

SOROS FOUNDATION-MOLDOVA

GOALS AND STRATEGY for 2014-2017

1. Summary

In the next four years, the Soros Foundation-Moldova (SFM) will play two principal roles:

- independent watchdog, promoting open society values in concert with key local organizations; and
- reliable local partner of international actors.

These profiles will encompass a range of approaches, including capacitating civil society, advocating with and providing assistance to government, and catalyzing the influence of international donors. We aim to mobilize the active forces in society to challenge the abuse of state power and prevent backsliding on democratic and human rights standards.

We intend to use the window of opportunity provided by EU interest in Moldova to leverage engagement in Europeanization processes. Given chronic political instability, civic apathy, and the limits of Brussels' engagement, the reform process must be both supported and monitored to prevent sham compliance with the EU requirements. We will also leverage the resources of international donors like the Swedish International Development Agency (SIDA) and the Global Fund, which SFM has already tapped into.

In narrowing down our work for 2014-2017, we chose to focus on issues that encompass core challenges in Moldovan society and offer possible synergies with the EU, UN and other donors. This approach entails:

- 1) **closing or winding down many of our previous projects**, including monitoring and reporting on EU integration processes, support for the National Public Broadcaster and local media, and legal aid. These projects proved mostly successful, but they have either dropped out of our priorities or been adopted by other actors.
- 2) **identifying and consolidating key local partners** whose monitoring, reporting and advocacy contributions we see as essential building blocks for developing our own initiatives and for the work of other donors and stakeholders. Thus, our **fealties to fields** will focus on the following:
 - a) enhance judicial accountability as a pre-condition for justice reform
 - b) provide accurate and reliable data on themes relevant to Europeanization
 - c) ensure independent monitoring of public health policies as a basis for informed and better decision making in the health sector
- 3) **designing new concepts**:
 - A. Challenge corrupt and non-transparent management of public funds
 - B. Protect and promote media independence and pluralism to sustain democracy**
 - C. Safeguard procedural guarantees in the pre-trial stage of the criminal process
 - D. Reduce arbitrary limitations on human rights
 - E. Advance equality, non-discrimination and social inclusion of marginalized groups, with a particular emphasis on health

Given the size and nature of the challenges in Moldovan society and the pending threat of a spillover of the political crisis, we must maximize our limited resources by focusing on concrete, specific interventions that can be used to advocate for systemic changes at legislative, policy or societal levels. In designing our strategy, we have taken into consideration the unfinished transition to democracy, doubled by the impact of the economic crisis in the poorest country of Europe.

2. Foundation History and Context

Established in 1992, the Foundation initially focused on two areas: the development agenda and the transition to democratic governance and a market economy. After the return to power of the Party of Communists in 2001, the Foundation had to respond to different challenges: resisting government attempts to monopolize the public space during 2001-2004; encouraging the swing toward European aspirations and supporting democratic initiatives after 2005; monitoring and reacting to the crisis around the elections in April 2009; and supporting Europeanization efforts after August 2009.

The main achievement of the SFM over the past two decades consists in establishing itself as a trademark of independence and opposition to totalitarianism even in times of high political uncertainty and real risk of reversing the course, a trademark of steadfastness in promoting open society values and supporting Moldova in its pro-European course. Notable successes include: establishing a state guaranteed legal aid system featured as promising practice for the entire region, creating a network of information centers for rural populations, establishing dozens of local television and radio stations to undermine partisan capture of media, the deinstitutionalization of children and youth with mental disabilities, and introducing and establishing novel concepts in health care, as palliative care and harm reduction.

Internally, we had to redefine the Foundation as a local organization and either phase out or spin off programs in education, arts and culture, information and economic reform. In the past, the Foundation used an effective mix of grants, pilot projects and operational work, including advocacy and fostering leadership through fellowships. These approaches will be maintained.

3. Fealty to Fields and Places

3. a. Enhance Judicial Accountability as a Precondition for Justice Reform

Independence of the judiciary has been the key focus of many international organizations working in Moldova. However, since the change of Government in 2009, there has been an increasing risk of corporate solidarity within the judiciary and misinterpretation of international standards on judicial independence in favor of impunity of judges. Among the key factors supporting this trend are the closeness of the judges' community, resistance to any oversight and reform of the judiciary and a lack of transparency in the administration of the judiciary. A key challenge for civil society groups engaged in judiciary reform is the limited capacity of their staffs and the disregard by the judiciary of any critique that comes from outsiders. Operating with the assumption that judicial accountability is essential for any other intervention in the justice reform, we need to consolidate a civic component in the legal community to both monitor and provide professional critique and advice on judicial accountability.

The Legal Resources Centre from Moldova (LRCM) is the leading organization on justice sector reform related issues and the only Moldovan entity producing quality legal analysis and advocacy in this field. LRCM aims to promote human rights, respond to human rights violations and secure an efficient, transparent, fair and credible justice system. Its main focus has been monitoring and advocating for reforms in the judiciary and in the implementation of ECtHR standards in Moldova. Their distinguished feature is the combination of research, advocacy and strategic litigation for promoting justice sector reform. LRCM puts an emphasis on quality and impact of what they do.

LRCM is also financially supported through projects financed by the US Embassy to Moldova, USAID through ROLISP and EU (through Ludwig Boltzmann Institute of Human Rights). LRCM has been selected by the US Embassy and the Ministry of Justice to carry out three major studies included in the Justice Sector Reform Strategy for 2011-2016, which will lead to legal amendments in the respective fields: optimization of the court structure, specialization of judges and optimization of the number of prosecutors.

The SFM Justice Program intends to provide a grant to LRCM to monitor and advocate for effective accountability mechanisms for judges, an area which is key to the entire justice reform but is neglected by all other donors. LRCM will focus on the following three issues: 1) transparency of the Superior Council of Magistrates in decision-making; 2) disciplinary proceedings; and 3) performance evaluation of judges. The Foundation envisages a close collaboration by active involvement of our staff in advocacy efforts carried out by LRCM. Through this grant LRCM will ensure: transparent hearings and well-motivated decisions of the Superior Council of Magistrates; effective disciplinary procedures against judges; unified judicial practice; secure that performance evaluation of judges is practical and effective; establish a civic alternative in the legal community able to qualitatively monitor and engage in activities related to enhancing judicial accountability. The scale of the SFM support, planned for four years, would allow for better planning and range of activities, including research, advocacy and, possibly, technical assistance support.

3. b. Provide Accurate and Reliable Data on Themes Relevant to Europeanization

The Public Policy Institute (PPI) is a think-tank specialized in sociological and public policy research, committed to the values of individual liberty, democratic society, rule of law. Through its research, policy recommendations and public forums, the Institute is recognized as providing political, academic community and media with a thorough analysis of public policy issues confronting our society in order to improve the policy-making process. In the last five years, PPI was mostly contracted by the World Bank, UNICEF, OSF, NED.

Since 1998 the Foundation has supported the Public Opinion Barometer (POB) developed by the PPI, an independent public opinion poll issued twice a year. In a context that includes the threat of manipulation of public opinion and with media often captive to various political or oligarch interests, the POB has managed to remain the most trusted opinion poll in Moldova, measuring public perception on domestic reforms, foreign policy, electoral preferences and quality of life. This is the most referred to opinion poll, both in media coverage and sociological research, as well as among politicians. Its success is achieved due to PPI's reputation and independent standing. In order to secure the objectivity, quality and credibility of this instrument, the Foundation proposes to support the POB through a grant offered to PPI. In this way, we will ensure access to objective information, assess periodically public perception of Government actions and the reform process, identify trends and secure increased knowledge and understanding of public opinion among decision makers, media and civil society. The information generated through the POB is essential as a baseline for any meaningful advocacy and for developing public policies or strategic interventions by SFM and other donors. Besides generating needed data useful for researchers, policy makers, donors, the POB is also a huge visibility opportunity for SFM and provides the opportunity for reflections on further adjustments of public initiatives.

3. c. Ensure Independent Monitoring of Public Health Policies as a Basis for Informed and Better Decision Making in Health Sector

Health governance has received official development assistance through multilateral and bilateral agencies but most of this investment has gone to building governance capacity in the Ministry of Health. There are few independent policy centers and think tanks which address public health issues. SFM is the only donor supporting alternative mechanisms, engaging civil society in health policy development and implementation.

The Center for Health Policies and Studies (PAS Center) is the leading organization in the field of public health policy due to its highly experienced and qualified staff, fruitful collaboration with main stakeholders and media. Their independent policy work has resulted in significant policy changes that address issues of access, quality and efficiency of hospital care, access to medicines and hospital reform. Evidence-based feedback from the center experts have led to better health policies or the withdrawing of poor quality draft policies. In the last three years, SFM supported the Health Monitor Project, implemented by PAS Center

In the next four years PAS Center will: 1) monitor health sector policies and use the results to advocate for better national policies regarding the efficiency and quality of health services provided in hospitals and primary health care settings; access to medicines; health financing; and health sector planning; 2) build up civil society and consumers' involvement in reviewing the quality of care, particularly in hospitals, as well as health sector decision-making and implementation of approved health policies. For these objectives, PAS Center will: 1) develop alternative mechanisms for decision-making and monitoring health sector performance, such as an interactive health platform to include innovations like consumer reviews and surveys, or tools to improve patient-physician-institution interactions; 2) produce policy briefs for emerging public health policies and alternative reports on key health policy and reform issues; and 3) conduct a national survey on access and quality of hospital care conducted every two years. Our assumption is that alternative monitoring and increased engagement of the public as key beneficiary will force the health system to enhance its level of transparency and will boost accountability of relevant actors, which in turn will lead to improved quality of public health services.

4. Foundation Concepts and Initiatives

The Foundation will intervene in five areas reflecting core challenges in society that SFM is realistically positioned to address. For each of these concepts several instruments will be used continuously: 1) monitoring trends and challenges, particularly in relation to development of public policies that fail to observe minimal standards in terms of both procedure and substance; 2) supporting public participation in the development of public policies, and creating pools of experts which could be convened to articulate alternative informed reactions; 3) creating opportunities and venues for civic coalitions around public interest issues, with support to media to professionally investigate, monitor and report. This will entail also prioritizing the need to develop the ability of our grantees to communicate strategically and increase media interest in and support of fundamental rights, social justice, equality and non-discrimination.

A. Challenge Corrupt and Non-transparent Management of Public Funds

Public funds and public budget are the main instruments of the government to reflect and implement the priorities of society. The way these funds are managed directly affects the life of each citizen. A more transparent public funds management results in higher efficiency of public spending, a more fair distribution of resources, and reduced waste. Our assumption is that the goal of reduced corruption and greater accountability of public funds management can be achieved through a two-fold intervention which targets both institutions and individual: 1. Establishing specific checks to ensure a transparent and correct budgetary process at all levels; 2. Preventing and sanctioning individual corrupt practices of high level officials, leading ultimately to the misuse of public funds. Promoting integrity and accountability in the public function, focusing on such issues as conflicts of interests at high level and gaps between official income and properties owned are goals linked to challenging the misuse and misappropriation of public funds.

Given the large number of actors and funds committed to supporting CSO participation in the decision-making process and community development, SFM wound down a multi-year project on civic participation at the community level, which was aimed at awareness-raising rather than systemic reform. Starting in 2014, SFM will also conclude its 7-year long initiative on monitoring Moldova's European integration agenda **and a program meant to provide independent policy research to government stakeholders to support reforms and alignment to the European standards in key fields.**

Establishing Specific Checks on the Government within the Budgetary Processes

Our assumption is that increased accountability of authorities can be achieved by increasing transparency of the budgetary process at all levels (drafting, approval, execution, reporting and auditing) and in the management of public finances, including enforcement of the decisions of the Court of Accounts (CoA); and by securing transparency and participation of civil society in the development of public policies. SFM is uniquely placed to undertake these lines of intervention due to its prior expertise, its credibility as a professional, neutral actor, its access to expert entities and strong partnerships.

Significant internal opportunities around these priorities include: the positive prior experience with the Open Budget Index (OBI) methodology; commitments made under the Open Government Partnership (OGP) and specific requests by the Ministry of Finance in February 2013 for assistance in developing a citizens' budget based on the SFM-developed OBI report. External opportunities include the recently approved approach of the European Commission on Budget Support to Third Countries, which includes transparency and budget oversight as mandatory criteria, and thus provides scope for effective advocacy based on

alternative reporting. Key strategic partners will be the Expert-Grup think-tank, the Ministry of Finance and the CoA. We aim to use advocacy to encourage the authorities to develop effective mechanisms for citizens' engagement in the budgetary process and in the public control, including by supporting the enforcement of CoA decisions.

Having as the overarching objective a more transparent budgetary process in which the voice of civil society is consistently taken into account by authorities while taking decisions, we aim that media, NGOs and broader audiences have new tools to better understand and participate in decision-making regarding the budgetary process, meaning:

- 1) an organized and sustained process of discussing main budgetary documents by NGOs is functional;
- 2) journalists and broader audiences are educated and enabled to ask for more accountability regarding public money, based on clear data and the increase in media coverage of issues related to the public budget;
- 3) the Ministry of Finance makes budgetary documents easily accessible to broad audiences by publishing a "citizens' budget" by the end of 2014 and annually thereafter;
- 4) a higher level of control over public funds expenditure and increased level of implementation of the CoA's decisions by public authorities. Success will be achieved if the CoA uses alternative monitoring reports supported by SFM as an additional tool to pressure public agencies and to secure implementation of its decisions, including through an effective parliamentary control over the implementation of the CoA's audit results.

Lack of political will to open sensitive information and discuss it in public, change of leadership at the Ministry of Finance, currently very cooperative with the project team, and superficial treating of NGOs' recommendations and requests are risks to be considered in further defining our interventions. These risks will be mitigated by using legal provisions and promoting awareness in media on access to information and transparency in the decision-making process.

Promoting Integrity in the Public Function through Increased Civic Control

Instead of a general approach towards integrity and anti-corruption, we aim at specific interventions which would lead to combating impunity through advocacy, advice to National Commission for Integrity (NCI), and National Anti-corruption Center (NAC), grants for monitoring and investigations, and for professional development of journalists active in this field. Our overall objective is to dispel the perception that high level officials and magistrates are untouchable and can never be sanctioned or removed for corruption related offences. To achieve this objective we intend to foster the following changes:

- 1) the NCI is functional and objective in its decisions. This will be achieved through: a. a civic monitoring the NCI's activity and putting pressure when it tries to cover up conflicts of interest or integrity related cases of high level officials; b. by building and supporting cases meant to test the NCI; c. capacitating journalists and interest groups to use new technologies to effectively document, report and advocate;
- 2) legislative amendments on voiding administrative acts/contracts signed under an act of corruption drafted and submitted to the government and Parliament to effectively implement the Council of Europe's Civil Convention on Corruption. Progress will be assessed based on the quality and quantity of decisions of NCI and follow up measures taken by the authorities; concrete cases of high level officials dismissed or administrative acts or contracts voided as a result of NCI decisions; improvement of the legal framework; and the number of relevant journalistic investigations.

The opportunities are provided by clear requirements to combat corruption coming from the EU and other donors, as well as the recent establishment of a NCI, and governmental commitments under OGP. Media interest in corruption scandals and reliable partners - members of *the Civic Initiative for a Clean Parliament* with solid experience in public interest litigation, provide an additional foundation for serious accountability work.

The risks to be envisaged and mitigated are the weak capacity of the NCI to adopt decisions in sensitive cases, the danger of law suits against partner organizations/journalists, lack of political will to actually enforce integrity mechanisms, the danger of a non-responsive media or general public. These risks will be addressed by using existent legal provisions regarding NCI, access to information and freedom of speech, as well as the precedents created within the "Meet Your Candidate Campaign!" The danger of media non-responsiveness will be addressed by building cases supported by journalistic investigations which are always followed by media, and the use of new technologies to mobilize constituencies (for example through interactive maps and interactive assessment tools for different institutions).

B. Protect and promote media independence and pluralism to sustain democracy

Media independence and pluralism are crucial for Moldova's democratic development and for the successful implementation of socio-economic reforms. In the current media environment, which is threatened by the reduction of pluralism and diversity, SFM is strongly committed to supporting the development of an independent and balanced media to stimulate competition

and to protect freedom of expression and diversity. SFM has identified several important barriers to be overcome by this strategy: inadequate regulations on media ownership, including lack of clear standards for issuing licenses; indirect censorship and self-censorship; a low level of journalists' skills in conducting investigations; reduced media literacy. All these barriers distort information about policies and events brought to the public. In this context, SFM aims for citizens to have access to reliable and pluralist information and to recognize unreliable sources and identify alternative ones.

The overarching objective of the proposed strategy is to build up mechanisms that preserve and enhance diversity, independence and pluralism in media while respecting free market principles. We assume that a positive change can be achieved through a two-fold intervention that targets both the media sector and citizens.

Intervention areas: I. Increase public engagement in developing a free and pluralist media environment.

II. Encourage high quality journalism to buttress the role of media as a societal watchdog.

Opportunities: 1) There is increased awareness among media institutions and civil society organizations of the need for reform in the media sector 2) Government's commitments on liberalization of the media space and guaranteeing freedom of expression; 3) The new Audio-visual Code was finalized and submitted to the parliamentary committee and a draft law on media ownership transparency was registered as a law initiative in 2013; 4) In 2015, transition to digital television is due, which requires a new legal framework to accommodate the new media market configuration; 5) Media pluralism is laid down in several European resolutions as a pressing issue that needs to be addressed.

Objective 1: Provide regular insights into the supply of public information and particularly into the effect of media concentration on the diversity and independence of information. SFM aims to strengthen evidence-based debate on media pluralism and on policy-making in the sector. The interventions will consist in: 1) Initiating annual research assessing the level of media pluralism in Moldova and identifying threats to media content diversity based on a set of indicators, covering pertinent legal, economic and socio-cultural considerations. 2) Developing a roadmap and action plans on measures to promote pluralism based on the research findings to address the political, economic, legal and socio-cultural dimensions of the problem. 3) Conducting public debates through conferences and media talk-shows on issues that affect free and diverse media development, including transition from analogue to digital terrestrial television broadcasting. The key results will be policy recommendations for policy makers concerned with media pluralism as well as for other key stakeholders associated with media accountability (journalists, media managers, bloggers, citizens) and a more active public engagement in what concerns effective legislation, guaranteed independence of media supervisory bodies and in other related issues. Besides the main purpose of providing a regular barometer on media pluralism, SFM will be flexible to support, raise the visibility and improve the effectiveness of civic initiatives emerging from the process.

Objective 2: Create a framework for professional competition, quality standards observance and knowledge spillover through exchange of ideas and experiences aimed at accurate, unbiased and ethical reporting. With this purpose, an open on-line deliberation platform (going beyond already-existing media NGOs' competences) will be launched, offering journalists and citizens the possibility to review current media content, debate on quality standards and address wider media issues such as investigative journalism. Moreover, a specific self-regulatory tool will be created, through which the journalistic community will assess the level of accuracy, fairness, responsibility of media reports/programs, discouraging bad practices and praising the good ones. By engaging with the Moldovan Press Council – the main SFM partner in this project - the platform will build a reputation founded on constructive openness and responsiveness.

Objective 3: Empower professional investigative journalism by setting up a reliable online archive collecting media programs produced by TV channels and online outlets from Moldova. Within a cooperation with the Center for Investigative Journalism and other NGOs and media outlets, the focus of the project will consist in creating an open media online archive – a television news research tool for applying digital search and analysis to news in order to boost the documenting work of investigative journalists as well as track the professionalization of media.

The success of this strategy will be evaluated by improved media pluralism indicators; a more active civic engagement in media policy making; increased number of journalistic articles/reports produced accurately, unbiased and ethically as assessed through the open on-line platform; increased number of outstanding investigative reports.

C. Safeguard Procedural Guarantees in the Pre-trial Stage of the Criminal Process

Moldova has the largest number of decisions issued by the European Court of Human Rights on grounds of Arts.3 and 5 without any follow up or general measures. In the context of the previous work conducted by the SFM in the area of criminal justice, it became apparent that there are opportunities to intervene and address the major challenges regarding pre-trial guarantees. No actor undertook work regarding police stop and seizure of persons or translation into practice of police of "reasonable suspicion." Pre-trial guarantees are the basic condition to justify apprehension, escort to the police station, taking the suspect into custody

and the safeguards during the preliminary stages of the criminal investigation, the reasoning of the prosecutor's request for arrest warrant and/or of the investigation judge's decision on pre-trial arrest.

The overarching goal is to determine the criminal justice actors to reason their decisions on pretrial measures, including arrest, according to ECtHR jurisprudence and build the legal framework and effective safeguards for the implementation of pretrial related rights. The objectives are: 1) to review the existing framework on safeguards against ill treatment and torture, right to liberty and security of the person, including early access to a lawyer, to adequate medical services; 2) to develop, pilot and implement domestic guidelines for policemen and prosecutors on reasonable suspicion and human rights safeguards related to apprehension and custody; 3) to develop guidelines for prosecutors and judges so that they can issue well-reasoned decisions, supported by legal and factual grounds; 4) to promote effective implementation of early access to lawyer. Improved legal framework and clear standards will benefit persons detained as main beneficiaries of the intervention, as well as policemen, prosecutors and judges by further hampering systemic arbitrary arrest and subsequent condemnation at the ECtHR.

The opportunities prompting us to focus on this area include the new Law on Police and the Statute of the Policeman (27.12.2012) which remains just as vague on 'reasonable suspicion' as the 1991 law, an updated explanatory decision of the plenum of the Supreme Court of Justice on reasoning of decisions regarding arrest and investigative judge's role to exercise judicial control over the pretrial criminal investigation process, the commitment to address the recommendations of the ECtHR triggered by the large number of Article 5 cases. In addition, SFM is very well-positioned as an actor that produces qualitative policy research and legislative proposals in the justice area, appreciated by the Government and other actors present in Moldova. As a particular insight, our previous work and research in related areas indicated that there is a critical mass of actors within the state system, including the MoJ, which would support meaningful interventions. Also relevant is the pool of international expertise in the field. SFM is already collaborating with the International Commission for Jurists and the German Foundation for International Legal Cooperation. In this context, the Government already requested the support of the SFM for concrete assistance, pilot projects and know-how transfer.

Although at a first glance the justice sector donor community is significant and diverse, it is routinely focused either on training or on the implementation of the action plans for main policy documents in this area such as the Justice Sector Strategy. The donor community rarely takes a rights based approach to justice and/or police sector reforms. Most often, their technical support is limited to structural reforms which are expected to produce impact on freedoms in subsidiary, as a follow up effect. The interventions we envisage include monitoring and support for the development of studies, standards and handbooks, and advocacy for establishing clear legal duties and imposing sanctions in case of failure to issue reasoned decisions for deprivation of liberty. While the milestones for assessment will include the reports and advocacy documents produced, actual progress will be assessed by the quality of legislative amendments and the changes in practice, including decrease of ECtHR cases against Moldova in this area.

The main risks which need to be continuously monitored are those stemming from political crisis, such as civil unrest, reinforcing abusive practices of the police, and slowing down the reform in the justice sector. In order to mitigate these risks, activities developed under this concept will combine the use of pro-active monitoring, reporting and advocacy with civic engagement and capacitating of the media.

D. Reduce Arbitrary Limitations on Human Rights

Given the unfinished transition process, human rights are still at risk of being subjected to arbitrary limitations. This particularly refers to invoking the use of religious freedom in order to limit other fundamental rights or limitations introduced under the disguise of national security concerns as it is the case of abusive secretization of public interest information. Following international treaty bodies' recommendations and national advocacy campaigns, the overarching goal is to make the government of Moldova effectively observe human rights standards and practices.

Our first objective is to **address alleged conflicts** between freedom of religion, conscience and belief and other rights such as non-discrimination, freedom of assembly, sexual and reproductive rights, in order to minimize the potential conflicts of rights and reduce the risk of social unrest. The rising trend of invoking alleged conflicts between these rights has to be monitored and tackled pro-actively. The anti-discrimination legislation adopted in 2012, as well as the continuous interest of the EU and the monitoring of the field in the periodic reporting under European Neighborhood Policy, are opportunities to be used.

The 2009 HR crisis revealed the weakness of the human rights community in Moldova and required SFM's direct intervention in monitoring, collecting data and reporting human rights abuses. A subsequent assessment of the Moldovan human rights groups, carried out by SFM, identified the needs and strategic interventions in order to build the NGOs' and individual human rights activists' capacity. Thus, our second objective is to secure observance of human rights commitments of the Moldovan Government and prevent back sliding by capacitating human rights NGOs and individual human rights leaders to adequately monitor developments, provide alternative reporting and effectively advocate with national authorities as well as with the different treaty bodies in the framework of UN and Council of Europe but most importantly with the EU institutions. SFM has been successfully leading the 2011 UPR reporting process. As a result, the Republic of Moldova has received more than 100 recommendations to be implemented. Another opportunity is the EU Human Rights Dialogue, considered an efficient "stick

and carrot” instrument for benefiting from EU funding. At the domestic level, good opportunities stem from the Justice Sector Reform Strategy and the recently adopted Law on Ensuring Equality (Anti-discrimination Law).

In order to secure a pro-active promotion of human rights, we will use such tools as scholarships, grants, capacity-building and advocacy work at national and international level based on emerging needs. The SFM’s position is central given its recognized expertise, credibility and access to experts who can contribute to human rights reporting and advocacy. Our focus will be on producing quality recommendations and conducting advocacy work leading to concrete changes in legislation and practice. Progress will be assessed based on the quality and quantity of recommendations and the successful advocacy work conducted at the national level based on the shadow reports submitted with the UN treaty bodies, the CoE treaty bodies and contained in the relevant EU outlets leading to concrete legislative changes.

Once this objective of building capacity for effective human rights monitoring, reporting and advocacy is achieved, SFM will focus further on supporting the most capable actors.

The third objective is reducing human rights violations through unjustified classification of public information by invoking national security reasons. Interventions will consist in engaging with expert actors to review legislation on classification of public information, test it, and propose amendments in relation with the primary legislation and the regulatory framework in order to ensure compliance with the ECtHR decisions. This will benefit journalists, authorities, as well as the public. The new draft Global Principles on National Security and the Right to Information constitute an excellent trigger for reforming the national security area and access to information delivery through revision of current practices on unjustified classification. Continuing collaboration with the Justice Initiative will be necessary given the methodological support needed when intervening in a topic of high risk which however is not addressed by any donor or by any human rights group in Moldova. Progress will be assessed based on the amendments to the law and development of secondary legislation and procedures on declassification.

Within OSF, continuation of collaboration with the Human Rights Initiative and the Justice Initiative is of paramount importance given the substantive support they can provide. Also, collaboration with OSEPI is important in facilitating advocacy with the EU and Council of Europe.

E. Advance Equality, Non-Discrimination and Social Inclusion of Marginalized Groups, with a Particular Emphasis on Health

Poverty, tradition and social mores all contribute to a substantial vulnerability of groups that fall out of the mainstream for reasons of disability, health status, behavior, sexual orientation, gender and others. SFM will empower these groups and the organizations that represent their interests, will support them to advocate for their rights and will enhance efforts to increase access and quality of services according to their needs.

We will undertake two lines of interventions built on the opportunities triggered by the new changes and challenges in the national legislation meant to improve the quality of life of marginalized groups.

Within the first intervention, we will test and enhance the effectiveness of the newly approved *Law on Ensuring Equality*, in partnership with relevant NGOs and public institutions, and bring to a higher level the approach towards promoting equality and diversity.

Within the second, SFM will advance the rights of persons discriminated against or whose rights are infringed on grounds of their health status or in interaction with the health system. We see as crucial to: 1) eliminate exclusion and discrimination in health institutions and create community-driven alternatives that enable meaningful participation of marginalized groups in their own health protection; 2) increase participation of marginalized populations in health related policy development; and 3) mobilize resources allocated for the health and human rights of socially excluded. SFM is the only donor in the country who effectively links social inclusion in public health with a human rights approach.

The second intervention will cover three initiatives where the foundation has had a considerable contribution while addressing health and rights issues, specifically in harm reduction, mental health, and palliative care. Continuation of collaboration with OSF PHP on health and rights issues is essential in the coming years since it brings comprehensive expertise and provision of direct advice and technical support.

SFM intends to gradually reduce financing of direct NGO-based service provision and refocus towards policy dialogue with public authorities and other key donors to support sustainability and gradual take-over and integration of NGO-based services in the public system.

Establishing Mechanisms to Ensure Equality and Non-discrimination

SFM was actively engaged in promoting the adoption of the Moldovan *Law on Ensuring Equality*, leading to its entering into force in January 2013. The legislation is however still deficient and needs to be explained, promoted, tested and improved; the mechanisms for its enforcement (courts and specialized national equality body) are under-developed and with a high risk

of political influence, while there is no concrete intervention in addressing such challenges as discrimination on grounds of ethnicity, disability, sexual orientation, gender identity, age, religion or belief, language which are rampant as proved by prior SFM research. Extreme right religious groups lobby for the abrogation of the Law or for the dilution of its standards and the communists, socialists and other opposition parties have declared their commitment to abolish the Law once they have this opportunity. In this way, SFM should work not only in the area of improving and promoting the Law but also in defending it and in areas concerning education for tolerance, creating a larger support for the Law and for the idea of non-discrimination in general.

Combating discrimination is a priority in the negotiations between the EU and Moldova meaning that the authorities will have to react to constructive criticism generated through effective advocacy at EU level, including by coordinating with and enlisting the support of Human Rights Initiative and OSEPI. A risk as well as an opportunity, is that this field became a funding priority for other donors leading to the flourishing of opportunistic presence without a coherent or professional approach. Given these opportunities and caveats, the SFM initiatives identified are meant to avoid overlaps and bring added value by focusing on the essential interventions which will not be addressed by other actors.

The objectives we aim for in responding to these concerns are: 1) create links between NGOs working with vulnerable groups and lawyers and enable them to identify discrimination and to react, to build cases before the Council on Ensuring Equality (CEE) and courts; 2) defend, test and improve the Law, including by advocating for amendments on concepts identified as not compliant with international standards or by supporting strategic litigation; 3) advocate for the establishment of the national equality body (CEE) and monitor its activity with the aim of encouraging its effectiveness and precluding politicization of the institution; 4) provide facts-based evidence and facilitate promotion of strong personal models of potential targets of discrimination as a way to break stereotypes while providing effective means to advocate for public policies in sensitive areas. This entails also capacitating media and educating journalists to report correctly and respectfully.

In order to prioritize among all these equally important challenges, it is essential to have a baseline with a clear analysis of the application of the Law after a year of enforcement, the functionality of the enforcement mechanisms, the level of implementation both by authorities and NGOs, the attitudes and perceptions of the population, identifying existing gaps, overlapping initiatives which need to be avoided or possible synergies so that we can maximize the impact. This diagnosis will be produced in 2014 and will offer a roadmap to allow narrowing down of our interventions.

When seeking to secure an effective institutional mechanism for combating discrimination, SFM has the advantage of strong partnership with specialized NGOs working on rights of persons with physical and intellectual disabilities, gender, Roma, LGBTIQ, other marginalized groups and media NGOs, dedicated partners within OSF already engaged in these issues. The progress will be assessed through the amendments to legal framework, the adoption of secondary legislation and procedures guaranteeing the functionality of the Council, the number of lawyers and journalists trained and effectively involved into an informal network of professionals sensitive to the issue of equality and non-discrimination, the number of strategic cases built by our partners.

The critical mass of professionals among lawyers, judges, public servants, activists, journalists we envisage to generate will help in counteracting the risk of resistance and rejection of the Law due to culturally embedded biases. Other risks to be taken into consideration include the reduced level of local expertise in the area of discrimination both at the level of NGOs and of public institutions dealing with this issue, the limited number of lawyers able and willing to take such cases and the fact that the majority of the NGOs representing disadvantaged groups still need continuous support on better integrating their social approach with the human rights methodology. In order to address these constraints we will have to capitalize on prior work and existing resources: in 2012, the Foundation provided the initial training for a group of legal practitioners and lawyers that could serve as a good resource for NGOs. The Foundation works closely with anti-discrimination experts in the region.

Increasing Participation of HIV High Risk Groups and Advancing Their Rights

HIV high risk groups are frequently denied services or are subjected to abusive and discriminatory treatment. Such discrimination often occurs in health and police settings or as a result of health status and is caused by factors including inappropriate regulations, inadequate training of health providers and policemen, and resource allocations, all reflecting broader social prejudice. The changes we aim for in responding to these concerns are: 1) the barriers to care for people who use drugs are documented and support is offered for advocacy to limit discriminatory practices and to promote rights and health protections; 2) police abuses are diminished through monitoring, litigating and training; 3) mechanisms for affordable and accessible substitution treatment for drug users are built and treatment is secured in more districts of the country; 4) public funding is allocated for the provision of needle exchange programs; 5) quality of harm reduction services is improved through training (with third party funding) and Harm Reduction services initiated by IHRD and SFM are institutionalized; 6) minor drug possession dosages are revised and adjusted.

It is of paramount importance for SFM to stay active in this field in the next few years due to our expertise, because there are no other donors interested in supporting the field, due to reduced funding for services for HIV high risk groups, which are allocated from external sources and to an upcoming opportunity to advocate and secure national funding for harm reduction

services in the future National AIDS Program. One additional reason to stay active in the field is that two main stakeholders, the country offices of UNAIDS and UNODC will be closed by the end of 2013. Support and coordination are possible with the Ministry of Health, the National Health Insurance Company, GFATM, Moldovan Union of Harm Reduction and other NGOs. Possible risks might come from the Orthodox Church in relation to activities on opioids provision for harm reduction activities. Our focus on advocacy, capacitating grantees for effective communication will help in counteracting negative messages through education and awareness raising.

Advancing the Rights and Dignity of People with Life-limiting Illness and Combating Denial of Care

Despite impressive progresses registered during the last few years, mainly due to the SFM intensive intervention, palliative care (PC) is not fully integrated into the national healthcare system. Due to SFM's efforts, the National Health Insurance Company contracts PC services, but on a very small scale, compared to the huge need and demand. The previous successful advocacy work of SFM resulted in unrestrictive national laws and regulations in regard to access to pain relieving medications. However, insufficient education of health providers in pain management and palliative care, annual underestimation of necessary drugs by the Ministry of Health, as well as low availability of pain relieving medications, still cause unnecessary suffering.

In the context of ongoing hospital reform in the health sector, we expect an increased interest of health institutions to establish and develop PC services. In this regard SFM intends to: 1) ensure pain relieving medication availability and accessibility by assisting the Government with annual estimations of opioids, based on actual needs, advocating for an increase of governmental funding for morphine procurement, and diversification of available forms of opioids; 2) integrate PC into undergraduate and postgraduate curriculum through development of sustainable basic and continuous education for physicians within the State Medical University; 3) increase national funding for PC services through budget work and advocacy; 4) develop pediatric palliative care in the country. We will work and coordinate our efforts with the WHO, the National Association for Palliative Care, Hospices of Hope and service providing NGOs, National Palliative Care Society, State Medical University, Ministry of Health, the National Health Insurance Company, INCB, and National Agency for Medicines. Hopefully, through these partnerships we will manage to overcome the risk of limited financial resources available for services and the competition with other types of services funded from the public budget.

Challenging Exclusion and Discrimination of Intellectually and Mentally Disabled People and Promoting Community-based Alternatives

Extensive institutionalization of people with mental disabilities threatens and damages health and creates impediments to social inclusion. Opportunities to engage in mental health include: the new *Law on Social Inclusion of Persons with Disabilities* (27.07.2012), the National Mental Health Program (11.01.2013) with an ambitious reform agenda and the renewed Memorandum of Collaboration between the Ministry of Labor, Social Protection and Family, SFM and OSF MHI in regard to the advancement of the reform of residential care system of persons with disabilities and their full inclusion into society.

The SFM will capitalize on the ambitious previous work and will aim to: 1) advance law and policies promoting social inclusion and full participation in society of persons with mental disabilities and make sure they are effectively implemented by providing assistance to central and local authorities to develop and implement policies and practices and by developing model community-based services and providing support for self- and parent advocacy; 2) establish the mechanism to capacitate civil society and the Government to promote, develop and disseminate community based services and secure necessary support to maximize independence through practical projects of innovative community-based services for people with more severe and complex disabilities, including options for accommodation and occupation, as well as through support of new forms of training and professional qualification.

Support will be coordinated with other donors such as the European Commission which already awarded our implementing partner Keystone a grant meant to extend the service of the Mobile Unit in other five regions, and the Swiss Development Cooperation Agency. The partners already engaged in are: Keystone Moldova Association, MLSPP, Ministry of Health, local authorities, PAS Center, *Voinicel* Center for Early Intervention.

5. Contributions to Shared Frameworks

We plan to contribute by sharing our experiences in developing innovative projects in the areas of legal aid, legal empowerment of the poor, Global Principles on National Security and the Right to Information, deinstitutionalization of persons with disabilities, and migration.

6. Other Significant Collaborations

In June 2012, the Foundation signed a new agreement with the Government of Sweden on the implementation of the project "Boosting the Democratic Process in Moldova through Empowerment and Engagement." The Justice Program is responsible for the implementation of the component on Legal empowerment of rural communities through a network of community-based paralegals, the Equality and Civic Engagement Program implements the "Empowering Women from Rural Communities" project area, while the Media Program supports the establishment of a network of regional radio/TV broadcasters which cover issues of public and community interest in a fair and objective way in times when a large part of the media sector is controlled by political

parties. The project ends in December 2014 and further collaboration with Sweden will be considered. Given that the funding from Sweden allows us to develop initiatives falling squarely into the Foundation's mission, we see this as opportunity to bring in added value to support the work we develop as a part of our core.

In January 2013 the Foundation signed three agreements with the Global Fund (GFATM) funds aiming to continue implementation of the following projects: Providing Community Outreach to Vulnerable Groups Project (Phase II), Care and Support of People Living with HIV Project (Phase II), Empowerment of People with Tuberculosis and Communities in Moldova Project, (Phase II). Within this collaboration with GFATM, SFM ensures the implementation of activities **in HIV and TB fields under the National HIV and TB Control Program, following** the quality standards and **striving to meet** beneficiaries' needs, as well as contributing to the involvement of NGOs in service provision to marginalized groups. Concerted efforts will be made to empower public entities to take over the management of these activities, maintaining active involvement of community-based organizations.

SFM has substantive relations with many OSF programs, working with them strategically and receiving matching funds from Human Rights Initiative, Justice Initiative, the Media Program and four initiatives of the Public Health Program. There is also close relationship and ongoing exchange of information with other OSF programs and initiatives including the Information Program, the Think Tank Fund, and the Scholarship Program which work with Moldovan partners in consultation with SFM. The Foundation will use the experience gained by the EEBC Program as a ground for consolidating established partnerships and developing new platforms for dialogue.

7. Internal Organizational Plans

There are no major internal changes in the size of the staff. SFM gradually reached a core staff of six program directors, four of whom manage also third party funding, and a small management team. The final decision on the head count of program staff will be made later when we will also create mechanisms for increased synergies across the different programs in order to enhance the effectiveness of intervention, avoid overlapping and maximize the resources available. Given the large list of new initiatives identified as priorities, we also plan to build internal capacities on pooling resources and communication. We will also develop program staff's professional skills in such key areas as advocacy, strategic development, and fundraising with EU.

We also plan to consolidate the governance body, as the board has been renewed with more than 50 per cent since 2012 and a **new Chair of the Board was recently elected**. SFM is in the process of amending its statutes to free the Board from some of the burden and it is taking steps to involve Board members more actively in the SFM activity. The role and structure of the specialized sub-boards will also be revised once the strategic priorities are approved by the National Board and OSF.