-judge members by the Parliament and the President, with one candidate elected by the community of lawyers and judges;*
 - Create a specialised Parliamentary Commission for the appointment of candidates to non-judge offices. The Commission shall be formed by an equal number of representatives of the majority and the opposition (for example – 10, 12, 14 members). In the event of a draw, the Commission shall present the first two elected candidates, one of them being an opposition member. In such a situation, the Parliament may adopt or reject the proposed list, requiring to conduct the competition repeatedly. If the list is rejected a second time, then it is considered to be automatically adopted (this case is similar to that chosen by Albania for vetting of judges);
 - The approach implemented under the French Constitution is very attractive. The President elects a candidate whose appointment may be rejected only by the Special Parliamentary Commission by notice based on the vote of by 3/5 of its members.

- The same method could be applied in the case of lawyer members that shall have the possibility to take part in a transparent competition in front of the Special Commission. A competition open to all lawyers who want to participate will be a fairer process than express proposals from lawyer management/self-administrating bodies. The legislator might introduce special conditions for every lawyer concerning the seniority of service, irreproachable reputation and other criteria.
- The Superior Council of Magistracy might elect a person with a high professional reputation and integrity, experience in law or another relevant area, following a transparent and merit-based public competition.

Consequently, the promotion and adoption of some clear and precise rules, involving equally the majority and the opposition, including the civil society and the community of lawyers and judges, leads to the achievement of the most important objective of a 'statesman' – stability and continuity of measures adopted for many future generations. At the same time, procedural safety of prosecutors is closely related to public oversight of the Prosecutor's Office. In exceptional circumstances, the Constitutional Court is responsible for the protection of the respective measures and shall attentively and thoroughly check if the arguments for the change in the membership of the Superior Council of Prosecutors are substantiated and deeply reasoned. Reformulating the quotation from the beginning of the article, we conclude that 'it is in the interest of the society, the judicial and political systems to set up clear and predictable rules for membership of the Superior Council of Prosecutors, so that future generation do not have any reasons to deviate from the previous precedents.'

Challenges related to intellectual property: which are they and how do we overcome them?



Rodica CRUDU | Expert LID Moldova

Ph.D., Associate Professor, Dean of the Faculty of International Economic Relations, Academy of Economic Studies of Moldova (ASEM), where she has been a professor since 2004. Since 2014, she holds the title of Jean Monnet Chair, coordinates several Jean Monnet projects in Moldova in the field of European integration studies. From August 2017 to January 2018, she held a Fulbright Scholarship at the American University in Washington DC.

In the digital era, innovation plays a critical role in obtaining and maintaining a competitive advantage. In their pursuit to cut production costs and to ensure competitive advantages, companies look for new working modes, new business models, and they launch new products. As a result, we witness an unprecedented speed of launching new innovative products on the market, a significant reduction of these products' lifecycle, a stronger competition that becomes more and more fierce, etc. All these factors compelled companies to adjust their business; they also made it necessary for innovative products to be designed by combining several IP elements that go

beyond the traditional approach (i.e. intangible aspects of a brand, digital content, data sets and database rights, etc.).

The technical and scientific progress also led to the emergence of new IP forms, such as digital intellectual property, which represents intellectual property in a digital format. The range of materials covered by this term is broad, it keeps growing and includes: software, original music, photos, pictures, films and video, websites, graphics, technical data in digital format, publications under copyright, etc. Industries that produce digital intellectual property account for a significant part both of in economic growth and in international trade. Today, all companies and individuals store, create or otherwise manipulate digital information. The reality of digital information raises issues regarding the use and reuse of information, as well as the rights and responsibilities of right holders and consumers in line with the legislation in force. The debate on intellectual property concerns almost everybody, ranging from authors and publishers (who do not always have similar interests), to consumers (for example, the public that reads, listens and watches), to libraries, and education institutions, to governmental and standardisation bodies. The protection of intellectual property rights may be sometimes 'difficult' to achieve, because it is an attempt to find a compromise among the interests of several stakeholders, which are sometimes contradictory.

The classic challenge is to achieve and maintain a balance between the interests and motivations of the parties, providing, on the one hand, enough control to motivate the authors, inventors and publishers to create and disseminate works, and, on the other hand, to temper this control so that some public policy goals would not be threatened, like the preservation of the national cultural heritage, wide access to information, promotion of education and excellence in research – development – innovation.

To a great extent, over the last two centuries of intellectual property history we have witnessed a successful balancing of these details. However, information infrastructure shows today a leap in

information and communication technologies that might impact the current balance. The involved stakes are huge both from economic and social points of view. The decisions made now and in the near future will determine who benefits from the technology and who gains access to information, under what conditions, which will be the fundamental elements of our future as an information/digital society. In order to ensure that we are able to build the type of information society where we want to live, we should ask ourselves, as a society, if the current mechanisms are working and if they don't – what has to be done? What options are there to achieve important goals of the intellectual property law and policies in the digital era?

What are the challenges related to the protection of intellectual property in the digital era?

In the digital era, technological progress fosters the creation of innovations, but, at the same time, it makes the creators more vulnerable, because it is very hard to ensure IP protection in a world where everybody can access, share or use content without authors' consent. Technological progress does not only facilitate the infringement of IP rights, but also demonstrates that the infringement has occurred, thus making the application of IP rights more complex. The trends in the development of new technologies and their interference with the protection of IP are shaped by several issues and challenges:

- 1) **The development of the World Wide Web** allowed users to access, use and publish information with just one click. Some authors believe that the World Wide Web creates a plethora of jurisdiction related issues when it comes to digital intellectual property¹, because it allowed right-holders to reproduce their products at a lower cost², but also led to the increase in the frequency of copyright violations³. The challenge itself is that the Internet is a worldwide service, and when its digital assets are created, these ones can be recreated and disseminated in different countries all around the globe;
- 2) **'Easy' reproduction wears down the natural barriers.** Decades ago, reproduction of IP objects in physical format (e.g. a book) was both expensive and difficult. The cost of reprinting and illicit



<https://www.myhrtoolkit.com>

distribution of a book protected by copyright could be a strong enough argument for potential offenders to give up on the idea of stealing the work. Today, though, digital assets can be endlessly reproduced, through simple and low cost methods. Therefore, violating digital intellectual property is much easier than reproduction of physical works;

- 3) The development of the World Wide Web enabled not only the **easy reproduction of information products and digital assets**, but also their **dissemination** at a high speed all around the world (where the marginal cost is almost zero), allowing the ill-intentioned users to use unauthorised copies⁴. The process became uncontrollable as the social media flourished, because they developed business models based on sharing digital content, which made it virtually impossible to monitor billions of pictures, videos and other products shared in these media. This led to an increase in copyright violations and it also complicated the enforcement of intellectual property rights. Trademark owners have a new trouble to face too – nowadays they have to ensure web monitoring for potential violations of marks registered as domain names and as internet websites, in order to follow the availability of new domain locations and to fight cybersquatting¹.
- 4) Along technological progress, the **IP law** also developed substantially and it became **extremely complex and varied from a country to another**. The

¹ The practice of registering names, particularly well known company or brand names, as internet domains, aims to resell them in order to gain profit.

international nature of the problem is revealed by the fact that information infrastructure is global, while interpretations and statutes regarding the IP law differ from country to country. There are also important cultural attitude variations concerning intellectual property. What means illegal use of digital intellectual property in the United States may not be illegal in China, or vice versa. Once the digital environment allows people to access information and digital assets from all around the world, this made it difficult to understand what is legal and what is not. The complex nature of the current IP legislation poses a big challenge when it comes to throwing light on the legality of an action or to monitoring a claim for the illegal use of a right, which may be extremely difficult (1). As a result, a new domain of IP legislation emerges, namely the digital IP law, which tries to address these uncertainties and adjust the existing legislation to the continuous updates and changes of the digital era;

- 5) **Different interpretation of legal concepts in different legal systems.** IP law is one of the most fluid domains in the existing legislation. It changes and updates constantly, trying to keep up with the new technologies, new case-law trends and even with industry-related compromises⁵. If you ask two different IP experts what they think about a particular subject, you are likely to get two very different interpretations. This is especially true for digital property. Digital IP law is another developing domain that is still trying to catch up with the new information technology;
- 6) Another identified challenge relates to **jurisdictions**. While laws, enforcement policies and even cultural attitudes towards IP significantly vary from one country to another, IT networks have a global coverage; therefore, it may be difficult to establish whose laws can be applied in respect to the offender. This leads to the following questions: In which court can the right-holder require protection?; What court is authorised to handle the case on violating digital intellectual property rights? Moreover, we witness more and more cases when the defender regularly challenges the authority of the court concerning cases on violating IP rights over the Internet. As a reaction to that, we can see that offenders transfer their activity and information in countries with a more permissive legislation and its enforcement.
- 7) **Enforcement of IP rights.** The possibility to act anonymously on the Internet transforms many



digital IP offenders into ghosts. In addition, some of them (commercial offenders, as well as individuals) can multiply stolen IP objects on purpose, but most of them do this just out of ignorance⁶. Respectively, if unauthorised usage of a digital IP right is found, monitoring a claim associated to this case can be incredibly difficult. In order to counteract such cases, countries developed and apply tools for monitoring the observance of IP rights. In the Republic of Moldova, similarly to most EU Member States, there is an IP Observer⁷, aiming to eliminate discrepancies identified within the system ensuring the observance of intellectual property rights at the national level, as well as monitoring and promotion of the observance of intellectual property rights, along with the facilitation of cooperation between public authorities and right-holders. However, there is no definite methodology on measuring the damage caused by the violation of IP, which hinders the IP enforcement efforts.

Conclusion:

To conclude, we may say that technological progress led to radical changes in the economy of IP protection, namely: (1) digital information has changed the economy of reproduction, (2) computer networks have changed the economy of distribution, and (3) the World Wide Web has changed the economy of publishing. On the one hand, this created an obvious benefit for right-holders, allowing them to cut production costs, but on the other hand, it also allowed offenders to take advantage of perfect digital copies, to disseminate them at low costs and almost immediately.

Despite many challenges, technological progress brings various technical solutions in order to balance the interests of right-holders and of users of intellectual property. In time, countries have tried to adopt several conventions and laws meant to ensure the protection

of intellectual property, including online. However, the complex nature of IP rights and the difference between the existing legal systems on the one hand, and the fast progress of digital technologies, on the other hand, strengthened many of the challenges that all stakeholders are facing.

What can we do to overcome these challenges?

- At global level, it is necessary to establish a number of **harmonised and uniform approaches related to jurisdiction matters**, which should enhance effectiveness of the protection of intellectual property, and therefore, would ensure a higher safety for intellectual property right-holders;
- At national level, we need to update public policies. **Effective development of public policies** requires an analysis of the IP protection dilemma broader perspective than the IP law itself and it must consider the full range of forces involved, their problems and visions (such as lawyers, IT professionals, economists, psychologists and policy-makers).
- An **enforcement strategy** is also needed, in order to create and facilitate the identification and record-keeping of clear evidence and information regarding the damage caused by the violation of IP rights, as well as the identification of business models that facilitate and benefit from them. This will

enable authorities to effectively respond to these violations. This is the reason why such a strategy must also include the commitment to develop a **robust methodology for the measurement of the damage caused by the violation of IP**.

- **Tighter sanctions** for violating IP rights may have positive effects on streamlining the protection and enforcement of IP;
- **Educating consumers.** Consumers must be taught to recognize legal content and understand the damage caused by piracy. Knowing IP rights may help consumers to make the right choice concerning safety, reliability and effectiveness of their purchases, to make sure that products are authentic and of high quality. An educated consumer understands that deliberate violation has consequences. Hence the continuous need for active campaigns aimed at educating consumers in the Republic of Moldova.
- It is obvious that Moldova, a small country in Eastern Europe, can't cope with these global challenges on its own. This is why, **international partnerships** are essential in the context of overcoming common challenges. The exchange of best practice, like it is done during the meetings of the Advisory Committee on Enforcement and under the strategic goal 'International Cooperation on Building Respect for IP' of the World IP Organization (WIPO), should be promoted and replicated at other levels too.

References:

- ¹ Muir, J. (2016). Digital Intellectual Property Rights | J. Muir & Associates. <https://jmuirandassociates.com/digital-intellectual-property-rights/> (accesat online pe 12.10.2021)
- ² Hattopadhyay, S. (2013, 7-8 March). *Intellectual Property Rights in Digital Environment*. In National Conference on Reprographic Rights and Copyright Act: Challenges and Management, Indian Statistical Institute, Kolkata. [Conference paper]. http://eprints.rclis.org/28939/1/Intellectual%20Property%20Rights%20in%20Digital%20Environment_ISI.pdf (accesat online pe 10.10.2021)
- ³ Gulyaeva, N. (2021). *Intellectual Property Law in the Digital Society: Challenges and Opportunities*. Expert Guides. Retrieved 30 September 2021, from <https://www.expertguides.com/articles/intellectual-property-law-in-the-digital-society-challenges-and-opportunities/ARCPWTMM>
- ⁴ National Research Council (2000). *The Digital Dilemma: Intellectual Property in the Information Age*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/9601>
- ⁵ Intellectual property challenges for the digital economy. (2021). <https://www.ifm.eng.cam.ac.uk/insights/innovation-and-ip-management/intellectual-property-challenges-for-the-digital-economy/> (accesat în 29 Septembrie 2021)
- ⁶ Enforcing IP rights in a digital environment. (2020). <https://www.businessgoing.digital/enforcing-ip-rights-in-a-digital-environment/> (accesat online pe 30.09.2021)
- ⁷ <http://observatorpi.md/>

² We can take electronic libraries as an example, which enable users to download the electronic version of a book on their device, without being able to copy parts of it or to print it, and which is automatically deleted once the lending period ends. Although it is an effective tool for the protection of digital intellectual property rights, this can also limit the faithful use of a work protected by copyright (i.e. making a copy for personal use).

Electoral reform: how to strengthen citizen confidence in electoral processes?



Victor PRUTEANU | Expert LID Moldova

Has been working in elections since 2014, when he was elected and trained as a trainer at the Centre for Continuous Electoral Training (CICDE) under the Central Electoral Commission in order to train all electoral stakeholders. This is where he achieved a wide experience in electoral activity, as he was involved in every step.

Along with electoral activities in the Republic of Moldova, he took part in observation missions for the elections abroad: South Korea (2015, short-term observer), Spain (2015, short-term observer) and Ukraine (2019 and 2022, long-term observer). He earned a Bachelor of Law at the Free International University of Moldova and a Master of Political Science (Political and Electoral Management) at Moldova State University. Currently, Victor is a civil servant heading the multimedia and social media division under the Secretariat of the Parliament of the Republic of Moldova, working at the same time as a part-time trainer and researcher at CICDE.



Igor CIUREA | Chairman, LID Moldova

Graduate of Moldova State University, Faculty of Law. Master degree in the same institution in the field of civil judiciary proceedings. He participated in various trainings in project management, impact assessment, development of result based public policies, human rights and international tools for their protection, etc.

Author of over 30 publications, practical guidelines and public policy analyses, among which Disparities-based Youth Index (2015), Analysis of Youth Local Budgets (2014-2020), Assessment of National Public Budget form Youth Perspective (2018), Community Activism Guidelines (2020), Integrating the Rights of Young People in International Mechanisms for Human Rights Protection (2021), e-Governance for the Republic of Moldova. General Reference and Good Practices, Assessing the Implementation of the National Strategy for the Development of the Youth Sector (2021), etc.

Free, correct and transparent elections are the objective of any democracy. In order to achieve it, the state appoints one or more public authorities to be responsible for the organisation of the electoral process according to the highest national and international standards. Electoral processes in the Republic of Moldova are organised by the Central Electoral Commission, independent public institution that reports to the Parliament.

The current membership of CEC was established on 16 September 2021, after the expiry of the term of office of the previous membership on 17 June 2021 (extended by law due to the electoral period). Specifically, on 16 September the Parliament appointed 6 CEC members, and other two on 28 October. A draft Parliament decision appointing the last CEC member has been recently registered.

The current CEC membership includes the highest number of electoral practitioners, subject-matter professionals with a wide expertise in organising, conducting and monitoring elections (currently, 5 members). However, both civil society¹, and political parties in the country support not only the professionalism of CEC members, but also the change in the legal mechanism for their appointment in order to depoliticise the institution². These changes can be made by establishing some selection criteria of members that shall contain clear provisions on skills and expertise, as well as by changing the rules for the appointment of CEC members³.

In its first meetings, the new membership outlined the challenges of the electoral process and established the immediate and long- and medium-term priorities of the institution. Prioritising large impact-responses is critical for the electoral reforms, and to this end we have several proposals that might significantly improve the electoral processes in the Republic of Moldova.

Priorities identified by CEC

The Central Electoral Commission identified in its 2020–2023 Strategic Plan a series of amendments of the electoral law and the associated legal framework:

- Establish permanent territorial electoral bodies;
- Institute mandatory certification of electoral officials at DEC level⁴;
- Appoint the management of DEC/PEB⁵ (Chairperson and secretary) exclusively from the Registry of Electoral Officials;
- Establish fixed dates for the conduct of regular elections (local general elections, new local elections, presidential elections);
- Diversify the sanctions applicable to political parties for the failure to comply with the laws on funding of political parties and electoral campaigns.
- Use a part of the fines collected for violating the political funding rules to develop the monitoring and control function of CEC;
- Regulate the online information environment during the electoral period;
- Institutionalise a mechanism for compulsory notification by CEC of amendments to the electoral law.

This also refers to substantiating the recommendations and submitting them to the Parliament for review. None of the changes listed above has been made so far, even though some of them do not require large costs and can be implemented rapidly.

Priorities to be considered

Given the 5-year mandate approved by the Parliament for the new CEC members, it could theoretically act on all legislative aspects of major importance for CEC that are set out in the CEC's Strategic Plan for 2020–2023. During CEC meetings, as well as in its public declarations, the current management recognised many short, medium and long-term objectives. Taking into account that the next elections should take place

¹ https://promolex.md/15338-apel-public-privind-necesitatea-urgentarii-procedurilor-de-desemnare-si-confirmare-de-catre-parlament-a-noilor-membri-ai-comisiei-electorale-centrale-cec-precum-si-de-alegere-de-catre-membrii-cec-a/?fbclid=IwAR0Ka_9anwzITmESNVUq_bLLNIWYlTIS5yIQ3ZT-F8u5opOxV6qD1HFppRw&lang=ro

² 'Obstacles for the improvement of cooperation/communication between the Central Electoral Commission and political parties, civil society and media. Analysis and recommendations' Study, conducted by Iuliana Bordeianu, Expert at the Council of Europe, Chişinău 2021

³ Final Report of ENEMO Observation Mission for the Early Parliamentary Elections of 11 July 2021 in the Republic of Moldova

⁴ District electoral council

⁵ Precinct electoral bureau



at the end of 2023, there is time and space to review the electoral law and the related legal framework.

During the past years, a series of electoral law improvements were identified in order to adjust it to the realities and standards of OSCE/ODIHR⁶ and of the Council of Europe. A number of electoral stakeholders formulated recommendations in this regard, especially national (Promo-LEX) and international (OSCE/ODIHR, ENEMO⁷) missions.

Capacity building of CEC in monitoring the funding of political parties and election campaigns

Actually, CEC is responsible for supervising the funding of the election campaign, but this practice is in fact limited. During the elections of July 2021, CEC found several violations (late, incomplete and/or inaccurate financial statements, donations from prohibited sources, donations from people acting on behalf of third parties or of people with no registered incomes, etc. However, CEC didn't request the court or the competent authorities to apply sanctions, but they recommended to correct the financial statements, to transfer illegal donations to the state budget or issued warnings. The violations were not studied further, which undermined the effectiveness of campaign supervision. Gaps were also identified between the real expenditures and those reported by certain parties⁸.

The current CEC membership has already undertaken actions in this direction, submitting a request to the Government of the Republic of Moldova to appoint people from the State Tax Service, Financial Inspection and General Police Inspectorate in order to create a Working group meant to check the accuracy of the election campaign funding during new Local elections of 21 November 2021. This was also set up by CEC Decision No 70 of 19 October 2021⁹ which requested additional responsibilities in this regard, including from the Security and Intelligence Service, in order to review more carefully the reports of electoral contenders and avoid suspicions of non-transparent funding.

CEC plans to standardise this practice, and in addition, to establish a new division within CEC – 'Division of financial monitoring and control'. According to the declarations of CEC vice-chairperson Pavel Postică¹⁰, funds have been already transferred to the budget of the Central Electoral Commission for 2022, which was adopted at the CEC meeting of 19 October 2021.

Additional measures recommended:

- build capacities and provide resources and appropriate skills in order to control more efficiently the funding of political parties and of election campaigns;
- examine the possibilities of checking and estimating the expenditures not declared by parties/electoral contenders;
- expressly indicate identification data of donors that may be published (name/surname, occupation/workplace);
- promptly apply sanctions when unlawful actions are identified and/or consider applying more deterrent sanctions.

Implementing alternative voting methods. Electronic voting.

This objective and its implementation has been discussed broadly for a long time, considering the massive attendance in the last two national elections

(263 000 in Presidential Elections of 2020 and 212 000 in Parliamentary Elections of 2021) of Moldovan citizens living abroad, as well as the realities determined by the pandemic.

Voting methods are usually based on historical traditions of the respective state, as well as legal provisions, economic conditions and social features. The idea of implementing alternative voting methods, along with the classic one at the polling station, is now more relevant than ever, and the Centre for Continuous Electoral Training provided in June 2020 a series of researches and examples in this regard¹¹. Other countries have a long-standing experience in introducing electronic voting, a voting tool that proved to be safe and useful.

Electronic voting as been chosen as the main option, given that CEC has already taken actions in this direction, and also because this voting method will increase significantly access to the electoral process. A staged planning of electronic voting implementation has been already announced¹²:

1. Preparation for the implementation. The 2022 budget plans funds for e-voting implementation, in line with CEC's Strategic Plan for 2020–2023. They will work on the appropriate software to make sure it is technically safe and is able to ensure vote security and secrecy.
2. Electronic voting is planned to be tested or partially implemented in the 4th quarter of 2022, as well as in the next local elections of 2023 in order to check how it works, how safe it is and what will be the attitude of electoral actors and, particularly, of voters.
3. Implementation of electronic voting during the next Presidential Elections of 2024.

However, it is worth mentioning that electronic voting, like other alternative methods, implies certain costs e.g. electronic signature and identification, online security, legislative amendments, reliable postal service and a high level of public trust in such voting methods. To this end, we recommend the following:

- Organise extended consultations with all electoral stakeholders on this subject, including political actors in order to ensure a wide political consensus;

- Plan and conduct large information campaigns among electoral stakeholders in order to explain advantages/disadvantages of electronic voting and its security, and to destroy myths about the mistrust in voting via technology;
- Involve electoral stakeholders to a greater extent in the first planned stages of testing the electronic voting;
- Provide free and timely electronic signature to all citizens in the areas where electronic voting will be tested. Train and inform all involved stakeholders and citizens about the electronic voting in areas it will be piloted.

Obviously, there are a lot of obstacles to electronic voting implementation, with public trust being the main one. However, 2-3 years are sufficient to prove to electoral stakeholders, particularly to voters, that electronic voting is safe, secret, reliable and can be freely expressed.

Establishment of polling stations abroad

The number and location of polling stations (PSs) are important conditions for ensuring access to the electoral process for Moldovan citizens who live outside the country. Taking into account that the 11 polling stations that hosted the second round of 2020 Presidential Elections used all 5000 ballot papers, there was a need to review the number and location of PSs for the 2021 Parliamentary Elections.

Nonetheless, the 2021 Election showed a deficient cooperation between CEC and MFAEI¹³ in establishing PSs abroad. The lack of transparency in establishing PSs abroad and their geographical distribution, deficient justification of decisions made in this regard and the suspicions about political influence over CEC decisions resulted in complaints and criticism from many electoral stakeholders.

The procedure of establishing PSs abroad should be transparent and subject to public consultations. The number and location of PSs needs to be justified to avoid any suspicions of political influence and/or inconsistency with the criteria set out in the Electoral Code.

⁶ OSCE Office for Democratic Institutions and Human Rights

⁷ European Network of Election Monitoring Organizations

⁸ Final Report of Promo-LEX Observation Mission for the Early Parliamentary Elections of 11 July 2021 in the Republic of Moldova

⁹ CEC Decision No 70 on additional responsibilities of certain central public authorities, local public authorities, and certain institutions in order to ensure proper conduct of new Local Elections of 21 November 2021.

¹⁰ <http://ipre.md/2021/11/12/podcast-39-noi-si-europa-viziunea-si-prioritatile-pe-termen-scurt-si-mediu-ale-noii-componente-a-cec>

¹¹ Digest Electoral - 3rd Edition, Magazine on Electoral Analysis, Theory and Research, CICDE, Chişinău 2020

¹² <http://ipre.md/2021/11/12/podcast-39-noi-si-europa-viziunea-si-prioritatile-pe-termen-scurt-si-mediu-ale-noii-componente-a-cec>

¹³ Ministry of Foreign Affairs and European Integration

¹⁴ Final Report of ENEMO EOM, 2021 Early Parliamentary Election, the Republic of Moldova, p.17

Review of the appointing method of CEC members

Out of 9 CEC members appointed by the Parliament, one of them is appointed by the President of the country and 8 by the Parliament in accordance with the proportional representation of the majority and the opposition. Nonetheless, considering the electoral stakeholders' concerns about the political motivation of CEC¹⁴ decisions and low presence of electoral professionals/experts within the previous CEC memberships, a review of the appointing method of CEC members has been requested several times.

Such recommendations were made earlier in 2019, by the call of the 10 NGOs member of the Civic Coalition for Free and Fair Elections (CALC), as well as by the international election observation missions (ENEMO at the 2021 Parliamentary Elections).

However, taking into account that this topic is as important, as it is sensitive, we recommend the following:

- Consult on a larger scale the potential appointing methods by involving all electoral stakeholders;
- Consider the possibility of making all positions permanent;
- Establish some criteria of expertise and professionalism for the candidates for the respective offices;
- Make the appointing process, including the associated interviews, more transparent.

Accessibility of polling stations

This is one of the weak points that CEC identified in its strategic plan. This problem targets not only people with special needs, but also other people with reduced mobility: older people, children, parents with young children in strollers or on their hands, cyclists, pregnant women, people with temporary disability, etc. A study¹⁵ conducted in 2019 on a representative sample of 612 polling stations, reveals that out of the total number of polling stations assessed, only 6 are accessible, 174 – partially accessible and 432 – inaccessible. These are serious statistics, given that the accessibility of the electoral process is one of the basic principles, as well

as a preliminary condition for the exercise of the right to vote, and of other rights in different areas of life.

Considering that polling stations are usually opened in public authorities' buildings, this aspect concerns not only CEC. However, once this issue is solved, it will ensure access to a wider range of public services.

Recommendations:

- Cooperate with public authorities in order to ensure access to polling stations;
- Involve public authorities responsible for construction and for checking/observance of technical norms and standards in terms of accessibility during the control activity, assessment and monitoring of the accessibility of polling stations;
- Use the expertise of relevant civil society organisations in order to assess the accessibility of polling stations;
- Establish fixed dates for ordinary elections, preferably in the warm period of the year (April-May or September-October).

Adjustment of the legal electoral and the associated frameworks

This is a recommendation included in all reports of national and international election observation missions in the Republic of Moldova. The new CEC membership focused on this aspect and, respectively, at the CEC meeting of 24 September 2021 they made public a schedule for developing amendments to the electoral and related laws:

- Set up a working group within the CEC to make a conceptual analysis and recommend amendments to the law based on proposals collected so far and on the electoral practice;
- Engage national and international experts to express their opinions on the draft law and present their proposals during the activity of the working group;
- publish the draft law for broad public consultations with all electoral stakeholders (political parties, parliamentary fractions, Government, NAC¹⁶, citizens etc.).

We want to stress out a series of recommendations for consideration:

- take into account the recommendations of national and international election observation missions;
- consider amending the law to allow voters to support several potential electoral contenders, in the spirit of good practices in electoral matters and of OSCE/ODIHR recommendations, especially focusing on the next General Local Elections, when a large number of people will collect signatures to be able to run in the electoral race;
- introduce a number of efficient monitoring and sanctioning mechanisms targeting hate speech

and discrimination during the election campaign, as well as examine the possibility of establishing more severe sanctions for such violations;

- regulate the electioneering process and the fake news published online, monitor the online media, including social networks.

The current membership of the Central Electoral Commission is appointed for a 5-year mandate. This is a sufficient term to not only to achieve the above-mentioned priorities, but also to implement the Strategic Plan of the institution.

¹⁴ Final Report of ENEMO EOM, 2021 Early Parliamentary Election, the Republic of Moldova, p.17

¹⁵ Equal access for all to the polling stations. The assessment of the accessibility conditions in precinct electoral bureaus from Chişinău, and Bălţi, as well as from Edineţ, Hînceşti, Căuşeni districts and ATU Găgăuzia (May, 2019), was conducted by Infonet Alliance and its partners, at the request of UNDP Moldova.

¹⁶ National Anticorruption Center

ABOUT US

The Development Initiatives Laboratory (LID Moldova) is a Think-Do Tank, independent, non-profit, non-governmental and non-partisan in the Republic of Moldova. It was founded in 2019 on the vision of a modern and free state and is based on the following strategic directions:

1. Research, innovation and economic development;
2. E-transformation and modernization of public services;
3. Empowering and promoting change agents;

According to the statute, the goals of the LID Moldova Foundation are:

- Preparation of analyzes, studies, campaigns in the social and economic field;
- Carrying out other activities in the social and economic field;
- Training and support of other NGOs in the region with the same profile.

The mission of LID Moldova is to empower individuals, organizations and public institutions to become agents of change and to provide expertise that leads to development.

LID Moldova is involved in promoting democratic values and building a space for dialogue in which people can express themselves freely and constructively. The initiative is at the heart of our effort and we will encourage it in any environment – from small communities of people gathered around the goal of improving their living space, to civil society organizations fighting for transparency and fairness, to academic communities that works on far-reaching ideas both at home and in Europe.

The core values are responsibility, meritocracy, and the celebration of success, openness and freedom. The Republic of Moldova is a young state, but it was built on the wounds of the past. Therefore, the promotion of meritocracy in all aspects of economic, political, cultural and social life must become a priority. As well as strengthening a critical thinking community in Moldova, able to advance ideas for a prosperous economy, a reliable government and a strengthened civil society.

