

This newsletter is published by the EU funded project “Support to the Constitutional Court of the Republic of Moldova”

IN FOCUS

In February 2016, a consortium led by the German Foundation for International Legal Cooperation (IRZ) and comprising the Constitutional Court of the Republic of Lithuania and the School of German Law at Warsaw University as members, started implementation of the EU funded project “Support to the Constitutional Court of the Republic of Moldova” (EuropeAid/136903/DH/SER/MD).

First Newsletter of the project was published in October 2016. The 2nd Newsletter, covering the period of October 2016 – February 2017 was published in March 2017. This third Newsletter covers the period from February until August 2017.

Moreover:

- The Project continued to improve analytical and research processes within CCM through continuous training and development of human resources;
- Access to legal databases was provided, the project now ensured the sustainability of the research activity and continued to work on the preparation of the library catalogue. Project team prepared a comparative analysis to identify the best ways of organising Case Law materials with a view toward optimising access;
- Trainings under the title *Human Rights in the Constitutional Law* were conducted mainly for the judges and the staff of the Legal Directorate – Record Office, Legal Expertise Division, Research and Analysis Division, and specifically the judicial assistants;
- Consultations with CCM Judges and legal professionals on a daily/weekly basis on pending cases were held, underlying theories, comparative constitutional aspects, ECtHR case-law etc., so as the assistance in drafting and delivering well-founded, justified CCM judgments;
- During the reporting period, the expert team was working on assisting the authorities for the further elaboration of new legislation on CCM;
- The project has supported the beneficiary institution in conducting awareness raising campaign by organising different press-conferences, media opportunities and briefings. Joint trainings for CCM, journalists and NGO representatives were conducted.
- 3 additional newspaper articles were published in the pre-selected newspapers and new promotional video material regarding the CCM was produced.
- Comparative Report of CCM and ECtHR case-law was produced.
- Language training in English for staff and judges is ongoing and will be continued.



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DEUTSCHE STIFTUNG FÜR
INTERNATIONALE RECHTLICHE
ZUSAMMENARBEIT E.V.



Szkoła Prawa Niemieckiego
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Deutsche Stiftung für internationale rechtliche Zusammenarbeit e.V. (IRZ)
in consortium with
Constitutional Court of the Republic of Lithuania and
Uniwersytecka Fundacja "Szkoła Prawa Niemieckiego w Warszawie"
(School of German Law in Warsaw)

IMPLEMENTED ACTIVITIES

Open Door Days for Mayors

On 15 March 2017, the EU funded project “Support to the Constitutional Court of the Republic of Moldova” facilitated the organisation of CCM Open Doors Day event for the representatives of local authorities of the Republic of Moldova. Up to 50 guests attended the event, during which, apart of visiting the premises of the Constitutional Court, the Mayors from all over the country had the possibility to exchange the views with the President of the Constitutional Court.

The event was co-organised with the Congress of Local Authorities from Moldova (CALM). The EU funded project shall continue supporting the CCM in organisation of similar events for different target groups.



Visit to the Constitutional Court of the Republic of Lithuania

On 4-7 April 2017, the EU funded Project “Support to the Constitutional Court of Moldova” organised the information visit for the judges and the staff of the CCM to the Constitutional Court of the Republic of Lithuania.

During the three working days in Vilnius, the delegation held meetings with the President of the Constitutional Court of Lithuania, Heads of Divisions and judges of the Constitutional Court of Lithuania and discussed the most important court decisions regarding the development of the constitutional doctrine of human rights. The delegation was particularly interested in the problems of admissibility of applications coming from ordinary courts and the organisational system of the Constitutional Court.

On 5 April, the delegation visited the District Court of Druskininkai city and held fruitful meetings with the judges of the court. During discussions the issues of the implementation process of court system reform in Lithuania and of the online court cases operational system were addressed.



Meetings with the Speaker of the Seimas (Parliament), members of the Committee on Legal Affairs of the Seimas, the President and judges of the Supreme Court, and the representatives of the Ministry of Justice of the Republic of Lithuania were also organised. The discussions and exchange of views focused on different jurisprudential aspects, in particular on the recent jurisprudence of the ECJ and ECtHR regarding the Republic of Lithuania.

Third Steering Committee Meeting

On 10 April 2017, the 3rd Steering Committee of the EU funded project “Support to the Constitutional Court of Moldova” was held in the premises of the Constitutional Court of the Republic of Moldova.

The meeting was chaired by the President of the Constitutional Court of the Republic of Moldova and attended by the representatives of the EU Delegation to the Republic of Moldova, State Chancellery, Ministry of Justice, Ministry of Finance and the Constitutional Court, as well as by the representatives of the implementing consortium from the Deutsche Stiftung für internationale rechtliche Zusammenarbeit (IRZ), the Constitutional Court of the Republic of Lithuania and members of the project implementing team.

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The Steering Committee held exchange of views with all the stakeholders involved regarding the implementation of the project workplan and discussed the plans for the following implementation period.



The Steering Committee unanimously welcomed the positive assessment of the project implementation by all the stakeholders, endorsed the 2nd Interim Report prepared by the project team and approved project’s proposed workplan and budget for the remaining period.

Future Lawyers became acquainted with the activities of CCM

On 4 May 2017, the Constitutional Court of Moldova (CCM) hosted a group of 1st year students from the Department of General Economics and Law of the Academy of Economic Studies of Moldova, who had the opportunity to learn more about the activity of CCM. At the opening of the event, the group of students was welcomed by the President of the Constitutional Court. Thus, in the first part of the event,



future lawyers were informed of the landmark decisions of the Constitutional Court and their impact for generations. CCM judge Veaceslav Zaporozjan made a presentation on the evolution of constitutional jurisdiction, the organisation and the activity of CCM, as well as answered the audience questions on the caselaw of CCM. The students also learned more about the powers of CCM.

Further, the former judge of the Constitutional Court of Lithuania and Key Expert of the EU funded project “Support to the Constitutional Court of the Republic of Moldova”, Toma Birmontiene, provided a review of the aspects related to the European dimension of the activity of CCM.

Students from the Lyceum “Ștefan cel Mare și Sfânt” from Grigoriopol became acquainted with the activities of CCM

On 17 May 2017, the Constitutional Court (CCM) hosted a group of students from the Lyceum “Ștefan cel Mare și Sfânt” from Grigoriopol, who were given presentations on the activity of CCM and its implications in advancing the democratic European values in the Republic of Moldova.



The students were welcomed by the CCM judge Aurel Băieșu and by the Secretary General of the CCM Diana Balan, who made a presentation of the powers and organisational structure of the Court. The former judge of the Constitutional Court of Lithuania and the Key Expert of the EU funded project “Support to the Constitutional Court of the Republic of Moldova”, Toma Birmontienė underlined in her presentation the European dimension of the activity of CCM. Finally, the students had the opportunity to address questions on the activity of the CCM and its impact on the daily life of citizens.

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The Training Sessions for Students on the Occasion of Europe Day

On 12 May 2017, the Constitutional Court of Moldova (CCM) has marked Europe Day and hosted students from the Department of Law and International Relations of The University of Political and Economic European Studies "Constantin Stere" and from The American University of Moldova.



The students were greeted by the CCM judge Veaceslav Zaporojan and by the Secretary General of the CCM Diana Balan, who made a presentation of the powers and organisational structure of the Court.

The former judge of the Constitutional Court of Lithuania and the Key Expert of the EU funded project "Support to the Constitutional Court of the Republic of Moldova", Toma Birmontienė underlined in her presentation the European dimension of the activity of CCM.

Concluding the event positively, the future lawyers took advantage of the possibility to address questions on the activity of CCM and its impact on advancing the European path of the Republic of Moldova.

Ph.D Students of the ASEM and USPEE Doctoral School attended a Round Table at the Constitutional Court

On Tuesday, 29 May 2017, a group of Ph.D students of the Doctoral School of the Academy of Economic Studies (ASEM) and the University of Political and Economic European Studies "Constantin Stere" (USPEE) attended a Round Table organised at the Constitutional Court (CCM) "The New Trends in the Development of Constitutional Doctrine".

Round table participants were given presentations on the powers CCM has and on the European dimension of constitutional case-law of the Republic of Moldova and the new trends in this field.

CCM judge Veaceslav Zaporojan gave a presentation on the organisational chart and the activity of CCM within the European model of its functioning, as well as the new trends in the CCM jurisprudence for 2016.

The Ph.D students learned more about the European dimension of the CCM activity from the Key Expert of the EU funded project "Support to the Constitutional Court of the Republic of Moldova", Toma Birmontienė. The Professor presented a comparative analysis of the constitutional caselaw of the courts in the European Union and of the CCM and underlined the similar nature of the CCM activity with the activity of European Constitutional Courts.



Best Constitutional Court Journalist 2016

On Tuesday, 30 May 2017, the award ceremony of the winners of the contest "Best Constitutional Journalist 2016" was held in the premises of the Constitutional Court of the Republic of Moldova. Ms. Ana Bejenaru, reporter at the public television station "Moldova 1" and Ms. Ileana Pîrgaru, reporter at TVR Moldova, were selected as the winners of this competition and received the diplomas and prizes from the former President of the Constitutional Court and the Team Leader of the EU funded project "Support to the Constitutional Court of the Republic of Moldova".

The award ceremony took place in the court room of the Constitutional court, in the presence of current and former CCM judges, members of the EU funded Project Team and

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high level international expert invited to the event by the EU funded project. Participants in the contest were evaluated on the basis of the submitted files covering the year 2016 and the criteria for selecting winners included added value for society, compliance with journalistic ethics, but also presence at CCM meetings and events.

The purpose of the contest was to raise awareness in the society and media about the functions and activity of the Constitutional Court of the Republic of Moldova.



Conference – Constitutional Justice in the Democratic Society

On 30th May 2017 the EU funded project “Support to the Constitutional Court of the Republic of Moldova” organised a conference - “Constitutional Justice in the Democratic Society” that was held in the Constitutional Court of the Republic of Moldova and was attended by the current and former judges of the Constitutional Court, as well as by the representatives of legal professions, NGOs and media of the Republic of Moldova.

The Conference was opened by the CCM judge Aurel Băieșu, who welcomed the participants and emphasised the priority of international human rights regulations. The conference was addressed by the former president of the Constitutional Court, Alexandru Tanase.

The key-note speeches at the Conference were delivered by Jean-Louis Laurens, former director of Political affairs and strategic planning directorates of the Council of Europe, as well as by Ambassador Mamuka Jgenti, Toma Birmontiene and Gábor Attila Tóth, key experts of the EU funded project. The key-note presentations were followed by the debates with the conference participants.

At the Conference, KE4 presented to the audience the recently elaborated Comparative Report on CCM and ECtHR case-law. The comparative report was prepared by the team of experts consisting of Mr Mesonis (Lithuania), Mr Sledzinsa-Simon (Poland), Ms Hanganu (Republic of Moldova) and Mr Jgenti (KE4, Georgia). The report analyses the jurisprudence of two courts and makes concrete recommendations on how to better use the opportunities offered by the work of the CCM.

These recommendations are mainly addressed to practising lawyers, as well as to the non-governmental organisations and judges of the Republic of Moldova. The report could also be consulted on the CCM web-site and web-page of the EU funded project.



Student Olympiad—Moot Court

On 19 June 2017, law students from 8 universities of the country were competing, for the first time ever, within the Moot Court Competition before the Constitutional Court of the Republic of Moldova (CCM).

The CCM judge, Veaceslav Zaporojan welcomed the openness of the future lawyers to enter the competition, which is an innovation for Moldova. According to him, the competition is a proof that “both the Constitutional Court of Moldova and the courts of law become crucial partners in getting closer to the growth strategy of the European Union “Europe 2020” in stimulating and keeping up the development of law.

The Key Expert of the EU funded project “Support to the Constitutional Court of the Republic of Moldova,” Amb. Mamuka Jgenti stated that in the past years, major changes occurred in human rights field in the Republic of Moldova due to the activity of the CCM.

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In this regard, according to the expert, "this competition is an exercise which is to open more possibilities to the contestants, in their capacity of future jurists and lawyers. Moreover, this becomes even more topical considering the opportunities to defend fundamental human rights by make use of exceptions of unconstitutionality before CCM, when you will be acting as litigants in courts of law, as barristers or judges."

The 8 competing universities were representing the entire country: The Academy of Economic Studies of Moldova, The Free University of Moldova, The State University of Moldova, The University of European Political and Economic Studies "Constantin Stere" from Chişinău, and The State University "Alecă Russo" of Bălţi, The State University "Bogdan Petriceicu Haşdeu" of Cahul and The State University of Comrat.



This competition, carried out for the first time in the Republic of Moldova, aims at granting students the possibility to apply in practice the theoretic knowledge acquired and to develop their skills as future lawyers before CCM.

Following the last stage of the competition, on Friday 23 June 2017, the competing teams were awarded certificates and diplomas.

The First Summer School under the auspices of the Constitutional Court of the Republic of Moldova

From 20 to 22 June 2017, for the first time in Moldova, under the auspices of the Constitutional Court of Moldova (CCM) a Summer School for law students from all over the country was organised. The Summer School took place in Vadul lui Voda town, with the topic "Constitutional jurisdiction – effective remedy for human rights protection".



Among the experts training the participating future lawyers were invited: Alexandru Tanase, President of CCM in 2011-2017 and current members of CCM, the President and the Secretary General of the Constitutional Court of Lithuania, the former Vice President of the Constitutional Court of Georgia and other local and international experts. The lectures were delivered by the Key Experts of the EU funded CCM project.

The goal pursued by this Summer School was to provide students both with practical knowledge and theory in the field of constitutional justice. The presentations of experts tackle such issues as the work and case-law of CCM, the case-law of ECtHR, the freedom of speech and religion, and the right to private and family life.

Project team:

Mr Volkmar THEOBALD, Team Leader, Key Expert on Constitutional Law;

Prof. Dr Toma BIRMONTIENĖ, Key Expert on Constitutional Court;

Prof. Dr. Gábor Attila TÓTH, Key Expert on Constitutional Jurisprudence;

Ambassador Mamuka JGENTI, Key Expert on ECtHR Jurisprudence;

Dr Ana ROTARI, Project Officer;

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