



ANNUAL REPORT ON THE IMPLEMENTATION OF THE JUSTICE SECTOR REFORM STRATEGY FOR THE YEARS 2011-2016

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**Project to Support Coordination of Justice Sector Reform in
Moldova**

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ABBREVIATIONS

JSRS, Strategy	Justice Sector Reform Strategy
AP JSRS	Action Plan for the Implementation of Justice Sector Reform Strategy
MoJ	Ministry of Justice
SCM	Superior Council of Magistracy
SCJ	Supreme Court of Justice
NIJ	National Institute of Justice
GPO	General Prosecutor's Office
CSP	Superior Council of Prosecutors
NCSGLA	National Council for State-Guaranteed Legal Aid
CPO	Central Probation Office
DPI	Department for Penitentiary Institutions
MIA	Ministry of Internal Affairs
NAC	National Anticorruption Centre
NIC	National Integrity Commission
CHRM	Centre for Human Rights of Moldova
MLSPF	Ministry of Labour, Social Protection and Family
MoF	Ministry of Finance
WG	Working Group
NORLAM	The Norwegian Mission of Rule of Law Advisers to Moldova
LRSM	NGO Legal Resource Centre of Moldova
UL	Union of Lawyers
NCJE	National Centre for Judiciary Expertise
NUEO	National Union of Enforcement Officers/Bailiffs
CFM	Centre of Forensic Medicine
NCLEBR	National Council for Law Enforcement Bodies Reform
EU	European Union
CID	Criminal Investigation Department
NII	National Investigation Inspectorate
GPI	General Police Inspectorate
CS	Customs Service
AJM	Association of Judges of Moldova
Policy matrix	Policy matrix, Addendum to EU-RM Funding Agreement on Program Supporting the Justice Sector Reform signed in Brussels on 14 June 2013
USAID ROLISP	USAID Rule of Law Institutional Strengthening Program (ROLISP)

I. INTRODUCTIVE CONSIDERATIONS

Justice sector reform has been and will be a high priority of the authorities of the Republic of Moldova. The Government Action Program for 2015-2018¹ places the action “*Ensure continuity and finalization of the justice sector reform*” at the top of the most important priorities enlisted on the Government Agenda. The Program reiterates the need to reform the prosecution service; exclude political influence and increase transparency in their activities; promote and respect human rights and ensure the rule of law.

Justice sector reform and the implementation of Justice Sector Reform Strategy is a fundamental component of the EU-RM Association Agreement and Action Plan on the implementation of the Association Agreement.

The Justice Sector Reform Strategy² (*hereinafter – JSRS or Strategy*), adopted by the Parliament of the Republic of Moldova on 25 November 2011, represents Moldova’s Roadmap for 2011-2016 in this field. The Strategy is an ambitious, complex, comprehensive and multidimensional document, which covers an extremely wide sector, and consists of seven pillars, as follows:

Pillar I. The Judicial System;

Pillar II. Criminal Justice;

Pillar III. Access to Justice and Enforcement of Court Judgments;

Pillar IV. Integrity of Justice Sector Players;

Pillar V. The Role of Justice in Economic Development;

Pillar VI. Human Rights Observance in the Justice Sector;

Pillar VII. A Well-Coordinated, Well-Managed, and Accountable Justice Sector.

The JSRS envisages a number of medium-term measures **aiming** at building a modern, accessible, efficient, independent, transparent, professional and accountable to the society justice sector that meets the European standards, secures the rule of law and observance of human rights.

To ensure plenary application of JSRS, set an exact timeframe and appoint institutions responsible for achieving Strategy’s objectives and implementation of necessary measures, the Parliament has adopted the Action Plan for the implementation of JSRS³ (*hereinafter – Action Plan, AP JSRS*) in February 2012.

The adoption of these important policy documents has determined the eligibility of the Republic of Moldova to benefit of EU budget support in the amount of 60 million Euros⁴. So far, 28.2 million Euros of total amount have been transferred into the state budget and have been allocated for the implementation of measures envisaged in JSRS and AP JSRS, respectively. Moreover, as a Member of Eastern Partnership, the Republic of Moldova has benefited from additional 10 million Euros from More for More funds.

¹ http://gov.md/sites/default/files/document/attachments/1_program-guvern_2015-2018_0.pdf

² Law No. 231 of 25 November 2011 on the Approval of Justice Sector Reform Strategy for the years 2011-2016 (Official Monitor of the Republic of Moldova, 2012, No. 1 – 6, Art. 6), <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=341748>

³ Parliament Decision No. 6 of 16 February 2012 on the Approval of Action Plan for the Implementation of Justice Sector Reform Strategy for the years 2011-2016 (Official Monitor of the Republic of Moldova, 2012, No.109-112, Art. 371) <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=343439>

⁴ Direct budget support is a non-repayable financial assistance provided by the European Union conditioned by meeting performance criteria specified in Policy matrix coordinated with the European Union.

This Report complements the previous annual reports⁵ developed by the Ministry of Justice, as a coordinating institution for monitoring and coordinating the implementation of JSRS and AP JSRS, and reflects the progress in implementing the strategic documents set out in 2014.

It should be mentioned that from JSRS implementation perspective, 2014 was a year that has not produced spectacular achievements and considerable impact at normative level and it even shows certain stagnation in reform processes in adopting new normative acts in the field. A potential cause for this stagnation is the fact that 2014 was an election year, and the Parliament has been practically on *stand-by* since June 2014. Hence, a wide range of normative acts promoted and approved by the Government for consequent and continuous implementation of justice sector reform has been left without examination. However, we can see that some qualitatively new changes/reorganisations happened in 2014 due to effective enforcement of normative framework adopted in 2012-2013, especially, structure- and procedure-related modifications adopted for judiciary, pre-trial phase, as well as new instruments to prevent and fight against corruption.

The Report gives details and analysis of processes related to the JSRS implementation coordination and monitoring mechanism, EU projects providing support and assistance to justice sector reform in the RM, costs of justice sector reform, implementation process and level of implementation of actions/measures of JSRS AP planned for 2014, as well as the level of involvement of institutions responsible for JSRS implementation.

Taking into account that 2014 is considered, to some extent, the JSRS “Ecuador”, a separate Chapter of the Report comes with a first attempt of qualitative analysis of trends, evolutions, and reform impact in 2011-2014. Based on evolutions and involutions registered during three years of implementation, this Report develops an analysis of key problems and challenges in adequate implementation of AP JSRS and offers some solutions to tackle these issues and challenges. We would like to point out that the Report analyses the level of implementation of actions envisaged in AP JSRS, based on a previously adopted methodology and does not analyse in-depth the effect/impact of implemented actions. The 69% of AP JSRS implementation is calculated being reported to the number of implemented actions (quantitative indicator), but does not measure their impact (qualitative indicator). The effects and evolutions produced in the sector by the JSRS can be captured only in certain components of the reform, some of them being described in the Report, but cannot be analysed in-depth at this stage. A comprehensive report to assess the progress and all involutions in the justice sector shall be developed at the end of JSRS implementation, using a distinctive methodology, which will measure the impact based on a wide range of indicators.

The Report was developed by taking into account the reports produced by responsible/reporting institutions of JSRS and assessments/studies/external reports of development partners and civil society, as well as JSRS-related national surveys.

⁵http://justice.gov.md/public/files/file/raport/RAPORT_implementare_partea_analiticapentru2012.pdf
http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/rapoarte/2013/Raport_modificat_23_aprilie.pdf

II. THE MECHANISM FOR COORDINATING AND MONITORING THE IMPLEMENTATION OF JSRS AND ACTION PLAN. NEW EU TA PROJECTS TO SUPPORT JUSTICE SECTOR REFORM

Giving the JSRS magnitude and numerous players/authorities involved in the justice sector reform process, the establishment of a complex coordination mechanism immediately followed the adoption and enforcement of AP JSRS. According to Order No.278 of the Minister of Justice of 13 June 2012⁶, seven Working Groups (WGs) were set up. The first six Working Groups have the objective to monitor the implementation of actions under first six Pillars envisaged in the Strategy and Action Plan (Sector Working Groups) and the seventh Working Group has the objective to coordinate the implementation of the Strategy. This is a high-level group, responsible for monitoring the implementation of the Strategy, in general and of actions from Pillar VII, in particular.

The WGs consist of representatives of institutions responsible for implementation of activities per each Pillar, representatives of development partners and civil society. WGs call ordinary meetings, according to the Activity Plans adopted at the beginning of each year, to report, discuss and review the progress of actions envisaged in AP JSRS. The activity of the WGs has a proper rhythm and the responsible institutions have a satisfactory participation. However, there are some issues related to the turnover of the WG members (caused also by employee turnover in institutions involved in the reform process), a fact that affects the consistency and coherence of their activity; the necessary institutional memory is not preserved.

In its activity of coordinating and monitoring the JSRS implementation, the Ministry of Justice is continuously assisted by WG Secretariat, which provides necessary technical assistance in coordinating and monitoring Pillars I-VI, in accordance with the Methodology of monitoring the implementation of JSRS for the years 2011-2016⁷ and Regulation on WGs Operation. In March 2014, the Methodology and the WG Regulation went through many amendments and modifications to ensure a more efficient monitoring and coordinating process and to group the actions by timeframe of implementation in order to determine objectively the scores of each action.

During **2014** WGs organised **51 meetings**. *Table 1* presents data on the number of meetings of sector WG and WG for coordinating the implementation of JSRS in 2012-2014. A total number of **164 meetings** were organised and conducted during this period. Detailed information on WG Activity Plans, agendas, minutes and reports produced by WGs can be accessed on MoJ webpage by following the link: <http://justice.gov.md/map.php?l=ro&idc=444>.

The mid-term reports on 2014 implementation of AP JSRS were adopted in September 2014; the reports, table format and summary of these reports per each Pillar of JSRS can be accessed on MoJ webpage⁸.

⁶ http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/Regulament_final_1.pdf

⁷ The monitoring activity is fully described in the Methodology of monitoring the JSRS implementation for the years 2011-2016, approved by Order No.503 of the Ministry of 6 November 2012
http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/METODOLOGIE_DE_MONITORIZARE_modif_track_changes-2_1.pdf and amended by Order No. 171 of the Ministry of Justice of 28 March 2014

http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/Ordin_modificare_METODOLOGIE_si_Regulament_1.pdf

⁸ http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/rapoarte/2014/oct/Rezumat_Pilonul_I_semestru_I_2014.pdf

http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/pilon2/Pilonul_II_Raport_16_septembrie_2014_Mod.dupa_sedinta.pdf

http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/rapoarte/2014/Rezumat_Pilonul_III_semestru_I_2014.pdf

http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/rapoarte/2014/oct/Rezumat_Pilonul_IV_semestru_I_2014.pdf

http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/rapoarte/2014/oct/Rezumat_Pilonul_V_semestru_I_2014.pdf

http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/rapoarte/2014/oct/Rezumat_Pilonul_VI_semestru_I_2014.pdf

http://justice.gov.md/public/files/file/Strategii%20si%20planuri/Rezumat_Pilonul_VII_semestru_I_2014.pdf

Table 1. WG meetings held in 2012-2014

Pillar	Number of meetings			Total 2012-2014
	2012	2013	2014	
Pillar I	9	9	8	26
Pillar II	8	9	9	26
Pillar III	9	10	8	27
Pillar IV	8	9	7	24
Pillar V	9	8	7	24
Pillar VI	9	9	8	26
Pillar VII	4	3	4	11
Total	56	57	51	164

As it has been mentioned in previous annual reports, the high-level coordination and monitoring of the Strategy is ensured by the National Council for Law Enforcement Bodies Reform (NCLEBR)⁹, which reviews the general annual report on the implementation of the Strategy and advises on the major issues raised to which the sector working groups or the coordination group did not find solutions.

On 10 April 2014 the NCLEBR held a meeting to present the 2013 annual report on progresses achieved with regard to JSRS implementation, during which, the Head of EU Delegation to RM and the US Ambassador to RM talked about the importance of justice sector reform and integrity of stakeholders for the reform processes. Moreover, an alternative report on JSRS implementation monitoring produced by the NGOs Promo-LEX and AGER was presented. After hearing the reports, the NCLEBR adopted a decision¹⁰ and outlined eight suggestions/recommendations:

- called on the players involved in the finalization and promotion of draft normative acts on the reform of Prosecutor's Office to do their best to approve them by the end of spring session of the Parliament;
- recommended the Parliament to adopt the draft law on disciplinary liability of judges, taking into account the Opinion of Venice Commission;
- urged the players responsible for NIJ reorganisation to accelerate its reform process to continue to ensure qualitative selection and training of candidates for positions of judges and prosecutors;
- recommended the responsible players to examine the need and opportunity to revise the AP JSRS with a view to adjusting it to the existing needs;
- encouraged the responsible authorities to implement new legal provisions on professional integrity testing, "extended seizure" and "illicit enrichment", as well as polygraph testing requirement for candidates to judge and prosecutor positions;
- requested the responsible institutions to ensure the set up and application of performance indicators for prosecution service and prosecutors, based on requirements set forth in the Policy Matrix;
- supported the need of the institutions responsible for the implementation of JSRS, AP JSRS, and Policy Matrix to implement the measures envisaged in the abovementioned policy documents in the timeframe and on conditions set forth to ensure smooth development of reform and meeting the requirements of the EU-RM Association Agreement;
- underlined the need to make additional efforts for sufficient public awareness on JSRS implementation actions.

⁹ NCRBPLN was established by Presidential Decree No. 219-VII of 6 August 2012 and includes representatives of the Parliament, Government and relevant players in the justice sector, development partners and civil society.

¹⁰ http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/consiliul_national/Decizia_CNROOND_nr_1_din_10.04.2014.pdf

At the moment of writing the Report, we can determine that the suggestions and requirements formulated by NCLEBR in April 2014 were not completely followed as the same issues are persisting. By way of example, we would like to invoke the reform of Prosecutor's Office and NIJ. The recommendation to accelerate the adoption process of draft normative acts necessary to reform the Prosecutor's Office has been followed only partly. So far, only the Concept of prosecution service reform (Law No. 122 of 3 July 2014) has been adopted, so in November 2014, the MoJ has requested the Opinion of Venice Commission with regard to the new draft law on prosecution service, which was planned to be provided during the plenary session of March 2015. As for the NIJ reform, even if the appropriate draft normative act was approved by the Government and submitted to the Parliament, it has not been examined yet; the repeated endorsement process has started recently. With reference to other recommendations of the NCLEBR, their level of implementation and consideration shall be reflected in the assessment of the actions under respective JSRS Pillars.

The composition of the NCLEBR was amended in 2014¹¹. Taking into account the changes that occurred in 2014 and beginning of 2015, following the Parliamentary elections of November 2014, we also anticipate changes in the nominal composition of the NCLEBR during the current year. Even if these nominal changes are normal under the conditions when certain members of the National Council modify their status, however, these reshuffles do not contribute appropriately to joining and ensuring continuity of justice sector reform efforts and preserving institutional memory.

The Financing Agreement between the Government of the Republic of Moldova and the European Union for the Support to Justice Sector Reform Program was signed on 14 June 2013 in Brussels and approved by Government Decision No. 669 of 2 September 2013¹². The Ministry of Justice has been appointed as responsible institution for implementing the provisions of the Agreement. According to the Financing Agreement, the budget support consists of four tranches to be disbursed in 2013-2016. In November 2013, the European Union transferred the first tranche of 15 million Euros of the total amount of 60 million Euros, in accordance with the Financing Agreement. The Addendum to the Agreement defines the exact performance criteria and indicators used for disbursements (Policy Matrix).

According to para. 2.3.2. of Addendum II of Budget Support Agreement N ENPI/2012/023-420, the Coordination Committee responsible for the implementation of actions stipulated in the Policy Matrix was set up. The Committee consists of members delegated from institutions involved directly in the implementation of Policy Matrix, as well as representatives of the UE Delegation to Moldova and civil society, according to the Order on the set up of a Coordination Committee, signed by the Ministry of Justice¹³. The Coordination Committee meets every 6 months to discuss all legal aspects related to the fulfilment of conditionalities by the Government of the RM to annually benefit from budget support for the implementation of Justice Sector Reform Strategy.

II. 1. Involvement of development partners. New EU projects to support justice sector reform

The initiation of the complex justice sector reform process has been encouraged, supported and closely monitored by the development partners. The cooperation with the development partners is prescribed by the Regulation on the Operation of the working groups coordinating and monitoring the Strategy. Based on these norms, it is envisaged that in order to concentrate the assistance and maintain a coordinated mechanism of cooperation with the development partners the following shall

¹¹ Decree of the President of the Republic of Moldova No. 1022 of 5 March 2014 on the amendment of Article 1 of Decree of the President of the Republic of Moldova No.219-VII of 6 August 2012 (Official Monitor of the Republic of Moldova, 2014, No. 60-65, Art. 127) <http://lex.justice.md/md/352077/>

¹² <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=349537>

¹³ http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/comitetul_de_coordonare/ordin_comitet.pdf

be ensured: regular meetings with all donors and development partners in the justice sector; regular individual meetings with donors and development partners on ongoing basis; involve donors and development partners in the WGs activity as members-observers, as well as guests every time it is deemed necessary and beneficial for Strategy and Action Plan implementation process; regular information of donors and development partners about WG activity and evolutions registered in the Strategy and Action Plan implementation. According to the WG Regulation for monitoring the implementation of JSRS, the representatives of development partners are part of WG composition.

In 2014, the representatives of development partners took part in most meetings of the WGs, as well as in regular and thematic meetings with players involved in JSRS implementation. At the same time, in the context of the mechanism for external assistance coordination, two meetings were held in 2014: in April and October 2014¹⁴, during which the 2013 and first half of 2014 reports on JSRS implementation, actions of Policy Matrix and priority actions for foreign assistance in 2014 and 2015, as established by the working groups, were discussed. These priorities are preponderantly the actions that have not been financially covered or require methodological and advisory support with regard to best practices in an area with no similar experience in Moldova.

In 2014, the following development partners provided assistance to the public institutions in implementing the Strategy actions: the European Commission (through the Delegation of the European Union to Moldova), UNDP, US Embassy, the Konrad Adenauer Program, EBRD, Council of Europe, UNICEF, Soros Foundation Moldova, ROLISP, USAID, OSCE, IRZ Foundation, ABA/ROLI, White and Case, World Bank through StAR initiative, NORLAM, CEDR, Embassy of Lithuania, Embassy of France, etc.

The representatives of OSCE Mission to Moldova, the US Embassy, CoE Office, NORLAM, European Union High Level Policy Advise Mission to the Republic of Moldova (EUHLPAM) have been actively engaged in the work of the groups to develop and complete the Concept of prosecution service reform and draft law on prosecution service. With the financial support of the US Embassy there have been developed studies on the optimization of the map of courts and optimization of the prosecution service structure and workload of the prosecutors of the Republic of Moldova.¹⁵ UNDP provided consistent support in developing the Automated Informational System for the Record of Crimes "Register of Forensic and Criminological Data. An invaluable support was offered by the American Bar Association - Rule of Law Initiative (ABA/ROLI), the US Embassy, Soros Foundation Moldova, International Migration Organisation (OIM), NORLAM, and OSCE in organising training courses for exponents of the justice sector, etc.

The European Union High Level Policy Advise Mission to the Republic of Moldova (EUHLPAM)¹⁶, through the group of high level international experts who activate in some very important institutions from the perspective of AP JSRS (MoJ, GPO, NAC and MAI), provides consistent contribution in policy implementation and monitoring in the field. The experts are always connected to support, assistance and advisory needs of the representatives of the institutions, take part in the meetings of the WGs for monitoring of JSRS and in WGs focused on developing specific draft legislation.

The USAID/ROLISP has contributed substantially to the institutional enhancement of premises and IT infrastructure in courts. ROLISP provides specialised training, technical and informational assistance, as well as support to SCM and Department of Judicial Administration (DJA) in finance and budget planning.

¹⁴ The details of the agenda and minutes of sessions can be accessed at <http://justice.gov.md/tabview.php?!=ro&idc=506>

¹⁵ <http://crim.org/wp-content/uploads/2014/06/Studiu-PG.pdf>

¹⁶ <http://ro.euhlpam.org/Despre-noi>

The role and implication of development partners in the implementation of JSRS are detailed in Chapter IV of the Report, as well as in table format downloaded on JSRS webpage <http://justice.gov.md/tabview.php?l=ro&idc=489>.

Relevant for 2014 is the launching of three important EU technical assistance projects for the justice sector reform in the RM, additionally to Project "Support in Coordinating the Justice Sector Reform in Moldova, launched in April 2013. The additional financial support provided by the European Union through these four technical assistance projects amounts to 10 million Euros; an additional EU-RM Agreement for this purpose was signed in 2012.

The EU assistance projects for justice sector reform aim at supporting Moldova’s judicial system, preliminary investigation and prosecution service, as well as enforcement, penitentiary and probation systems in their reform. Another objective of these projects is to strengthen and better coordinate the reform efforts of different institutions in the justice system to implement the JSRS and AP JSRS.

All three EU assistance projects for justice sector reform were launched during a public event held on 17 November 2014. The high level of support was demonstrated by the presence of the Prime-Minister of the Republic of Moldova and Head of European Union Delegation to Moldova at the event. The four major EU projects from the justice sector are:

- I. Support in Coordinating the Justice Sector Reform in Moldova
- II. Support the Pre-Trial Investigation, Prosecution and the Defence Set-Up in Moldova
- III. Increased Efficiency, Accountability and Transparency of Courts in Moldova
- IV. Support to the enforcement, probation and rehabilitation systems in Moldova

The general information about the four technical assistance projects is included in *Table 2* below, consisting of titles, objectives, timeframe, and direct and indirect beneficiaries of the project. More details on four projects can be obtained by accessing the Directory “Justice Sector Reform Strategy for the years 2011-2016” under sub-directory “EU assistance projects to support the implementation of JSRS” on the webpage of the Ministry of Justice: <http://justice.gov.md/category.php?l=ro&idc=497>.

Table 2. EU assistance projects for justice sector reform

Project title /Implementing parties	Objectives	Period	Beneficiaries
<p>Project I. Support in Coordinating the Justice Sector Reform in Moldova</p> <p>Implementing parties: Altair Acesores (Spain), in consortium with ICON-INSTITUTE Consulting Group (Germany), the German Foundation for International Legal Cooperation (IRZ) and the Institute for Penal Reforms of Moldova.</p>	<ul style="list-style-type: none"> • to accelerate the sustainable reform of the justice sector in Moldova and to increase the efficiency of the judiciary and other agencies in the justice system; • to increase the institutional capacities of the mechanism for the justice sector reform strategy coordination and monitoring, Secretariat for JSRS AP implementation coordination and monitoring; • to support the overall coordination of justice sector reform through an operational and efficient coordination mechanism between all the key stakeholders; • to encourage an efficient and permanent inter-institutional dialogue between the key stakeholders of the justice system, a better cooperation with donors, and qualitative input of the civil society into justice sector reform process. 	<p>2013-2015</p>	<p>MoJ SCM CC SCJ IJ GPO CSP MAI NCSGLA BA DPI CPO NEUO CHRM (OAP) NAC</p>
<p>Project II. Support the Pre-Trial</p>	<ul style="list-style-type: none"> • to accelerate the sustainable reform of the 	<p>2014</p>	<p>GPO</p>

<p><i>Investigation, Prosecution and the Defence Set-Up in Moldova</i></p> <p>Implementing parties: <i>German Foundation for International Legal Cooperation (IRZ), Altair Asesores si Centre for International Legal Cooperation (CILC).</i></p>	<p>justice sector in Moldova and to increase the efficiency of the judiciary and other agencies in the justice sector;</p> <ul style="list-style-type: none"> • to support re-definition of institutional and procedural set-up for the pre-trial stage, resulting in a more efficient evidence collection, detection and prosecution of crime, while respecting human rights and fundamental freedoms; • to contribute to a more effective independent and specialized investigation of ill-treatment and other abuses committed by law enforcement officials; • to support the consolidation of capacity of prosecutors, criminal prosecution officers and defence lawyers to perform their work by applying modern and efficient methodologies; • to contribute to the growth of the efficiency of pre-trial activities of investigation and prosecution and defence particularly in the context of the reforms proposed in the Justice Sector Reform Strategy and Action Plan. 	<p>2016</p>	<p>GPI MAI CS NAC UL NCSGLA MAI</p>
<p>Project III. <i>ATRECO – Increased Efficiency, Accountability and Transparency of Courts in Moldova</i></p> <p>Implementing parties: <i>GIZ International Services; Centre for International Legal Cooperation (CILC), GIP Justice Coopération Internationale (JCI)</i></p>	<ul style="list-style-type: none"> • to increase the efficiency, impartiality, accountability and transparency of the courts in Moldova, particularly in the context of the reforms proposed in the Justice Sector Reform Strategy and Action Plan; • to help in application of best practices to reduce the level of judicial corruption and increase public trust in the judiciary; • to improve efficiency in courts' budgets; • to develop the capacity of the judicial institutions to take ownership of the information, IT, video and audio-recording systems, to further improve data management generated by the courts. 	<p>2014-2016</p>	<p>SCM SCJ DAJ NIJ</p>
<p>Project IV. <i>Support to the enforcement, probation and rehabilitation systems in Moldova</i></p> <p>Implementing parties: <i>CILC in consortium with GIZ, PRI, NHC, IRP</i></p>	<ul style="list-style-type: none"> • To support the enforcement, probation and rehabilitation systems in Moldova, particularly in the context of the reforms proposed in the Justice Sector Reform Strategy 2011-2016 and Action Plan; • To help to improve the legal framework and procedures for regulation and oversight by the regulatory bodies of the bailiffs and probation officers; • To help to reform the legal framework to facilitate the work of probation officers, to improve punitive and rehabilitation policies and the relevant statutory basis, including the relevant provisions of substantive and procedural criminal law; • To support increasing the capacity of bailiffs, probation and enforcement officers to perform their work by applying modern and efficient methodologies. 	<p>2014-2016</p>	<p>CPO DPI NEUO NIJ</p>

The successful implementation of these four new EU technical assistance projects can breathe a new life into the reform efforts, accelerate the processes of modernizing and strengthening extremely important fields of the justice sector: judiciary, prosecution and criminal investigation and post-sentencing: penitentiary and probation institutions.

II. 2. Involvement and communication with civil society

Setting, maintaining and extending the communication with the civil society representatives in the JSRS implementation process continues to remain a priority in promoting reform initiatives in the justice sector.

Sustainable partnerships have been established with some representatives of the civil society in 2011-2014, who are encouraged to fully engage in the implementation of important actions from JSRS. Similar to the communication platform with the development partners, a platform has been created for the communication with the civil society. This communication has taken the form of their participation in the working groups monitoring the Strategy, inter-institutional groups for implementing some actions from the Action Plan, and separate meetings to discuss the progress made and to establish cooperation partnerships for the following year. This platform serves as an efficient and necessary tool for motivating the civil society to get actively involved in the reform process by offering constructive criticism concerning the legislative initiatives, methodological and advisory support.

In 2014, the representatives of civil society took part in meetings of sector WGs, were included in a number of inter-institutional groups to develop important normative acts (for example: the working group for developing the necessary normative framework for NIC capacity building; working group for developing suggestions to amend the law on discretion margin of justice sector players; working group on developing amendments to Law on Advocacy, working group on juvenile justice etc.).

Sustainable partnerships have been established with some representatives of the civil society by signing memorandums of understanding¹⁷, such as with the Legal Resource Centre of Moldova (LRCM), Centre for Analysis and Prevention of Corruption, Institute for Penal Reforms, Checchi, UNICEF Moldova, etc.

The contribution of civil society is invaluable, especially when it is necessary to provide expertise and consistent support in developing complex studies that derivate from JSRS and which exceed the capacities of implementing institutions, as well as in process of monitoring the actions previously implemented (for instance, Study on the optimization of the courts map in Moldova, Study on monitoring legal amendments to new rules of procedure in courts; Study on new criteria for selecting, appointing and promoting judges, Study on new functionality rules of SCM etc.).

Other independent monitoring was conducted in addition to the monitoring and coordination mechanism prescribed by the Strategy:

- www.promolex.md In 2012, the NGOs Promo-LEX and AGER launched with financial support from the European Union a parallel monitoring program for JSRS under the Project "Monitoring the Justice Sector Reform to Increase Government Accountability". The project developed a separate methodology for conducting the monitoring process and involved

¹⁷ List of Agreements and Memorandums of Understanding can be viewed at <http://justice.gov.md/tabview.php?l=ro&idc=510&>

national level monitors, who monitored successfully the court hearings. Six monitoring reports were presented to the public during the project¹⁸. The project ended in September 2014;

- <http://crjm.org/> The Legal Resource Centre of Moldova (LRCM) has been conducting systematic monitoring since 2013 (project to end in December 2014) of the work of the Superior Council of Magistracy (SCM) (starting with 2014, separate monitoring will be conducted of the work of the Disciplinary Board of the SCM). A comprehensive report on the conclusions of the monitoring process shall be made public in March 2015. Another important report, from the point of view of monitoring the JSRS implementation developed by the LRSM is the Study *Achievements and Faults in Reforming the Justice Sector of the Republic of Moldova: 2012-July 2014*. Some of its findings will be included in Section VI.3 of the Report;
- <http://www.moldovacurata.md/> web portal administrated by the Association of Independent Press, conducts alternative monitoring of the activities of the National Integrity Commission (NIC)¹⁹;
- www.magistrat.md: independent web portal, launched by the NGO Lawyers for Human Rights, contains information about the integrity and professional development of every 400 judges in courts of all levels. The database contains information on professional performances of judges, profile pictures, biographic data, disciplinary procedures initiated and sanctions applied, cases lost by the Republic of Moldova at the European Court of Human Rights, income and financial interest declarations, income and property statement, conflicts of interest, number of judgements/rulings maintained/overtaken, appearance in the mass-media, and other relevant information;
- www.judecatori.evaluez.eu A project meant to evaluate the judges from the Republic of Moldova. The page gives the possibility to assess the judges based on 5 main criteria: Professionalism, Incorruptibility, Trial organisation, Professional ethics, Quality of judgements on a scale of 1 to 5. Any interested person has the possibility to comment and rate the judges;
- www.zdg.md *Ziarul de gardă* benefits from a special grant for investigative journalism. It carries out investigations and monitors the activity of civil servants, integrity, etc.

II.3 Ensuring Transparency and Communication for Promoting Strategy Outcomes

In 2014 the Ministry of Justice has developed and approved a Communication Plan for promoting the achievements of the JSRS. The Working Group on JSRS implementation, consisting of representatives of all institutions involved in the JSRS and Action Plan, was set up on 28 July 2014 by Order No.328 of the Minister of Justice. The Working Group has initiated a planning procedure and periodic coordination of communication actions and meets quarterly to identify the most efficient institutional and inter-institutional instruments to promote the achievements of JSRS in a respective period and to convey a mutually coordinated message about the Strategy. The Group is assisted by a Communication Expert contracted by the EU Support in Coordinating the Justice Sector Reform Project.

To ensure greater visibility of JSRS, a dedicated logo was created that is used on all outputs of the JSRS: leaflets, banners, web pages. State institutions involved in developing AP JSRS activities as well as development partners are encouraged to use this logo to unify the image of the JSRS.



Furthermore, personalised banners for institutions with most activities envisaged in the JSRS were designed.

¹⁸ <http://www.promolex.md/index.php?module=publications>

¹⁹ <http://www.moldovacurata.md/>

The USAID ROLISP Program has developed a complex information dissemination program on the judicial system reforms and access to justice. In the period of reference, ROLISP conducted the Study “Public Awareness and Perception of the Justice System in the Republic of Moldova” and organised training for court’s staff in the field of relations with the mass media and quality services in courts (**5 training sessions were organised for 185 participants** – Specialists in public relations, Heads and Specialists of Procedural Record and Documentation Divisions, Heads of Secretariats). ROLISP also developed the Qualitative Services for Citizens in Courts Manual, organized **9 round tables** for judges **attended by about 200 judges**. It also developed newspaper supplements: **18 supplements “Activ/Active”** which reached about **250 000 readers** and **24 supplements “Reforma/Reform”** for about **20 000 readers** that reflected justice-related subjects; developed TV video materials on justice-related topics (Reporter de gardă)²⁰, which were broadcasted on the national public TV Moldova 1: **24 shows with about 100 000 people**; developed the Communication Strategy for the Superior Council of Magistracy²¹; contracted a Communication Consultant to implement the communication activities of the SCM and improve the image of the SCM in the relation with the mass media and public relations; made a video/audio spot on courts automation and public benefits of this process, which is broadcasted inclusively on informative LEDs in courts; developed leaflets and informative flyers about courts automation describing: Integrated Case Management System (ICMS), hearings audio recording system SRS Femida and the court portal. The brochures are distributed to the public through different organisations, including MoJ, SCM, local public authorities, libraries, etc.; developed a brochure with useful addresses of justice system entities (MoJ, SCM, judges, prosecutors, territorial State-Guaranteed Legal Aid offices, etc.); awareness campaign about courts automation and public benefits of this process (broadcasting the video/audio spot on TV and radio, TV shows on courts automation with the participation of representatives of judicial system, civil society, experts in the field).

The efforts to coordinate the communication messages resulted in many outputs. The Superior Council of Magistracy informed the press about personnel reorganisation in the judicial system, and has launched the publication of success stories about the new conditions and rules in courts and portrait-interviews with new judges²². These are published on SCM, DAJ and Ministry of Justice webpages and have been referred to by some media centres. In August, the Chairman of the SCM hosted an offline interview with bloggers interested in justice at Anenii Noi District Court²³. In November 2014, the SCM organised the first visit of the press to the Orhei Court and Balti Court of Appeal to show how the new changes in courts work in practice. The Chairman of the SCM took part in many radio and TV shows and was interviewed by the newspapers and online media on these subjects. The punishment of magistracies for corruption has become a separate subject promoted by the media.

The achievements in the field of juvenile justice and the hearing rooms for minors in court and Prosecutor’s Office were presented in a documentary on the public TV post, in radio and TV reports and interviews²⁴. The press visited the hearing room at Leova territorial Prosecutor’s Office to find out about the procedures applied to minors in contact with justice.

In October, at the initiative of the Working Group, the Central Probation Office launched officially, adapted to media participation, the first rehabilitation centre for people on probation in Floresti. The

²⁰ <http://reporterdegarda.md/categorie/justitie>

²¹ SCM approved the Communication and Public Relations Strategy of the SCM and judiciary system of the Republic of Moldova for 2015-2016 and annual Activity Plan on communication and public relations for 2015, on 27 January 2015 by decision No.51/2; <http://csm.md/files/Hotaririle/2015/02/51-2.pdf>

²² <http://csm.md/sistemul-judiciar/istorii-de-succes/magistrati.html>; <http://csm.md/sistemul-judiciar/istorii-de-succes/instante-judecatoresti.html>

²³ <http://csm.md/noutati/1144-primul-offline-la-o-instanta-de-judecata.html>

²⁴ <http://trm.md/ro/regional/prima-camera-de-audiere-a-minorilor-inaugurata-la-soroca/>; <http://www.trm.md/ro/social/camera-special-amenajata-pentru-audierea-minorilor-victime-sau-martori-ai-infractiunilor-la-calarasi/>

representatives of the CPO talked about reforms and innovations in the probation system on TV and in radio shows²⁵.

In August, one year after the introduction of e-apostil service, the Ministry of Justice and the Bureau for Diaspora Relations organised a press conference²⁶ to inform the public about this service, by promoting it to citizens of the Republic of Moldova residing abroad, including by presenting a video sport with the support of the e-Gov, which ensured the awareness about the accessibility and benefits of this service. More than that, the information was disseminated nationally and internationally. At the IX International Forum on e-Apostil, the representatives of the MoJ exported this know-how to other countries in the world. Moldova continues to be the 5th country in the world and the second in Europe which has only electronic apostil. This service has become even more accessible being extended to civil registry offices through a pilot project.

The Working Group has promoted and initiated the implementation of Mediation Strategy²⁷. Approved by the Mediation Council at the end of 2014, the Strategy consists of an Action Plan and visual and other kind of instruments to raise the awareness of this service among litigants. Once the first National Forum on Mediation was conducted and reflected in media in November²⁸, a Partnership Memorandum between MoJ, CM, SCM, GPO and CEDR to disseminate the information about mediation in courts and prosecution services will be signed in the first quarter of 2015.

The Working Group helped the institutions involved in JSRS implementation to communicate efficiently and in a coordinated manner about the actions envisaged in the Strategy, including integrity testing, activity of inter-departmental task forces, reform of Ombudsman institute, State-guaranteed legal aid in criminal matters, activity of paralegals, and other. The justice sector coordination team set up a cooperation mechanism with the Congress of local authorities of Moldova, which will assist in implementing the awareness campaign about justice sector reform at local level, in mayoralities and raion administrations. The EU assistance projects for justice sector reform in the RM (I - III²⁹) have integrated the Communication Component, and will develop, jointly with the beneficiaries, complex communication and public relations plans on the achievements of reforms in the covered fields.

In November, the Ministry of Justice organised the first Forum dedicated to the ethics of legal professions related to the justice system, with the support of Konrad Adenauer Foundation³⁰. In the context of the event, two informative leaflets were developed on the ethics of judges, prosecutors, attorneys, mediators, notaries and bailiffs. A leaflet is intended for the representatives of the system and was distributed to respective institutions and professional associations. The second leaflet is intended for citizens and will be distributed to public institutions – courts, prosecutor's offices, police inspectorates, territorial AGJS offices and mayoralities to increase the awareness of citizens about the ethical standards of legal professions related to justice system.

The Working Group for promotion of JSRS developed another leaflet entitled “**7 questions about justice sector reform**”, containing summary information about the main results of the JSRS until the end of 2014. The three-lingual leaflet is intended for the employees of the justice system, decision-makers in the Government and Parliament, development partners, and public at large, and was distributed during all public activities organized by the Ministry of Justice³¹.

²⁵ <http://justice.gov.md/libview.php?l=ro&idc=4&id=2260>; <http://www.tv7.md/ro/social/la-flore-ti-se-deschide-primul-centru-de-reabilitare-pentru-persoanele-aflata-in-probatiune/>; <http://www.trm.md/ro/regional/primul-centru-pentru-persoanele-aflata-in-probatiune-deschis-la-floresti/>

²⁶ <http://www.justice.gov.md/libview.php?l=ro&idc=4&id=2182>

²⁷ http://mediere.gov.md/sites/default/files/document/attachments/hcm_12_28.11.14.1pdf.pdf

²⁸ <http://mediere.gov.md/ro/content/primul-forum-national-domeniul-medierii-republica-moldova>

²⁹ Project data to be viewed in Table Nr. 2 of the Report

³⁰ Information on the event can be accessed at <http://justice.gov.md/libview.php?l=ro&idc=4&id=2348>

³¹ Web version of the leaflet can be accessed at

http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/7intrebari/Pliant_Reforma_a_sectorului_justitiei_ro_pages.pdf

With the assistance of the EU Project to Support Coordination of Justice Sector Reform in Moldova, the Group launched **50 radio shows dedicated to justice sector reform** at the public radio station, Radio Moldova Actualităţi, which is one of the most listened radio station in Moldova³². Starting October 23, 2014, every Thursday, the audience can find out about the results of JSRS in different fields and can address questions to the invited guests. The broadcast will continue until the end of 2015.

The MoJ, as coordinator of the justice sector reform, has established and maintains a high level of communication through different platforms, including electronic. The number of visitors of Ministry's webpage www.justice.gov.md is continuously growing. If in 2013 the number of visitors was **2 171 028**, then in **2014**, the visitors' number has increased to **2 231 487**, with more than 60 000 people. According to CBS-AXA Survey, conducted at the request of the e-Government Centre³³, "Population's perception, assimilation and support of the Governance e-Transformation in the Republic of Moldova", the official webpage of the MoJ is in Top 10 most viewed government sites, ranking 6. The evolution in the past years proves the growing level of communication via social networks, something that cannot be ignored. The official Facebook page of the MoJ <https://www.facebook.com/ministerul.justitiei> has been opened to post news, information, press releases about reform processes in the sector. The page is also one of the most popular official pages of the government institutions in this social network, and the number of persons who liked the page represents unquestionable progress. If in **March 2013** the page was liked by **4700 persons**, then at the **beginning of 2015**, the number of persons who liked the MoJ Facebook page was **14 574**. In 2014 the MoJ developed the Concept and has ensured the necessary infrastructure to launch the www.agent.gov.md portal in March 2015, which provides relevant and consistent information about: judgements and rulings of the European Court in cases v. Moldova, integrally translated; resolutions/judgements of the Council of Ministers on enforcing the decisions of the European Court in cases versus Republic of Moldova; activity reports, relevant statistic data; thematic and global analysis of the European Court jurisprudence and enforcement measures; translations of press releases of the European Court, Council of Ministers, Parliamentary Assembly of the Council of Europe; applicable normative framework, translations of guides, etc. Moreover, the site has a search engine, which simplifies considerably the identification of necessary information.

The Briefing Book from Development Partners of Moldova³⁴ addressed to the Prime-Minister at the beginning of this year underlines a **critical acceleration of the reforms** as priority. *"It is essential to explain the aims of the justice sector reform and to demonstrate its results for people, to enable them to actively participate in the reform process and to benefit of the reform's final results. In the second half of 2014 the implementation of the Justice Sector Reform Strategy has noticeably slowed down. The failure to implement concrete reforms will have a direct impact on the overall implementation of the Justice Sector Reform Strategy. Reform action is required now in the justice sector. The EU budget support operation can serve as a framework for key reforms"*.

It is critical for the JSRS implementation-related information promotion and awareness raising actions to continue in 2015 to widely inform and disseminate the benefits and practical implications produced by the justice sector reform in 3-year implementation period, the ongoing and future actions.

II. 4. JSRS Implementation related costs

³² <http://trm.md/ro/justitie-echitabila-pentru-fiecare/>

³³ Population's perception, assimilation and support of the Governance e-Transformation in the Republic of Moldova Survey, http://egov.md/images/info/FINAL%202014_RO_Sondaj_RaportAnalitic_eGov.pdf

³⁴ <http://infoeuropa.md/ue-privind-rm/note-informative-din-partea-partenerilor-de-dezvoltare-ai-moldovei>

The initial estimations made at the AP JSRS development phase were **about 2 billion lei** (2,005,148,600). It was clear from the very beginning that in the absence of some quantifiable monitoring indicators, these estimations have a large degree of approximation. The policy initiatives for JSRS implementation have been shaped in the annual strategic planning process. It has become more clearer whether the financial allocations are needed for reconstruction of all courts or only for courts which infrastructure does not meet the standards, capacity building training courses for 50 or 500 people, one-day training or three-month training. These aspects, diffused at the development phase of the Action Plan due to objective reasons, once clarified, permitted a more realistic re-estimation of the costs.

After three years of implementation of JSRS, with information on effectively used budgets³⁵ in 2013 and 2014, we have deemed appropriate to make a financial re-evaluation of the outstanding actions, in parallel with medium-term budget planning process, which covers integrally the implementation period of the reform. For this purpose, an independent expert was contracted who, based on standard cost estimation methodology, concluded that as of 2014, there is a need of another 670.8 million lei for the outstanding actions. This estimation slightly differs from the budget resources planned in MTBF 2015-2017, which is 674.1 million lei. In the per action structure, the estimated and planned financial allocations in MTBF are correlated in proportion of 95%, and respectively, we think that, as such, we have an additional validation of correctly estimated costs obtained in the budgetary process. **Together with the effectively used budgets in 2013 and 2014, the total intermediate costs for JSRS implementation amounts to 1.03 billion lei** (1,033,544,400), almost twice less that it has been initially estimated. At the same time, it can be ascertained that the costs for the implementation of the JSRS are covered integrally by the European Union through direct budget support in the amount of 60 million Euros (1.08 billion lei at the average exchange rate 18 MDL/1 EUR)³⁶.

Main difference between the initially estimated costs and intermediate costs for implementation is explained by the over-estimation of expenditures associated to substantial increase of salaries of people employed in the justice sector. This action has estimated 1.11 billion lei (1,110,698,600). In reality, the budgetary impact on the implementation of Law on Remuneration in the Judiciary System is 115.4 million lei³⁷, almost 10 times less. Respectively, we can conclude that if the correlation of intermediate costs with the initial costs is relatively low (59.1%), if we make abstraction from this specific action, the level of correlation is, however, acceptable – 84.6%.

The financial allocation per JSRS Pillars is not uniform. Naturally, the judicial system (Pillar I), which represents the quintessence of the JSRS, absorbs most resources – more than half of the total costs of the Strategy (see Figure below). This includes the investment into the physical infrastructure of courts, as well as introduction of “Judicial Assistant” position intended to improve the judicial administration. One quarter of the JSRS implementation-related allocations refer to human rights (Pillar VI), especially in the part related to ensuring human detention conditions in the penitentiaries. Salary increase meant to support the integrity of justice sector players (Pillar IV) is also expensive – about 12% of the total cost of reform. Almost the same costs the criminal reform (Pillar II). With reference to the latter, the

³⁵ JSRS implementation in 2012 was not supported by a budget planning process directed to the implementation of concrete actions from the Action Plan.

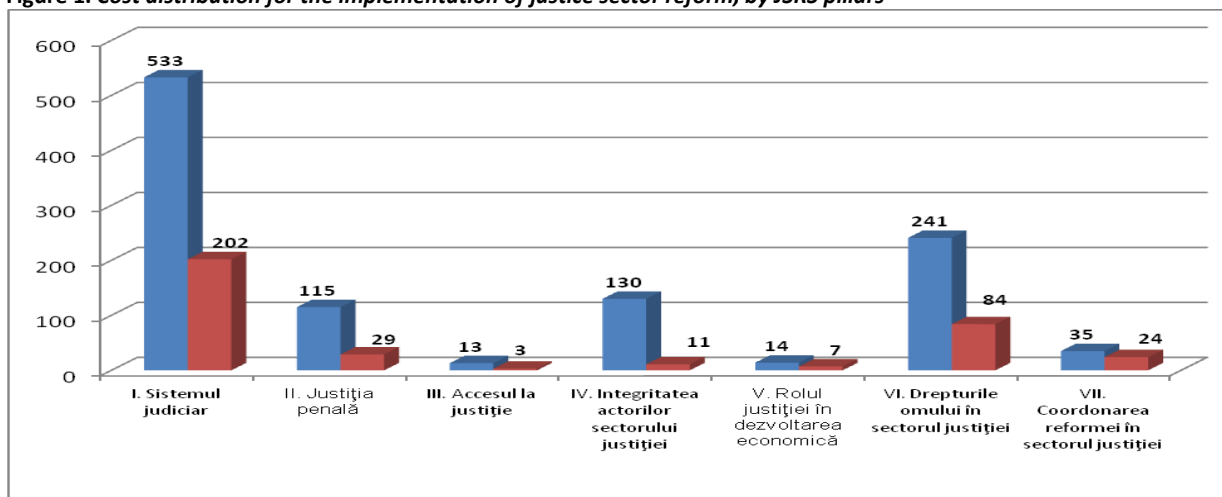
³⁶ In September 2013 by Order of the Minister of Justice, the Council of Coordination responsible for monitoring the implementation of the Financing Agreement has been established and its Procedure Regulation that implements the provisions of the Budget Support Agreement. The Council of Coordination consists of members delegated by the institutions directly involved in the implementation of Policy Matrix (which in general lines follow the list of institutions involved in the implementation of APIJSRS actions), as well as representatives of the Delegation of the European Union to the Republic of Moldova. The Council of Coordination supervises and monitors the implementation of provisions of the Budget Support Agreement, identifies possible constraints with regard to observance of conditions for paying the tranches and solutions to overcome these constraints in useful time. Three meetings of the Council of Coordination took place in 2014, which discussed reports on progress and arrears in the implementation of Policy Matrix. Following the EU mission on the evaluation of the Policy Matrix conditions observance held in May 2014, there has been registered a level of implementation of 88%, which led to the fact that the budget support from the second tranche was decreased by 1.8 mln. Euro.

³⁷ The budget for this action is not allotted within the budget resources allocation, in accordance with the spending limits for JSRS implementation; it is part of the so-called baseline. The indicated figure is quoted by the Ministry Finance in the 2014-2016 MTBF

costs derive from the need to repair the premises of the Prosecutor’s Office, as well as strengthening the prosecution, including by allocating premises to the National Centre of Judiciary Expertise and furnishing it with laboratory equipment.

Access to justice (Pillar III), contribution to economic development (Pillar V) and reform coordination (Pillar VII) – cost less.

Figure 1. Cost distribution for the implementation of justice sector reform, by JSRS pillars



It is worth mentioning the fact that 10 specific fields of intervention absorb about 90% of the reform budget. Their list is outlined in the Table below:

Table 3. List of the most expensive intervention areas of JSRS

The most expensive 10 intervention areas of JSRS	Total Budget
1.1.12. Strengthening institutional capacities of courts, including examination of the opportunity of building a common office for all Courts from Chisinau, and construction / renovation of court offices across the country	242,610,100
6.4.2. Developing technical and material base and infrastructure in all places of deprivation of liberty, in compliance with the European standards	169,191,400
1.3.10. Strengthening the judicial system by introducing the position of the judicial assistant and modifying the status and duties of the registrar	159,609,200
4.1.1. Substantially raising wages for the actors in the justice sector and simplifying the criteria for calculating salaries	115,400,000 ³⁸
2.2.6. Examining the staffing needs of the prosecutor’s office and developing proposals for optimizing the number of prosecutors and support staff	59,812,000
2.3.1. Implementation of modern methods of criminal investigation and prosecution (information techniques, modern expertise, etc.)	57,736,100
1.1.11. Strengthening the security in court premises	45,406,100
1.3.1. Reforming and improving the activity of the National Institute of Justice (NIJ)	31,217,100
7.1.3. Ministry of Justice capacity building to interact with actors in the justice sector, including through reorganizing the structure in charge with strategic planning and monitoring in the Ministry of Justice	18,686,900

³⁸ The indicated budget is not part of the spending limit for the JSRS implementation (see explanation of previous footnote)

1.2.2. Implementation of an e-justice system for an efficient and functional use of the judicial information system, to exclude the human factor in the administrative process of case management	16,636,900
Total for 10 actions (88.9%) of total cost of the JSRS implementation	916,305,800

Absorption capacity

At the initial phase of the JSRS implementation, the absorption of allocated resources within the spending limits for the JSRS implementation was a major concern. It is considered that the institutions responsible for sub-programs will face difficulties in budget planning, cost estimation, management of public procurement plans, etc. However, as a result of the organisational effort of the MoJ and existing monitoring processes of the JSRS Action Plan implementation, the absorption capacity was 86% in 2013 (effectively used budgets in relation to specified budget allocations). Efforts of justice sector entities to use more efficiently allocated resources were supported by the Project Support in Coordinating the Justice Sector Reform in Moldova through a number of instruments intended for capacity building in such matters as:

- a) results oriented planning;
- b) budget planning;
- c) cost estimation; and
- d) efficient reporting.

Thus, the capacity to absorb the budget resources allocated for the implementation of the JSRS has been consolidated, and the volume of used budget in relation to specified budget allocations increased to 95% in 2014.

A higher absorption capacity was registered in each Pillar of the JSRS, except for Pillar II Criminal Justice. The use of budgetary means under Pillar II was conditioned by a number of objective factors, such as delay in promoting the package of laws on prosecution service reform in the Parliament and subjective factors regarding the administration of capital investments in Prosecutor's Office.

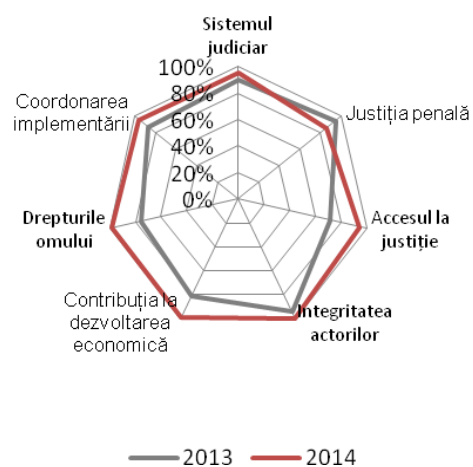


Figure 2. Level of absorption per Pillars

As for the absorption rate per relevant entity in the justice sector, this is presented in the Table 4 below. It can be noticed that in 2014, the institutions with the highest absorption rate were NAC, Council of Mediation, Centre for Legal Approximation, SCJ, MAI, SIS, MoJ, and CPO. The institutions with the lowest absorption rate of financial means allocated in 2014 are SCM, Ministry of Education, Ministry of Health, NIC and GPO.

Table 4. Assessment of absorption of budget resources for justice sector reform in 2014

Authority	Initially approved yearly plan	Specified/updated yearly plan	Yearly financed	Level of absorption	
				Balance, ths. MDL	%
Central Office of the Ministry of Justice	15 260,7	16 230,2	16 176,2	54,0	99,7%

Council of Mediation	343,7	7,9	7,9	0,0	100,0%
Centre for Legal Approximation	332,3	326,5	325,7	0,8	99,8%
Department of Judicial Administration	17 867,0	2 267,8	2 110,4	157,4	93,1%
National Centre of Judiciary Expertise	2 165,4	1 663,0	1 580,4	82,6	95,0%
National Council for State-Guaranteed Legal Aid	1 133,9	1 133,9	1 071,7	62,2	94,5%
Central Probation Office	1 856,3	1 856,3	1 816,0	40,3	97,8%
Department of Penitentiary Institutions	41 449,5	41 449,5	41 282,3	167,2	99,6%
Total Ministry of Justice	80 408,8	64 935,1	64 370,6	564,5	99,1%
Superior Council of Magistracy	726,5	1 194,2	381,9	812,3	32,0%
Courts	87 593,4	100 899,4	96 497,4	4 402,0	95,6%
Supreme Court of Justice		1 700,0	1 696,6	3,4	99,8%
General Prosecutor's Office	16 071,4	16 071,4	13 646,0	2 425,4	84,9%
National Institute of Justice	3 398,6	3 398,6	3 355,1	43,5	98,7%
Centre for Human Rights	1 999,3	1 999,3	1 982,0	17,3	99,1%
Ministry of Internal Affairs	3 356,0	3 356,0	3 356,0	0,0	100,0%
Ministry of Education	2 400,0	2 400,0	1 408,2	991,8	58,7%
Intelligence and Security Service	7 500,0	7 500,0	7 486,0	14,0	99,8%
National Integrity Committee	35,0	35,0	22,7	12,3	64,9%
Ministry of Health	573,3	573,3	320,0	253,3	55,8%
Council for the Prevention and Elimination of Discrimination	500,0	500,0	448,6	51,4	89,7%
National Anticorruption Centre	2 997,5	2 997,5	2 997,4	0,1	100,0%
Total:	207 559,8	207 559,8	197 968,5	9 591,3	95,4%

Justice sector financing after the end of the JSRS implementation period

The fundamental issue that has conditioned justice sector performance below the expectations of the citizens was insufficient budget allocations to the sector. Before the launch of reform, the justice sector benefited from budget allocations in the amount of about MDL 280 million or 0.3% of GDP (excluding DPI which is defined as a separate sector in the context of the MTBF). The launch of the justice sector reform permitted channelling additional budget allocations in the amount of about 200 million lei a year from the account of direct budget support provided by the European Union. Overall,

the volume of financing in the justice sector increased to about MDL 670 million or 0.5% of GDP. There is a concern that once the JSRS implementation ends, the volume of allocations will most probably decrease.

At the current phase, there are at least 3 fields of financing that will need ongoing budget allocation after the finalization of the JSRS. These are:

- a. Salary increase for the representatives of the justice system which following the application of Law on Remuneration in Judiciary System became part of a financing baseline;
- b. Newly established positions that are currently financed on the account of expenditure limits for JSRS, such as judicial assistants, paralegals, psychological counsellors in the probation field, Secretariat of the Central Probation Office, etc.
- c. Ensuring the maintenance of technical solutions developed under the JSRS, such as e-arrest, e-probation, e-apostil, etc.

Additional to what have been mentioned above, there is a number of ongoing actions (training, monitoring) which will require budget financing after the justice sector reform ends. From this perspective, it is necessary to include these actions in the financing baseline starting with 2017.

III. GENERAL DESCRIPTION OF THE LEVEL OF IMPLEMENTATION OF ACTIONS ENVISAGED IN THE ACTION PLAN FOR STRATEGY IMPLEMENTATION IN 2014

As it has been mentioned in the Introduction, 2014 was a year of continued planned implementation of the JSRS and AP JSRS. Taking into account the qualifications and conclusions of the sector WGs for coordinating and monitoring the implementation of JSRS, the **level of implementation** of the planed and outstanding actions in the reporting period was **69%**. Table 5 gives information of the level of implementation of outstanding actions due at the end of 2014, for each Pillar of the JSRS in part.

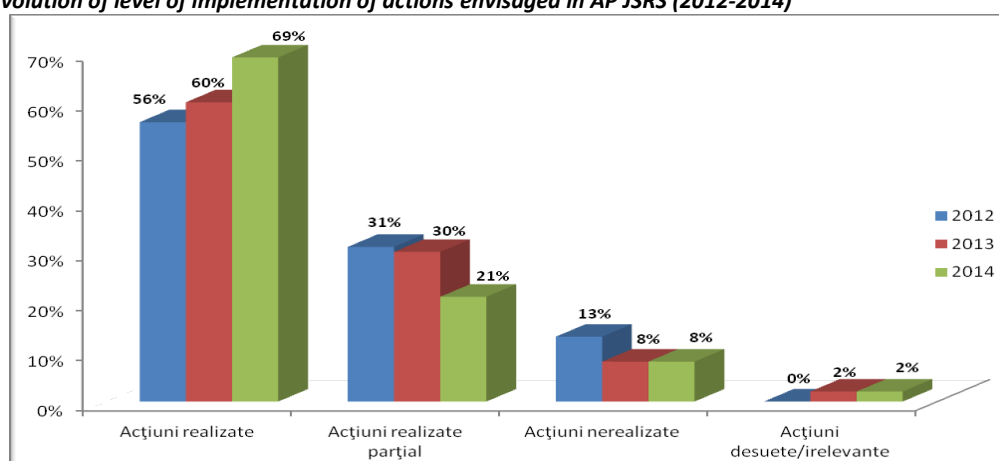
It can be observed that a good rate of implementation was registered under Pillar VI Human Rights Observance in the Justice Sector (84% of total outstanding actions), Pillar VII A Well-Coordinated, Well-Managed, and Accountable Justice Sector (83%) and Pillar I The Judicial System (74%). At the same time, there is a lower rate of implementation of actions under Pillar III Access to Justice and Enforcement of Court Judgments (53%) and Pillar II Criminal Justice (54%). The level of implementation, success and failure are presented in Chapter IV of the Report.

Table 5. Level of implementation of all actions envisaged in JSRS by 2014

Pillar	Total actions	Actions implemented	Actions partially implemented	Actions not implemented	Obsolete/irrelevant actions
Pillar I	120	89 (74%)	18	10	3
Pillar II	80	43 (54%)	26	11	0
Pillar III	51	31 (61%)	15	4	1
Pillar IV	55	29 (53%)	19	5	2
Pillar V	28	21 (75%)	3	3	1
Pillar VI	91	76 (84%)	13	2	0
Pillar VII	41	34 (83%)	6	1	0
Total/per cent	466 (100%)	323 (69%)	100 (21%)	36 (8%)	7 (2%)

The dynamic analysis of the implementation of actions from the AP JSRS shows an increasing level of implementation every year. If in 2012 the implementation level was 56%, in 2013-2014 the implementation pace accelerated, and high progressive rates were registered. For details see Figure 3 below.

Figure 3. Evolution of level of implementation of actions envisaged in AP JSRS (2012-2014)



The Action Plan for the implementation of JSRS envisages a number of actions having an ongoing nature or a bigger timeframe of implementation than 2014. The analysis of the 2014 level of implementation of these of actions shows that this is good enough as in the case of outstanding actions. Under these circumstances, we can foresee that the level of implementation of JSRS will keep ascending in 2015.

The most important progress achieved in 2014 is reflected in the analysis per each Pillar of JSRS in Chapter IV of this Report. Summarizing this information, we would like to mention the most remarkable achievements in 2014:

Judiciary System

- A. the web portal of courts www.instante.justice.md launched;
- B. the Law on the Disciplinary Responsibility of Judges (in force since 1 January 2015) adopted;
- C. the list of crimes for which the consent of the SCM to initiate criminal investigation against judges is not necessary (to limit the immunity) extended;
- D. the process of optimizing the map of courts' location (dissolution/liquidation of Bender Court of Appeal) is advancing;
- E. ongoing process of modernizing and strengthening the security of courts premises;
- F. practical implementation of consolidated process of career development of judges;
- G. ongoing training in courts conducted by the NIJ launched and implemented;
- H. the implementation of new procedures for selecting judges and their performance evaluation is advancing;
- I. the application of information technologies in judicial processes (launching and pilot implementation of Module IV 1. of random assignment of cases, ensure audio recording in hearings) etc. extended;
- J. practical implementation of new salary increase rules to judges.

Criminal justice and integrity of justice sector players

- K. the reform process of prosecution service (the Concept Reform of Prosecution Service was adopted in July 2014 and the draft law on prosecution service was submitted for Venice Commission Opinion) is advancing;
- L. regulations and methodologies on judicial expertise and instruments used by the expertise institutions modernized;
- M. training and testing of new uniform performance indicators system for the institutions involved in criminal proceedings conducted;
- N. wide ranging training for justice sector on preventing and fighting corruption methods developed;
- O. application of new provisions on professional integrity and illicit enrichment testing ensured;
- P. warning integrity system consolidated.

Upgrading and promoting regulations on legal professions in the justice sector and instruments for alternative dispute settlement

- Q. normative framework developed and awareness campaigns about the benefits of using the alternative dispute settlement mechanisms, especially, mediation launched;
- R. draft laws on enforcement of judgements, status of interpreters and translators in trial proceedings, notary, mediation reforms is advancing;

- S. of international platforms and IT instruments (e-Registries) directed to process modernization and transparency in the field widely promoted;
- T. reform of authorised administrators system launched.

Strengthened human rights observance in the justice sector

- U. reform of People's Lawyer (Ombudsman) advanced at normative level;
- V. protection mechanisms for children participating in trial developed and ensured;
- W. the construction of a modern penitentiary, where the detention conditions respect human dignity, etc. initiated.

The list of achievements given above is not exhaustive, or the actions envisaged in JSRS have long-term impact and have not been designed to produce immediate effects. In medium- and long-term, the implemented complex and interconnected actions can modify the state of affairs in the justice sector, change the perceptions of litigants and behaviour patterns of the justice sector players.

Beside the registered achievements, we would like to list some backlogs/failures in promoting the justice sector reform caused by different reasons. Mostly these are determined by the risks anticipated in developing the JSRS³⁹. These are the risks related especially to political instability and resistance of justice sector entities/players to go through cumbersome processes of reform and reorganisation. To overcome these risks, as coordinating institution of the reform process, the MoJ has to be especially diligent to raise awareness and put necessary pressure on political players to ensure ongoing, coherent, consequent and sustainable reform processes. The MoJ is continuously supported and encouraged by the development partners and civil society in its beginnings. Using the same communication and pressure platform, the MoJ acts toward the justice sector players, applying also the "Chinese drop" rule, which should change the behaviour patterns, remove the players from the comfort zone and force them to act with goodwill, in accordance with genuine rule of law standards, where the human rights and freedoms represent supreme values.

³⁹ See Part 7 of JSRS Risk Analysis of Strategy Implementation, Law No. 231 of 25 November 2011 on Approval of Justice Sector Reform Strategy for 2011-2016 (Official Monitor of the Republic of Moldova, 2012, No. 1 – 6, Art. 6), <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=341748>

IV. IMPLEMENTATION OF MEASURES OF THE ACTION PLAN IN ACCORDANCE WITH JSRS PILLARS (2014)

This Chapter provides information about the level of implementation of actions envisaged under each Pillar, actions for implementation in 2014. Information on the level of implementation of actions is provided in graphic and table formats. It should be noted that the graphic information was calculated according to indicators different from the indicators used by the WG for monitoring AP JSRS to calculate the level of implementation and is reflected in table format for each Pillar.

Graphic figures for each Pillar show the level of implementation of actions, according to Strategy and AP as of date indicated on horizontal axis. The numeric code "1412" means: first two digits "14" – year of 2014, last two digits "12" – month of December. The blue background shows the workload (of total per Pillar by the end of Strategy and Action Plan - 2016, respectively) planned for the respective phase (ex December 2014). The yellow columns indicate the level of implementation at respective date. We would like to indicate that the workload for each Pillar was calculated depending on following criteria: number of actions in the Pillar, number of indicators for these actions, weighting of strategic directions/fields of interventions/actions/indicators as set by the Working Group. Respectively, taking into account the fact that the basis for calculation for drawing the graphic figures is different from that calculated per actions, according to tables below, the percentage shares calculated have certain differences. Thus, the diagrams include and show the workload for actions partly implemented. Hence, the percentage shares in the graphic figures reflect a share of workload done in relation to total number of actions planned per Pillar due in December 2016. Moreover, the diagrams take into account the weighting (importance) of each element (strategic direction/field of intervention/action/indicator) of Action Plan in relation to other elements of the same level in the Pillar. Or, "importance"/weighting of each action is different in achieving the objectives set in the Pillar.

Furthermore, each Pillar presents an overview of key achievements and backlogs in 2014. There are tables for each Pillar containing information on the level of implementation of actions, in accordance with the provisions of Methodology for monitoring the implementation of JSRS. For a better accessibility of the reflected level of implementation of actions, the following marking colours are used: *actions implemented – blue; actions partially implemented – yellow; actions not implemented – red, obsolete actions – orange.*

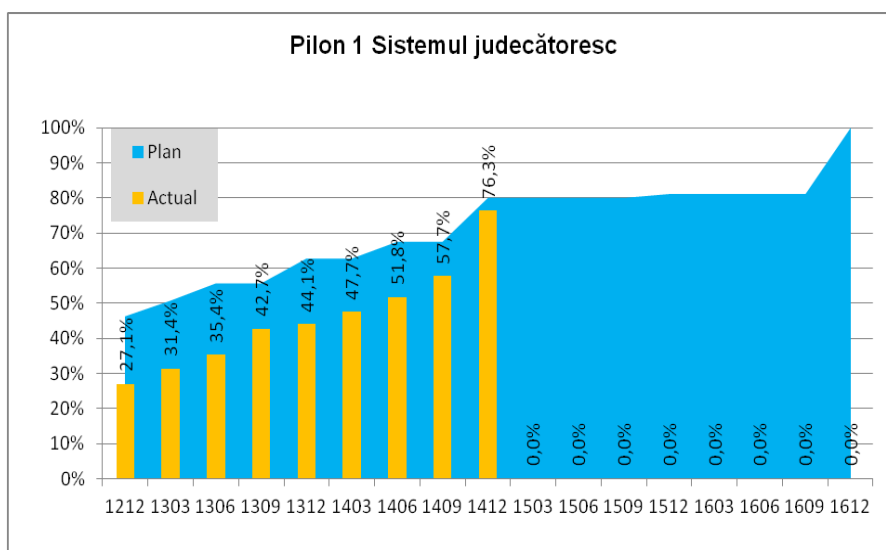
IV.1 Pillar I. *Judicial system*

The specific objective defined for Pillar I is "*Strengthening the independence, accountability, impartiality, efficiency and transparency of the judicial system*".

Actions covered by Pillar I of JSRS are focused on three strategic directions: 1. Ensuring accessibility and independence of the judicial system, 2. Increasing the transparency and efficiency of the judicial system, 3. Raising professionalism and responsibility of persons involved in making justice.

In order to achieve the objectives set for Pillar I, **122 actions** were planned for the implementation period of **JSRS for the years of 2011-2016**.

Figure 4. *Level of implementation of actions planned under Pillar I (2011-2014)*



By the **fourth quarter of 2014**, according to the timeframe, **120 actions were due for implementation**. Of total **120 actions** due as of December 31, 2014 – **89 were implemented, 18 partly implemented, 10 not implemented**, and 3 actions were determined by the WG as obsolete/irrelevant action.

Table 6. Level of implementation of actions planned for Pillar I, according to WG Methodology

Total actions planned by 2014	Actions implemented	Actions partly implemented	Actions not implemented	Obsolete/irrelevant
120	89	18	10	3
100%	74 %	15%	8%	3%

During the reporting period many achievements have been registered under Pillar I, including due to reform efforts made in the previous period, once normative acts were adopted and effectively enforced.

ACHIEVEMENTS:

A. Single portal of courts launched <http://instante.justice.md/cms/>

The optimization of webpages of courts, including considering the opportunity to design a single portal for courts, was planned in the AP JSRS *under action 1.2.4 (4)*. To implement this measure, the work of all courts webpages was monitored and a set of recommendations was provided⁴⁰. As a result of undertaken monitoring, it was considered useful to launch a single portal for all courts to ensure a simplified access to information about the activity of the court. On 30 April 2014, the MoJ jointly with SCJ and SCM announced the launching of court portal <http://instante.justice.md/cms/>. The portal design takes into account the expectations of actual users of the webpages and has improved considerably the search engine and filter of relevant information. Since it is a pilot project, it will go through continuous improvements and amendments, based on portal's current use analysis.

The portal provides information about:

- All judiciary applications registered by the court (data on the registration number of application, date of registration, case number, examination phase, type of case (criminal, civil), litigants, object of litigation);
 - Examination date of cases in progress;
 - Court rulings/decisions issued by the courts;

⁴⁰ See the Monitoring Report of the Courts of Law Webpages

http://justice.gov.md/public/files/file/Strategii%20si%20planuri/Raportul_de_Monitorizare_a_Paginilor_Web_2014.pdf

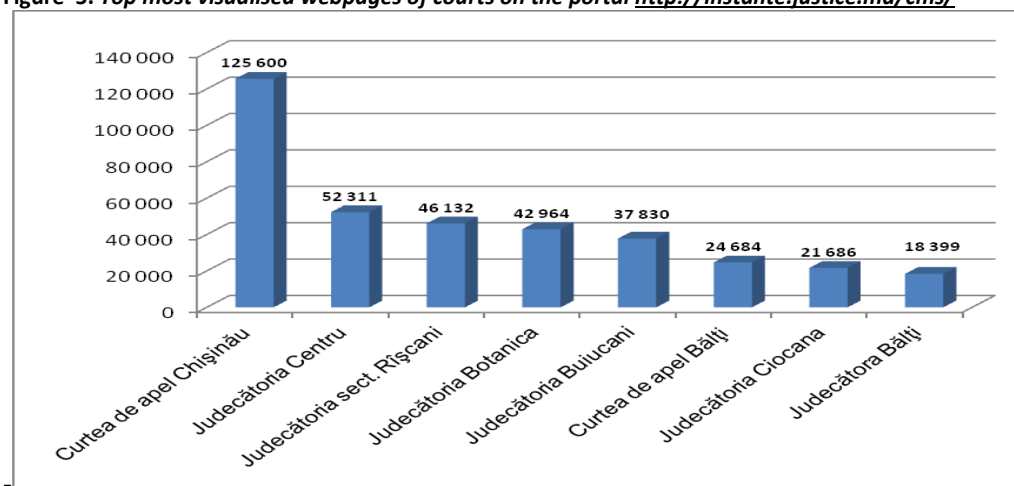
- Judicial practice containing all rulings of the SCJ, information about court recommendations, advisory opinions of Plenary, explanatory decisions of Plenary, decisions on appeals in the interest of the Law, relevant jurisprudence for civil or criminal cases, draft of explanatory decisions of Plenary subject to endorsement and debates.

An innovation of the portal is the Directory “Summons in Court” intended to inform the litigants and parties in trial directly by the source. This is a very practical solution when the concerned persons are overseas.

Since the launching on 1 May 2014 until 1 March 2015, **the portal was visited 1.290.375 times**. Having analysed the countries of origin of the visitors, there have been established a list of Top 10 countries: the Russian Federation, Romania, Italy, the USA, Germany, Ukraine, France, the Netherlands, and the United Kingdom.

On average, the portal is **visited daily by 6120 people**. The most “congested” days are Wednesdays and Thursdays. The Figure below presents the top courts most frequently visited on the single portal of courts.

Figure 5. Top most visualised webpages of courts on the portal <http://instante.justice.md/cms/>



The system is still tested, especially, some of its components. It is important to ensure a constant monitoring process of the portal’s functionality. Some courts sometimes avoid ensuring timely publication of agendas of sessions and judgements/rulings. Such kind of monitoring can be permanent: an inter-disciplinary group, which involves representatives of the civil society and gets the support of development partners that would follow the functionality of the portal and would intervene with recommendations for its improvement. The upgrades made to the new webpage by ensuring a higher level of transparency of the activity of national courts will allow the public to assess objectively the achievements of the judicial system of the Republic of Moldova, and the new search instruments will facilitate the access to judiciary solutions of both persons who seek justice and representatives of legal or academic circles. The access to all court decisions will contribute to the improvement of transparency in justice, consolidation of judiciary practice and correct delivery of justice.

B. Adoption of the Law on Disciplinary Responsibility of Judges

The Law No.178 on Disciplinary Responsibility of Judges was adopted on 25 July 2014, under the responsibility of the Government⁴¹. The development of this highly important law from the perspective of judicial system reform and responsibilities of judges was cumbersome. Although it was approved by

⁴¹ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=354341>

the Government and submitted to the Parliament for examination in 2013, the Law, even after the Opinion of Venice Commission, has not been yet approved by the Parliament, there being invoked different reasons that delayed the process. Taking into account the importance of this law in implementing the reform processes and taking into account the uncertain situation of the Legislative in 2014, the Government has assumed the responsibility for this law. The main goal of the Law No.178/2014 is to set up an effective and transparent system with regard to disciplinary responsibility of judges. Such system is one of the essential conditions of a responsible and qualitative judicial system. Based on new provisions, the disciplinary responsibility system of the judges will ensure that any disciplinary deviation of the judges of any instance can be examined and sanctioned, if needed. At the same time, the disciplinary responsibility system was built not to admit the possibility of influence and interference with the activity of the judge in delivering justice. The innovations of the law refer to the revised list of disciplinary violations; extended prescription term to institute disciplinary proceedings; revised range of disciplinary sanctions and their consequences; detailed regulation of disciplinary procedure; extended circle of subjects with referral rights; extended validation phase of decisions of the Disciplinary Collegium by the SCM and revised appeal procedure of disciplinary decisions of the Collegium, etc. The Law has been in force since 1 January 2015.

As for the practical implications of the system of disciplinary responsibility of judges, it should be mentioned that in 2014 the Disciplinary Collegium of the SCM activated under the Law No. 950 of 1996 on Disciplinary Collegium and Disciplinary Responsibility of Judges. According to the informative note of the Collegium⁴², in 2014 the Disciplinary Collegium received 52 requests to initiate disciplinary proceedings against judges of all instances, and 9 pending proceedings were brought forward from 2013, with a total number of 61 proceedings against 55 judges. Two or more proceedings were initiated against some judges. In 2014, 10 meetings that discussed requests to initiate disciplinary proceedings were organised and 46 decisions were made to apply **16 disciplinary sanctions**:

- **12 sanctions with warning,**
- **3 sanctions with reprimand,**
- **1 sanction to dismiss from the position of judge.** At the same time, in the absence of an appeal, the SCM overturned the decision of the Collegium and issued a new decision to apply the disciplinary sanction to dismiss from the position of judge.

C. Ongoing process of limiting the immunity of judges

Some developments regarding the immunity of the judges were observed in 2014. The first stage of limiting the immunity took place by revising Article 19 of Law on Status of Judge based on Law 153 of 5 July 2012. Following the Decision of the Constitutional Court No. 22 of 5 September 2013, according to which some elements of Law 153/2012 with regard to the criminal and administrative liability of judges were declared unconstitutional, the MoJ intervened with a new draft law for amending the Law 544 on the Status of Judge to eliminate the deficiencies pointed out by the CC, as well as to extend the list of crimes that are not covered by judges' immunity. The SCM's consent to initiate criminal proceedings in cases of illicit enrichment and money laundry (previously only passive corruption and influence peddling were considered crimes) was excluded. This law was adopted on 25 July 2014 under the Government's responsibility toward the Parliament⁴³.

The impact of these amendments was felt in 2014. According to 2014 NAC Report⁴⁴, the courts **examined 6 criminal cases of corruption or related to corruption in the judicial sector** in 2014:

- **1 criminal case** against the judge of Criuleni Court, E.R. – examined by Ciocana District Court of Chisinau Municipality. *The sentence handed down on 26.06.2014.*

⁴² http://csm.md/files/Ordinea_disciplinar/2014/2014_NOTA_INFORMATIVA_CD.pdf

⁴³ Art. II of Law no.177 of 25 July 2014 on the amendment of some legal acts, <http://lex.justice.md/md/354312/>

⁴⁴ <http://cna.md/ro/evenimente/raportul-activitate-al-centrului-national-anticoruptie-anul-2014>

- **1 criminal case** against the judge of Telenesti Court, P.Gh. - examined by Buiucani District Court of Chisinau Municipality. *The sentence handed down on 08.04.2014. In proceedings with the Court of Appeal.*
- **2 criminal cases** against the judge of Causeni Court, C.D. - examined by Botanica District Court of Chisinau Municipality. *In proceedings.*
- **1 criminal case** against the Supreme Judge of Glodeni Court, C.I. - examined by Centru District Court of Chisinau Municipality. *In proceedings with the Court of Appeal.*
- **1 criminal case** against the inspector judge of Judicial Inspection of the SCM, C.V. – examined by Anticorruption Prosecution Service. *In proceedings.*

D. The optimization of the map of courts' location is advancing

Some progress was registered in implementing the activities related to the optimization of the map of courts' location in 2014. The official presentation of the advisability study on the optimization of the map of courts' location, conducted by LRCM, took place on 12 February 2014⁴⁵. For plenary use of the Study carried out in 2014, it is necessary to have a detailed description of the expenses to optimize the courts. Taking into account the fact that this action is a conditionality foreseen by the Policy Matrix, an expert will be contracted to make a detailed estimation of costs related to the optimization of courts. In 2015, the respective activity will be carried out with the support of USAID ROLISP.

As for the practical implications of the number of courts optimization process, the Law No. 29 of 6 March 2012 on the amendment of some legislative acts used to liquidate the Economic Court of Appeal, and the Economic Court was reorganised into Circumscription Commercial Court. In 2014 the Ministry of Justice developed and promoted the draft law on the amendment of some legislative acts with regard to Bender Court of Appeal. On 21 July 2014, the Government has assumed its responsibility for this draft law (Law No. 177 of 25.07.2014)⁴⁶.

As for the optimization of other courts, given the complexity and impact of decision to be made with regards to courts optimization, the Ministry of Justice developed and promoted the draft law on the amendment of some legislative acts for the purpose of this action. One of the objectives of this draft law is to establish a mechanism for optimization as a result of regulating the criteria that have to be met every time in the process of establishment, reorganisation and liquidation of a court. In the context of regulating the mechanism for optimization of courts, the draft law regulated an important principle that has to be taken into account in the process: *"A court cannot be reorganised or its activity cannot be ceased, if its jurisdictional capacities were not transferred to another court."* This provision will become a guarantee of independency of courts, creating stability and limiting rushed and arbitrary decisions regarding the reorganisation or liquidation of a court.

E. Ongoing process of modernizing and strengthening the security of courts premises

Important evolutions in strengthening the infrastructure of courts took place in 2014. As a result of procurement procedures conducted at the end of 2013, the SCM acquired separate premises in 2014. The personnel moved into the new premises in the first half of 2014.

In 2014 greater attention was paid to the courts premises and improving working conditions of the employees. Nine contests for the selection of the design institutions to construct/renovate the courts premises were held. In **2014, the renovation/reparation works were organised in 18 courts**: Balti Court of Appeal, courts from Floresti, Falesti, Criuleni, Riscani, Taraclia, Cimislia, Dubasari, Nisporeni, Calarasi, Vulcanesti, Ialoveni, Drochia, Briceni, Buiucani, Chisinau Court of Appeal. The modernization process of premises will continue in 2015, including in the courts mentioned above. The SCM

⁴⁵ http://crjm.org/app/webroot/uploaded/2014%20Studiu%20Optimiz%20HartaJud%20MD_ro.pdf

⁴⁶ Art. I of Law no.177 of 25 July 2014 on the amendment of some legal acts, <http://lex.justice.md/md/354312/>

suggested including in the **2015 budget** resources to start and continue the reparation/renovation of **22 courts**, based on requests received from the respective courts.

For the purpose of ensuring security in the courts, **16 courts were equipped with video surveillance equipment** (Bender, Anenii Noi, Basarabeasca, Briceni, Cantemir, Calarași, Causeni, Ceadir-Lunga, Cimislia, Comrat, Criuleni, Donduseni, Drochia, Dubasari, Edinet, Falesti).

As for the implementation of actions regarding the re-equipment of courtrooms to disassemble the mechanisms for isolating defendants during the trial to observe the principle of presumption of innocence, according to court reports, only 3 out of 49 courts did not disassemble the isolation cages (Military Court, Straseni and Ialoveni).

F. Practical implementation of the unified procedure of career development of judges

NIJ ensured in 2014 the practical implementation of the unified procedure of career development of judges, action which was outstanding in the previous reporting periods. By Decision No.11/3 of the Council of NIJ of 29.09.2014, the nominal composition of the Graduation Committee (for examination of professional competence) of the candidates to judge position based on seniority was approved. The committee carried out its activity during 6-28 October 2014

According to the modified calendar, approved by Decision No.11/5 of the Council of NIJ of 29.09.2014, the written test was conducted on 6-9 October, and the oral test on 20-23 October. The Graduation Committee (for examination of professional competence) of the candidates to judge position based on seniority established by Decision No.11/3 of the Council of NIJ of 29.09.2014 tested 79 persons for oral test and 73 persons for written test. The results of the exams were approved by Decision No.12/1 of the Council of NIJ of 31.10.2014 and were presented to the Superior Council of Magistracy. The exams were passed by **62** of 83 enrolled **candidates**.

G. Ongoing implementation process of new judges selection and performance evaluation mechanism

A new selection and performance evaluation mechanism of judges was established by Law 154/2012. The practical implementation of the new mechanisms started in 2013 and continued in 2014.

According to Board for Selection and Career of Judges Report⁴⁷, 10 meetings of the Board for Selection and Career of Judges were held in 2014 to examine 92 files of judges and candidates to the judge position (of which, 71 files of acting judges and 21 files of candidates). Two candidates were rejected from the total of 21 files. In 2014, 8 judges were transferred, 12 judges were promoted in accordance with the new criteria and selection procedures. The Board for Selection and Career of Judges examined, in 2014, 27 files of judges for the position of Chairman and Vice-chairman of court, according to criteria stipulated in the Regulations approved by SCM Decisions No. 211/8 and No. 212/8 of 05.03.2013.

The Decisions of the Board for Selection and Career of Judges play a decisive role in the judge's career. The score given by the Board to candidates, who participate in the contests announced by SCM, places them in the top of best candidates, in the descending order. It is assumed that the SCM reflects on and evaluates the top candidates when it decides on the winner of the contest and it is assumed that the first one in the top is the winner. But the research of this subject⁴⁸ shows that in 2013- September 2014, the SCM suggested for appointment candidates who obtained a lower score during the evaluation of the Board for Selection and Career of Judges. No appropriate and pertinent reason was given by the SCM for preferring other than the candidates selected by the Board. The analytical report of LRCM mentions that *"for SCM the criteria are vaguely regulated, and the decisions are motivated only by the number of votes expressed in closed meeting. Such system creates the impression of*

⁴⁷ http://csm.md/files/Hotaririle%20CSelectie/2014/Raport_selectie_2014.pdf

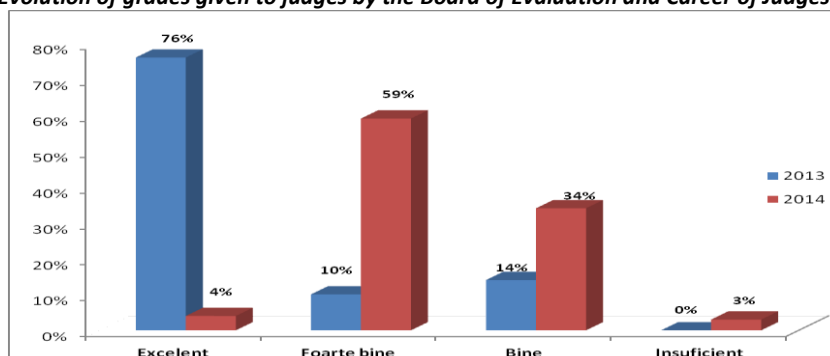
⁴⁸ Public policy document of the LRCM: *Selection and career of judges – overlapping responsibilities or additional guarantees?*

appointments and promotions based on subjective or preferential criteria of SCM members. This diminishes the trust of both the society and judges in the SCM and judicial system. Moreover, the judges evaluated by the Evaluation Board and Selection Board, and afterwards receive a SCM decision that does not take into account the results of Boards' evaluation, can lose the motivation to observe the evaluation criteria of judges' performance. For these reasons, the current situation should be improved by clarifying the institutional competences of Selection Board and the SCM, as well as by enhancing the quality of reasoning the SCM decisions regarding the appointments, promotions and transfers of judges".

As for the new **procedure used to evaluate the performances of judges**, the report of the Board of Evaluation⁴⁹ mentions that 210 judges were evaluated in 2014, of which, 151 in ordinary way and 59 in extraordinary way, which is by 86 more judges than in 2013. Although in the previous year, according to the Evaluation Calendar of Judges⁵⁰, the activity of the Board of Evaluation was behind as regards the "number of evaluated judges", but in 2014, the number of evaluated judges was perfectly tuned with the abovementioned calendar. Respectively, the judges of the following courts were evaluated in 2014: Chisinau, Balti, Bender, Cahul, Comrat; judges from Chisinau municipality: Buiucani, Centru/Grigoriopol, Ciocana, Risșcan, Chisinau mun. and other courts: Military, Basarabeasca; Circumscription Commercial Court, Calarasi, Cimisia, Criuleni, Dubasari, Hincesti, Ialoveni, Nisporeni, Orhei, Rezina/Ribnita, Straseni, Balti, Briceni, Donduseni, Drochia, Edinet, Falesti, Floresti, Glodeni, Ocnita. In 2014, the Board of Evaluation and Career of Judges appreciated the evaluated judges with the following grades: 6 - "excellent"; 89 - "very good", 51 - "good" and 5 - "failure to pass".

The 2013-2014 comparative analysis of the evaluation grades of judges during regular evaluation of performances of judges is presented below.

Figure 6. Evolution of grades given to judges by the Board of Evaluation and Career of Judges in 2013-2014



The figure shows that in 2013, most grades given by the Evaluation Board were "excellent", and no "failure to pass". But the situation changed in 2014, when the most frequently applied grade was "very good" and "failure to pass". Such situation is explained by the fact that initially the score for meeting the performance criteria set forth by the SCM Regulation, approved by SCM Decision No. 212/8 of 5 March 2013, did not observe an appropriate balance and was not connected directly to the performance of judges in their activity. From this point of view, at the end of 2013, the SCM has revised the performance evaluation criteria of judges⁵¹, which changed the approach, including the grades given to judges.

H. Ongoing training in courts conducted by the NIJ launched and implemented

In 2014, an action qualified as outstanding in previous reports was reanimated - actions related to distance learning education for NIJ audience. By Decision No.7/4 of 20.06.2014 of NIJ Council, the Regulation on distance learning education was approved by NIJ. Moreover, NIJ signed a Memorandum

⁴⁹ http://csm.md/files/Hotaririle%20CEvaluaire/2014/Nota_InformativaCE2014.pdf

⁵⁰ Approved by SCM Decision No. 545/22 of 09 July 2013

⁵¹ SCM Decision No. 796/34 of 5 November 2013

of Understanding with Leavitt Institute for International Development, which will equip a room within NIJ with necessary devices to organise video-conferences, and will provide maintenance during 4 years. The first distance learning course *“The psychological specific and the particularities of hearing victims of trafficking in human beings”* was developed with the USAID ROLISP support. This course was delivered 4 times in 2014 for a total number of 110 persons, being passed by 86 persons. The 2014 Plan for developing distance-learning courses was adopted by Decision No.7/5 of NIJ Council of 20.06.2014. According to this plan, the course *“Prevention of corruption in justice sector”* was finalised in October, which was tested by 13 persons and promoted by 7 persons. Other four distance learning courses are being developed/finalised with the following topics: *“How to use Performance Measuring Module of the Integrated Case Management System?”*, *“Protection of personal data”*, *“Integrated Case Management System”*.

I. Application of information technologies in judicial processes extended

Upgrading and securing the Integrated Case Management Program to exclude any manipulation is a permanent concern of the MoJ and SCM, a concern shared by the development partners too. In 2014, ROLISP developed version 4.1 of the ICMS. The purpose of implementing ICMS 4.1 is to improve the activities of courts by including two updated modules – statistic module and performance measuring of courts. Other modifications of ICMS 4.1 refer to: faster function of the System, filter cases instrument, court panels specialised on certain cases, application of a new, more complex algorithm of random distribution of cases, improved search engine, electronic transfer of cases from first level to hierarchically superior level, and other important modifications. The SCM Decision No. 898/29 of 11.11.2014 selected two pilot courts (Chisinau Court of Appeal and Botanica District Court, Chisinau municipality) for testing the ICMS 4.1. On 18.12.2014, a meeting with representatives of pilot courts, SCM, CTS and ROLISP were organised to discuss the faults and disparities of the implementation of new version of ICMS.

Furthermore, with the support of the USAID ROLISP, 49 courts received and installed 228 Dictaphones for audio recording of hearings and 38 FEMIDA systems. The technical equipment was installed in 119 courtrooms. According to 2014 statistical data, the Centre for Special Telecommunications (CTS) audio recorded 363 660 hearings.

It should be mentioned that at the beginning of 2014, the SCM⁵² examined the failure to observe the legal provisions on audio recording of hearings by a number of judges in courts. During this meeting, one of the members of the SCM announced his intention to initiate disciplinary proceedings against 9 judges. After examining the provisions to initiate disciplinary proceedings, the Disciplinary Collegium of the SCM decided to **reject the proposal** to apply disciplinary sanctions in the case of **7 out of 9 judges**, and decided to apply the disciplinary sanction with **warning** against **2 judges**⁵³.

It should be noted the challenge with regard to continuous functioning of the ICMS, because after 2016, the USAID ROLISP will end the support of this system and the authorities have to be prepared to ensure 100% management of this system, because the implementation of the ICMS represents a conditionality of the Policy Matrix for the allocation of budget support offered by the EU.

Taking into account the fact that one of the objectives of JSRS is to ensure transparency of judicial system and its processes, it is important to publish these reports, including downloading them on the SCM webpage www.SCM.md. As in the case of web portal of courts, it is important to ensure a constant process of monitoring the implementation of ICMS and of audio recording of hearings procedure. The respective monitoring should be made on a permanent platform: interdisciplinary group by involving representatives of the civil society and with the support of development partners,

⁵² See the SCM Decision No. 152/5 of 11 February 2014 on audio recording of hearings in some courts:

<http://csm.md/files/Hotaririle/2014/05/152-5.pdf>

⁵³ Report on activity of Disciplinary College, Q I-2014; http://csm.md/files/RAPOARTE/2014/Raport_Semestrul_I_2014_CD.pdf

who would monitor the application of ICMS and FEMIDA System and would provide recommendations for their improvement.

J. Periodic public opinion surveys

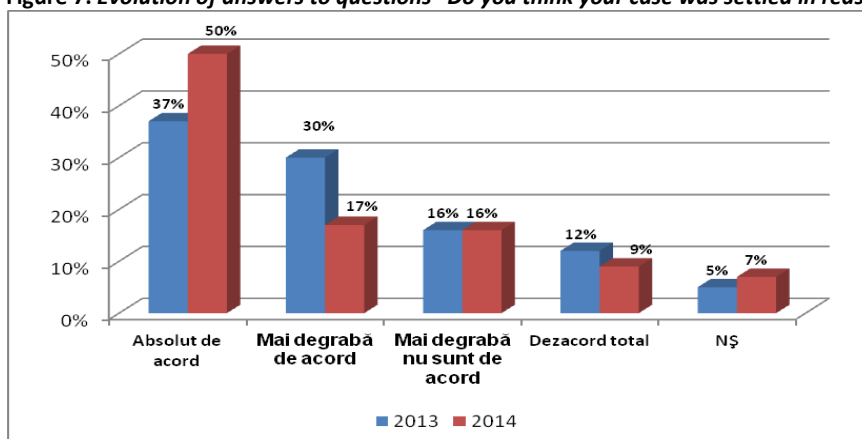
Since 2013, the MoJ as coordinator of the implementation of JSRS, has requested the assistance and has contracted services to measure the satisfaction of litigants, taking into account that the justice sector reforms have the purpose to improve the quality of the justice act. A litigant satisfaction survey of visitors of the courts was conducted by the company MAGENTA CONSULTING in 2014⁵⁴. The survey was conducted in 17 courts selected from 49 courts with a distinctive address. The interviews were conducted with the visitors of courts. All the questions referred to the current visit of the respondent. The survey reflects, in principle, the satisfaction level from the point of view of conditions in the court, personnel's attitude towards the litigants, and not the quality of the act of justice. A similar survey was conducted in 2013.

The 2014 Survey mentions that *"The conditions in the court were appreciated as positive by the respondents. As in the previous survey, the number of tables and chairs was evaluated as sufficient. There has been noted a deviation from the rule in the case of big courts, where the number of persons on the halls can be bigger and, in particular, during the lunch break, when the visitors wait for the personnel to return from their lunch. [...] The information boards are sufficiently noticeable and more than half of respondents affirmed that they read the materials on the boards"*.

From the perspective of the justice process, we can note some trends of opinion in the litigant satisfaction surveys regarding the examination of their cases in reasonable time, attitude of judges in proceedings, use of ICMS and FEMIDA audio recording of hearings.

Being asked if they thought their case was settled in reasonable time, most respondents (**67% in 2013 and 2014**) agreed that the trial took place in a reasonable time, and the number of persons who expressed a total disagreement dropped from 12% in 2013 to 9% in 2014.

Figure 7. Evolution of answers to questions "Do you think your case was settled in reasonable time?" 2013-2014



⁵⁴ http://www.justice.gov.md/public/files/file/reforma_sectorul_justitiei/pilonstudiu1/Magenta_Consulting_DAJ_Raport_2014.pdf

A positive dynamic can be observed in the attitude of judges toward the litigants, most respondents declaring that the judges treated them with respect and politeness: 93% in 2013 and 2014. The per cent of those who disagree dropped from 6% in 2013 to 4% in 2014. For more details see Figure 8.

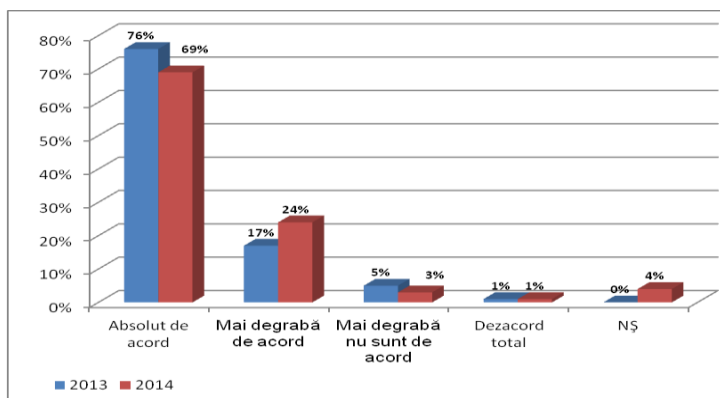


Figure 8. Evolution of answers to question about the judges' attitude in trials, 2013-2014

The survey also wanted to see if the litigants know about the ICMS and FEMIDA audio recording of court hearings. The dynamic evolution of answers shows that the level of knowledge about the existence of these systems has increased considerably. Compared to 2013, as can be seen in Figures 9 and 10 below, the number of persons who know about the ICMS increased from 35% to 49%, and number of persons who know about audio recording of court hearing increased from 67% to 74%.

Figure 9. Evolution of answers about ICMS, 2013-2014

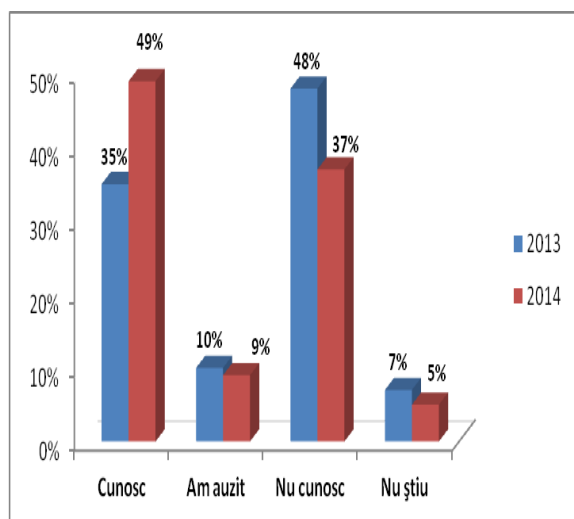


Figure 10. Evolution of answers about FEMIDA, 2013-2014

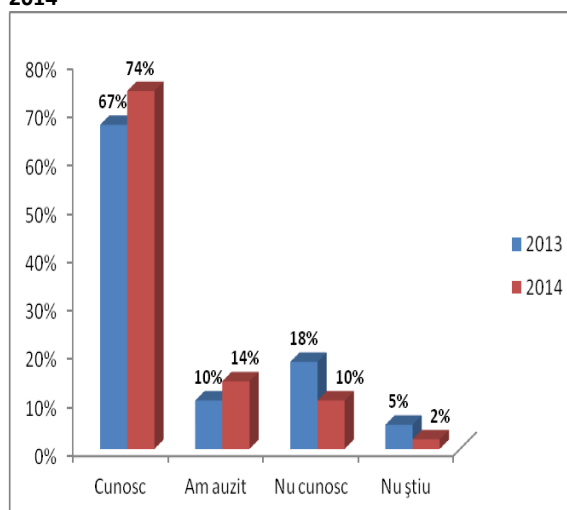
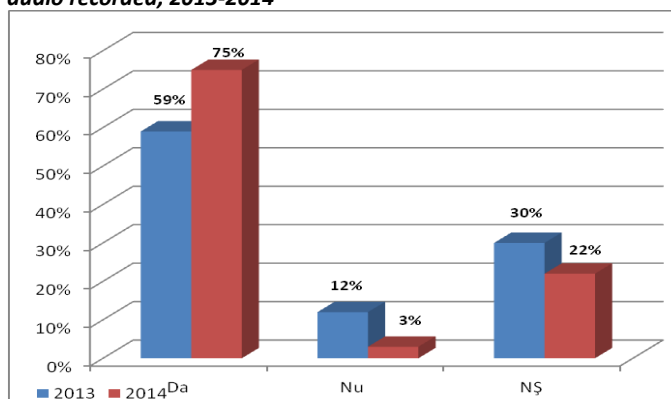


Figure 11. Evolution of answers to question if the court hearing was audio recorded, 2013-2014

Subsequently, the respondents were asked if their court hearings were audio recorded. The dynamic analysis of these answers shows that from 2013 to 2014 the number of audio recorded court hearings has considerably increased: from 59% to 75%, and the number of hearings not recorded is only 3% compared to 12% registered in 2013.



We would like to mention that these are evolutions recorded during a single year, which can be qualified as an undeniable progress. It can be concluded that:

- the beneficiary of the act of justice has a higher level of awareness regarding the electronic systems applied in courts;
- the judges observe the solemnity of trials and have a dignifying and respectful attitude towards the litigants;
- most respondents consider that their cases were settled in reasonable time;
- audio recording system of court hearings is used in most cases trialled in court.

K. Further progressive funding of the judiciary

The 2014 court budget has increased by about 29% compared to 2013 budget. The total allocated amount was 315661.4 thousand lei, which is 0.01% of state budget. During 2014, the court budget was increased by 17537.2 thousand lei accounting to 333198.6 thousand lei by the end of the year. The adjusted budget of the Supreme Court of Justice was 33701.7 thousand lei, courts of appeal – 90017.1 thousand lei and judges – 209479.8 thousand lei. Most court budgets cover the implementation of JSRS actions; the 2014 state budget for judges and courts of appeal was 87593.4 thousand lei. Budgetary financial means were used for salaries paid to the courts' staff, for ensuring each court with technical support necessary to implement the ICMS and necessary equipment for audio recording of court hearings, installing access control systems to ensure the security, including other organisational and management needs of the courts to ensure that the justice is served and increase the society's level of trust in justice. It should be mentioned that this progressive increase was possible, largely, thanks to the budget support provided by the EU. At the recommendation of the World Bank and International Monetary Fund, the Ministry of Finance promotes a policy of cutting down the costs for services and procurements, however, in the case of actions of the JSRS which are covered from the budget support of the EU, there are exceptions from the policy promoted by the Ministry of Finance.

L. Launching the Study on the uniformity of judicial practice

The Study on the uniformity of judicial practice was launched with the support of ABA ROLI Moldova in 2014. The study became public and has been distributed to SCJ, SCM, MoJ, DJA, courts, etc. The conclusions of the study mentioned that *“The existence of different decisions, even contradictory in similar cases, cannot be accepted. This even implies lack of justice, which imposes the implementation of settled caselaw. This is not a formal source in the justice system of the Republic of Moldova, a country belonging to Romano-Germanic legal family. As for concrete consolidation mechanisms for judiciary caselaw, the Study suggests three instruments: one during the timeframe the court proceedings, two afterwards. The value of decisions made as such should be mandatory, and departing from the established decision-making practice can happen only under strict conditions. After all, the unified judiciary practice is a standard in law; a value resulted from the need to protect the human rights. The judge is the guarantor of these rights. One is the right to ensure the equality before law and another one is the right to safe legal relationships. Hence, the judge can interpret the law, but not arbitrarily rather in accordance with the rules set forth even by the superior courts”*.

In order to ensure a unified practice in the RM, recommendations to conduct specialised training of judges; ensure the stability of panels of judges; quality professional education; increase the quality of decisions; enhance the evaluation system of judges; develop a Guide on punishment application; inform the judges about the SCM decisions; strengthen the anti-corruption measures; inform the other powers about legislation improvement; encourage use of mediation; establish the settled caselaw were formulated.

BACKLOGS/SOLUTIONS

The backlog of actions that did not register significant progress in 2014 include the actions related to draft laws regarding the **NIJ reform**. Even if the draft was approved by the Government and submitted to the Parliament for examination in the autumn of 2014, however, taking into account that the Parliament did not have any plenary sessions since July 2014, this draft law has not been examined and currently is being repeatedly reviewed by all involved institutions. It should be mentioned that it has been recommended in the Decision No.1 of NCRLEB to accelerate the adoption of this normative act, and the MoJ, jointly with NIJ and other stakeholders, will have to make considerable efforts to move forward in the NIJ reform.

Another backlog relates to the effective functioning of the **judiciary police**, its transfer into the subordination of the MoJ and its availability/accessibility/location in courts. The reason for such situation is that the courts lack space for the JPS offices, which requires additional spaces. Another reason that delays the re-subordination process of the judiciary police is that no consensus has been reached on the number of staff that has to be transferred or its equipment. To overcome these issues, a draft normative act has been developed that was submitted to the Government for examination. The draft recommends the set up of Judiciary Police with status of administrative authority subordinated to the Ministry of Justice and, at the same time, recommends the liquidation of the Judiciary Police Service of the GPI of the MIA. This subject has to be a priority on the agenda of the new Government created at the beginning of 2015.

There are certain issues related to the initiation **of the Palace of Justice construction**. Even if the WG has adopted a decision to declare this action obsolete, because the Chisinau Mayorality did not identify an appropriate site adjusted to the needs of a court of law, however, this process has to continue and enforced in 2015. At the same time, it is necessary for the WG to revise its decision regarding Pillar I.

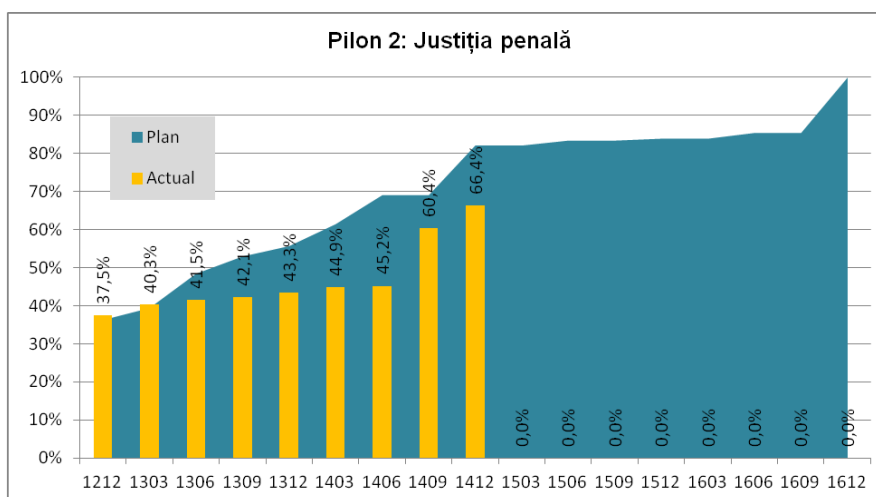
Another issue which has to be followed up by the institutions responsible for the implementation of actions under Pillar I, and by the policymakers, is consolidated efforts and further advancing in implementing activities aiming at the **optimization of courts**. Once the cost estimation exercise ends, it is necessary to undertake carefully conceptualised and planned actions to implement this reform properly and efficiently.

IV.2 Pillar II. Criminal Justice

The specific objective for Pillar II is *“Streamlining the interlocutory investigation to ensure respect for human rights, security of every person and diminish the level of crime.”* Actions covered by Pillar II of JSRS are focused on five strategic directions: 1. Reviewing the pre-judicial phase concept and procedure; 2. Enhancing professionalism and independence of the prosecutor’s office; 3. Professional capacity building at individual and institutional levels on issues dealing with crime investigations; 4. Modernization of the statistical data collection system and of the professional performance evaluation system at individual and professional levels; 5. Humanization of criminal proceedings and strengthening the mechanism for safeguarding the rights of victims.

According to the Action Plan for implementing the Strategy, a total of **84 actions** are envisaged under Pillar II for implementation. In the 4th quarter of 2014, according to the timeframes, **80 actions** were due for implementation.

Figure 12. Level of implementation of actions planned under Pillar II, 2011-2016



As of 31 December 2014, of 80 actions – **43 were implemented, 26 partly implemented and 11 not implemented.**

Table 7. Level of implementation of actions under Pillar II, according to WG Methodology

Total actions planned by 2014	Actions implemented	Actions partly implemented	Actions not implemented	Obsolete/irrelevant
80	43	26	11	0
100%	54%	32%	14%	0%

Compared to Pillar I, the level of implementation of actions under Pillar II during the reporting period is lower, respectively, less achievements can be reported. Below we present a list of the most remarkable actions which implementation can be qualified as progress in the reporting period.

ACHIEVEMENTS

A. The prosecution reform has advanced

In the previous years of JSRS implementation, the actions related to prosecution reform were reported constantly as outstanding actions. This led to the NCRLEB addressing the Parliament to accelerate the adoption of normative framework necessary to implement this reform (for details see Chapter I of the Report). The need to proceed with the draft law on prosecution service represents a conditionality of the Policy Matrix. Depending on the implementation of the conditionality of the Matrix, the European Union allocates annually, in tranches, 60 million Euros for justice sector reform. As we have mentioned above, the first tranche of budget support, in the amount of 15 million Euros was allocated to the Republic of Moldova in November 2013, the year of launching Support to Justice Sector Reform Program. The second tranche in the amount of 13.2 million Euros was transferred in September 2014 and was reduced by 1.8 million Euros, including because of lack of progress in the Prosecution Reform.

We can mention that there were some positive evolutions in this area in 2014. The inter-institutional WG set up by Joint Order of the Ministry of Justice and General Prosecutor submitted the Concept of Prosecution Reform and draft law on prosecution service to the Parliament in 2013. The drafts were considered for examination and further adoption by the Parliamentary Working Group for Completing the Concept of Prosecution Reform and preparing draft normative acts on reforming the activity of prosecutors, created by the Disposition of the Speaker of the Parliament DDP/C1 no.2 of 15 January 2014⁵⁵. The Group completed the Concept of Prosecution Reform and submitted it to the Parliament for adoption. On 3 July 2014, the Parliament adopted the Concept of Prosecution Reform by Law No.

⁵⁵ <http://parlament.md/LinkClick.aspx?fileticket=qMBMv9yium!%3d&tabid=204&language=ro-RO>

122 of 03.07.2014⁵⁶. The new draft law on prosecution service was also submitted to the Parliamentary Working Group, but has not been promoted by the parliamentarians. To streamline the adoption of prosecution reform, on 13 November 2014, the MoJ sent the draft law on prosecution service to the Venice Commission for review, which has to adopt an Opinion on the draft in the plenary session of 20-21 March 2015.

Additionally, the SCP adopted a number of normative acts that derive from JSRS and institutes modern regulations with regard to promotion of prosecutors; organisation and carrying out contests to fill in the vacancies of prosecutor positions in territorial and specialised prosecutor's offices; attestation of prosecutors; organisation, carrying out and evaluation of professional competence exams; professional performance evaluation of prosecutors. However, once the new law on prosecution service is adopted, these regulations will be subject to an additional revision.

The *Support for Reform of the Prosecution Service Project* will be implemented by ABA ROLI in 2015, funded by the US State Department in partnership with GPO and SCP. The activities planned for March-August 2015 were decided jointly by the GPO and SCP based on findings and recommendations provided by the ABA ROLI team in a report on *Needs Assessment of Prosecution Service* presented in November 2014. A long-term Action Plan that represents the vision of the GPO and SCP on the implementation of the respective recommendations was developed. These are actions directed towards the development of new development strategies of the GPO and SCP (2015-2018); enhance the management skills of the leadership of the General Prosecutor's Office and General Prosecutor through training courses and *mentoring* activities, including in the case management field, distribution of workload to prosecutors, time management and service quality control; revise the legal framework on discretionary positions held by the prosecutors and relationships between the prosecutors and criminal investigators; to improve case management system; especially, the case distribution and supervisory method; increase the transparency of SCP; identify the infrastructure needs of the SCP and support the improvement of current situation; revise the Code of Ethics of Prosecutors and develop Guidelines for its application; authorise the Disciplinary Collegium to evaluate the prosecutors with regard to their behaviour and ethics; create the resource group consisting of young prosecutors to train and promote the future leaders in the Prosecution Service.

B. Modernizing regulations and methodologies to conduct judiciary expertise; modernize the tools used by the judiciary expertise institutions

The draft Law on Judiciary Expertise was finalised and adopted in 2014, which was approved by Government Decision No. 902 of 28.10.2014 and further submitted to the Parliament under No. 382 on 29.10.2014. However, this draft has not been examined by the Parliament because as a result of Parliamentary Elections of 30 November 2014, a new Legislative was formed, and according to the Parliament's Regulation, the draft laws registered with the Parliament but not examined in the previous legislature shall be subject to repeated coordination, notification and approval procedures.

In 2014, in order to modernize the judiciary expertise and methods to conduct the expertise, the NCJE has developed 6 methods to conduct expertise regarding sharing of immovable property and determine the way to use the land plots; compensation for prejudice caused by floods; particularities of graphoscope expertise in investigating a large number of contested objects, forensic expertise of seals; signature expertise in graphoscope expertise; traceological expertise. The MIA also has started the process of developing modern methodologies to conduct judiciary expertise.

In 2015, the United Nations Development Program (UNDP) will launch a project jointly with the MoJ to continue the modernization of judiciary expertise in the Republic of Moldova. This project will focus on actions to consolidate the quality assurance mechanism as an important element for international

⁵⁶ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=354695>

accreditation of the expertise laboratories of the NCJE. The NCJE will benefit from support and guidance activities in the process of developing expertise methodologies, lab tests, and the NCJE personnel will benefit of training courses with regard to application of developed documents etc.

C. Development of e-Case Information System for the Prosecution Service (e-Case system)

The information system is developed by the UNDP in partnership with GPO. The system has a management module of documents, cases, incoming/outgoing correspondence to facilitate the activities of the GPO and territorial Prosecutor's office to trace the incoming/outgoing and documents in accordance with the organisation, role distribution and access rights structure. The information system is a first step in initiating and developing the electronic platform for criminal cases in electronic format.

The system should present a picture of flow/number of activities implemented in the course of a case management and will reflect the investigation phases to provide exact data on persons involved and tracing of each case in part. The system contains a reporting component that provides monthly statistics, ad-hoc reports as well as daily reports. Moreover, the system has an archive component for closed/suspended cases.

The main advantages of the information system implementation are: to ensure unified recording and information interaction of Prosecution Services, courts; to obtain a complex information picture of the criminal investigation activities; to observe the enforcement rules; to secure data processing and storing collected during criminal investigation; to improve statistic and criminological analysis possibilities, etc. Alongside with the finalization of the system, developed for General Prosecutor's Office, the necessary informational equipment will be procured, complex training of users provided, as all well a joint working group will be formed, consisting of representatives of law-enforcement agencies and other institutions, which will develop measures to integrate the system into other relevant information systems and adjusting the legal and normative framework in the field.

D. Development and piloting a new unified performance indicators system for criminal procedure entities

To develop and implement a new performance indicators system and to offer a new approach in evaluating the activities of criminal investigation institutions, based on performance indicators and evaluation of quality of carried out activities, on 12 September 2014, the Joint Order on approving the performance indicators for institutions involved in the criminal investigation process and Methodology to evaluate the efficiency of the criminal investigation was signed by the General Prosecutor, the Ministry of Internal Affairs, Director of National Anticorruption Centre and Director General of the Customs Service. The application of new methods will increase the efficiency of criminal investigation institutions and will contribute to the adoption of deadlines for some legal procedural-criminal solutions by determining what actions should be evaluated, the score and evaluation chart, etc. In fact, by approving the new methodology, these institutions have assumed the commitment to evaluate the activity not only based on quantity indicators applied until recently, but also based on quality indicators, which will contribute to the improvement of enforcement discipline and will enhance the responsibility of all institutions and employees involved in criminal investigation. The application of performance indicators and of provisions of the evaluation methodology is mandatory for signatory parties as of 1 January 2015.

E. Development and promotion of surveys and assessments relevant for actions under Pillar II

Many survey/analysis/assessment activities in the fields covered by Pillar II were carried out in 2014. These surveys/studies will serve as support for further promotion of relevant reform initiatives. On 23 June 2014, the LRCM published the Study on the optimization of the structure of prosecution service and the workload of prosecutors in the Republic of Moldova⁵⁷, which contains recommendations

⁵⁷ <http://crim.org/wp-content/uploads/2014/06/Studiu-PG.pdf>

regarding the reallocation of prosecutor's functions, optimization of some Prosecution Services and review of the internal structure of specialised prosecution service. A recommendation of the Study is to take into account the optimisation of judicial map in the prosecution reform process. The Study recommends reallocation of prosecutor's functions between different Prosecution Services to ensure an equal workload for all prosecutors. According to the Study, it is absolutely necessary to increase the number of employees to assist prosecutors. Apparently, a 50% increase of personnel would be a reasonable increase.

Another analytical document, published in 2014, is the Compatibility Study of the provisions of the Code of Criminal Procedure with the provisions of Art.5 of ECHR⁵⁸. Based on the conclusions of this Study, a substantial amendment of many provisions has been suggested and elimination of deficiencies ascertained by applying the CCP in practice, which generate many violations recognised by the European Court in cases versus Moldova. These amendments refer mainly to the following aspects: to align the provisions of CCP to the provisions of Article 25 of the Constitution, especially, with regard to the observance of the 12-month period of preventive arrest; to align the provisions of the Code to the requirements to motivate and justify the preventive arrest by the prosecutors in their statements and court decisions; to include new criteria and reasons to evaluate the need to arrest (such as public danger or proportionality); to clarify some provisions of the detention institution by including more situations and persons who are actually subject to retention; to exclude the arrest of the suspect; to clarify the procedural aspects and rights of parties in judiciary proceedings to apply, extend the arrest; to clarify the obligation to motivate the court decisions of arrest, especially at the phase of extending the arrest; to consolidate the court order institution; to extend the competences of prosecutors in revoking the arrest once the grounds and justification for arrest are eliminated, and legal termination of arrest. The Study represented a consistent foundation for the development of the draft law on the amendment of the Code of Criminal Procedure, in accordance Article 5 of the Convention. The draft was discussed in two rounds of public consultations: on 22 May 2014 and 29 May 2014.

The General Prosecutor's Office developed and published a few studies in 2014: on conditions, rules and procedure of forming the inter-departmental groups and their activity; on the need to specialise the players of pre-trial phase; on electronic distribution of notifications on crimes committed⁵⁹. The recommendations and conclusions of these studies are also taken into account in promoting further legislative and institutional improvements in the field.

BACKLOGS/SOLUTIONS

The biggest backlog and challenge for Pillar II is the **prosecution reform**, especially the adoption of new Law on Prosecution Service that has to create a normative infrastructure necessary to trigger precise reforms and to focus on exact elements. From this point of view, it is important to join efforts of the public authorities directly responsible for these processes: the MoJ, GPO and Parliament, which has to accelerate the approval and adoption of the draft law based on the Opinion of Venice Commission. One should consider the fact that the reform commitment is encouraged and closely monitored by the development partners, mass-media and the society as a whole. Moreover, one should remember that the prosecution reform is a conditionality of the Policy Matrix, and the lack of progress in reforming this important institution of the justice sector can decrease repeatedly the budget support tranches allocated by the EU for justice sector reform. The EU Evaluation Mission conducted in May-June 2014 has informed the Government of the RM through the EU Delegation that the actions that were evaluated as not implemented will be subject to another evaluation during the following evaluation procedure. Hence, the following tranche for Moldova's budget support is at risk.

⁵⁸ http://justice.gov.md/public/files/file/studii/studii_srsj/Studiu_de_compatibilitate_cu_prevederile_art._5_din_CEDO-MJ-2014.pdf

⁵⁹ http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/pilon2/STUDIU_Repartizarea_electronica_sesizrilor_infrastructura_1.pdf
http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/pilon2/STUDIU_grupe_interdepartamentale_1.pdf

The adoption of the new Law on Prosecution Service will generate a chain of reactions to revise the subsequent/connected normative framework, as well as to create and consolidate the institutional framework.

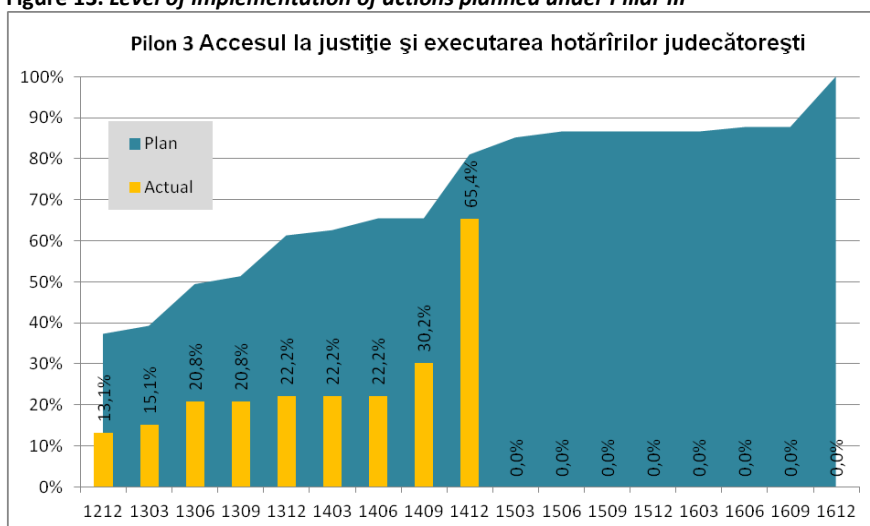
Other backlogs of the Pillar II relate to actions interconnected with the prosecution reform, and the initiation of some **surveys and monitoring activities related to practical implications of amendments operated in the procedural legislation in 2012**. The causes of these backlogs are insufficient human and financial resources, taking into account the scale of such action. To overcome these issues, it has been decided to ask for the assistance of the development partners who might contribute to the appropriate implementation of the respective measures planned in JSRS.

IV.3. Pillar III. Access to Justice and Enforcement of Court Judgments

The **specific objective** of Pillar II is *“Improving institutional framework and processes which ensure effective access to justice: effective legal aid, examination of cases and enforcement of judgments within a reasonable time, upgrading the status of certain legal professions related to justice system”*. Actions covered by Pillar III of JSRS are focused on 3 strategic directions: 1. Strengthening the system of State-Guaranteed Legal Aid; 2. Institutional capacity building and professional development of representatives of the justice system related professions (lawyers, notaries, mediators, bailiffs, legal experts, administrators of insolvency proceedings, translators / interpreters); 3. Effective enforcement of judgments.

Generally, according to AP JSRS, **55 actions** are due to be implemented under Pillar III. In the fourth quarter of 2014, according to the timeframe, **51 actions** were implemented. At the same time, the implementation of other 4 actions, either having an ongoing nature or a bigger timeframe, is envisaged to start.

Figure 13. Level of implementation of actions planned under Pillar III



As of 31 December 2014, of 51 actions – **31 were implemented, 15 were partly implemented, 4 were not implemented and 1 action** was qualified as **obsolete** by the members of the WG for Pillar III.

Table 8. Level of implementation of actions under Pillar III, according to WG methodology

Total actions planned by 2014	Actions implemented	Actions partly implemented	Actions not implemented	Obsolete
51	31	15	4	1
100%	61%	29%	8%	2%

The achievements of Pillar III in 2014 are the development and promotion of draft laws directed to the reorganisation and activity of enforcement officers; revision of organisation and activity rules for interpreters and translators in trials; reform of notary activity; law on mediation. Moreover, there were registered progresses in developing and disseminating the conclusions and recommendations of studies which had been considered grounds for further reform efforts, with details provided below.

ACHIEVEMENTS

A. Procedure of organisation and activity of enforcement officers revised

The draft law on reorganisation and activity of enforcement officers/bailiffs was promoted in 2014. The draft covers the following fields: substantive requirements for the status of enforcement officer (age restriction - 65 years); incompatibilities settlement procedure; electronic registry of enforcement procedures; obligation to observe the fiscal secret; obligation to submit an authenticated copy of enforcement procedure to the Ministry of Justice, Disciplinary Collegium or National Union of Enforcement Officers/Bailiffs in the context of control and supervision activities; structure of Licensing Committee; membership of Disciplinary Collegium; disciplinary procedure (to approve the decisions of Disciplinary Collegium and their publication on the webpage of the Ministry of Justice); regulation of new disciplinary violations; suspension of the enforcement officer's activity; consolidate the role and duties of the National Union of Enforcement Officers, etc.

Certain practical implications of current Law on Enforcement Officers reflect some data on the mechanism for sanctioning enforcement officers that was modified in 2013. The Disciplinary Collegium of enforcement officers registered 175 requests for disciplinary sanctioning of the enforcement officers in 2014. 116 cases were examined including 3 cases dated 2012, 68 cases dated 2013 and 45 cases dated 2014. The following disciplinary sanctions were applied to enforcement officers:

1. Warning – 4 disciplinary sanctions;
2. Reprimand – 1 disciplinary sanction;
3. Fine in the amount of 300 conventional units – 3 disciplinary sanctions;
4. 6-month suspension – 1 disciplinary sanction;
5. Withdrawal of licence – 1 disciplinary sanction.

A total of 10 disciplinary sanctions were applied to enforcement officers, and 106 cases requesting disciplinary sanctions were rejected as not grounded.

B. Rules of the organisation and activity of interpreters and translators in judiciary proceedings revised

Public debates with regard to the status of interpreter and translator were organised on 28 May 2014. Following the suggestions collected during the public debated, the draft law was finalised and submitted to the Government for examination on 23 June 2014, being approved on 28 July 2014. The main provisions of the draft refer to setting quality requirements for services provided by the interpreters and translators; remove the exceptions for translators and interpreters – public servants; regulate the obligation of confidentiality; regulate the disciplinary liability of the translators and interpreters; amend the condition to join the profession of translator and/or interpreter; optimize the attestation conditions of interpreters and translators; regulate the publication of excerpt from the State Registry of Interpreters and Translators.

C. Ongoing notary reform

The second round of debates on the draft law, presenting the recommendations of the German experts to the updated version of the draft, was conducted on 29 April 2014. The final version of the draft law on the activity of notaries was submitted to the Government on 23 June 2014. The adoption of the draft will contribute essentially to the consolidation of the notary profession. The regulations

have the purpose to determine the status of the notary with a view to appreciating their status as free lancers; to determine the status of notary trainee, conditions to be admitted into the profession; to improve the mechanisms of suspension, cessation of notary activity; to institute the professional union of notaries, to appreciate their status, goals, organisation and administration of profession; to determine the order of notary activity control; to set the grounds or and types of liability for notary, sanctions and application procedure.

D. Developing and promoting studies relevant to Pillar III

Nine studies with incidence on actions planned under Pillar III were developed and publicly presented in 2014. These are the Studies:

- on criteria to join the profession of Attorney⁶⁰;
- on criteria to join the profession of Judiciary Expert⁶¹;
- on criteria to join the profession of Mediator⁶²;
- on the professional civil liability insurance system for the profession of Judiciary Expert⁶³;
- on the professional civil liability insurance system for the profession of authorised administrators⁶⁴;
- on the disciplinary responsibility mechanisms for the profession of mediator⁶⁵;
- on the disciplinary responsibility mechanisms for the profession of authorised administrators;
- regarding ethical standards stipulated in the Codes of Ethics and Deontology of the authorised administrators⁶⁶;
- on regulation and implementation of arbitrary foreign decisions recognition and enforcement mechanisms in the Republic of Moldova⁶⁷.

Additionally, to settle a number of previous backlogs, in 2014, the process to conduct studies on taxes and fees applied to legal and related professions has started with the UNDP support.

Recommendations and conclusions of these studies were used to lay the foundation of draft laws/normative acts in the field, and some will serve as basis to promote further legislative and institutional improvements in the field.

E. The mechanism of state-guaranteed Legal Aid costs recovery developed

In 2014 the MoJ promoted a draft law to establish conditions for efficient activity of territorial offices of NACJGS, as a result of created preconditions to verify efficiently the income of applicants for state-guaranteed Legal Aid, which will ensure unconditionally free and equal access to qualitative Legal Aid, provided in cases when the person cannot afford it. The draft established two indispensable mechanisms for NACJGS activity: first refers to the verification of income of applicants of state-guaranteed Legal Aid and the second refers to the recovery of the costs of state-guaranteed Legal Aid from persons who were not entitled to benefit from the assistance or whose financial situation has improved during SGLA, as well as from persons who benefited partly from qualitative free Legal Aid. By Letter No. 03/9280 of 23 September 2014, the draft law was submitted for examination to the Government on 23 September 2014.

F. Establishment of public attorney offices in localities with territorial offices of the National Council for State-Guaranteed Legal Aid

⁶⁰ http://justice.gov.md/public/files/file/studii/studii_srsj/Studiu_Criterii_de_Accedere_Avocat_august_2014_final_19.08.14.pdf

⁶¹ http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/pilon3/2015/Studiu_criteriile_de_accedere.pdf

⁶² http://justice.gov.md/public/files/file/studii/studii_srsj/GRIBINCEA_STUDIUL_MJ_criterii_accedere_profesia_de_mediator_Final.pdf

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http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/pilon3/Studiu_asigurare_de_rasp_civila_a_expertilor_judiciari_ultimul_revaz_Vlad_ultimul.pdf

⁶⁴ http://justice.gov.md/public/files/file/studii/studii_srsj/studiu_raspundere_disciplinara_administrator_autorizat.pdf

⁶⁵ http://justice.gov.md/public/files/file/studii/studii_srsj/studiul.pdf

⁶⁶ http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/pilon3/2015/STUDIUL_privind_standardele_etice_a_administratorilor_autorizati.pdf

⁶⁷ http://justice.gov.md/public/files/file/studii/studii_srsj/Studiul_III_actiunea_3.3.5.pdf

In 2014 the NACJGS received allocations from the state budget for technical equipment of public attorney offices and has requested their presence in 2015, inclusively. At the same time, there were identified spaces for public attorney offices. According to NACJGS Decision No. 25 of 29 October 2014 to provide the SGLA system with 2 positions of public attorney, the list of public attorneys was updated with 2 more names. The SGLA will be provided in 2015 by 16 public attorneys together with about 500 attorneys on demand and 32 paralegals. The jurisdiction of Chisinau territorial office of the NACJGS includes BAA „Avocații Publici”, located in Chisinau mun., str. A. Russo, 1. Currently, the public attorneys of this office (9 in total) provide state-guaranteed legal aid only in Chisinau mun., in Ciocana and Riscani sectors. Two public attorneys activate in each jurisdiction of territorial offices in Balti, Cahul, Comrat of the NACJGS.

G. New e-instruments for the professions related to the justice sector launched

New concepts and electronic registries/information systems to manage the activities of professionals from the justice system were developed in 2014. These are as follows:

- **Single Registry of Proxies (RUP)** is a platform to develop, store and verify the proxies authenticated by notaries, including only in electronic format. All procedures are to be performed in this Registry, excluding at the same time, the hardcopy functional flows (the optional flow can be doubled on hardcopy – for instance, hardcopy information on request). The direct beneficiaries of the information system of proxy management (e-Proxy) are: citizens of the Republic of Moldova; companies of the Republic of Moldova; MoJ; public notaries. The MoJ will benefit from the following advantages, if the information e-proxy system is developed and implemented: ensure efficient control over the access to proxies, including electronic proxies (Registry of Proxies); increase the quality of public notary services; decrease document/proxy search and access time; activity record and performance of authorised users; standard format of documents; excluded redundancy, decreased complexity of document processing system (standardization and electronic processes to generate and archive documents). The system allows any notary to access the RUP to draft a proxy (using templates or creating a new document) from any web-based location by using electronic key, sign the proxy and register it in the electronic RUP. The system has been developed. It has to be tested by the representatives of the MoJ and selected notaries to verify to what extent the system meets the requirements and to be finalised from the technological point of view. A normative framework to ensure the functionality of this instrument should be developed.

- **Electronic Information System “Registry of Enforcement Procedures”** represents an electronic solution identified to have immediate benefits and impact on the activity of enforcement officers. The system will become a consolidated electronic instrument for enforcement officers who currently, use a number of interfaces provided by different institutions (including CRIS “Registru”, IS “Cadastru”, IS “FiscServInform” etc.) based on individual and commercial interactions, aiming to ensure the access to requested information, available electronically in different databases. The system has been developed in 2014. The MoJ and NUEO have to test the system to assess if it meets the requirements, after which, it will be finalised from the technological point of view and the legal framework necessary for this Registry will be developed.

- **Registry of Guarantees.** The Ministry of Justice was the holder of the Register of Pledge until 2014. The establishment of the Registry of Guarantees will take place by amending the Law on Pledge of 2014, which will make the Registry of Pledges a component part of the Registry of Guarantees (RG). The Registry of Guarantees (RG) is a consolidated platform to register, store and verify any rights of guarantee which registration is required by law, including only in electronic format. All procedures shall be implemented in this Registry, excluding at the same time, the hardcopy functional flows (the optional flow can be doubled on hardcopy – for instance, hardcopy information on request). The RG will register the pledge, guarantee from another legal entity, guarantees, sequestrations for all companies authorised by the MoJ. The system has been developed. It has to be tested by the representatives of the MoJ and selected notaries to verify to what extent the system meets the requirements and to be finalised from the technological point of view. Currently, the MoJ jointly with

the representatives of other authorities are involved in the development of a Regulation on conditions to use the Registry, which has to be promoted to the Government for approval in the first quarter of 2015.

BACKLOGS/SOLUTIONS

Year 2014 had no considerable impact with regard to actions planned under Pillar III, except for some evolutions registered in the development of surveys and studies, some progress in the state-guaranteed legal aid system and draft laws. As in the case of other draft laws we have mentioned above, all were approved by the Government in summer-autumn 2014 and submitted for examination to the Parliament, but were not debated in Plenary, respectively, the drafts were returned to the Government (MoJ), which has initiated the repeated endorsement process. In addition, there is a number of outstanding actions, but not implemented, which refer to mechanisms tariffs setting for services delivered by the representatives of each profession in the justice system, professional civil liability insurance, fiscal, social and medical insurance system of representatives of professions in the justice system, and need for its consolidation, as well as monitoring the impact of actual regulations in the field of enforcement, including the ECHR decisions.

The 2015 challenge for **MoJ** is **to monitor these important draft laws** and has to insist on their promotion to ensure the restart of the quick path of sector reforms, including in the field of organisation and activity of professionals in the justice system.

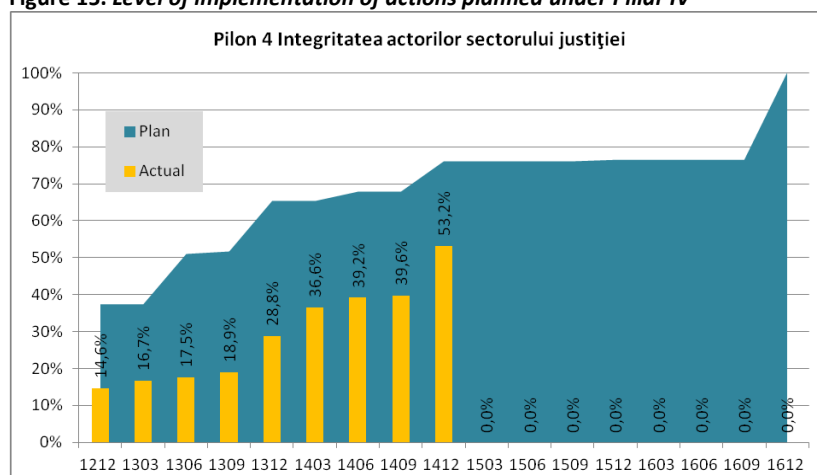
Another priority in 2015 is to **ensure the testing of new e-instruments**: Registry of e-Proxies, Registry of e-Enforcement Procedures and Registry of e-Guarantees; their alignment and large scale application by all beneficiaries and end-users.

IV.4 Pillar IV. Integrity of Justice Sector Players

The specific objective of Pillar IV is „Promoting and implementing the principle of zero tolerance to corruption events in the justice sector”. The actions planned under Pillar IV of JSRS are focused on 3 strategic directions: 1. Efficient fight against corruption in the justice sector; 2. Strengthening the mechanisms for the implementation of anti-corruption ethical and conduct standards across all justice sector institutions; 3. Developing a culture of intolerance towards corruption through self-administration bodies in the justice sector.

According to AP JSRS, Pillar IV includes **56 actions**. By **the fourth quarter of 2014**, according to the timeframe, **55** actions were due to be implemented.

Figure 15. Level of implementation of actions planned under Pillar IV



As of 31 December 2014, out of 55 actions, **29 were implemented, 19 partly implemented, and 5 not implemented. 2 actions** were qualified as **obsolete/irrelevant** by the WG for Pillar IV.

Table 9. Level of implementation of actions under Pillar IV, according to WG Methodology

Total actions planned by 2014	Actions implemented	Actions partly implemented	Actions not implemented	Irrelevant/obsolete actions
55	29	19	5	2
100%	53%	34%	9 %	4%

Actions planned to be implemented under Pillar IV in 2014 were not properly implemented, and many backlogs have been registered. However, as for the actions to ensure the integrity of justice sector players, we have identified some progress of the actions implemented previously. These are actions referring to the adoption and plenary enforcement of new norms on remuneration of judges, new instruments to prevent and fight against corruption related to professional integrity testing and illicit enrichment offence.

ACHIEVEMENTS

A. Practical implementation of new rules of gradual increase of salary for judges

Since 1 January 2014 the judges of the Republic of Moldova have been enjoying higher salaries. The respective measure was promoted also as an instrument to prevent and fight against corruption. In December 2014, the Parliament has adopted the Law on Salary Payment to Judges⁶⁸, according to which, the salaries of judges will gradually grow until 2016, starting on 1 January 2014. As a result of the legal amendments in force since 1 January 2014, the salaries of judges of courts vary between 3 and 3.5 average monthly salaries set by the Government, judges of courts of appeal between 4 and 4.3 average monthly salaries, of the SCJ judges – between 4.8 and 5 average monthly salaries, of the President of the SCM - 5 average monthly salaries. The Parliament approved the gradual increase of salaries, which are paid as 80 per cent between 1 January 2014 and 1 April 2015, 90 per cent between 1 April 2015 and 1 April 2016, fully payable after this date. The gradual salary increase for judges shall exclude one of the potential preconditions for corruption in the judicial system, and to attract professionals with high moral values to the judiciary. The potential impact of salary increase for judges cannot be measured at this moment, because the evaluation period is too short: only one year since it has been effectively implemented. However, in long-term, it is necessary to evaluate the impact generated by this salary increase, or, the evaluation in the field shows that the bribe size in the judicial system has increased, according to data of two opinion polls conducted in 2012 and in 2014, respectively⁶⁹.

Another issue of the new salary policy for judges is that this was not correlated with the whole social insurance system provided to judges and was promoted separately, although, the MoJ suggested the promotion of respective amendments as a whole. The LRCM Study *“Achievements and Faults in Reforming the Justice Sector of the Republic of Moldova: 2012 – July 2014”* shows that *“with the substantial salary increase for judges, there is no justification for combining the salary and pension of judges, no pension adjustment according to salary increase of judges, no payment of one-time indemnity for dismissal in favour of judges. Under the conditions when the country faces a profound economic crises and the national pension system is undergoing a general uniform reform, the judges cannot stay immune to this reform”*.

⁶⁸ Law No. 328 of 23 December 2013, Official Monitor of the Republic of Moldova, 2014, No. 14-16 of 21 January 2014;

<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=351189>

⁶⁹ See the Report of Transparency International Moldova “Perceptions and experiences of and household representatives and businessmen about the corruption in the Republic of Moldova”, published on 17 December 2014.

http://www.transparency.md/files/docs/Sondaj_2014%20_ROM.pdf

B. Application of new provisions for professional integrity testing, extended seizure, and illicit enrichment

In February 2014, two important laws adopted by the Parliament at the end of December 2013 were published: Law on Professional Integrity Testing⁷⁰ and Law on Modification and Amendment of Some Legislative Acts⁷¹, which have introduced: a new safety measure “extended seizure” and a new offence “illicit enrichment”, the obligation of the judge to declare inappropriate influences, three-time increase in the ceiling of fines for corruption, etc. The practical application of these new laws started in 2014 with their publication and the application of integrity testing has been enforced 6 month later after its publication - since 14 August 2014. Obviously, these laws could not generate an immediate effect, but at the date of writing this report, we can ascertain some evolutions.

According to preliminary data provided by NAC, the text of the first Report addressed to the Parliament on the application of Law on Professional Integrity Testing says: “*there has been ascertained a positive impact of the implementation of Law 325/2013 on the level of corruption tolerance showed by the public agents. The increasing preventive and educational effect of the law is notable, increasing essentially the number of cases when the public agents refuse, and at the same time, denounce the attempts to involve them in corruption or corruption behaviour.*”

To see the difference produced after the implementation of Law 325/2013, we present further the data on the number of denunciations of active corruption and inappropriate influence submitted to NAC in 2012-2015:

Table 10. Evolution of the number of reports before and after the adoption of Law on Professional Integrity

Year	2012	2013	2014		2015
			Before 14.08	After 14.08	
Total reports	9 ⁷²	7 ⁷³	18	158	63
Monthly average	0,7	0,6	3	35	42

Taking into account the fact that the notion of inappropriate influence was introduced at the same time with the entry into force of Law 325/2013, we should clarify that the denunciation rate of inappropriate influence of total denunciations for 2014 and 2015 is 7-8%. However, this was included anyway, because the inappropriate influence is a precondition for corruption (if it is not treated), and the NAC gets denunciations only about the influence which cannot be settled at the level of institution and creates a real danger for the appearance of corruption. [...]. Having analysed the **subjects that filed denunciations in 2014**, we can ascertain that most of reports registered by the NAC were submitted by the employees of the following public entities:

- Customs Service – 59;
- Ministry of Internal Affairs – 41;
- Civil Status offices of the Ministry of Justice – 19;
- NAC – 17;
- Medical and sanitary institutions – 6;
- **Courts – 6⁷⁴**;

⁷⁰ Law No. 325 of 23 December 2013, Official Monitor of the Republic of Moldova, 2014, No. 35-41, Art. 73 <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=351535>

⁷¹ Law No. 326 of 23 December 2013, Official Monitor of the Republic of Moldova, No. 47-48, Art. 92 <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=351753>

⁷² In 2012, additionally to the 9 reports submitted to the NAC, another 9 reports were submitted to law-enforcement agencies which were further submitted to the NAC, in accordance with the authority.

⁷³ Similarly to situation of 2012, in 2013, the NAC received, in accordance with the authority, another 4 criminal cases initiated based on reports of active corruption submitted to other institutions.

- *Mayoralties* – 5.
- *Other agencies* – 23.⁷⁵

Additionally, the cited preliminary report of NAC mentions that *“Implementation of Law 325/2013 and mediatisation of its first results has drawn the attention of anticorruption agencies in the region, which showed their interest in following the practice of the RM. These are Ukraine, Serbia, and Lithuania. Moreover, the Council of Europe and Regional Anticorruption Initiative of the Stability Pact for South-Eastern Europe has shown interest in organising activities to study the example of the RM in applying professional integrity testing in comparison with other models and to declare it the best practice in implementing the legal instrument of professional integrity testing of public servants”*.

As for the new offence *“illicit enrichment”*, in the course of public interventions, the Anticorruption Prosecutor mentioned that *“since the “illicit enrichment” provision has been enforced last year, the Anticorruption Prosecution has started three criminal cases based on this Article”*.

The evaluation mission for the implementation of StAR Initiative (represents a joint partnership between the World Bank and the United Nations Office on Drugs and Crime) took place on 26-27 March 2014. The priority was to recover illicit goods in the Republic of Moldova. The representatives of StAR Program visited NAC, GPO, SCM and MoJ. The meeting discussions included the implementation of this program and ensured support to institutions. The MoJ, in cooperation with the World Bank and StAR Initiative, which represents a joint partnership between the World Bank and the United Nations Office on Drugs and Crime – UNODC, conducted on 16-17 October 2014 a training course in the field of seizure and recovery of criminal proceeds⁷⁶. The two-day training had the topic *“Prosecution and best application of legislation on illicit enrichment and proceeds from criminal activity”* and was attended by prosecutors, judges, representatives of NAC, NIC and NIJ. The trainers were international experts contracted by the World Bank and StAR Initiative.

C. Strengthening the integrity whistle-blower mechanism

In September 2013 the Government approved the Framework Regulation on integrity whistle-blowers, which was supposed to serve as support for the approval of all internal regulations of all public authorities concerning the integrity whistle-blowers. The NAC and MIA developed internal integrity whistle-blower mechanisms that signal the violations. The following were approved: MIA Order No. 350 of 12.11.2013 *“On the approval of the Regulation on integrity whistle-blowers within MIA”*; in the prosecution service: Order No. 17/28 of 06.03.2014 on the approval of the Regulation on integrity whistle-blowers. During the SCM meeting of 05.08.2014, the Committee for integrity whistle-blowers within the Supreme Council of Magistracy has been created (*according to Addendum to the Framework Regulation on integrity whistle-blower mechanism.*)⁷⁷

D. Developing comprehensive training courses for justice sector players concerning the instruments to prevent and fight against corruption

16 training activities concerning new corruption prevention measures, uniform judiciary practice in cases of corruption offences, anticorruption behaviour of representatives of justice sector, their professional ethics, internal security guarantee, as well as the corruption investigation methods and techniques, were conducted in 2014. A total number of 440 persons were trained (judges, prosecutors, anticorruption officers, probation officers, and judiciary assistants). It is important to mention that the Police Academy has initiated training in this field, which has resulted in a larger number of trained people. In 2014, 7 seminars were conducted with 227 people trained.

⁷⁴ 5 of 6 whistle-blowers from the courts were judges. The courts that received the reports were the Supreme Court of Justice (employee of Chancellery), Leova, Strasenii, Anenii-Noi, Cahul, Rezina courts. It should be mentioned that in 2015 another 2 judges have reported corruptive actions (Botanica and Rezina sectors).

⁷⁵ Excerpt from NAC Report on the enforcement of Law 325/2013 to be submitted to the Parliament in March 2015.

⁷⁶ <http://justice.gov.md/libview.php?l=ro&iidc=4&iid=2288>

⁷⁷ See the Regulation on integrity whistle-blowers in SCM and courts approved by SCM Decision No. 663/21 of 5 August 2014; <http://csm.md/files/Hotaririle/2014/21/663-21.pdf> and SCM Decision No. 664/21 of 5 August 2014 on establishing the Committee for integrity whistle-blower mechanism in the SCM, <http://csm.md/files/Hotaririle/2014/21/664-21.pdf>

E. Starting the process of unification and dissemination of information on ethical standards for justice sector players

In autumn 2014, the MoJ with the support of German Foundation Konrad Adenauer, within the Rule of Law Program South East Europe, launched the first public debates on applying the professional ethical norms in the activity of judges, prosecutors, attorneys, mediators, enforcement officers and notaries. The debates were attended by the representatives of all legal professions, national and international experts, representatives of civil society. The European standards of professional ethics and how these are applied in the Eastern Partnership states were presented and analysed during the discussions. Other discussed subjects referred to the promotion of professional ethics and public awareness in this regard, authorities responsible for application of ethical norms, international practices. The informative leaflets on the ethics of judges, prosecutors, attorneys, mediators, notaries and enforcement officers were distributed during the event. One leaflet was meant for the representatives of professions and was distributed among relevant professional associations and institutions. The second leaflet is intended for the citizens and will be distributed in public institutions – courts, prosecution service, police inspectorates, territorial offices of AGJS and mayoralities to enhance the awareness level of citizens about the rules of ethical behaviour of the professionals in the justice sector.

F. Establishment of public information and mediatization platforms for court judgements on convicting the representatives of justice sector for corruption acts

As we have mentioned under the achievements of Pillar I Judicial System, the current judgments are published and can be accessed on the web portal of the courts: <http://instante.justice.md/>. In 2014, the SCM site was improved with a special Directory for publication the judgements on convicting the judges for corruption actions. This implies the simplification of search procedure of judgements issued by courts in cases of corruption. Furthermore, the sentences handed down in cases of corruption, including of the representatives of the entire justice sector, can be accessed on the NAC webpage⁷⁸.

G. Institutional capacity building of the NIC and introduction of new concepts and instruments to prevent and fight against corruption

In accordance with the MoJ Order No.387 of 16 September 2014, the inter-institutional WG has been set up to revise the existing legal framework of NIC activity, to identify key problems and dysfunctions in its activity, to intervene with solutions to consolidate the NIC capacities to increase the credibility by enhancing the mechanism for income and property declarations, declaration of personal interest verification, control over the observance of legal provisions on conflict of interests and the regime of incompatibilities imposed on persons holding a public dignity position, judges, prosecutors, public servants and persons with managing positions, as well as by ensuring institutional and operational independence of this authority. As a result of intensive activity of the mentioned WG, three draft laws were developed:

- on National Integrity Centre;
- on declaration of assets, personal interests, conflicts of interests and gifts;
- on the amendment of some legal acts, which stipulates also the implementation of the new instrument for civil seizure of unjustified property.

The WG benefited from the support provided by ABA ROLI, the USA Embassy to Moldova and the UNDP Project Strengthening the Capacity of the National Integrity Committee. The draft laws were subject to public consultation conducted on 16 December 2014 by the Romanian Centre for European Policies as part of the UNDP Project Strengthening the Capacity of the National Integrity Committee, funded by the Ministry of External Affairs of Romania, and the support of ABA ROLI in Moldova. The event was attended by international experts, representatives of stakeholders, donors and civil society.

⁷⁸ <http://cna.md/ro/sentinte>

At the beginning of 2015, the draft laws were sent for endorsement to all stakeholders including for expertise of CoE, StAR Initiative (World Bank). The public consultations will be organised after all objections/recommendations/comments to the draft laws have been collected. The new anticorruption package will be submitted to the Government and the Parliament for examination and adoption. The new anticorruption package will bring new solutions intended to empower the fight against corruption and to ensure the seizure of unjustified assets from guilty persons.

BACKLOGS/SOLUTIONS

Even if it cannot be qualified as major backlog, however, the **biggest challenge** for the activities planned under Pillar IV is **the efficient implementation of new anticorruption instruments: integrity testing, extended seizure and illicit enrichment**. An issue that can “temper” the initiative of the law-enforcement agencies to implement the new instruments is two petitions before the Constitutional Court⁷⁹, which were submitted by a group of deputies and a Parliamentary Advocate/Ombudsman, respectively. These petitions question the constitutionality of all three anticorruption institutions mentioned above, claiming that many articles of the Supreme Law have been violated. From this perspective, it is important to know the verdict of the Constitutional Court on this subject or depending on the judgement provided by the Supreme Court, the path, relevance and potential shortcoming of the new instruments could be clarified, which if necessary, will have to be eliminated as quick as possible and effectively implemented.

The *Briefing Book from the Development Partners of Moldova*⁸⁰ mentions: “Alongside with the adoption of Justice sector reform Strategy for 2011-2016, fighting corruption in the justice sector has become a priority. At the end of 2013, the Parliament has adopted a legal package on fighting corruption in judiciary system (Law No.325 of 23 December 2014; Law No. 326 of 23 December 2014; Law No.235 of 23 December 2014; Law No.178 of 25 July 2014) and the professional integrity testing has started in August 2014. However, **the results of these innovations are not yet visible. The Government should intensify its efforts to ensure a successful implementation of laws mentioned above**”.

It is clear that the anticorruption policies, especially in the part regarding ensuring integrity to justice system players are and will be supervised closely by the development partners and society, who have great expectations regarding the application of these new anticorruption measures. It is important to implement these legal provisions in 2015, and at the same time, these should be closely monitored and it should be possible to intervene with solutions for their proper application, if necessary. Additionally, we would like to mention that the application of anticorruption package represents a conditionality of the Policy Matrix, especially, with a focus on judges’ and prosecutors’ integrity testing.

Additionally, in the following period, it is important to show all due care and insistency necessary to promote and adopt the drafts on **strengthening the NIC and its instruments**.

Another challenge for the next period is the **modification and consolidation of the Codes of Ethics of justice system players**, an activity that represents a conditionality of the Policy Matrix. Hence, in 2015 it is imperious for all stakeholders to adopt/adjust their Codes of Ethics; otherwise, the following budget support tranche allocated by the EU for justice sector reform could be decreased.

⁷⁹ <http://constcourt.md/ccdocview.php?tip=sesizari&docid=323&l=ro>; <http://constcourt.md/ccdocview.php?tip=sesizari&docid=294&l=ro>

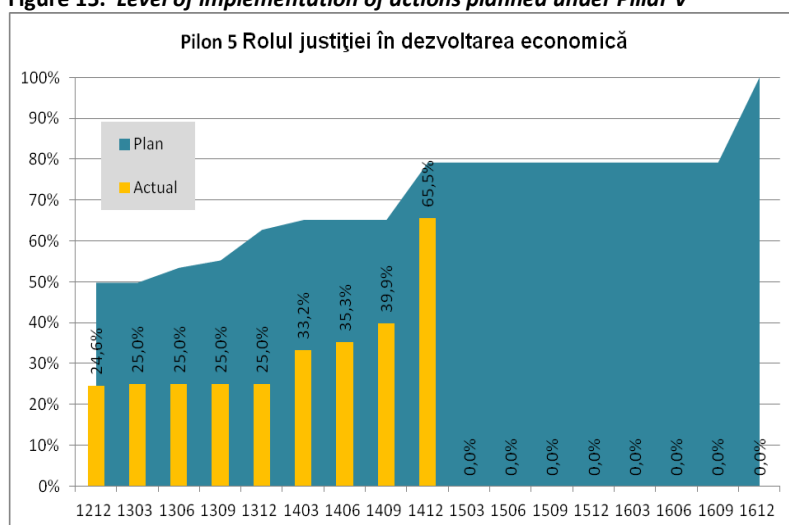
⁸⁰ <http://infoeuropa.md/ue-privind-rm/note-informative-din-partea-partenerilor-de-dezvoltare-ai-moldovei>

IV.5 Pillar V. The Role of Justice in Economic Development

The **specific objective** of Pillar V of the JSRS is “Implementation of measures, by which the judiciary sector would help create a favourable environment for sustainable economic development.” The actions covered by the Pillar V of the JSRS are focused on 3 strategic directions: 1. Strengthening the alternative dispute resolution; 2. Improvement of insolvency proceedings; 3. Modernization of record keeping and access system to the information on economic operators.

According to the Action Plan for the implementation of the Strategy, a total number of **28 actions** are envisaged.

Figure 15. Level of implementation of actions planned under Pillar V



By the fourth quarter of 2014, according to the timeframe, **28 actions** were due to be completed. As of 31 December 2014, of 28 actions - **21 were implemented, 3 partly implemented, 3 not implemented, and 1 action** was qualified as **obsolete** by the members of the WG for Pillar V.

Table 11. Level of implementation of actions under Pillar V, according to the WG Methodology

Total actions planned by 2014	Actions implemented	Actions partially implemented	Actions not implemented	Obsolete actions
28	21	3	3	1
100%	75%	11%	11%	3%

As for the actions planned under Pillar V, we would like to note that there are some developments related to the promotion of campaigns in support of mediation, reorganisation of authorised administrators, development and testing of new electronic instruments.

ACHIEVEMENTS

A. Awareness campaigns about the benefits of using alternative dispute resolution mechanisms launched

The draft Law on Mediation was developed to promote a new improved and enhanced concept of mediation. The draft law sets forth the status of the mediator, organisation procedure and regulation of mediation activity, principles of the mediation process and its effects. The draft was approved by the Government in 2014, but it has not been debated in the Parliament, hence, it is subject to repeated enforcement procedure.

Awareness campaigns were organised for the public and justice sector players to inform about the benefits of using the alternative dispute resolution mechanisms through the mass-media and on Internet: the mediation was promoted and mediatised in 2014 in TV shows, newspapers, Council of Mediation⁸¹ website and on the blog of “Promediere/Pro-mediation” Centre. The Mediation Strategy, its Action Plan and visual instruments for public awareness were adopted in November 2014. According to Mediation Strategy, the Partnership Memorandum between MoJ, MC, SCM, GPO and Centre for Effective Dispute Resolution to inform about the mediation in courts and prosecution offices was planned for the first quarter of 2015.

In 2013 a pilot project on mediation of commercial disputes has been launched in partnership with the Ministry of Justice, Council of Mediation, ACI Partners, European Bank for Reconstruction and Development (EBRD), Centre for Effective Dispute Resolution, Londra (CEDR) entitled “Mediation of commercial disputes in courts of the Republic of Moldova”, implemented in two courts (Balti District Court and Botanica District Court, Chisinau). The project, at its first stage, aimed at training 25 persons in commercial mediation, and at the second stage, at involving them in using mediation in commercial cases and the two pilot courts selected by the SCM. The project duration is of six months and will continue in 2015.

The Ministry of Justice, in cooperation with Centre for Effective Dispute Resolution and in partnership with EBRD (project that provides support to the implementation of JSRS), conducted a training for trainers in mediation on 3-5 November 2014. The training focused on improving the mediation knowledge and professional skills, methods and approaches to training of trainers.

The First National Mediation Forum of Moldova took place on **18 November 2014** and was organised in cooperation with Centre for Effective Dispute Resolution (Great Britain) and in partnership with the European Bank for Reconstruction and Development. The event marked the launching of the first forum to promote and develop the mediation as alternative dispute resolution measure. The Mediation Centre “Promediere”, at the initiative of the President of the Mediation Council manages the electronic newsletter Mediation in Moldova distributed electronically; a video spot and a publicity advertisement were created to promote the advantages of mediation, which were placed on the site of the Mediation Council and on the Facebook page of the Council. According to their competence, NIJ conducted training in mediation (arbitration) for judges, prosecutors, public attorneys, mediators, arbitrators.

B. Reform of authorised administrators initiated

On 18 July 2014, the Parliament has adopted Law No. 161 on Authorised Administrators⁸², which represents the general legal framework for authorising, suspension and ceasing the professional activity of the administrators, appointed according to the law to implement tasks in the insolvency or liquidation processes of legal persons governed by private law or individual entrepreneurs. The Law refers to the conditions to be met to join the profession, control and supervision of practitioners, the organisational form of their activity – material norms related to professional standards that have to be met by the administrators. The Regulation of the Authorisation and Discipline Commission was developed, and as for the other committees, these can be established and regulated only after the creation of the Union of Authorised Administrators (Committee for deontology and professional development and the Censor Committee. The First Congress of the Union of Authorised Administrators took place on 17 February 2015, and the following got elected: members of the Union’s Council, President of the Union, Vice-president of the Union, members of Committee for deontology and professional development; members of Censor Committee and the members of the Attestation and Discipline Commission, as well as their alternates.

⁸¹ <http://mediere.gov.md/ro/advanced-page-type/materiale-informative>

⁸² <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=354878>

C. Modernization and unification of the electronic record of companies and non-commercial organizations

The concept of a consolidated Registry of Companies and Non-commercial Organizations (RUAEON) was developed in 2014. It was seen as a consolidated platform for recording all legal and physical entities of all types of registration (commercial organisation, non-commercial organisation, institution, bureaus of legal profession, etc.), by observing a single procedure of registration, amendment, recording, communication and data sharing. The purpose of the Registry is to consolidate and simplify the registration process, and reduce the registration costs for all types of companies. The State Registration Chamber will start a pilot phase in 2015 to test if the system meets the needs and finalise it from the technical and conceptual point of view. According to the Action Plan for the implementation of JSRS, the Registry has to be functional by the end of 2016.

BACKLOGS/SOLUTIONS

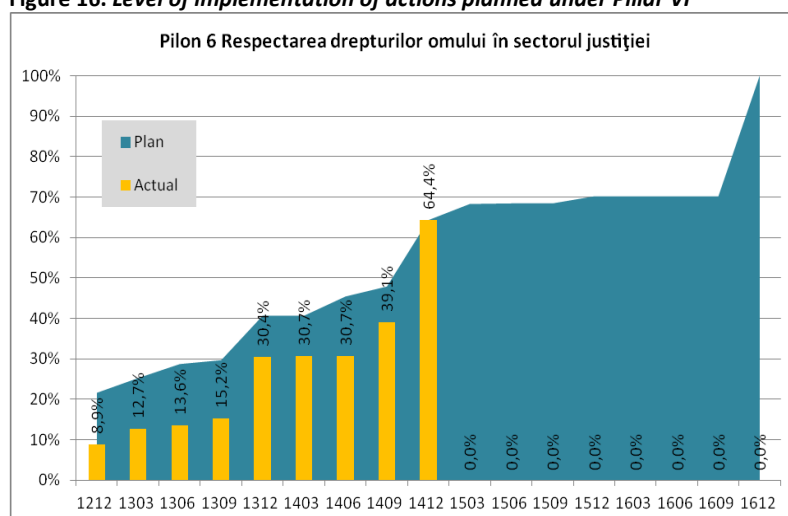
No major backlogs were registered in the implementation of activities planned under Pillar V in 2014. However, it is regrettable to mention the delay in adopting the **new Law on Mediation**, which makes it less possible to develop more focused and wide activities to promote and apply the mediation, if there is no proper normative framework. It is important for MoJ to keep this project in the list of priorities for reform and to insist on the adoption of the Law in 2015.

IV.6 Pillar VI. Human Rights Observance in the Justice Sector

The **specific objective** of Pillar VI is “Ensure effective observance of human rights in legal practices and policies.” The actions covered by Pillar VI of the JSRS are focused on five strategic directions: 1. Strengthening the role of the Constitutional Court; 2. Capacity building of the Human Rights Centre and of the ombudsman institution; 3. Strengthening the justice system for children; 4. Respect for the rights of persons deprived of liberty; eradication of torture and ill-treatment; 5. Strengthening the system of probation and penitentiary system.

According to AP, Pillar VI includes **100 actions for implementation**. By the fourth quarter of 2014, **91 actions were due to be implemented**.

Figure 16. Level of implementation of actions planned under Pillar VI



The Table below shows the level of implementation of 91 actions. As of 31 December 2014 – **76 actions were implemented, 13 partly implemented and 2 actions – not implemented**.

Table 12. Level of implementation of actions under Pillar VI, according to WG Methodology

Total actions planned by 2014	Actions implemented	Actions partially implemented	Actions not implemented	Obsolete actions
91	76	13	2	0
100%	84%	14%	2%	0%

Having analysed the dynamic of actions planned under Pillar VI, we can state good progress of implementation -84% in 2014. The most relevant achievements include the adoption of Law on the People's Advocate/Ombudsman in April 2014; development of legislative and institutional framework to ensure the protection of minors, who are victims or witnesses in criminal proceedings; a loan transferred by the Council of Europe Development Bank for the construction of a new penitentiary and set up of the Financial Agreement Implementation Unit etc.

ACHIEVEMENTS:

A. Protection mechanisms for minors participating in judiciary proceedings developed and applied

Since 2011, the MoJ has initiated a number of amendments to the Code of Criminal Procedure, in the part of hearing procedure of children, who are victims and witnesses of crimes and eliminate the criminal responsibility of a minor in case the parties settle. Moreover, amendments have been introduced in the Enforcement Code of the Republic of Moldova, which included additional guarantees concerning access to medical services, diversified range of disciplinary sanctions and also, the disciplinary isolation of minors has been reduced to three days and special conditions for this sanction have been introduced. The legal norms have also been adopted (amendments to Law on State-Guaranteed Legal Aid), which introduced the rehabilitation mechanisms for children-victims of crimes, provision of informative, psychological, legal aid and the right to material compensation for caused prejudice.

Important legislative and institutional transformation took place to consolidate the minor friendly justice. On 18 June 2014 the Parliament of the RM has adopted a set of amendments to the Code of Criminal Procedure⁸³. Based on new Article 110¹, the normative infrastructure necessary to create hearing rooms for minors has been developed. Based on the same Law 163/2014, the position of Interviewer has been created – *a person invited to participate in a criminal case by a competent authority to interview the minor victim/witness of a crime*. The inter-disciplinary WG for juvenile justice, established under the auspices of the MoJ, has been developing a draft law that determined the selection criteria of candidates for the position of Interviewer. Moreover, the WG has developed the criteria for selection of candidates to participate in training courses for interviewers, followed by the development of a comprehensive training program for the interviewers.

Currently, due to legislative amendments made to the Code of Criminal Procedure, it has been possible to set up child friendly hearing rooms. Before the development of this report, **7 hearing rooms for minors were set up in Prosecution Services** (Calarasi – 2013, Anenii Noi, Leova, Ocnita, Orhei, Soroca – 14.02.2014 and Cahul – 20.06.2014). Furthermore, **30 hearing rooms for minors in courts and 7 hearing rooms in police inspectorates were equipped in 2013-2014**.

The Centre for Assistance and Protection of Children was opened in Chisinau in autumn 2014 with NORLAM support (activity coordinated with the General Prosecutor's Office), which delivers social, psychological assistance services to minors, who are victims/witnesses of crimes, and minors who committed an offence.

⁸³ Law No. 163 on modification and amendment of Code of Criminal Procedure <http://lex.justice.md/md/354426/>

The Government of Romania provided assistance in the amount of USD 120,744 within the Project “Strengthening juvenile prisoners’ vocational training for their re-socialization and employment after their release”, aiming at improving the conditions for the re-socialization and reintegration of juvenile inmates by using pro-active intervention methods and occupational therapy. This project, implemented in the framework of UNDP programme “Support to Justice Sector Reform in Moldova”, focused on strengthening the professional capacities of Goian Prison staff to dynamically interact with the inmates, as well as ensure access to qualitative vocational training to all juveniles in detention. Consequently, as of March 2015, the Goian Prison enjoyed the opening of newly renovated workshop rooms, which will be used to train future cobblers, cooks, auto fitters/mechanics, and hairdressers, as well as for other occupational therapy activities such as pottery, photography and carpentry. The juvenile inmates at Goian Prison will benefit from better conditions for vocational training programs aimed at increasing the rate of successful reintegration of ex-detainees into society. **In 2014, ten juvenile inmates** at Goian Prison received the qualification of shoemaker. Prison staff members were trained by Romanian experts on developing and applying behavioural change programs with particular focus on two techniques: anger management/violence reduction and motivational interviewing. This will help the staff address problems and needs of juvenile inmates in a more tailored manner, while also preparing them for reintegration into society upon release. At the same time, the vocational training infrastructure was improved to ensure the access of young inmates to multi-dimensional participatory training activities.

B. Indicators and data collection related to minors in contact with justice system developed

The Minister of Justice and the Minister of Internal Affairs signed a Joint Order⁸⁴ on 26 January 2015 adopting the Table of Indicators and Data Collection related to minors. This Table will permit to collect the data and information about minors in conflict with law and minors in contact with law. The Table of Indicators has been developed in accordance with the international indicators, and the data will be collected based on certain criteria: sex, age, national origin, category of offence, locality, etc. The collection of information based on respective indicators will be ensured by the MoJ and MIA, which will publish annual reports on statistics related to minors on their webpages. At the same time, to facilitate information collection, the existing electronic databases will be adjusted in accordance with the same indicators. The indicators included in the Table were discussed in meetings with the inter-institutional Working Group responsible for juvenile justice. The Working Group benefited from assistance of an international expert (Lithuania), who provided support and advice to the Ministry of Justice in developing a set of exhaustive indicators. The development of this consolidated Table of indicators represents a conditionality of the Policy Matrix.

C. The reform of the Centre for Human Rights advanced at the normative level

The Law No. 52 on the People’s Advocate (Ombudsman)⁸⁵ was adopted on 3.04.2014. The draft law on the approval of regulation for the activity of the People’s Advocate was developed and promoted in the reference period (2014), and approved by Government Decision No. 894 of 24 October 2014 and registered with the Parliament under No.380 of 24 October 2014. As for practical implications, we would like to mention some shortcomings regarding the effective application of new mechanisms related to reformed institution of ombudsman. In May 2014 the Parliament announced a public contest; the public hearings and public interview of candidates to the positions of People’s Advocate and People’s Advocate for the rights of the child were held on 18 May 2014. The Parliamentary Committee selected 4 candidates and submitted their names to the Parliament. The appointment of two People’s Advocates was not possible in the plenary session of 21 July 2014 due to lack of quorum.

D. Ongoing construction of a modern penitentiary, where the detention conditions observe human dignity

⁸⁴ Joint Order No. 19/17 of 26 January 2015

http://www.justice.gov.md/public/files/file/Justitia%20pentru%20minori/Ordinul_tabelul_de_indicatori.pdf

⁸⁵ <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=352794>

In 2011, the Government of the Republic of Moldova has initiated negotiations with the Council of Europe Development Bank to allocate funds for a penitentiary with criminal prosecution isolator status to replace the Penitentiary No. 13 – Chisinau. As a result of negotiations, on 13 June 2013, the Governing Board of the Council of Europe Development Bank has approved the project. The Framework Financial Agreement between the Government of the Republic of Moldova and Council of Europe Development Bank on Penitentiary Construction No. 13 with a budget of Euro 39,0 million was signed on 10 October 2013 and ratified by the Parliament of the RM by Law No. 295 of 12 December 2013. The Feasibility Study on Penitentiary Construction was also developed with the support of European Bank. By Government Decision No.173 of 12 March 2014, the Project Implementation Unit has been established for Chisinau Penitentiary Construction Project, with a total number of 8 employees. Seven employees are financed from the state budget and/or other donations, and one employee is financed by the Grant, in accordance with the Framework Financial Agreement between the Government of the Republic of Moldova and Council of Europe Development Bank on Penitentiary Construction No. 13. The Project Implementation Unit was selected in 2014 and the selection procedure for technical assistance company to assist the Unit in penitentiary designing and construction process has already started. The grant is for 1 million Euro and has been already transferred into the State Treasury accounts.

The new penitentiary construction project will contribute to the achievement of Government's objectives to reform the organisation and management of penitentiary institutions to set new standards of safety, security and discipline without diminishing the dignity of detainees, in accordance with the Regulation of the Council of Europe 2006(2). The new penitentiary will be in Chisinau and will have sufficient capacity to ensure the observance of international standards of detention and to eliminate the phenomenon of overcrowdings. The project is planned to be finalised in June 2018.

E. Medical equipment for documenting alleged torture cases modernised

The CFM was provided with the necessary equipment for medical documentation and forensic expertise of all alleged or claimed cases of torture. Consumables and chemical agents were purchased for histopathology, toxic and drug screen and bio laboratory tests of the CFM. The feasibility study will be developed by contracted experts, who will further advise on the design of the laboratory. The consumables to document torture and develop photographic chapters in forensic reports have been procured. Equipment and consumables for proper packaging of lab samples have been procured. The Registry for recording incoming and outgoing complaints, declarations or other information about alleged torture, inhuman or degrading treatment has been developed and multiplied.

F. Modernised application of legal provisions related to preventive and other measures of constraint

The monitoring of the application of preventive and other measures of constraints continued in 2014. According to court statistics received from SCM, in the first half of 2014 there were examined 1460 complaints on preventive arrest and 89 complaints on house arrest. 1211 complaints on preventive arrest and 79 complaints on house arrest were admitted, 256 complaints were rejected and in 3 cases the procedure ceased. 10 of 89 complaints on house arrest were rejected. 1592 complaints on extension of arrest period were submitted and examined in the first half of 2015: 1312 complaints were admitted, 255 were rejected and in 25 cases the procedure ceased. Moreover, there were registered 56 medical measures applied by courts for 12 months of 2014. According to information provided by the MIA, the Decree No. 34/11-1093 on ensuring the observance of human rights and fundamental freedoms of detainees was developed on 27 February 2014, which has set the necessary tasks for criminal investigators and permanent control of their activity to exclude cases of human rights and fundamental freedoms violation of parties in criminal proceedings. Based on Cooperation Agreement between the MIA, GPI and Soros Foundation Moldova of 25 April 2014, the General Divisor of Criminal Investigation will provide assistance to experts of the Foundation in scientific research of observance of procedure rights of detainees. It also participates in the development of the "Guide of good practice for prosecutors and criminal investigators in applying measures of constraints in

prosecution and investigation”, performance evaluation mechanism for criminal investigators and other persons involve in applying measures of constraint in prosecution and investigation, as well as a interactive training methodology for applying reasonable doubt at the apprehension and preventive arrest phases for prosecutors and other persons involved in applying measures of constraints in prosecution and investigation.

G. Ongoing development and testing process of the Electronic Registry of Retention, Arrest and Detention Cases – RECRAD

The participating organisations in RECRAD are the MIA, GP, CS, NAC, and CID. The RECRAD concept was approved by Government Decision No. 25 of 18.01.2008 on the approval of the concept of Electronic Registry of Retention, Arrest and Detention Cases, the regulations and priorities were also included in the JSRS, or, at that moment, the Registry was not functional and could not ensure inter-operability. The revised version was tested in April-May 2014 at Centre Police Station, Chisinau mun. The platform has been finalised and can be integrated into the other existing information systems of the law-enforcement agencies. In August 2014, the Government approved the Decision No. 716 of 28.08.2014 for the approval of the Regulation on the Registry of Apprehension, Arrest and Detention cases and vested further development with the CID. Currently, the system is being developed to automate the existing processes of detaining people and assist the employees of law-enforcement agencies and sets the following objectives: develop a secured a viable collaboration environment that offer collaboration means to employees of law-enforcement agencies anywhere and information integration means for existing systems; implement a viable and efficient electronic document management system, extended by a set of electronic procedures of workflows, which ensure quick delivery of documents and monitor the observance of deadline; reduce the image risks caused by delays, contradictory messages and actions due to deficit of information on behalf of decision makers; create data repository on the activity of law-enforcement agencies and its branches necessary to improve the activity; transparency in activity and decisions of law-enforcement agencies; delivery of true, veridical, up-to-date and consistent information to all stakeholders; decreased response time and decision-making support; quick, guaranteed access to data and information irrespective of location; continuous and prompt information of population; uniformity of information, messages and actions in branches and representatives; cost reduction, enhanced quality and diversified communication means.

BACKLOGS/SOLUTIONS

The major backlog of the Pillar VI includes lack of progress in **CHRM reform**: even if the law has been adopted, the two People’s Advocates/Ombudsmen, their deputies, general secretary of the office, etc. have not been appointed; the processes initiated in 2014 have been suspended for an uncertain period. Respectively, it is necessary to continue the process initiated in 2014, according to procedures of the Parliament and based on Law on the People’s Advocate, and to launch all organisational activities necessary to ensure the reform completion.

Another backlog of the activities of Pillar VI is delaying the process of **Constitutional Court reform**. Although, according to AP, the studies on organisation and activity of the CC, including the development of a draft law for modification of Constitution were supposed to be edited by the end of 2014, however, these measures have not been implemented yet. The reason is the need to combine the subjects of three studies into one study, which will have a more complex and multifunctional character, and the draft law for modification of the Constitution could be promoted once the social-political situation has stabilised. Taking into account the fact that CC is one of the most important stakeholders of the justice sector, it is necessary to accelerate urgently all reform initiatives. It should be noted that the CC reform was appreciated as a priority by the new Government and development partners. The Briefing Book mentioned above pointed to the need for medium-term reforms (12 months), including the *“Constitutional Court reform in accordance with provisions of Justice Sector Reform Strategy”* as a priority.

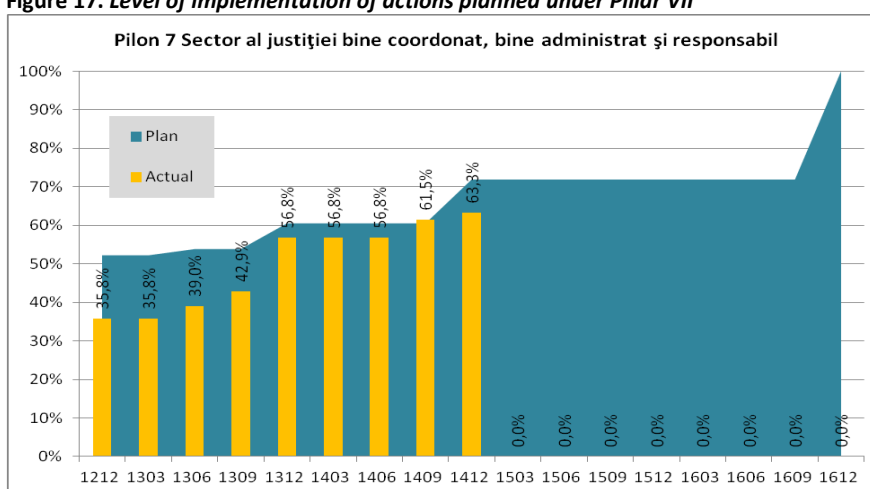
IV.7 Pillar VII. A Well-Coordinated, Well-Managed, and Accountable Justice Sector

The specific objective of Pillar VII is “Coordination, determination and delineation of duties and responsibilities of the key actors in the justice sector, ensuring inter-sectoral dialogue.”

Actions covered by Pillar VII of JSRS are focused on 3 strategic directions: 1. Coordinating the activities of the actors in the justice sector; strategic planning and policy development; 2. Approximation of the institutional and legal framework of the justice sector to the European standards; 3. Coordination of external donor assistance and information exchange with the non-governmental sector.

According to Action Plan for the implementation of JSRS for 2011–2016, Pillar VII includes **44 actions**. As of fourth quarter of 2014, according to timeframes, **41 actions were due to be implemented**.

Figure 17. Level of implementation of actions planned under Pillar VII



As it can be observed further, of **41 actions** planned by the end of 2014, **34 were implemented, 6 partly implemented and 1 not implemented**. No action of Pillar VII was qualified as obsolete or irrelevant.

Table 13. Level of implementation of actions planned for Pillar VII, according to WG Methodology

Total actions planned by 2014	Actions implemented	Actions partly implemented	Actions not implemented	Irrelevant/obsolete actions
41	34	6	1	0
100%	83%	15%	2%	0%

The activities planned under Pillar VII have a good level of achievement, only 2% of actions failed to be implemented in the reporting period.

ACHIEVEMENTS:

A. Ongoing process of editing the Law Drafting Handbook

In 2014 under the auspices of the MoJ, an inter-institutional working group was created to develop a Law Drafting Handbook. The concept and structure of the Handbook were developed during meeting held on 14, 27, 30 May and 11 December 2014. At the same time, there was presented the draft of Chapter III – “Legal Drafting”. The Working Group was assisted by two experts (local and international) of the EU Project Support in Coordinating the Justice Sector Reform in Moldova. At the beginning of 2015, the draft of Chapter I “General Aspects” of the Law Drafting Handbook was developed and presented to the Working Group and the public. In the next period, the actions to finalise the

Handbook will continue, something that has to be coordination with the promotion of draft Law on Legal Acts.

B. Optimization of legal database

The reference period reports measures to develop the concept of optimizing the legal database, which will reflect the study on public access to laws (database). The Scope of Work was developed and describes the main optimization deficiencies and needs. Additionally, in November-December 2014, the Expert of EU technical assistance project No.1 produced the Report on e-legislation system which gives recommendations regarding the access of public to legal database. At present, the MoJ is developing the optimization concept, monitors the introduction of modifications and amendments to laws in the electronic version, because there are more than 100 thousand laws that have to be copied from the old server onto the new server. In August 2014, the Ministry of Justice has initiated the backup of laws and copying the back-up-ed laws on the modified platforms, which will offer the possibility to search in the law text. At present the software is being implemented.

C. Development of online law drafting database: from draft to publication

On 20 August 2014, the Ministry of Justice procured the software of online database. The platform of law drafting has been developed and the integration solution with the information system of the Parliament has to be identified. The installation will be finalised in the first quarter of 2015. At the same time, in parallel with the implementation of technical aspects, the draft law on legal acts should be amended with provisions regarding online law drafting process. The EU technical assistance project No. 1 provided support in the implementation of this action by contracting an international expert who produced an analysis of technical, institutional and legislative factors that support or hinder the development of online database. The last included lack of consolidated Register of Legal Acts and different national classification (types of organisations, legislation etc.) and lack of primary legislation (there are no relevant provisions in current laws or draft laws submitted to the Parliament). As a result of working discussion with the key beneficiaries, the recommendations of the expert were presented within the workshop of 18 July 2014.

D. Training of personnel of institutions involved in justice sector reform

To ensure active participation of representatives of institutions responsible for justice sector, comprehensive training was delivered. The consolidation of WG for implementation of Pillar VII, its format, monitoring and reporting processes have become a baseline and were discussed in a 1,5 day workshop organised in Vadul lui Vodă on 21-22.02.2014. The Project team on Support in Coordinating the Justice Sector Reform in Moldova has initiated and involved the members of the WG for Pillar VII in the analysis of special matrix of the Plan, developed by the Project to introduce an integrated monitoring system that would contribute to a better understanding of the Strategy and its Action Plan and the inter-connection of their components. The training was organised in separated session for each WG: for WG I on 28 February and 1 March 2014, and its sessions on 28 November and 19 December 2013; WG II on 5 and 6 March 2014, and its sessions on 20 November and 18 December 2013; WG III – on 24 and 25 February 2014, and its sessions on 19 November and 17 December 2013; WG IV – on 26 and 27 February 2014, 29 November and 20 December 2013, respectively; WG V – on 3 and 4 March 2014, and its sessions on 29 November on 16 December 2013; WG VI – on 19 and 20 February 2014, and its sessions on 19 November and 17 December 2013; WG VII – on 21 and 22 February 2014; as well as a joint meeting organised on 15 April 2014. The materials used in the workshop included printouts of AP matrixes developed by the Project. A training course for persons responsible for the implementation of the Strategy in the implementing institutions was organised in November 2014, with the support of EU technical assistance project No. 1, with the goal to consolidate the AP action reporting and analysing capacities.

E. Ongoing process of analysing the functions and structures of institutions involved in the justice sector reform process

The functional analysis of the SCM started in 2014, which was carried out by also taking into account the previous surveys conducted by other development partners, such as Soros Moldova, the USAID and LRCM. The report on functional analysis of the SCM was presented in November 2014. The recommendations of international expert refer to aspects that have to be added, eliminated or optimized. Some refer to structural modifications, others only to internal, managerial aspects. Generally speaking, the recommendations referred to the activity of the SCM as representative of judiciary – address the increased role of the SCM in protection of justice independence; activity of the SCM as public institution – address strengthening the efficiency and quality of administrative acts. The respective suggestions have to be analysed and depending on the level of acceptance, to intervene with necessary legal and institutional amendments.

Moreover, the functional analysis of CID and CPO were conducted in 2014. The analysis was presented within a training conducted on 12 September 2014. The General Report on Functional and Structural Analysis will be presented in March 2015.

BACKLOGS/SOLUTIONS

The most apparent backlog of Pillar VII is failure to adopt the **draft law on normative acts**. The adoption of this Law by the Parliament will become a starting point in implementing many activities planned under Pillar VII (for instance, develop the normative framework for the ex-ante methodology, application of online law drafting database), which are delayed due to no proper normative basis.

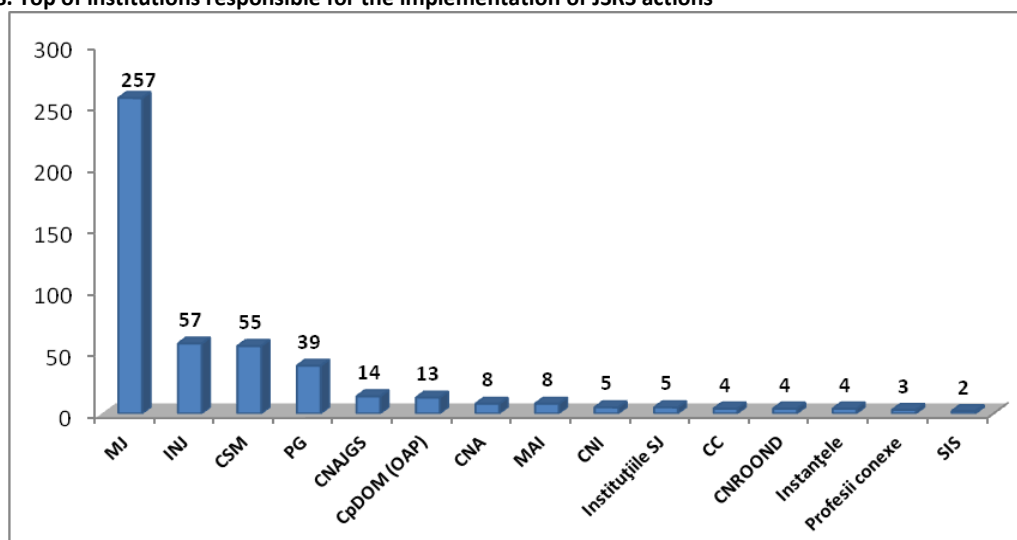
Another problem under Pillar VII is failure **to adopt/apply many laws** related to institutional reforms (Law on NIJ, Law on the People's Advocate etc.), which impedes the implementation of actions related to functional analysis of institutions.

V. IMPLEMENTATION OF ACTION PLAN BY RESPONSIBLE INSTITUTIONS

The Action Plan has 22 implementing subjects (or categories of subjects) for outstanding and ongoing actions or actions with extended implementation timeframe that were supposed to be implemented in the reporting period.

The Figure below shows the Top 15 institutions with the highest number of actions to implement, according to the Action Plan of the JSRS implementation. According to this “Top”, the most actions are vested with the MoJ – 246 actions, followed by the NIJ (57), SCM (45) and GPO (39 actions).

Figure 18. Top of institutions responsible for the implementation of JSRS actions



The following represents the situation of implementation per each institution in part. The data refer to the level of implementation of actions of AP due in December 2014. According to AP, in 2014 there were outstanding actions in 19 institutions, which are presented in the tables below. The Tables reflect the number of implemented, partly implemented, and not implemented actions, as well as actions qualified as obsolete/irrelevant by the WG for monitoring the AP.

1. Ministry of Justice

Outstanding actions

49 outstanding actions under Pillar I (35 implemented, 8 partly implemented, 4 not implemented, 2 obsolete), 34 outstanding actions under Pillar II (18 implemented, 9 partly implemented, 7 not implemented), 31 outstanding actions under Pillar III (19 implemented, 8 partly implemented, 3 not implemented, 1 Obsolete), 15 outstanding actions under Pillar IV (5 implemented, 9 partly implemented, 1 Obsolete), 13 outstanding actions under Pillar V (10 implemented, 2 partly implemented, 1 Obsolete), 38 outstanding actions under Pillar VI (32 implemented, 5 partly implemented, 1 not implemented), 28 outstanding unde Pillar VII (23 implemented, 5 partly implemented).

Table 14. Level of implementation of actions by MoJ

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
208	142	46	15	5
100%	69%	22%	8%	1%

2. Superior Council of Magistracy

Outstanding actions

27 outstanding actions under Pillar I (22 implemented, 4 partly implemented, 1 not implemented), 5 outstanding actions under Pillar IV (2 implemented, 3 partly implemented), 1 under Pillar V (1 not implemented).

Table 15. *Level of implementation of actions by SCM*

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
33	24	7	2	-
100%	73%	21%	6%	-

3. National Institute of Justice

Outstanding actions

19 outstanding actions under Pillar I (13 implemented, 4 partly implemented, 2 not implemented), 3 outstanding actions under Pillar II (3 implemented), 1 outstanding action under Pillar III (1 partly implemented), 4 outstanding actions under Pillar IV (4 implemented), 8 outstanding actions under Pillar V (6 implemented, 2 not implemented), 5 outstanding actions under Pillar VI (5 implemented).

Table 16. *Level of implementation of actions by NIJ*

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
40	31	5	4	-
100%	77%	13%	10%	-

4. General Prosecutor's Office ⁸⁶

Outstanding actions

24 outstanding actions under Pillar II (13 implemented, 10 partly implemented, 1 not implemented), 1 under Pillar IV (1 implemented), 7 outstanding actions under Pillar VI (4 implemented, 3 partly implemented)

Table 17. *Level of implementation of actions by GP*

Actions due by Q IV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
32	18	13	1	-
100%	56%	41%	3%	-

5. National Anticorruption Centre

Outstanding actions

3 outstanding actions under Pillar II (3 implemented), 4 outstanding actions under Pillar IV (3 implemented, 1 obsolete)

⁸⁶ 2 actions are transferred to the Superior Council of Prosecutors

Table 18. *Level of implementation of actions by NAC*

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
7	6	-	-	1
100%	86%	-	-	14%

6. National Council for State-Guaranteed Legal Aid

Outstanding actions

10 outstanding actions under Pillar III (8 implemented, 2 partly implemented)

Table 19. *Level of implementation of actions by NACJGS*

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
10	8	2	-	-
100%	80%	20%	-	-

7. Office of the People's Advocate/Ombudsman (Centre for Human Rights of Moldova)

Outstanding actions

8 outstanding actions under Pillar VI (6 implemented, 1 partly implemented, 1 not implemented)

Table 20. *Level of implementation of actions by OPA (CHRM)*

Actions due by Q IV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
8	6	1	1	-
100%	75%	13%	12%	-

8. National Integrity Commission

Outstanding actions

5* outstanding actions under Pillar IV (5 implemented)

Table 21. *Level of implementation of actions by NIC*

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
5	5	-	-	-
100%	100%	-	-	-

*1 action refers to Parliament, 1 action to public authorities, in general.

9. Ministry of Internal Affairs

Outstanding actions

1 outstanding action under Pillar I (1 partly implemented), 5 outstanding actions under Pillar II (3 implemented, 1 partly implemented, 1 not implemented), 2 outstanding actions under Pillar VI (2 implemented)

Table 22. *Level of implementation of actions by MIA*

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant

8	5	2	1	-
100%	63%	25%	12%	-

10. National Union of Enforcement Officers

Outstanding actions

1 outstanding action under Pillar III (1 implemented)

Table 23. *Level of implementation of actions by NUEO*

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
1	1	-	-	-
100%	100%	-	-	-

11. e-Government Centre

Outstanding actions

2 outstanding actions under Pillar V (1 implemented, 1 partly implemented)

Table 24. *Level of implementation of actions by e-Government Centre*

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
2	1	1	-	-
100%	50%	50%	-	-

12. Constitutional Court

Outstanding actions

4 outstanding actions under Pillar VI (1 implemented, 3 partly implemented)

Table 25. *Level of implementation of actions by CC*

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
4	1	3	-	-
100%	25%	75%	-	-

13. Institutions of the justice sector

Outstanding actions

3 outstanding actions under Pillar VII (1 implemented, 1 partly implemented, 1 not implemented)

Table 26. *Level of implementation of actions by institutions of the justice sector*

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
3	1	1	1	-
100%	34%	33%	33%	-

14. Self-government entities of professions related to justice system

Outstanding actions

3 outstanding actions under Pillar III (3 partly implemented)

Table 27. Level of implementation of actions by self-government entities of professions related to justice system

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
3	-	3	-	-
100%	-	100%	-	-

15. National Council for Reforming the Law Enforcement Bodies**Outstanding actions**

1 outstanding action under Pillar VII (1 implemented)

Table 28. Level of implementation of actions by NCRLEB

Actions due by Q IV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
1	1	-	-	-
100%	100%	-	-	-

16. Intelligence and Security Service**Outstanding actions**

2 outstanding actions under Pillar IV (1 partly implemented, 1 not implemented)

Table 29. Level of implementation of actions by ISS

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
2	-	1	1	-
100%	-	50%	50%	-

17. Supreme Court of Justice**Outstanding actions**

1 outstanding action under Pillar IV (1 partly implemented)

Table 30. Level of implementation of actions by SCJ

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
1	-	1	-	-
100%	-	100%	-	-

18. Ministry of Health**Outstanding actions**

1 outstanding action under Pillar VI (1 implemented)

Table 31. Level of implementation of actions by the Ministry of Health

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
1	1	-	-	-

100%	100%		-	-
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19. Ministry of Education

Outstanding actions

1 outstanding action under Pillar VII (1 implemented)

Table 32. Level of implementation of actions by the Ministry of Education

Actions due by QIV, 2014	Implemented	Partly implemented	Not implemented	Obsolete/ Irrelevant
1	1		-	-
100%	100%		-	-

Having analysed the information from the Tables above, we have identified a number of “institutions lagging behind” in the implementation of JSRS, which in the reference period have 0% actions implemented, or actions with a low level of implementation, reporting, at the same time, that the actions were partly implemented.

This is alarming, even if the respective institutions have a small number of actions compared to other institutions in the sector; however, they hesitate/avoid to accelerate the implementation process from different reasons. This might be justified for self-government entities of professions related to justice system, which did not implement certain actions due to absence of modern legislative framework (attorneys, notaries, mediators) and for GPO, which also relate to exogenous factors related to the approval of draft laws for the modification of the legislation. However, it is regrettable that important institutions with big share in the sector do not progress in their reform actions, do not acknowledge the role and contribution of everyone to provide for a consolidated and interconnected approach of the reform efforts. The hesitations of some players and failure to implement some important actions produce knock-on effects in the implementation of other actions.

The JSRS has been designed as a complex and multidimensional document; the strategic directions and fields of specific intervention are connected and any deviation/delay/impediment decrease the level of implementation of the JSRS and affects the impact expected at the development, promotion and adoption phases of the Strategy and the Action Plan. In this respect, the responsible institutions are asked to be more diligent in ensuring the successful implementation of planned actions.

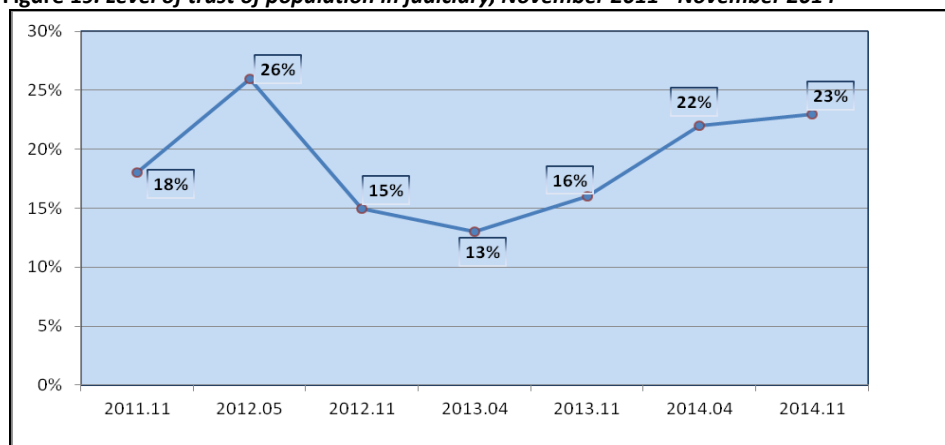
VI. EVOLUTIONS, TRENDS AND IMPACT OF THE IMPLEMENTATION OF AP JSRS IN 2011-2014

From the point of view of the goal and objectives formulated in JSRS, the year 2014 represents a critical point, the Strategy's "Equator", which can set generalised intermediate results of the justice sector reform efforts from now onwards. This Report Chapter provided for an analysis of the most important evolutions and trends in the implementation of JSRS and the impact brought by 3-year of effective implementation of AP JSRS. The impact analysis is presented from the perspective of opinion polls related to the trust in judiciary; surveys developed by the NGOs which have monitored and analysed the evolution of things in justice sector after the reform has been launched.

VI.1 Level of trust in judiciary

The Public Opinion Barometer (POB)⁸⁷ represents the public opinion polls conducted on a bi-annual basis by the Public Policies Institute, which measures the level of trust of the population in the judiciary. Having analysed the evolution of answers "I have some trust" and "Very much trust" in judiciary from November 2011, when the justice sector reform was launched and until the last BOP in November 2014, we have noted a fluctuant trend: from 18% in November 2011 to 23% in November 2014. See Figure 19 for details.

Figure 19. Level of trust of population in judiciary, November 2011 - November 2014



It can be noticed that following the adoption of the JSRS, the level of trust of population in judiciary has increased sharply by 8 per cent, registering 26 per cent. This is explained by high expectations of the population toward the JSRS implications in building a modern, efficient and credible justice sector. However, once the issues in the sector have started to be discussed intensely and the information such as "raider attacks" has become known involving exponents of justice sector, the BOP in November 2012 registers a drop of trust up to 15 per cent. The worst picture was registered in April 2013 when the level of trust dropped dramatically up to 13 per cent (less 5 per cent compared to 2011 situation). The dramatic decrease at the beginning of 2013 can be explained by socio-political events produced at the end of 2012 and beginning of 2013 (case of "Pădurea domnească (Royal Forrest)" and its repercussions on politics, including up to the dismissal of the Government).

However, at the beginning of 2013 we have acknowledged a progressive growth of the level of trust in judiciary, which according to the data of last BOP⁸⁸ of November 2014 is 23 per cent. It is important to keep this growth or the level of trust in judiciary seems to be extremely fragile, being

⁸⁷ <http://www.ipp.md/lib.php?!=ro&idc=156>

⁸⁸ <http://ipp.md/libview.php?!=ro&idc=156&id=718&parent=0>

“sensible” to all events produced in public, including the events in the political environment. To contribute to the growth of level of trust in judiciary, it is extremely important to ensure visibility of reforms and their practical impact, joint efforts of all justice sector players, policymakers, development partners, press and civil society to ensure stability, continuity and sustainability of reforms.

VI.2 Perceptions of corruption in justice sector

The quasi-general perception of the advanced level of corruption in the justice sector has been a determinative factor for designing the JSRS.

According to **Corruption Perceptions Index 2014** (CPI 2014), the Republic of Moldova has improved recently its rank in many international rankings, such as Human Development Index, Good Governance Index, Global Competitiveness Index, Ease of Doing Business Index, Press Freedom Index, Democracy Score of Nations in Transit, Economic Freedom Index. However, as for perception of corruption in the country, it has not changed. The Republic of Moldova registered a score of 35 points in CPI 2014, ranking 105 of 175 countries. For comparison, the CPI 2013 score was the same, and the Republic of Moldova ranked 102 of 177 countries.

The JSRS invoked the results of **Global Corruption Barometer (GCB)** – a survey on views of corruption conducted by Transparency International in 86 countries; Moldova being in the same group with Ukraine, the Russian Federation, Belarus, Azerbaijan, Armenia and Georgia. In 2010, the most corrupted sectors in the Republic of Moldova were considered (on a scale from 1 to 5): internal affairs – 4.1, justice – 3.9, political parties and public servants – 3.8, Parliament, education system and private sector– 3.7. The **GCB 2013**⁸⁹ reflects a negative evolution of corruption, or, 64% of respondents consider that corruption has increased in the last 2 years; and 80% of respondents continue to consider justice system as one of the most corruptive institution in the RM.

An even more alarming situation is described in Global Competitiveness Report (2014-2015), conducted by **World Economic Forum**⁹⁰. According to this Report⁹¹, the Republic of Moldova ranked last of 144 countries in global ranking on judiciary corruption related to “*unofficial payments and bribes for favourable court decision*”.

The Survey of Transparency International Moldova “*Perceptions and experiences of and household representatives and businessmen about the corruption in the Republic of Moldova*”⁹² launched at the end of 2014 show that the biggest portion of the household representative (46.5%) and an important number of businessmen (39.5%) consider that corruption has increased in the last 12 months. However, as compared to 2012, the share of respondents with the same opinion has decreased. In the perception of households, the corruption is widely spread in medical institutions, courts, police, prosecution service, educational institutions (*as compared to 2012, the rate of people who consider that the corruption has increased in courts decreased*). The businessmen consider that most sectors mainly affected by corruption are courts, police, Customs, granting of construction authorisations and tax service (*as compared to 2012, the rate of people who consider that the corruption has increased in court*). For more details see the Table below taken from the TI Moldova Survey.

Table 33. Evolution of answers to the question “What branch of power do you consider the most corrupt?”, 2012 vs. 2014

⁸⁹ <http://www.transparency.org/gcb2013/country?country=moldova>

⁹⁰ A Swiss non-for-profit organisation covering more than 1000 large companies, corporations and organisations all over the world, which discuss the most stringent problems at global level. The Global Competitiveness Report has been produced since 1979 and evaluates more than 100 countries of the world based on 2 fundamental indicators: growth potential index and competitiveness.

⁹¹ <http://reports.weforum.org/global-competitiveness-report-2014-2015/rankings/>

⁹² <http://transparency.md/ro/cefacem/publicatii/216-sondaj2014>

What branch of the state power do you think is the most corrupted? %				
	Households		Businessmen	
	2012	2014	2012	2014
Legislative	25,7	29,5	11,6	12,5
Judiciary (courts)	45,7	41,4	51,9	60,6
Executive	22,7	20,5	19,8	11,4
Government	5,9	8,6	16,7	15,5

Compiling all data of invoked surveys, it is obvious that the determinative factor of reform of “*quasi-general perception of corruption*” stays practically within the save values, or even registers a worsening in certain components of the justice system.

As it has been mentioned above, a few tough laws on preventing and fighting corruptions have been adopted at the end of 2013 and beginning of 2014. But their practical application has been delayed. It is important to apply the new mechanism for disciplinary responsibility of the judges, new instruments for integrity testing, extended seizure and the new component of offence “illicit enrichment”. Clear, intransigent and precise messages have to be conveyed, which are also supported by concrete cases that the persons who do not observe the high integrity standards, who compromise the functionality and image of the entire institutions will not be tolerated and will be removed from the professional environment, by applying appropriate sanctions. To continue to achieve these desiderata, the judiciary decision-makers, development partners, press and civil society must exert pressure.

VI.3 External evaluation of JSRS progress

The implementation of JSRS is closely monitored by the development partners and civil society. The first EU evaluation mission on fulfilment of conditionality of Policy Matrix (conditionality that derives from AP) established that this is fulfilled at the level of 88%. The fundamental backlog include the prosecution reform, lack of progress in promoting the draft law on aligning the legislative framework with Art.5 of the ECHR, etc.

Nationally, the implementation of JSRS was monitored within the Project „**Increasing Government Accountability by Monitoring the Justice Sector Reform**”, implemented by **Promo-LEX Association and Association for Efficient and Responsible Governance (AGER)**, with the financial support of the European Union. The monitoring is focused on 2 main components: evaluation of achievements and activities included in the Action Plan for the implementation of JSRS and monitoring of hearings. Six monitoring reports were developed during the 2013-2014 monitoring mission. In contrast with the findings and qualifications provided by the WG responsible for monitoring the implementation of actions in each Pillar, the qualifications provided by the NGOs that monitor the implementation of JSRS are different. According to last Report No. 6 of 2014⁹³, it is mentioned that “*Unfortunately, we found that progress in the implementation of the Action Plan is continuously slow. Thus, of the 288 actions due for implementation by 30 June 2014, 173 were implemented, and 115 remain overdue, which represents a ratio of 60% to 40%, respectively. Although in terms of percentage the report demonstrates a positive growth compared to the previous one, the dynamics of the implementation of due and overdue actions is worrying. Thus of the 23 actions that were planned for the reference period, only 7 have been implemented, leaving 16 uncompleted. [...] At the same time, our most important recommendation, in addition to streamlining the process of implementation of the AP of the JSRS, is to focus on the actual implementation of the completed actions, especially with regard to the legal framework on anticorruption, where we haven’t seen any significant progress so far.*”. [...] With regard

⁹³ http://promolex.md/upload/publications/ro/doc_1407919460.pdf

to monitoring of the court sittings, we noticed the positive dynamics of the number of recorded sittings, as well as the solemnity of the trials attended by monitors. Worth mentioning is that this indicator is not constant in all courts, and the most crowded was the activity of the Court of Appeal Chisinau, where most negative indicators were registered. On the other hand, the weakest scores were reached on subjects related to court premises, facilities and websites. However the monitoring of trials did not aim at analysing the corruptibility of the judges' acts or the analysis of the quality of the justice act, as it was based on questionnaires filled in by the parties in the trial and monitors".

The LRCM Study/analytical report **"Achievements and Faults in Reforming the Justice Sector of the Republic of Moldova: 2012-July 2014"**⁹⁴ was published in 2014. The Study underlines important changes produced in the justice sector in 2012, gives an analysis of the main initiatives of justice sector reform and their impact, and provides recommendations for improvement of legislation and practice addressed mainly to the authorities of the Republic of Moldova. The Study analysis 30 subjects selected by LRCM team: organisation of judiciary and prosecution service, Superior Council of Magistracy (SCM), activity of judges and prosecutors, material and social guarantees of judges, fighting corruption and the role of Constitutional Court (CC) in justice sector reform. In the opinion of the authors, some subjects present achievements, and other are faults of the reform. The Study provides a range of recommendations necessary to "correct" some directions and components of justice sector reforms. The faults of the justice sector reform, according to the Study, are: dragging prosecution reform, lack of systemic approach in optimizing the map of courts' location, fragmented reform of investigating magistrates; some deficiencies in implementing the judge selection mechanism; salary increase for judges and maintain social guarantee for privileged age retirement as compared to other exponents of the public sector; too extensive list of public agents that can be subject to professional integrity testing; etc.

The LRCM addresses a subject that has not been really analysed and namely, the role of the Constitutional Court in the justice sector reform. It says, *"Constitutional Court has examined the constitutionality of a number of initiatives envisaged for implementation of JSRS. The activity of the Constitutional Court from the recent years can be criticized by some and praised by others. It is however indisputable that, starting with 2011, the Constitutional Court has become much more proactive, especially when it comes to the interests of judges. Given the importance of some rulings of the Constitutional Court for the judicial reform and for combating corruption, four rulings of the Constitutional Court are analysed in details in this Study, namely: the ruling that declared liquidation of specialized courts unconstitutional, the ruling that examined the decrease of judges' pensions, ruling on the interpretation of the presumption of legality of property, and the ruling on the immunity of judges".*

As a result of rulings of CC in 2011-2014, the course of some reform actions with a more incisive character were weighted and attenuated. Some actions had to be corrected by promoting some legislative initiatives in alert regime (*subject of economic courts, immunity of judges, etc.*) not to affect the course of reform. Obviously, such events slow down the course of reform requiring "regrouping" and insistence on certain components of reforms, which are not exactly comfortable and generate adverse reactions from those they were intended for.

In conclusion, we would like to mention that external evaluations, also, attest a satisfactory level of implementation of the actions envisaged in JSRS. At the same time, the parallel monitoring reports point to some recognised and reflected overdue actions and faults, including in the previous chapters of the Report. The 2015-2016 biggest challenge of the responsible authorities is to ensure practical application of normative measures and institutional reorganisation adopted in the previous period (2011-2016). Communication with development partners and civil society, including in the monitoring process of the implementation of JSRS should be enhanced, and the formulated

⁹⁴ <http://crim.org/wp-content/uploads/2014/09/Studiu-reforma-justitiei-web.pdf>

recommendations should be adequately implemented by the implementing authorities of JSRS; the MoJ as coordinating institution of the processes in the sector has an important role to play.

VII. PROBLEMS AND CHALLENGES FACED DURING THE IMPLEMENTATION OF STRATEGY

At the moment of JSRS designing, a few risk categories have been anticipated: political instability, resistance of the authorities that have to be subject to reforms and insufficient capacities for absorption of funds for reform implementation. Three years later, it can be ascertained, unfortunately, that a great deal of these risks did happen.

As for the **political instability risk**, we would like to reiterate what we have said in the previous chapters about the implementation of JSRS in 2013-2014. In 2014 the path of the reform has been compromised by the instable activity of the Parliament. As an example we can give the package of 11 draft laws approved by the Government on 16 July 2014, which are oriented toward the implementation of JSRS, and namely: mediation, notary, amendments of Enforcement Code, judicial expertise and status of judicial expert, NIJ reform and other. The year of 2014 was an electoral year, and the Parliament, unfortunately, has suspended its activity since July 2014. Based on the existing regulations, all these draft laws have to be repeatedly promoted, which implied new consultation/opinion on project, approved by the Government. Obviously, this state of affairs influences considerably the pace of the reform, which, as it has been mentioned in parallel monitoring reports, has considerably slowed down in the second half of 2014.

Even if we acknowledge an increase in number of agents of change in the justice sector reform, however, the **resistance of players subject to reforms**, who insist on keeping the comfort zone and accept only the reorganisations that improve their working conditions (for instance, *introduction of judicial assistant for each judge, salary increase, etc.*), but oppose any modifications related to their responsibility (for instance, *immunity of judges*). This resistance is a permanent impediment in promoting faster the reforms. Practically all the initiatives to reform the judiciary were contested in the CC, although all legislative initiatives were filtered by the experts of the Council of Europe, Venice Commission and other international institutions with consistent expertise in the field. An example is the 3-year lasting saga to limit the immunity of judges, including the administrative immunity (that is actually not recognised or accepted by any EU state). Striking issues also persist in the implementation of new laws. Although new instruments have been established and provided to prevent and fight against corruption, the institutions responsible for the application of these instruments invoke the illusionary imperfection of laws, without even testing the applicability of these norms on one case.

Regarding the **insufficient capacities of absorption** of budgetary resources allocated for justice sector reform, we could say that it seems that this risk has been overcome in 2014. According to information reflected in Section II.4 of Report, the degree of absorption was 95.4% in 2014.

Another issue observed during the implementation of JSRS and constantly reported is that the situation per sector seems to be amorphous, and the changes are not welcome with much enthusiasm. Although sporadically, some voices from inside are trying to say something, but in the end they are levelled out, even by their colleagues. There are also patronage relations and corporate interests practically in all fields on intervention of JSRS.

Up until now, many ambitious and expensive actions of the reforms have been supported/covered financially by donors. The biggest challenge is that after the finalization of external assistance projects and programs, the Moldovan authorities have to ensure and maintain all the programs launched during the reform (salaries, renovated premises, IT instruments: ICMS, Femida, e-registries, etc.) at the highest level.

As it has been mentioned above in the Report, at the beginning of the year, the development partners handed over the “Briefing Book from Development Partners of Moldova” to the new Government of the RM, which highlighted, inter alia, a range of key issues and challenged for justice sector reform, and namely:

- **„Start the reform of the Prosecution Service**

A critical priority is the reform of the Prosecution Service in order to ensure its full independence from political interference and vested interests. The new Law on the Prosecution Service should be adopted without further delay according to the recommendations of the Venice Commission of the Council of Europe which will be provided in mid-March 2015.

- **Intensify the fight against corruption in the justice sector**

With the adoption of the Justice Sector Reform Strategy for 2011-2016, the fight against corruption in the justice sector has become a key priority. In the end of 2013 the Parliament adopted the package of laws on corruption prevention in the judiciary (Law no. 325 of December 23, 2014; Law no. 326 of December 23, 2014, Law no. 328 of December 23, 2014, Law no. 178 of July 25, 2014) and starting with August 2014 the concept of professional integrity testing was introduced. However, the results of these innovations are not yet visible. The Government should intensify its efforts to ensure the successful implementation of the abovementioned laws.

- **Increase the visibility of reform**

It is essential to explain the aims of the justice sector reform and to demonstrate its results for people, to enable them to actively participate in the reform process and to benefit of the reform's final results. In the second half of 2014 the implementation of the Justice Sector Reform Strategy has noticeably slowed down. The failure to implement concrete reforms will have a direct impact on the overall implementation of the Justice Sector Reform Strategy. Reform action is required now in the justice sector. The EU budget support operation can serve as a framework for key reforms;

- **Constitutional Court Reform**, according to provisions of Justice Sector Reform Strategy;

- **Enhance operational capacities of the National Integrity Commission (NIC)**; amendments to Law No.180 of 19 December 2011 to enhance the capacities of NIC (modification of procedure to appoint the President of NIC, application of NIC requirements);

- **Initiate the optimization of court locator map”.**

As it can be observed, the concern about the issued invoked by the development partners is shared also by the players and policy makers in the sector (all these subjects have been included in the Action Programme of the Government of the Republic of Moldova 2015-2018)⁹⁵.

⁹⁵ http://gov.md/sites/default/files/document/attachments/1_program-guvern_2015-2018_0.pdf

VIII. SOLUTIONS AND PERSPECTIVES

The period for setting up the legislative infrastructure and institutional adjustments is practically coming to an end. Further challenges in the implementation of JSRS are conditional upon proper application of modern institutional and normative framework. In perspective, the following are important:

A. As a coordinating institution of the reform process, the MoJ has to be necessarily diligent to raise awareness and put necessary pressure on political players to ensure ongoing, coherent, consequent and sustainable reform processes.

B. In 2015 it is crucial for the actions aimed at promoting and disseminating information about the implementation of JSRS continue to raise public awareness about the benefits and practical implications produced by justice sector reform in 3 years of implementation, ongoing actions and actions to be implemented in the next years.

C. Joint efforts of the public authorities directly responsible for promoting the new Law on Prosecution Service: MoJ, GPO and Parliament that have to accelerate the adoption of the draft, taking into account the Opinion of Venice Commission.

D. Convey clear, intransigent and precise messages and take measures toward people who disobey the high integrity standards, compromise the functionality and image of the entire institution. These persons will not be tolerated and will be removed from the professional environment, by applying appropriate sanctions. To continue to achieve these desiderata, the judiciary decision-makers, development partners, press and civil society must exert pressure.

E. MoJ has to monitor the draft laws promoted in 2014 by all policy-makers and has to insist on their advancement to re-ensure a quick path of sector reforms, including in the field of organisation and activity of professionals in the justice system.

F. Effort consolidation and consistency in implementing activities related to the optimization of court locator map. With the finalisation of cost assessment exercise of these optimizations, it is necessary to implement some actions that are carefully conceptualised and planned appropriately for the proper and efficient implementation of this reform.

G. Ensure the testing of new e-instruments: Registry of e-Proxies, Registry of e-Enforcement Procedures and Registry of e-Guarantees; their alignment and large scale application by all beneficiaries and end-users.

H. Implementation of new EU technical assistance projects will provide for a new paradigm for reform efforts, will accelerate the modernization and consolidation processes in extremely important fields of justice: judiciary, criminal investigation and prosecution and post-trial system: penitentiary institutions and probation offices;

I. Create a platform for thematic monitoring of actions implemented previously. The respective monitoring should be conducted on permanent platform: inter-disciplinary group with the implication of representatives of civil society and the support of development partners, which will monitor the application of adopted rules, prevent and note immediately any deviations from the implementation of reform and would intervene with recommendations and solutions to overcome the discovered dysfunctions;

J. Another perspective for the implementation of JSRS would be linking the actions to new priorities envisaged in the Governance Programme for 2015-2018, especially, launching new initiatives related to prevention and fighting corruption, as well as actions that foresee the continuity of justice sector reform and are not integrated in AP;

K. Since 2015 is the third year of implementation of justice sector reform, it would be appropriate for BOP survey, planned for autumn 2015, to integrate a special chapter on justice sector reform to measure the perceptions of citizens after 4 years of adoption of JSRS;

L. In the following years, the same systemic approach of reforms in justice sector should be used not to slow down or deviate from the course of reform oriented toward the consolidation of a modern, accessible, efficient, independent, transparent, professional, and accountable to the society justice sector.