

STRATEGY FOR JUSTICE SECTOR REFORM 2011-2015

Executive summary

The need for Strategy

Developing a comprehensive reform Strategy has become necessary for the creation of a common framework covering all justice sector reform efforts in the Republic of Moldova, to ensure the sustainable development of the sector through realistic and concrete actions.

Currently there are many concepts for reforming the many justice sector institutions, each setting different targets and actions, dealing with only narrow segments of the justice sector. This Strategy comes with an innovative approach and seeks to integrate all efforts and intentions of reform under a unified framework to ensure the coherent, consistent and sustainable reform of the justice sector as a whole.

Simultaneously, the Strategy builds institutional framework to coordinate the reform actions and assistance from the development partners in the justice sector. Practical implementation and capitalization of the Strategy components will help strengthen a fair justice sector, with zero tolerance to corruption, for the country's sustainable development and greater responsibility towards litigants.

Strategy Objectives

The overall objective of this Strategy is to build a justice sector which is affordable, efficient, independent, transparent, professional and accountable to society, that meets European standards, ensures the rule of law and the observance of human rights and contributes to safeguarding society's trust in justice.

Specific objectives of the Strategy are as follows:

- strengthen the independence, accountability, impartiality, efficiency and transparency of the judicial system;
- streamline the pre-judicial investigation process to ensure respect for human rights, ensure the security of each person and crime rate reduction;
- improve the institutional framework and processes to ensure effective access to justice: efficient legal aid, investigation of cases and enforcement of court decisions within reasonable periods of time, upgrading the status of some legal professions related the justice system;
- promote and implement the principle of zero tolerance for corruption events in the justice sector;
- implement measures by which the justice sector would help create a favourable climate for sustainable economic development;
- ensure effective enforcement of human rights practices and legal policies;
- coordinate, determine and define the duties and responsibilities of key actors in the justice sector to ensure inters-sector dialogue.

Pillars of the Strategy

- I. Justice system
- II. Criminal justice
- III. Access to justice and enforcement of court decisions
- IV. Integrity of the justice sector actors

- V. Role of justice for the economic development
- VI. Respect for human rights in the justice sector
- VII. Well-coordinated, well-managed and accountable justice sector

Strategy Development Process

The Ministry of Justice developed this strategy after extensive public consultations and consultations with key justice sector institutions. The starting point in developing the Strategy was to identify factors that determine the need for reforms and problems to be solved to create a sector of justice that is accessible, efficient, independent, transparent, professional and accountable to the society, one that would meet the European standards and ensure the rule of law and human rights. Current problems in the justice sector were determined by analysing the findings of reports produced by civil society, international organizations, especially the evaluation report prepared by experts of the European Union and publicly presented in June 2011 (hereinafter – the Evaluation Report), which is the most recent and comprehensive document assessing the current status of the justice sector in the Republic of Moldova.

The findings of the Ministry of Justice from monitoring the implementation of various laws have been also analysed. As a result, 7 pillars of the Strategy were determined, with strategic directions, specific intervention areas, execution deadlines, indicators of the implementation level, expected results and responsible institutions being developed for each pillar. Combined execution of the respective areas of intervention will lead to achieving the general objective of the Strategy.

Implementing the Strategy

Responsibility for implementing the Strategy rests with all the responsible institutions identified in the Strategy. At the same time, in order to ensure a coherent implementation of the Strategy a mechanism for monitoring its implementation, which will consist of seven working groups (one for each pillar) and a steering group of the Strategy, will be created. These working groups will be coordinated by the Ministry of Justice, within which a special structure responsible for the implementation of the Strategy will be appointed. A periodic evaluation shall be performed as regards the process of the Strategy implementation and the degree of achieving the objectives of the National Council for the reform of the law enforcement bodies.

Relation to the strategic and budgetary planning

This Strategy is a preliminary step of the on-going process of strategic planning and implementation of interventions in the justice sector. All institutions covered by the reform will develop strategic development and funding plans in accordance with the strategic directions and specific areas of intervention under the Strategy. To ensure internal consistency concerning funding of the entire justice sector, the expenditures related to the Strategy implementation will be linked with the current and future medium-term budgetary frameworks. Financial support on the part of the international organizations working in the justice sector in the Republic Moldova, particularly those from the European Union, shall be requested to implement certain aspects of the Strategy.

TABLE OF CONTENTS:

Summary

List of abbreviations

- **Part 1.** The reform context and the determining factors
- **Part 2.** The strategy development process
- **Part 3.** Goal and objectives of the strategy
- **Part 4.** Pillars of the justice sector reform and the strategic directions
- **Part 5.** Specific intervention areas
- **Part 6.** Financial implications
- **Part 7.** Strategy implementation, monitoring and evaluation
- **Part 8.** Analysis of strategy implementation risks

LIST OF ABBREVIATIONS

SJSR	Strategy for justice sector reform
MJ	Ministry of Justice
SCM	Superior Council of Magistrates
CCECC	Centre for Combating Economic Crimes and Corruption
MIA	Ministry of Internal Affairs
GP	General Prosecutor's Office
NCSGLA	National Council for State Guaranteed Legal Assistance
NIJ	National Institute of Justice
EU	European Union

Part 1. THE REFORM CONTEXT AND THE DETERMINING FACTORS

The term "justice sector" used throughout this Strategy refers to the institutions and structures that have the main or auxiliary contribution as regards the organization and execution of justice in the Republic of Moldova. Thus, the "justice sector" includes primarily the judiciary as well as the whole range of authorities and relationships between them that contribute to justice, namely prosecution bodies, justice sector related legal professions (lawyers, notaries, mediators, court enforcement officers, legal experts, managers of insolvency proceedings, translators/interpreters), the probation system, the system of enforcing court decisions, the prison system, the Ministry of Justice and the Ombudsman, the Constitutional Court. The Strategy concerns administrative authorities, such as the Parliament, Government, Superior Council of Magistracy, to the extent that their activity is related to the adoption and implementation of laws relevant to the justice sector.

The reform of the justice sector has permanently been an issue in the attention of the authorities of the Republic of Moldova. A large set of strategic documents referring to this area has been adopted during last years, among them being: Strategy for the Judiciary Consolidation¹, Strategy for the Development of the Law Enforcement System², Concept of the Penitentiary System³, Concept of the Judiciary Budgeting⁴ etc. In parallel, a number of laws have been adopted that have conceptually reformed certain key institutions of the justice system: the Judiciary, the Prosecution offices, the Bar, the Notary, the Penitentiary system, the Ombudsman office, the Enforcement system, etc. The adoption of the Law on Guaranteed State Legal Assistance, the Law on Probation and the Law on Mediation etc. has resulted in the introduction of new mechanisms and institutions into the Justice system.

In spite of substantial institutional changes and in spite of amendments to the legal framework, no integrity of the justice system has been achieved yet, for the reason that these changes haven't ensured a qualitatively new level of activity of the stakeholders in this sector and have not lead to strengthening a justice system that would be equitable, fair and oriented on the necessities of the litigants and providing some high-quality services, accessible for the litigants.

The analysis of the implementation of strategic documents in the field reveals the problems faced by the justice sector, namely that the courts are not managed effectively, the promotion of judges and prosecutors is insufficiently transparent and is not based on merit, not all components of the Superior Council of Magistracy work effectively, the quality of the services provided by the justice system related professions is inadequate, there are no effective mechanisms of accountability of the justice sector actors, the pre-court phase is unduly complex, there are no effective mechanisms to ensure a child friendly justice, the perception of the corruption spreading throughout the justice sector is alarmingly high.

Thus, in the Declaration on the state of justice in the Republic of Moldova and the actions needed to improve the situation of the judiciary, approved by Parliament Decision no. 53-XVIII of October 30, 2009, the Parliament has noted with concern that the judiciary in Moldova is seriously affected by corruption. The statement also noted that such an involution of the Moldovan judiciary was possible also due to: neglect or selective application by the Superior Council of Magistrates of the law governing the liability of judges, its indulgence; lack of response from the Superior Council of Magistracy and prosecution bodies to the judges' actions, which sometimes are of criminal nature; lack of response and resistance to intimidation of the judiciary and political pressure coming from representatives of the government; lack of transparency of justice and the SCM activity, especially concerning the selection,

¹ Parliament Decree No. 174-XVI dated 19 July, 2007

² Government Decree No. 1393 dated 12 December 2007

³ Government Decree No. 1624 dated 31 December 2003

⁴ Parliament Decree No. 39 dated 18 March 2010

appointment, promotion and punishment of judges; failure of initial and continuous training of judges; inadequate provision of materials for judges; “syndication” of the judiciary power etc..

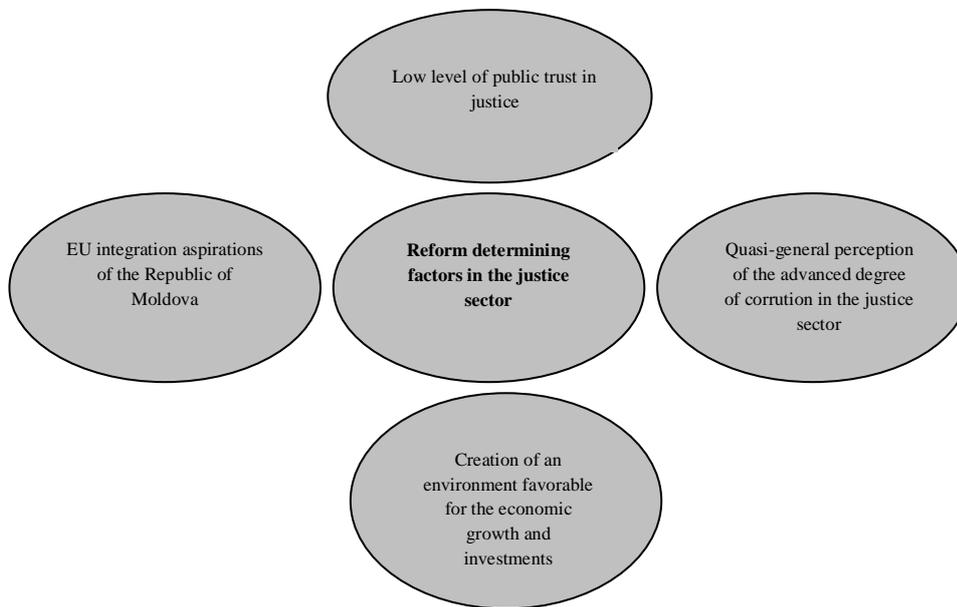
These findings of the high legislation forum demonstrate that until now, professional, moral and ethical standards have not become an important part of the professionals’ work in the sector, which led to diminishing confidence of the society in the justice system. The low level of public trust in the justice sector is a dangerous phenomenon, because it can generate a general distrust in the effectiveness and integrity of their public authorities and even of the state in general.

Under these conditions, the reform of the justice sector could not be approached in a fragmentary way, for the reason that an efficient and effective realisation of justice implies an efficient and consistent activity of a number of institutions, namely the justice system, the Constitutional Court, the Prosecutors office, the criminal investigation bodies, the Bar, the notary, the system of enforcement of court decisions, the penitentiary system etc.

Following the analysis of the strategic documents previously adopted and of the state of the justice sector, as well as consultations with key players in this sector, several factors that determine the need for reforms (reform determining factors) were identified. These factors have helped define the overall purpose and specific objectives and the pillars on which the reforms are based, strategic directions and specific intervention areas addressed in the Strategy, as described in Parts 3, 4 and 5.

The reform determining factors are represented graphically in Figure 1 and thoroughly described below.

Figure no.1. Reform determining factors in the justice sector



Low level of public trust in justice

The level of public trust in justice is the litmus paper reflecting the mood of society and its attitude towards justice. It is clear that the analysis of the public perceptions of justice must include both views of citizens, as beneficiaries of justice, as well as those of the representatives of the judiciary.

A series of polls show the low level of trust in justice. For example, biannual surveys conducted by the Institute for Public Policies shall constantly include a question regarding the degree of public trust in state institutions, including the trust in justice. The dynamic analysis of “very confident” and “I have no faith” types of answers to the question “How much do you trust the justice?”, obtained in the period 2005-2011, shows a “floating” degree of trust of the Moldovan citizens in the judiciary. As of March

2009, there has been an alarming trend of decrease as regards the degree of citizens' trust in the judiciary, compared to the level of total trust in the judiciary, with the maximum gap being reached in May 2011, when it was found that only 1 % of people surveyed said they had complete trust in the judiciary, while 42% said they had no trust in the judiciary.

Quasi-general perception of the advanced degree of corruption in the justice sector

The Corruption Perception Index (CPI), calculated annually by Transparency International (TI), shows that the population and the international community perceive the Republic of Moldova as a country where corruption is widespread. In the past 12 years the value of this index for Moldova ranged between 2.1 and 3.3 on a scale of 0-10, where lower values indicate a greater spread of corruption.

The 2010 Global Corruption Barometer (GBC), also conducted annually by TI, shows that 37% of respondents in the Republic of Moldova resorted to bribery over the last 12 months (the average for CIS is 32% and 5% for the EU member states). The results of the same survey show that the most corrupt entities are considered to be (on a scale of 1-5): internal affairs bodies - 4.1, justice - 3.9, political parties and civil servants - 3.8, Parliament, education system and private sector - 3.7. According to the victimization survey conducted by the Soros-Moldova Foundation in 2010, 30% of Moldova's population faced situations in which the citizens had to use bribe or asked to use bribe, or both, in 2009.

Creation of an environment favourable for the economic growth and investments

Sustainable economic results are one of the key long-term general objective of the Republic of Moldova. Justice can play a significant role in stimulating economic growth and stability. To this end, justice must show quality, efficiency and transparency in its work, the key elements to sustain investment flows and develop relationships and business activities. The mechanisms for ensuring rapid and effective resolution of disputes between commercial entities, supported by the justice sector, are particularly important. Equally important for the sustainable growth are the systems used to regulate and protect property rights and ensure the security of the legal reports.

EU integration aspirations of the Republic of Moldova

The European integration is a strategic objective of the foreign and domestic policy of the Republic of Moldova, designed to ensure the creation of a system of internal security, stability and prosperity, governed by democratic values and respect for human rights and fundamental freedoms. As a result, Moldova's efforts have been and are focused on implementing the responsibility of external commitments in relation to the EU (Partnership and Cooperation Agreement between the European Communities and their Member States, on the one hand, and the Republic of Moldova, on the other hand, signed on November 28, 1994, entered into force on July 1, 1998, the EU-Moldova Action Plan within the European Neighbourhood Policy (ENP), signed on 22 February 2005 in Brussels) and in relation to other European and international structures, while internally - for undertaking measures to modernize the country politically, economically, socially, strengthening the political will necessary to promote reforms and identify areas of intervention (Declaration of the Parliament of Moldova on political Partnership to Achieve the Objectives of European Integration, unanimously passed by the Parliament on March 24, 2005).

The EU and the civil society have repeatedly qualified as insufficient the efforts undertaken Moldovan authorities towards the European integration of the Republic of Moldova. The same epithet has been also used as regards the reforms undertaken by the Republic of Moldova in the justice sector, which are considered to be sporadic, lacking finality and not having a well-defined concept or a well-shaped strategy. In this context, in order to accomplish its European integration aspirations, the Republic of Moldova pledges to make joint efforts to achieve justice reforms by promoting systemic, sustainable and coherent policies.

Part 2. THE STRATEGY DEVELOPMENT AND IMPLEMENTATION PROCESS

The methodology has been designed in a way to permit wide consultations and to ensure the consensus of the key institutions of the justice sector of the Republic of Moldova with respect to the future directions of the reform. The development process included four separate phases, illustrated in Figure 1 below.

Strategy Structure

This strategic document focuses on major problems of the justice sector in the Republic of Moldova, which were highlighted in the evaluation reports on the current state of the justice sector, particularly in the assessment report prepared by EU experts, publicly submitted in June 2011. These problems have been classified into seven major areas, those in which reform will take place, which were called “pillars”, similarly to the pillars used for the basement of every building. Each pillar will be implemented individually, except pillars 4 and 7 that include measures applicable to all institutions covered by other pillars.

The key elements of this Strategy are: general objective, specific objectives, pillars, strategic directions, specific areas of intervention, indicators of the implementation level and expected results.

The implementation of specific areas of intervention produces desired results that quantify the implementation indicators, thereby contributing to the achievement of strategic directions, which, in turn, determine the progress in achieving specific goals and the general objective.

The specific objectives, specific intervention areas, implementation indicators and expected results are found in the pillars of the strategy that, as mentioned above, were identified by their problems in the justice sector. Similarly, the pillars include the institutions responsible for this process and deadlines for achieving specific intervention areas.

The strategy suggests a six-year implementation period. This timespan results from the current opportunities to plan activities for the next six years, especially activities related to changes in the legal and the institutional framework. The period of six years is an optimal one, which will allow realistic planning activities, the period being also suggested by the authors for Evaluation Report.

Developing and passing the Strategy

The entire process of Strategy development was organized by the working group created by Ministry of Justice Decree no. 213 of June 3, 2011. The process was structured so as to allow extensive consultations and reaching consensus among key justice sector institutions in Moldova on future directions of reform. The Strategy is to be passed by law by the Parliament.

The development process was divided in four separate phases, as presented in Figure no. 2.

Figure 2: Development phases of the Strategy for reform of the justice sector of the Republic of Moldova

Phase 1	Phase 2	Phase 3	Phase 4
Approval of the working group membership	Discuss the draft strategy in the sector working groups	Presentation of the revised draft Strategy (revised version) to	Presentation of the draft Strategy (the versions approved by

<p>designated to develop the draft of the Strategy</p> <p>Development of the Strategy framework (goal, pillars, objectives) and of the specific intervention areas.</p> <p>Strategy drafting and its presentation to the key institutions of the justice sector and civil society (preliminary version).</p> <p>Launch the first round of discussions on the draft Strategy.</p>	<p>created by the Ministry of Justice.</p> <p>Consultations regarding the Strategy with the key institutions of the justice sector and representatives of the civil society.</p> <p>Public discussions on the draft Strategy (second round of discussions).</p> <p>Review the draft Strategy based on opinions, comments and recommendations received.</p>	<p>the Government and the National Council for reform of the law enforcement bodies.</p> <p>The draft Strategy is debated within the coordinating Council for the reform of the law enforcement bodies</p> <p>The Government approves the draft Strategy.</p>	<p>the Government) to be reviewed by the Parliament.</p> <p>The Parliament passes the Strategy.</p>
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The process of Strategy implementation, monitoring and evaluation

Implementation process

The development of a Strategy Implementation Action Plan for the shall be started once the Parliament passes the Strategy,

The Strategy Implementation Action Plan will include measures for each pillar. The measures included in the Action Plan will be interconnected and will result from specific intervention areas provided for in the Strategy, but at a much more detailed level than these ones. The measures will largely represent a particularization of specific intervention areas within each strategic direction.

The action plan will be revised annually based on the evaluation report for each pillar, prepared by the group responsible for monitoring the implementation of that pillar.

The Strategy is to be addressed as a living document the implementation of which will be consistently monitored through the monitoring mechanism provided below. The Strategy can be amended if necessary, but the intention is to have a stable strategic document, the implementation of which can be adjusted as needed. For these reasons, the Strategy does not include precise measures of implementation, but only specific intervention areas, which will be detailed in the Strategy Implementation Action Plan. The resources required to implement the Strategy will be provided for in the Action Plan.

Responsible institutions

When it comes to the Strategy implementation, the responsibility rests with all the responsible institutions identified in the Strategy. At the same time, to ensure the coherent implementation of the Strategy a mechanism for monitoring the implementation, consisting of seven working groups for each

area separately and a steering group to coordinate the Strategy implementation will be created. They will be coordinated by the Ministry of Justice, within which a structure specialized in providing technical assistance to the working groups will be designated.

Similarly, the National Council for the reform of law enforcement bodies will periodically evaluate the implementation of the strategy and the progress of the objectives based on the information collected and collated by the Ministry of Justice.

The Mechanism for monitoring the Strategy implementation

The working group for the Strategy implementation

A permanent working group, which will be responsible for the joint annual work plans and implementation of all activities identified in the respective field, will be created for each pillar of the Strategy. The working groups will be created and will operate within the Ministry of Justice. The Minister of Justice shall appoint the chairman of each group on the recommendation of its members. The groups will include representatives of key justice sector institutions covered by the respective pillar, which will be appointed by the respective institutions, as well as civil society representatives. The latter will be selected by the Ministry of Justice based on a public invitation and depending on experience, motivation and previous involvement in the justice sector reform. The Ministry of Justice will also invite foreign institutions operating in the field of justice and which are present in Moldova to delegate experts to participate in the activities of the working groups.

The coordination group of the Strategy implementation

The coordination of activities between all working groups will be provided by a coordination group of the Strategy implementation, created by a decree of the Minister of Justice. This group will include the minister of justice, a deputy minister, a specialist of the Ministry of Justice responsible for coordinating the implementation of the Strategy and chairmen of the working groups.

The working groups created for each pillar will develop the action plan, will monitor the implementation level of that pillar and will draft annual reports on Strategy implementation. They will meet in session according to the plan drafted, but not less than once a month. The Coordination Group will draft the General Plan for Strategy Implementation, will monitor the implementation process and prepare the annual report on the Strategy implementation based on the presentations submitted by the working groups for each pillar. The Coordination Group will be also responsible for ensuring dissemination of information in all working groups, organizing their joint meeting as necessary, but not less frequently than once every three months. Finally, the Coordination Group will be responsible for presenting information on the degree of Strategy implementation at the National Council for reform of the law enforcement bodies.

Transparency of the justice sector reform and public relations

The Ministry of Justice will create a dedicated website for the justice sector reform on which current information and progress in the justice sector reform will be placed. Civil society and key justice sector institutions will be able to make suggestions and comment on the progress of this reform. The working groups established to ensure Strategy implementation will be responsible for placing information and collecting comments / suggestions on the website.

Finally, the Ministry of Justice will organize annual conferences with the participation of the civil society and key justice sector institutions during which annual reports on the Strategy implementation and other relevant information will be presented and discussed.

All these measures will help ensure transparency of the undertaken reforms and will provide to all those interested a real possibility of involvement and participation in the reform process.

PART 3. GENERAL AND SPECIFIC OBJECTIVES OF THE STRATEGY

This Strategy is designed to create a common framework for all efforts to reform the justice sector in Moldova in order to develop the entire sector through realistic and concrete actions.

The **general objective** of the reform Strategy is to establish an accessible, efficient, independent, transparent, professional and accountable to the society justice system, in compliance with the European standards meant to ensure the rule of law and observance of human rights and contribute to the public trust in the judiciary.

The Strategy pursues the realization of the following **specific objectives**:

- strengthen the independence, responsibility, efficiency and transparency of the justice system;
- improve the pre-judicial investigation process to ensure a guaranteed observance of human rights, security for every person and decrease of the criminality level;
- improve the institutional framework and the framework of the processes ensuring an effective access to justice, these including: effective legal assistance, examination of files and enforcement of court decisions in reasonable terms, modernization of the status of a number of judicial professions related to the justice system;
- promote and implement the zero tolerance principle with respect to the corrupted behaviour within the justice sector;
- implement some by which the justice sector can contribute to the creation of a climate that would be favourable for the sustainable development of economy;
- secure an effective observance of human rights during the application of legal practices and policies;
- coordinate, establish and delineate powers and responsibilities of the main actors of the justice system, as well as ensure the inter-sector dialogue.

The Strategy is designed to achieve the following **general results**:

- a justice system that would be fair, qualitative, responsible, with zero tolerance to corruption, which would ensure the sustainable development of the country and would meet the needs of the litigants;
- an institutional framework to coordinate the reform actions and provide assistance to development partners in the justice sector.

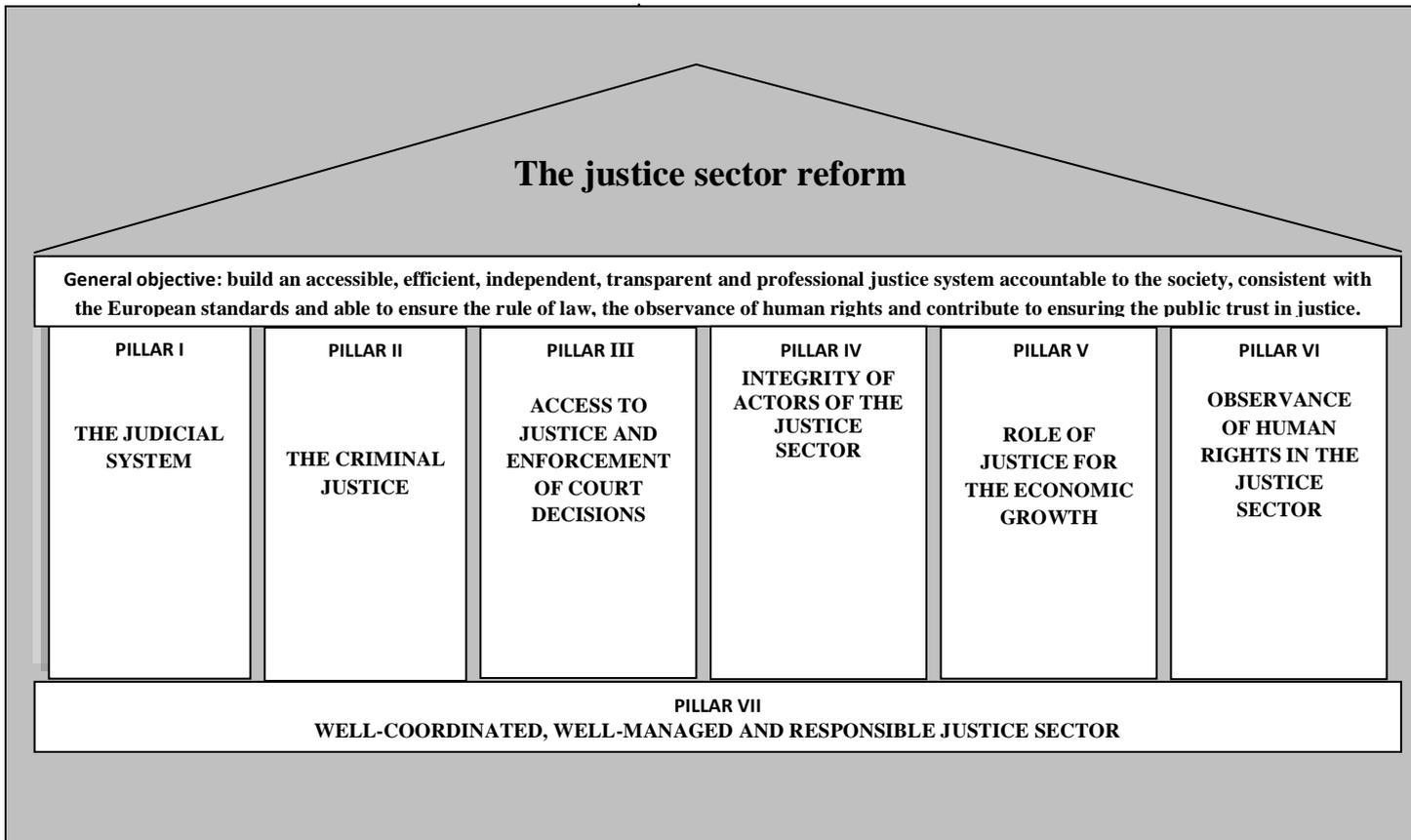
The expected results for each strategic direction are described in part 5 of the Strategy.

Part 4. PILLARS AND THE STRATEGIC DIRECTIONS OF THE JUSTICE SECTOR REFORM

The justice sector reform is supposed to rely on seven fundamental pillars:

1. judicial system;
2. criminal justice;
3. access to justice and enforcement of court decisions;
4. integrity of actors of the justice sector;
5. role of justice for the economic growth;
6. observance of human rights in the justice sector;
7. Well-coordinated, well-managed and responsible justice sector.

Figure no. 3 Pillars of the justice sector reform



To reach the general objective and the specific objectives of this Strategy, a number of strategic directions for the next six years have been identified. Strategic directions, shown in Figure No. 4, are grouped under the reform pillar to which they belong. Specific intervention areas are determined for each strategic direction, which are listed in Part 5 of the Strategy.

Figure 4: Strategic directions of the reform

General objective: build an accessible, efficient, independent, transparent and professional justice system accountable to the society, consistent with the European standards and able to ensure the rule of law, the observance of human rights and contribute to ensuring the public trust in justice.

Pillar I. THE JUDICIAL SYSTEM

Strategic directions:

- 1.1. Ensuring accessibility and independence
- 1.2. Higher transparency, efficiency and effectiveness
- 1.3. Higher professionalism of persons involved in the justice execution and their accountability

Pillar III. ACCESS TO JUSTICE AND EXECUTION OF JUSTICE

Strategic directions

- 3.1. Strengthening the system providing free of charge legal assistance guaranteed by the state
- 3.2. Strengthening the institutional capacities and the professional development of representatives of professions related to the justice system (lawyers, notaries mediators, executors of court judgements, judicial experts, administrators of the insolvency procedure, translators/interpreters)
- 3.3. Effective and adequate enforcement of the judgements.

Pillar V. CONTRIBUTION OF JUSTICE TO THE ECONOMIC GROWTH

Strategic directions:

- 5.1. Strengthening the system of alternative settlement of disputes.
- 5.2. Improvement of insolvency proceedings
- 5.3. Modernising the system of accounting and access to information on registration of economic agents

Pillar II. THE CRIMINAL JUSTICE

Strategic directions:

- 2.1. Revision of the concept and procedure of the pre-judicial phase
- 2.2. Strengthening the professionalism and independence of the prosecution office
- 2.3. Strengthening the professional capacities of individuals and of the crime investigation bodies
- 2.4. Modernization of the statistical data collection system and of the system evaluating the professional performances at individual and institutional levels.
- 2.5. Humanization of the criminal policy and streamlining the juvenile justice

Pillar IV. STRENGTHENING THE INTEGRITY OF THE JUSTICE SECTOR ACTORS THROUGH THE PROMOTION OF ANTI CORRUPTION MEASURES AND PROFESSIONAL ETHICAL STANDARDS

Strategic directions:

- 4.1. Efficient and effective combating of corruption in the justice system
- 4.2. Strengthening the mechanisms facilitating the implementation of ethical standards and anti corruptive behaviour at the level of all institutions of the justice sector
- 4.3. Developing in different segments of justice of a culture of zero tolerance to corruption among the self administration bodies

Pillar VI OBSERVANCE OF HUMAN RIGHTS IN THE JUSTICE SYSTEM

Strategic directions:

- 6.1. Strengthening the role of the Constitutional Court
- 6.2. Optimization of the national mechanism for the protection of human rights
- 6.3. Observance of international standards of human rights protection with all imprisoned persons. Eradication of torture and ill treatment
- 6.4. Consolidation of the probation and penitentiary systems

Pillar VII. A RESPONSIBLE, WELL COORDINATED AND WELL MANAGED JUSTICE SECTOR

Strategic directions:

- 7.1. Coordination of activities undertaken by all actors in the justice system; strategic planning and development of policies
- 7.2. Harmonization of the institutional and legal frameworks of the justice system with the European standards
- 7.3. Coordination of external donor assistance

Figure 5 indicates the existence of an interconnection of the strategic programmes. The implementation of a set of directions influences the implementation of each of the other sets of directions.

The strategic directions have been divided according to specific intervention areas, the implementation manner of which is described in Part 2 of this Strategy.

PART 5: SPECIFIC INTERVENTION AREAS

PILLAR 1. The judicial system

Specific objective: Strengthen the independence, accountability, impartiality, efficiency and transparency of judicial system

1.1. Provision of accessibility and independence

The problems of the judiciary of the Republic of Moldova were addressed through this Strategy by focusing on three strategic directions: 1.1. Provide accessibility and independence of the judicial system; 1.2. Increase transparency and effectiveness of the judiciary; 1.3. Raise professionalism and responsibility of persons involved in enforcing justice. A list of specific intervention areas was developed for each strategic direction, as specified in the tables below.

1.1. Provide accessibility and independence of the judicial system

Despite efforts made by the Republic of Moldova in order to enhance accessibility and independence of the judiciary, some issues remained unresolved, and some require a new conceptual approach.

As regards the accessibility of the judiciary, there are some deficiencies concerning the reduced ability of the courts to communicate with the public; non-participation of the society in controlling the quality of the judiciary performance, both at the individual and at court level; deficiencies in providing the necessary number of judges for some courts and extremely high costs to maintain these courts; uncorrelated and unreasonable judicial expenditures etc.

According to the evaluation report, in terms of independence of the judiciary there are no significant shortcomings as regards securing adequate financing and self-management. Thus, even if the judiciary budget increases year by year, the Republic of Moldova, having a rate of 0.18% of the GDP, fails to reach the average of 0.24% recommended by the European Commission for Efficiency of Justice on the allocation of a part of the national income to the courts. It has also been noticed the insufficient capacity of the judiciary, both at individual and institutional level, to ensure the planning and evaluation of the actual budgetary needs. At the same time, the evaluation report identified a number of shortcomings in the designation, appointment, self-regulation and accountability in the judiciary, while *inter alia* establishing the fact that the system of appointment, qualification and promotion of judges is inefficient, the mentality of “closed club” of the judiciary as regards the access to employment and hierarchy promotion and lack of regulatory control of the profession on the part of the Superior Council of Magistracy.

Draft for public consultation

To ensure accessibility to and independence of the judiciary systemic and sustainable interventions are necessary aimed at: strengthening the institutional framework of the courts, creating the conditions necessary to ensure a high degree of openness of the courts to litigants and to society at large, strict and clear regulation criteria for appointments as judges and allocation of the administrative functions of the courts, strengthening capacities of self-administration of the judiciary, improving the capacity for strategic planning and evaluation of the real needs of the courts, increasing court funding.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
1.1.1. Optimize the map of the courts displacement with the purpose to strengthen the institutional capacities of the courts and the number of judges and to ensure the most efficient use of available resources.						Ministry of Justice Superior Council of Magistrates	1. Developed study with recommendations; 2. Developed draft amendments to the regulatory framework; 3. Developed map with the illustration of deployment of courts and the number of optimised courts; 4. Number of reorganised courts.
1.1.2. Ensure access to justice as regards the costs						Ministry of Justice Superior Council of Magistrates Ministry of Finances	1. Analysis undertaken including formulated recommendations; 2. Finalised and approved draft amendments to the regulatory framework. 3. Revised quantum and way of calculating court expenditures.
1.1.3. Reform and strengthen the structures and systems of interaction with the public						Ministry of Justice Superior Council of Magistrates The Courts	1. Operating websites of the courts; 2. Developed and adopted draft amendments to the regulatory framework; 3. Awareness campaigns regarding the operation of the judicial system.
1.1.4. Create an adequate, consequent and sustainable funding mechanism for the judicial system, by increasing its funding and unifying the budgetary planning process of the judicial system.						Superior Council of Magistrates The Courts Ministry of Finances	1. Established percentage of the judiciary financing; 2. Developed and adopted draft amendments to the regulatory framework; 3. Unified process of budgetary planning of courts.

Draft for public consultation

1.1.5. Increase the management efficiency and improve the practical and regulatory system of courts management and strategic analysis of the budgetary planning						Superior Council of Magistrates The Courts National Institute of Justice Ministry of Finances Ministry of Justice	<ol style="list-style-type: none"> 1. Developed and adopted draft amendments to the regulatory framework; 2. Create positions of judicial managers; 3. Review the positions of the judicial managers. 4. Developed and adopted curricula and education plans for the initial and continuous learning. 5. Initial and continuous training courses carried out for the court managers; 6. Carried out training of the court staff responsible for budget development and execution.
1.1.6 Establish clear and transparent criteria for the recruitment, appointment and promotion of judges.						Ministry of Justice Superior Council of Magistrates	<ol style="list-style-type: none"> 1. Developed study and formulated recommendations; 2. Exclusion of the initial provision on the appointment of judges into office for a 5-year period by amending the Constitution; 3. Reviewed selection criteria of the Supreme Court judges by amending the Constitution; 4. Developed and adopted draft amendments to the regulatory framework; 5. New criteria regarding the selection, appointment and promotion of judges, developed and adopted; 6. New institutions entrusted to carry out selection, appointment and promotion of judges, created.
1.1.7. Unified and transparent procedure of the appointment of court chairpersons and deputy chairpersons and clear and transparent selection criteria for the candidates to these positions.						Superior Council of Magistrates Ministry of Justice	<ol style="list-style-type: none"> 1. Developed study and formulated recommendations; 2. Developed and adopted amendments to the Constitution and the regulatory framework; 3. New criteria regarding the selection and appointment of the court chairperson and deputy chairpersons, developed and adopted; 4. Revised number of the court deputy chairpersons.
1.1.8. Review the procedures of judge relief, detachment and transfer in order to ensure their independence and observance of the principle of separation of powers						Superior Council of Magistrates Ministry of Justice	<ol style="list-style-type: none"> 1. Developed study and formulated recommendations; 2. Developed and adopted draft amendments to the regulatory framework; 3. Reviewed procedures of relief, detachment and transfer of judges.
1.1.9 Strengthen the self-						Superior Council of	1. Developed study and formulated

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administration capacities of the judiciary, through a revision of the role and competencies of the Superior Council of Magistrates and its subordinated institutions.						Magistrates Ministry of Justice National Institute of Justice	recommendations; 2. Law to amend the Constitution, drafted and passed; 3. Developed and adopted draft of amendments to the regulatory framework; 4. Strengthened status and capacities of the institutions.
1.1.10. Optimize and strengthen the legal framework of the judicial system (development of a unique Law on governance of the judiciary)						Superior Council of Magistrates Ministry of Justice	1. Developed study with formulated recommendations; 2. Unified legal framework; 3. Law drafted and passed.
1.1.11. Strengthen the security system in the courts.						Superior Council of Magistrates Ministry of Justice Ministry of Internal Affairs	1. Developed and adopted draft of amendments to the regulatory framework; 2. Installed security technologies; 3. Increased security degree in courts.
1.1.13. Strengthen the institutional capacities of courts, including the review of the opportunity to build a shared headquarter for all the courts in Chisinau City, as well as construction/renovation of the headquarters of courts in the whole country.						Ministry of Justice Ministry of Finance Ministry of Construction and Regional Development	1. Feasibility survey developed with formulated recommendations; 2. Developed expense estimate; 3. The project of the Palace of Justice and the draft project construction/renovation of the headquarters of the courts, developed; 4. Built/renovated headquarters of the courts.

Expected results:

- Optimized judicial system and an optimised number of judges;
- A transparent, balanced and accessible system of calculating the judicial expenditures;
- A unified, coordinated budgeting process in the judicial system consistent with the real needs of the judiciary;
- Procedure of the selection, appointment and promotion of judges based on objective and transparent criteria, able to secure the independence of the judicial system;
- Strengthened management and strategic analysis of issues referring to budgeting of courts;
- Ensured and increased security in the courts;
- Strengthened self-administration capacity and independence of the judicial system.

1.2. Increased transparency, efficiency and effectiveness

The way the judiciary in Moldova operates and is organized reveals key issues in terms of efficiency and transparency. The procedural law does not contribute to efficient and prompt examination of cases; the information technologies are not widely applied, although they would contribute not only to ensure rapidity of case examination, but may also provide more transparency to the process of justice enforcement; the existing mechanism to ensure uniform judicial practice is not operational; the system of remedies has a more chaotic rather than systemic character and does not contribute to take the most of the principle of security of legal reports; the specialization of judges in each court is not ensured, which affects the quality of the court decisions; the legal processes and the work of the self-regulation institutions are not sufficiently transparent, which fosters the public distrust in the judiciary as a whole.

The evaluation report shows significant shortcomings in terms of efficiency of the judiciary in the Republic of Moldova, specifically noting, *inter alia*: lack of transparency in the way courts operate; inefficiency of the procedural regulations, including the division of powers between courts, horizontally and vertically, of the system or remedies; the limited use of e-justice tools; lack of random allocation of cases; lack of a quality policy for the courts, as well as the lack of dedicated staff or of a methodology to develop and implement this policy etc.

In order to build a transparent and efficient judicial system, a series of specific interventions to increase transparency in the institutions and mechanisms of self-regulation have been provided for: optimize the judicial procedures and ensure their transparency; a wider and more efficient application of the information technologies, both in the process of justice enforcement as well as in the management of the judiciary; re-examine the principles of remedy and create mechanisms to ensure a uniform judicial practice; promote specialization of judges; ensure speeding of the case review in courts.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
1.2.1. Increase transparency of the judiciary self-administration mechanisms and of the institutions of the judiciary self-administration						Superior Council of Magistrates Ministry of Justice	1. Developed and adopted draft amendments to the regulatory framework; 2. Adopted regulations of the Superior Council of Magistrates; 3. Updated information regarding the activity of the authorities of the judiciary bodies has been published.

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<p>1.2.2. Revision of the procedure rules with the purpose to optimize and increase transparency and efficiency of the justice execution process.</p>						<p>Superior Council of Magistrates Ministry of Justice</p>	<ol style="list-style-type: none"> 1. Survey developed with formulated recommendations; 2. Draft amendments to the regulatory framework, developed and adopted; 3. Monitoring report regarding the operation of the judicial system drawn up from the point of view of transparency and efficiency; 4. Standards concerning the duration of case examination, developed. 5. Training courses for judges on the file management and rules regarding case review, organized. 6. Electronic mechanism to verify the duration of case review, developed and implemented.
<p>1.2.3. Implement an e-justice system for the efficient and functional use of the judicial information system in order to exclude the human factor from the administrative process of case management.</p>						<p>Ministry of Justice, Superior Council of Magistrates, The National Institute of Justice, Courts General Prosecutor's Office Centre of Special Telecommunications e-Government Centre</p>	<ol style="list-style-type: none"> 1. Evaluation of the operation of the Integrated Program for File Management (IPFM) and formulated recommendations; 2. Draft to amend the developed regulatory framework, developed and adopted; 3. Improved judiciary information system; 4. System of the random distribution of files, improved and implemented; 5. System governing the creation of the panels of judges and appointment of the chairpersons of the panels of judges, created and implemented; 6. The system for the audio/video recording of court proceedings has been efficiently implemented; 7. Technical endowment necessary for the instalment of the IPFM has been supplied for all courts along with the equipment necessary for video recording of court hearings. 8. Curriculum for the elaborate training of the court personnel and judges; 9. Trained judges and court personnel; 10. Complete automation of the file management process; 11. Efficient mechanism to check the compliance with the electronic file management process and punishing errors
<p>1.2.4. Create a mechanism ensuring the uniformity of the judicial practice and respect for the principle of security of the judicial reports.</p>						<p>Courts of appeals Superior Council of Magistrates</p>	<ol style="list-style-type: none"> 1. Developed study and formulated recommendations; 2. Draft amendments to the regulatory framework, developed and adopted; 3. Mechanism ensuring the uniformity of the judicial practice and respect for the principle of security of the judicial reports, created and efficiently implemented.

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							4. Evaluation reports of the international institutions.
1.2.5. Increase efficiency of the Procedural Law through the revision of the appeal system and distribution of competences between courts along the horizontal axis, as well as simplify and unify the system of remedy						Ministry of Justice Superior Court of Justice	<ol style="list-style-type: none"> 1. Developed study with formulated recommendations; 2. Draft amendments to the regulatory framework, developed and adopted; 3. The appeal system and its competences has been revised and implemented; 4. Uniform remedies. 5. Uniform remedy periods and improve the process of information through court decision. 6. Limit the grounds for extraordinary appeals. 7. Development of an analytical report regarding the implementation of the legal amendments referring to the enforcement of the appeals.
1.2.6. Review the operation of the instruction judge institution in view of its inclusion into the common Law judicial body as specialised judges in this respective matter.						Superior Council of Magistrates The courts National Institute of Justice Ministry of Justice	<ol style="list-style-type: none"> 1. Developed study with formulated recommendations; 2. Developed and adopted draft amendments to the regulatory framework; 3. Courses of continuous education have been carried out; 4. The procedure of appointment of instruction judges has been established; 5. Analysis of implementation of amendments and of the way the function of instruction judge is being exercised.

Expected results:

- A judicial system able to examine cases in a transparent, prompt and qualitative way;
- A clear, uniform and logical system of challenging the court judgements;
- Establishment of a mechanism enabling the creation of the judicial practice;
- Specialization of judges;
- A revised and operational integrated file management program;
- A revised and improved mechanism of appeal remedies;
- Status of the instruction judge modified.

1.3. Increase professionalism and responsibilities of persons involved in making justice

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A judicial system that is not systemically geared towards promoting the professionalism of those involved in the making of justice and which does not constantly reinforce the principle of public judicial responsibility is likely to be seriously affected by bias, to work in conditions of obscurity and promote protection of corporate interests.

The evaluation report emphasizes the lack of accountability and transparency of the courts as a distinct impediment to the functioning of the justice sector in the Republic of Moldova and which may be determined by the following factors: insufficient experience of the judicial system in perceiving itself as a truly independent branch of power; almost abusive application of the inviolability of judges from any liability; the "closed club" mentality in terms of access to employment and hierarchical promotion, which prevents the flow "of young personnel", as well as the access of more experienced professionals from other sub-sectors of the judiciary; lack of clear determination of the meaning of ethical or disciplinary violation, their consequences; inaccessible and obscure procedures for examining alleged disciplinary offenses; the lack of surveys of users of services provided by the courts, which would allow to evaluate the performance of the judicial system; lack of random allocation of cases; non-stereotyping of all hearings or non-use of the e-justice information tools in case management; lack of effective pressure on the courts on the part of the legal community and society as a whole; lack of judges' obligation to report an abusive influence; lack of responsibility for noncompliance with the obligation of reporting.

In order to strengthen the professionalism of the judiciary as a fundamental value, which would ensure taking the most of the principles of independence both for the judges and for the entire system, its efficiency, as well as the public accountability of judges, systemic and interconnected interventions for the judicial system overall and for each judge have to be undertaken. These interventions will be aimed at: unifying the requirements for accession to the profession; improving the training and education process of judges; reviewing the system and methods of continuous training of judges and auxiliary staff of the judiciary; creating a mechanism for periodic evaluation of judicial performance, based on objective criteria that would contribute to effective self-cleaning of the system; strengthening the role and functions of judicial inspectors, in order to consolidate self-control procedures and efficiency of the administrative supervision of the judiciary on the inside; reviewing the system of disciplinary offenses and their examination procedures; reforming the institution of judicial immunity and excluding privileges that are improper for the functions and status of judges; increasing the professionalism of the whole system by introducing the position of legal aid, as well as creating a permanent system of evaluation of the judicial system by introducing the feedback system, based on the collection and systematizing of participants' views in court proceedings.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
1.3.1. Reform of the National Institute of Justice (NIJ) and making its work more efficient.						National Institute of Justice Superior Council of Magistrates Superior Council of	1. Developed and adopted draft amendments to the regulatory framework; 2. System of the initial and continuous education of actors of the justice sector, modified and effectively applied;

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						Prosecutors Unions of liberal professions of the justice sector Ministry of Justice	3. Training programs for trainers of the NIJ, developed and implemented; 4. TOR for the trainers of the NIJ, developed and implemented; 5. Monitoring report regarding the implementation of the NIJ reform; 6. Review the budget of the NIJ according to its real needs.
1.3.2. Review the programmes of the National Institute of Justice to ensure their compliance with the real training needs of judges, prosecutors and other actors of the judiciary sector and avoid doubling the school curriculum.						National Institute of Justice Superior Council of Magistrates Superior Council of Prosecutors Ministry of Justice	1. Annual surveys on the training needs of actors of the justice sector, carried out; 2. Developed study with formulated recommendations; 3. Training programmes, developed and implemented; 4. Modern training methods, developed.
1.3.3. Ensure the specialization of judges on specific cases and examine the opportunity of creating a system of administrative courts.						Superior Council of Magistrates Ministry of Justice National Institute of Justice	1. Developed study with the formulated recommendations; 2. Developed criteria for the periodical evaluation of performances; 3. Training courses for the specialization of judges, on-going.
1.3.4. Unify the system facilitating the access to the judge profession						Superior Council of Magistrates National Institute of Justice Ministry of Justice	1. Developed draft amendments to the regulatory framework; 2. Developed and adopted Regulations of the Superior Council of Magistrates;
1.3.5. Create a system of periodical evaluation of the performance of actors in the justice sector based on clear, objective and transparent criteria.						Superior Council of Magistrates The courts Superior Council of Prosecutors Unions of liberal professions of the justice sector	1. Developed study with the formulated recommendations; 2. Developed criteria for the periodical evaluation of performances; 3. Draft internal regulations of the actors of justice sector, developed and implemented; 4. Evaluation of all judges according to the new performance criteria; 5. Report analysing the implementation of the evaluation criteria.

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1.3.6. Create mechanisms to measure the performance of the judiciary through surveys among the litigants (feed-back)						Superior Council of Magistrates	<ol style="list-style-type: none"> 1. Developed methodology; 2. Developed study to evaluate the performance; 3. Results of the surveys, synthetized and published.
1.3.7. Strengthen the role of judicial inspection and clarify its powers.						Superior Council of Magistrates Ministry of Justice	<ol style="list-style-type: none"> 1. Developed study with the formulated recommendations; 2. Developed draft amendments to the regulatory framework; 3. Amended Regulations of the Superior Council of Magistrates. 4. Powers of the respective institution, reviewed.
1.3.8. Review the range of disciplinary deviations and of the disciplinary procedure pursuing their adjustment to the realities of the system and to the European standards.						Superior Council of Magistrates Ministry of Justice	<ol style="list-style-type: none"> 1. Developed study with the formulated recommendations; 2. Developed draft amendments to the regulatory framework; 3. The range of disciplinary deviations has been revised and adjusted; 4. The new mechanism referring to the examination of disciplinary accountability has been implemented.
1.3.9. Reform of the judge immunity institution to ensre only the operational imunity						Superior Council of Magistrates Ministry of Justice	<ol style="list-style-type: none"> 1. Developed study with the formulated recommendations; 2. Developed and adopted draft amendments to the regulatory framework; 3. Immunity for contraventions has been excluded.
1.3.10. Strengthen the judicial system via the introduction of the judge assistant position and change the registrar status and duties						Superior Council of Magistrates The courts Ministry of Justice National Institute of Justice	<ol style="list-style-type: none"> 1. Developed study with the formulated recommendations; 2. Developed and adopted draft amendments to the regulatory framework; 3. The position of the judge assistant has been introduced; 4. Revised tasks of the court registrar; 5. Developed Curriculum for the initial and continuous education;

PILLAR 2. Criminal justice

***Specific objective:* streamline the process of interlocutory investigations to ensure compliance with human rights, security of every person and diminish the criminality level**

Addressing criminal justice in the Republic of Moldova through this Strategy was focused on five strategic directions: 2.1. Review the concept and the phase of interlocutory procedure phase; 2.2. Enhance professionalism and independence of the prosecution bodies; 2.3. Strengthen individual and institutional capacity to investigate crimes; 2.4. Modernize the system of collecting statistical data and evaluation of professional performance at the individual and institutional level; 2.5. Humanization of the criminal policy and strengthening of the mechanism for ensuring the rights of victims. A list of specific intervention areas for each strategic direction was developed, as specified in the tables below.

One of the problems related to the interlocutory stage is the lack of a concept and a clear procedure, given that the powers of the prosecution bodies are not clearly defined, while the criminal procedure law is contradictory in some respects. There is a *de facto* distinction between the hierarchical subordination of the prosecution to their administrative superiors in terms of professional development and disciplinary matters, on the one hand, and operational subordination of the prosecution to the same persons in the context of specific criminal cases, on the other. Similarly, there are cases of doubling of the powers of several criminal prosecution bodies, which leads to a certain chaos in the system.

For these reasons it is necessary to take intervention actions aimed at: improving the criminal procedure law to exclude duplication of powers, strengthening the status and powers of the prosecution, especially the status of the Ministry of Internal Affairs and revision of the status of the Centre for Combating Economic Crimes and Corruption.

2.1. Review the concept and procedure of the interlocutory phase

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
2.1.1. Optimize the institutional, organizational and operational framework consolidation of the Ministry of Internal Affairs						Ministry of Justice Ministry of Internal Affairs	1. Implemented Concept of the reform of the Ministry of Internal Affairs; 2. Developed and adopted draft amendments to the regulatory framework.
2.1.2. Review the statute of the Centre for Combating Economic Crimes and Corruption						Ministry of Justice Centre for Combating Economic Crimes and Corruption	1. Developed and adopted Concept for revision of the statute of the Centre for Combating Economic Crimes and Corruption; 2. Developed and adopted draft amendments to the regulatory framework.

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2.1.3. Clarify the role and powers of the prosecution bodies and other criminal investigation bodies, who carry out operative investigation activities						Ministry of Justice General Prosecutor's Office Bar Association	1. Developed Concept for the pre-judiciary phase; 2. Developed draft amendments to the Code of Criminal Procedure and to other legal acts; 3. Developed and adopted draft amendments to the institutional framework and a developed Plan of implementation.
2.1.4. Optimize the operative investigation and criminal prosecution						Ministry of Justice General Prosecutor's Office	1. Developed study and formulated recommendations; 2. Developed and adopted draft amendments to the regulatory framework; 3. Clarified ratio between activities to be carried out by operative investigation bodies and the ones carried out by criminal investigation; 4. Trainings carried out for the personnel of relevant authorities.
2.1.5. Improve the Criminal Procedure Law to exclude the existent contradictions between the Law and the standards for the protection of human rights and fundamental freedoms.						Ministry of Justice General Prosecutor's Office Ministry of Internal Affairs Centre for Combating Economic Crimes and Corruption Customs Service	1. A Survey evaluating the performance of the criminal justice system from the point of view of the ECHR jurisprudence has been carried out and recommendations have been formulated; 2. Proposals of amendments to the legal and institutional frameworks have been developed.

Expected results:

- An efficient and effective criminal investigation procedure complying with international standards;
- Legislation on criminal procedure adjusted to European standards.

2.2. Strengthening professionalism and independence of the prosecutor's office

Currently there is a lack of functional independence of prosecutors from superiors to consider cases, a fact conditioned by the so-called statutory principle of "unconditional subordination" and by a vertical style of system management. Subordinate prosecutors enjoy a rather illusory right to require written instructions in order to potentially contest any of them. At the same time, according to the results of a comparative analysis to other

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European countries, the Republic of Moldova has a relatively large number of prosecutors per capita, this being the reason to conduct a study in order to clarify the personal needs of the prosecution bodies in order to optimize the number of prosecutors. Another shortcoming is the insufficient capacity of prosecutors to exercise their office powers due to lack of independence, skills, expertise and appropriate training. An important role in the prosecution system is held by the Superior Council of Prosecutors, a body the basic function of which is to ensure effective management of the prosecution institution. The current rules are sometimes vague and sometimes even as regards the regulation of the status of the Superior Council of Prosecutors.

Taking into account the things mentioned above it is obvious that there is need for specific interventions aimed at: amending legislation for the purpose of giving real internal independence for prosecutors by excluding possibilities of illegal instruction, including verbal ones, given by prosecutors they subordinate to; reviewing the procedure by which the prosecutors authorize the actions of subordinated prosecutors; providing specialization prosecutors as regards specific cases for and examining the opportunity of operation for specialized prosecutor's offices; establishing some clear and transparent criteria and procedure for the selection, appointment and promotion of prosecutors; reviewing the procedure of appointing the Attorney General; review the rules on prosecutors' liability and exclusion of their general immunity; strengthening the capacity of the Superior Council of Prosecutors and changing legislation in this regard.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
2.2.1. Review the procedure for the appointment of the Attorney General and his deputies and establish clear and transparent criteria for the selection of candidates to these functions						Ministry of Justice General Prosecutor's Office	1. Adopted draft amendment to the Constitution; 2. Adopted draft amendments to the regulatory framework, 3. Developed and adopted criteria for the selection of candidates to General Prosecutor's position and to deputies of the General Prosecutor.
2.2.2. Establish clear and transparent criteria and procedure for the selection, appointment and promotion of prosecutors.						Superior Council of Prosecutors	1. Developed study and formulated recommendations; 2. Developed draft amendments to the regulatory framework; 3. Developed and approved new criteria for the selection, appointment and promotion of prosecutors; 4. New institutions for the selection, appointment and promotion of prosecutors have been created.
2.2.3. Capacity building for the Superior Council of Prosecutors in						Superior Council of Prosecutors	1. Developed and adopted draft amendments to the regulatory framework;

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view of ensuring an efficient administration of the prosecutor's office.							2. Adequate budget, personnel and regulatory framework allocated to the Superior Council of Prosecutors. 3. Training courses for the members and personnel of Superior Council of Prosecutors, held.
2.2.4. Define clearly competences of the prosecution bodies						Ministry of Justice Attorney General's Office	1. Developed study and formulated recommendations. 2. Developed and adopted draft amendments to the regulatory framework. 3. Developed system of prosecutors' specialization. 4. Training courses for the specialization of prosecutors, held. 5. Modified structure of the prosecution bodies.
2.2.5. Ensure the specialization of prosecutors on specific cases and examine the opportunity of operation in case of specialized prosecutor's offices.						Attorney General's Office	1. Developed study and formulated recommendations; 2. Developed draft amendments to the regulatory framework;
2.2.6. Examine staff requirements of the prosecution bodies and develop proposals for the optimization of the number of prosecutors.						Superior Council of Prosecutors Attorney General's Office	1. Developed study and formulated recommendations; 2. Developed draft amendments to the regulatory framework.
2.2.7. Re-examine the mechanism of funding the prosecution bodies						Superior Council of Prosecutors Attorney General's Office	1. Developed study and formulated recommendations; 2. Reviewed mechanism of funding the prosecutor institutions.
2.2.8. Demilitarize the prosecutor's office institution, including the examination of the opportunity to provide the prosecutors with the magistrate status.						Superior Council of Prosecutors Attorney General's Office	1. 1. Developed study and formulated recommendations; 2. Developed and adopted draft amendments to the regulatory framework; 3. Demilitarized prosecutor institution.
2.2.9. Ensure the creation of a mechanism that would help exclude the possibility for the hierarchically superior prosecutors to give illegal instructions to the subordinated prosecutors; ensure the internal						Ministry of Justice Superior Council of Prosecutors Attorney General's Office	1. Developed study and formulated recommendations; 2. Developed and adopted draft amendments to the regulatory framework.

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independence of all prosecutors							
2.2.10. Re-examine the accountability rules for prosecutors and exclude their general immunity						Ministry of Justice Attorney General's Office Superior Council of Prosecutors	1. Developed study and formulated recommendations; 2. Developed and adopted draft amendments to the regulatory framework.

Expected results:

- Strengthened role, statute and capacities of the self administration bodies of the prosecutor's office;
- Optimised human resources of the prosecutor's office;
- An independent system of the prosecution bodies exercising their competencies;
- Revised procedure for the appointment of the General Prosecutor;
- Revised mechanism of funding the prosecution bodies;
- Established criteria and procedure for the selection, appointment and promotion of prosecutors;
- Operational system of prosecutors' accountability.

2.3. Professional capacity building at individual and institutional levels in issues dealing with crime investigations

The insufficient capacity of the prosecution bodies, including lack of skills and appropriate training, is one of the reasons for the ineffective investigation and prosecution. The evaluation report states that the law enforcement and prosecution bodies, as well as the criminal justice system in Moldova overall, face difficulties in the application of the special investigative techniques (operative), which are used in combating organized, latent or sophisticated forms of offenses, including corruption offenses. This is due to the out-dated legal framework, especially Law No. 45-XIII of April 12 1994 on Operative Investigations, as well as the non-transparent practice of implementing this law. As a result, the special investigative activities undermines the criminal justice system in the Republic of Moldova, reducing its efficiency and exhibiting inability to comply with relevant human rights standards such as the requirement for clarity and predictability of the regulatory framework (*the case Iordachi and Others vs. Moldova* examined at the ECHR).

Specific interventions have to be carried out to improve the situation in this area: implementation of some modern methods of investigation and criminal prosecution; amend the legislation and appropriate training of persons involved in these processes; specialize the actors of the interlocutory phase and, if necessary, conducting criminal investigations within some interdepartmental groups; strengthen the capacity of the judicial expertise centers.

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Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
2.3.1. Implement some modern methods of criminal investigation and prosecution (information technologies, modern expertise etc.)						General Prosecutor's Office Ministry of Internal Affairs Centre for Combating Economic Crimes and Corruption Customs Service Information and Security Service	1. Implemented modern methods of criminal investigation and prosecution; 2. Trainings organized and held for the personnel of the interested institutions.
2.3.2. Enhance professional capacities of persons involved in activities of criminal investigation and prosecution.						National Institute of Justice Ministry of Internal Affairs Information and Security Service Centre for Combating Economic Crimes and Corruption Customs Service	1. Training curricula developed and implemented; 2. Trainings carried out for persons involved in criminal investigation and prosecution activities.
2.3.3. Enhance capacities and reconsider the place and role of the judicial expertise centers						General Prosecutor's Office Ministry of Internal Affairs Centre for Combating Economic Crimes and Corruption Customs Service Information and Security Service	1. Developed study and formulated recommendations. 2. Developed and adopted draft amendment to the regulatory framework. 3. Reformed judicial expertise centres.
2.3.4. Criminal prosecution within an inter-departmental team ("task-force group") if necessary; streamline the criminal prosecution.						General Prosecutor's Office Ministry of Internal Affairs Centre for Combating	1. Amendments carried out to the regulatory framework; 2. Interdepartmental norms developed and implemented.

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						Economic Crimes and Corruption Customs Service	
2.3.5. Improve the professional skills of the actors of the interlocutory phase, by providing specialization for the latter.						General Prosecutor's Office Ministry of Internal Affairs Centre for Combating Economic Crimes and Corruption Customs Service	1. Developed study and formulated recommendations; 2. Developed system for the specialisation of the pre-judicial phase actors; 3. Courses for the specialisation of the pre-judicial phase actors have been carried out.

Expected results:

- Strengthened professionalism of persons involved in activities of criminal investigation and prosecution;
- Consolidated capacity of the judicial expertise centres;
- Efficient and modern criminal prosecution procedure.

2.4. Modernize the statistical data collection system and the professional performance evaluation system at the individual and professional levels

Current systems of statistical data collection and professional performance evaluation are out-dated and inefficient. Nowadays, every prosecution body collects its own statistics; this is the reason why the statistical results on the same indicator may not be the same in case of all prosecution bodies. One of the main problems related to data collection is the lack of analysis. Another major problem with the criminal justice system is the lack of clear and effective performance indicators, which would express the needs of the system. Current performance indicators related to the objectives of criminal investigation and law enforcement are imperfect, undue importance being offered to the indicators on the number of detected and investigated offenses.

The report prepared by the Soros -Moldova Foundation on "Criminal justice performance in terms of human rights. Assessment of the transformation process of the criminal justice system in the Republic of Moldova" reads: "The overall impression from interviews is that the investigators continue to perceive as the main indicator of their work the number of solved offenses that they must report monthly to their supervisors. This is an out-dated term that refers to the materials of cases submitted to the prosecutor regardless of the examination result by the prosecutor of the case materials. Almost all investigators have said that this performance measure was ineffective, some even considering it as counterproductive". The same report reads: "The prosecution does not seem to have comparable performance indicators, but nevertheless it bears the strain to finalize cases quickly, in order to meet the speed requirement of the prosecution. Therefore, at the end of each month, they have to explain why some cases take longer periods of follow-up". For this reason, it is imperative to review the way of setting and evaluating the performance indicators of the bodies involved in the criminal justice.

In the context of the problems mentioned above, some specific actions must be undertaken oriented towards: standardising the procedures for collecting and analysing statistical data related to the criminal justice; modernizing the statistical data collection; implementing a functional electronic system of keeping record of offenses; training of actors of the interlocutory phase in order to use electronic systems.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
2.4.1. Ensure electronic filling and examine the opportunity of electronic dissemination of complaints concerning offences						General Prosecutor's Office Ministry of Internal Affairs Centre for Combating Economic Crimes and Corruption Customs Service	1. Developed study with formulated recommendations. 2. Developed and adopted draft amendment to the regulatory framework. 3. Developed and implemented system for electronic filling and recording of offences.
2.4.2. Revised and uniform methods in criminal justice for the statistical data collection and						Centre for Special Telecommunications General Prosecutor's	1. Developed study and formulated recommendations; 2. Modified and uniform process of statistical data

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procession.						Office Ministry of Internal Affairs Centre for Combating Economic Crimes and Corruption Customs Service Information and Security Service National Bureau of Statistics	collection and procession in the criminal justice.
2.4.3. Modification of performance indicators for bodies involved in criminal justice execution and their staff to ensure the observance of human rights.						General Prosecutor's Office Ministry of Internal Affairs Centre for Combating Economic Crimes and Corruption Customs Service	1. New system of performance indicators developed and tested at the institutional and individual levels; 2. Diversified system for performance assessment developed, tested and applied at the institutional and individual levels, also envisaging assessment of the public opinion on a permanent basis.

Expected results:

- An equidistant and objective system for collection and procession of statistical data referring to the criminal justice;
- Performance indicators and an assessment system for the individual and institutional levels stimulating an efficient activity of bodies / staff of the criminal justice, ensuring the latter's observance of human rights.

2.5. Human friendly criminal policy and strengthening of the mechanism of ensuring the rights of victims

The humanization of the criminal policy, strengthening of the mechanism for ensuring the rights of victims and effective juvenile justice are on-going processes, not yet consolidated and finalized.

The humanization of criminal policy is a priority for the Government, with steps undertaking in this direction by amending the Criminal Code in 2009, but this process should be continued, because the criminal law of the Republic of Moldova establishes harsh penalties compared to the criminal law of other European countries, while the prison overcrowding is still an issue even today.

For these reasons it is necessary to undertake some actions of systemic and sustainable intervention, which will be focused on: the liberalization of criminal policy; broad application of simplified procedures; improving the protection mechanism for the offence victims.

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Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
2.5.1. Liberalization of criminal policies through use of penalties and prevention and non-custodial measures for certain categories of persons and certain offences						Ministry of Justice General Prosecutor's Office	1. Developed study regarding the applied criminal sanctions; 2. The Criminal Code, the Criminal Procedure Code and other normative acts amended in conformity to recommendations, while the amendments are adopted.
2.5.2. Create conditions for a larger application of simplified procedures						Ministry of Justice General Prosecutor's Office	1. Study on the application of simplified procedures; 2. Draft amendment to the regulatory framework, developed and adopted; 3. Mechanisms ensuring the application of simplified procedures, implemented. 4. Methods of alternative case solving, applied.
2.5.3. Strengthen the mechanism of ensuring the right of the offence victims.						General Prosecutor's Office National Institute of Justice Bar Association Ministry of Labour, Social Protection and Family Ministry of Justice	1. Developed study and formulated recommendations. 2. Draft amendment to the regulatory framework, developed and adopted; 3. Mechanisms ensuring the victims' rights, implemented.

Expected results:

- Revised criminal procedures;
- Simplified procedures and non-custodial sanctions in all relevant cases;
- Ensured rights of the offence victims.

PILLAR 3. Access to justice and enforcement of court decisions

Specific objective: Improve the institutional framework and processes that ensure effective access to justice: effective legal aid, case examination and enforcement of court decisions in reasonable time, upgrade the status of some professions related to the justice system.

3.1. Strengthen the system of State Guaranteed Legal Assistance (SGLA)

Providing state-guaranteed legal assistance to those who lack financial resources to contract a lawyer is one of the main means of ensuring access to justice. To facilitate real access to justice for those who cannot hire a lawyer, the state-guaranteed legal aid must be accessible and qualitative. The Republic of Moldova does not yet offer litigants a state guaranteed legal assistance system, the range of the services offered being limited, while the quality is sometimes below expectations. This problem will become even more acute as of 2012, when only lawyers will be able to go to court and this might make the cost of their services grow significantly. Another problem of the state-guaranteed legal assistance system is the low administrative capacity of the National Council for State Guaranteed Legal Assistance. The Council does not have a permanent administrative staff, the only person who provides the technical-material activity is a specialist of the Ministry of Justice, responsible as well for duties within the ministry. This support is insufficient to ensure normal and effective operation of the National Council for State Guaranteed Legal Assistance.

In order to strengthen the state guaranteed legal assistance system, the Strategy focuses on: qualitative implementation of the legal provisions in force on State Guaranteed Legal Assistance and diversifying different kinds of the state guaranteed legal assistance; the allocation of adequate financial resources corresponding to the real needs of the state guaranteed legal assistance system; maintaining the institution of public defenders and increase their number; development and implementation of various mechanisms for promotion of the legal culture.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
3.1.1. Strengthen the capacity for organization and management of the SGLA system						Ministry of Justice Ministry of Finance National Council for State Guaranteed Legal Assistance Field offices of NCSGLA	1. Draft amendment to the regulatory framework, developed and adopted; 2. Administrative office of the National Council for State Guaranteed Legal Assistance, established; 3. Personnel of the field offices proportional to system needs.
3.1.3. Improve the quality of SGLA services (criminal and non-criminal cases)						National Council for State Guaranteed Legal Assistance Field offices of NCSGLA Bar Association	1. Mechanism for improving the quality of SGLA services, developed and implemented. 2. Survey on the financial needs and the way to provide SGLA services, carried out and formulated recommendations. 3. Mixed SGLA system through public lawyers and lawyers providing SGLA on request, implemented.

							<p>4. Financial means allocated for SGLA according to the real needs of the system.</p> <p>5. Training public lawyers and other lawyers who provide SGLA on request, ensured.</p>
3.1.5. Promote legal culture and access to the legal information; reduce legal nihilism						<p>National Council for State Guaranteed Legal Assistance</p> <p>Ministry of Justice</p> <p>external donors</p>	<p>1. Legal education campaigns, including the involvement of the NGOs in some public-private partnerships, carried out.</p> <p>2. Primary legal assistance system through an operational network of para-jurists at the rural community level, which includes the social workers too, created and operational.</p> <p>3. Mechanisms of primary legal assistance for some categories of vulnerable persons in urban areas, tested.</p>

Expected results:

- The work of the National Council of State Guaranteed Legal Assistance improved;
- SGLA services accessible, diversified and qualitative;
- Increased level of legal culture;
- Operational mechanisms of primary legal assistance.

3.2. Building institutional capacity and professional development of representatives of justice related professions (lawyers, notaries, mediators, bailiffs, legal experts, administrators of insolvency proceedings, translators/interpreters)

The Strategy assumes that the judiciary cannot effectively operate without the work of a number of professionals who would contribute to performing justice. The Strategy includes the following categories of professionals whose jobs are related to the justice system: lawyers, notaries, mediators, bailiffs, legal expert, managers of insolvency proceedings and translators/ interpreters. The main problems related to the work of these professions in the Republic of Moldova are: (1) quality of provided services and (2) their organization as a profession or a professional group. Both issues are interrelated. The efficient organization of these professions is an essential prerequisite for ensuring the quality of the services, because only in an organized group it is possible to apply the quality assurance mechanisms (stimulatory or disciplinary measures, organizing training courses, systems to ensure civil liability and other relevant measures). On the other hand, the qualitative services require an appropriate level of remuneration. In particular, if these services are paid by the state, the costs must be real and well reasoned. At present, not all listed occupations have organizational capacities to ensure the quality of services provided by their representatives to negotiate with the state the rates based on well-reasoned arguments.

This Strategy provides strengthening the organizational capacity of the professions related to the justice system so that they engage proactively in developing some operational mechanisms to ensure the quality of provided services.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
3.2.1. Encourage capacity building of representatives of the justice related professions at the level of professional unions, with special emphasis on “leadership”						Ministry of Justice Self-administration bodies of the justice system related professions	1. Study on the functioning of each profession developed, recommendations formulated; 2. Draft amendments to the legal framework, developed and approved; 3. Including representatives of justice related professions in processes related to justice reform.
3.2.2. Develop quality standards for services provided by representatives of justice related professions						Ministry of Justice Self-administration bodies of the justice system related professions	1. Quality standards developed; 2. Quality assurance mechanisms developed and implemented.
3.2.3. Initiate integrated, clear and precise mechanisms for criteria and methods of calculation of payments for services						Ministry of Justice Ministry of Finance Self-administration bodies of the justice system related professions	1. Study on the current mechanisms developed, recommendations formulated; 2. Recommendations and/or regulations for determining payments for services, developed and adopted.
3.2.4. Establish clear and transparent criteria for accession to professional bodies, based on merits,						Ministry of Justice Self-administration bodies of the justice system related professions	1. Study on access to each profession developed, recommendations formulated; 2. Draft amendments to the legal framework developed and approved.
3.2.5. Provide initial and continuing training to representatives of justice related professions, including the shared continuous training, extending the						Ministry of Justice National Institute of Justice Self-administration bodies of the justice	1. Initial and continuous training programme developed and implemented (for each profession); 2. Initial and continuous training courses conducted.

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role of the NIJ in this process						system related professions	
3.2.6. Promote and implement ethical standards for justice system related professions						Ministry of Justice Self-administration bodies of the justice system related professions	Standards/codes of ethics developed, adopted and implemented for each profession.
3.2.7. Strengthen the professional liability insurance system						Ministry of Justice Self-administration bodies of the justice system related professions (including procurement of services)	1. Comparative study on liability insurance models – developed, recommendations formulated; 2. Professional liability insurance system implemented; 3. Monitoring mechanism for the professional liability insurance system established.
3.2.8. Strengthen the disciplinary mechanisms						Ministry of Justice Self-administration bodies of the justice system related professions	1. Study developed and recommendations formulated; 2. Draft amendments to the legal framework developed; 3. Disciplinary mechanism – in place for each justice system related profession.
3.2.9. Establish a uniform tax system for social and medical insurance for the justice system related professions						Ministry of Justice Self-administration bodies of the justice system related professions	1. Study developed and recommendations formulated; 2. Draft amendments to the legal framework, developed and adopted; 3. Methodological recommendations on the tax regime, social and medical insurance for the representatives of the justice system related professions, developed.

Expected results:

- Justice system related professions - (lawyers, notaries, mediators, bailiffs, legal experts, administrators of insolvency proceedings, translators/interpreters) - independent, able self-regulate and provide quality services;
- Improved systems of ensuring criminal and disciplinary liability.

3.3. Effective enforcement of court decisions judgments

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Non-enforcement of court decisions is a systemic problem in the Republic of Moldova, found in a series of decisions of the European Court of Human Rights. In 2010, the Enforcement Code has been amended and Law 113 of 17 June 2010 on Bailiffs was passed. As a result, the enforcement of court decisions has been reshaped and a system of private bailiffs was created. The main purpose of these amendments is to ensure effective enforcement of judgments. The period of the implementation of changes is still insufficient to allow an assessment of these changes and to identify impediments in achieving the desired outcome.

The Strategy provides for: the need to strengthen institutionally the system of private bailiffs; ensure the necessary conditions for the operation of bailiffs; evaluating current regulatory framework impact on the enforcement of court decisions and the mechanism for implementing these decisions, including decisions of the ECHR; developing draft laws and policies substantiated with empirical data for strengthening the newly created system.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
3.3.1. Assess the impact of the current regulatory framework on the enforcement of court decisions and the mechanism for implementing these decisions, including ECHR decisions.						Ministry of Justice National Union of Bailiffs	1. Impact assessment carried out; 2. Draft amendments to the legal framework developed and adopted.
3.3.2. Institutional capacity building of the new private system for enforcement of court decisions						Ministry of Justice National Union of Bailiffs	1. Draft amendments to the legal framework developed; 2. Bailiffs' self-administration bodies created and strengthened.
3.3.3. Improve information management and communication system by providing access to databases						Ministry of Justice National Union of Bailiffs Database managing authorities	1. Legal framework to ensure access to databases, developed and adopted; 2. Access to databases, provided.
3.3.4. Ensure compliance with reasonable deadlines in the enforcement of court decisions						Ministry of Justice Ministry of Finance National Union of Bailiffs	The mechanism for ensuring compliance with reasonable deadlines in the enforcement of court decisions, improved.
3.3.5. Improve the mechanism for recognition and enforcement of foreign court decisions.						Ministry of Justice National Union of Bailiffs	1. Study developed and recommendations formulated; 2. Mechanism for recognition and enforcement of foreign court decisions, improved.

Expected results:

- The system of enforcement of court decisions in civil cases operates efficiently;
- Enforcement of judgments is improved.

PILLAR 4. Strengthening the integrity of justice sector actors by promoting anti-corruption measures and standards of professional ethics

Specific objective: promote and implement the principle of zero tolerance for the corruption events in the justice system

The actions meant to help strengthen the integrity of the justice sector actors by promoting anti-corruption measures and standards of professional ethics will be focused on the following strategic directions: 4.1. Efficient fight against corruption in the justice sector, 4.2. Strengthen implementation of ethical standards and anti-corruption conduct in all justice sector institutions; 4.3. Developing a culture of intolerance towards corruption through self-administration bodies in the justice sector.

4.1. Efficient fight against corruption in the justice system

The evaluation report found possible causes of this situation in the justice sector, such as: insufficient use of the system of filing statements on income and property; failure to implement criminal and non-criminal methods of fighting corruption, of patrimonial methods to combat corruption; cooperation deficiencies between agencies and in applying “special (operational) investigation techniques” against allegedly corrupt officials, especially from representatives of the judiciary; the low level pay of broad categories of civil servants compared to the private sector etc.

To ensure effective prevention and fight against corruption in the justice sector precise and harsh interventions are necessary aimed at: increasing the wages of relevant actors in the justice sector; trigger real and effective implementation of the mechanisms for verifying the statements on income and property and declarations of personal interests of the justice sector actors, of the control mechanisms on compliance with the legal regime of incompatibilities and conflicts of interest; introducing new mechanisms and types of liability for persons involved in corruption acts; providing of new measures to prevent any spread of corruption in the judiciary; excluding the human factor as much as possible from the administrative management processes of the justice sector and application of modern technologies; introducing some clear regulations on the compulsory statement concerning illegal influences exerted on representatives of the justice sector; strengthening institutions responsible for ensuring the internal integrity and security.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation status
	12 months	24 months	36 months	48 months	60 months		

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4.1.1. Increase substantially the salaries of the justice sector actors and simplify criteria for calculating salaries						Ministry of Justice Ministry of Finance Ministry of Labour, Social Protection and Family	1. Draft amendment to the new legal framework on the statement on incomes, property and personal interests, developed and adopted; 2. Substantial salary increase of the justice sector actors.
4.1.2. Strengthen the mechanism of verification of income and property statements, personal interest statements, control over the compliance with the legal provisions on the conflict of interests and the regime of incompatibilities imposed on persons in a public office, judges, prosecutors, civil servants and persons in leadership positions.						Ministry of Justice Main Ethics Commission Ministry of Finance Centre for Combating Economic Crimes and Corruption Superior Council of Magistrates Superior Council of Prosecutors	1. Draft amendment to the legal framework on the statement on incomes, property and personal interests, developed and adopted; 2. Capacity building for the authorities responsible for verifying the statements on income and properties, statements on personal interests and regime of incompatibilities; 3. Increase public trust in the authorities responsible for verifying the statements on income and properties, statements on personal interests and regime of incompatibilities
4.1.3. Review the legal framework to discourage corruption in the justice sector and punish more severely offences related to corruption; increase effectiveness of the judicial coercion						Ministry of Justice Centre for Combating Economic Crimes and Corruption General Prosecutor's Office, Supreme Court of Justice Ministry of Internal Affairs	1. Draft amendment to the legal framework for a more punishing more severely the corruption related offences, developed and adopted; homogenization of the legal practice; 2. Survey showing decreased willingness of the public to commit acts of corruption; 3. Number of people convicted for corruption related offences.
4.1.4. Substantially increase the salaries of justice sector actors and simplification of criteria for calculating salaries (work experience, base salary, administrative position and level of court)						Ministry of Justice Ministry of Finance Ministry of Labour, Social Protection and Family	1. Drafting the new legal framework on remuneration of justice sector actors; 2. Substantially increase the salaries of justice sector actors.
4.1.5. Clear regulation of the behaviour of judges, prosecutors, criminal investigators, lawyers and bailiffs in relation to other people in order to fight corruption; create a mechanism to ensure						Superior Council of Magistrates General Prosecutor's Office Centre for Combating Economic Crimes and	1. Draft regulatory framework, developed and adopted. 2. Establish an operational mechanism to report on corruption within the institution. 1. Developed study with formulated recommendations.

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incorruptible behaviour						Corruption National Institute of Justice “Stefan cel Mare” Police Academy Bar Association Ministry of Justice	2. Draft regulatory framework, developed and adopted. 3. Prevention instruments, created and effectively implemented.
4.1.6. Capacity building for units responsible for ensuring internal security						Superior Council of Magistrates General Prosecutor’s Office Centre for Combating Economic Crimes and Corruption Ministry of Internal Affairs Ministry of Justice	1. Draft regulatory framework, developed and adopted. 2. Training the staff of the units responsible for ensuring internal security; 3. Informing the society about the units responsible for internal security.

Expected results:

- A justice sector that is intolerant of and discourages corruption;
- An effective mechanism to prevent and combat corruption in the justice sector;
- Predisposition of the public to commit acts of corruption is lower.

4.2. Strengthen the mechanisms of implementation of ethical standards and anti-corruption conduct in all institutions of the justice sector

Existence of some ethical and conduct standards is a compulsory prerequisite for the corruption prevention process. Most of the justice sector actors have developed ethical standards for their professions. Although some sets of ethical standards are in force for many years, their acceptance and practical application does not seem to be widely spread, event those concerned by them do not know them and do not respect them. Significant deficiencies are also noticed concerning the monitoring on the part of the self-management as regards the way the anti-corruption ethical and conduct requirements are respected by the justice sector representatives; this is also true for the justice sector actors as regards the accountability for violations of ethical standards; also true as regards the insufficient involvement of the civil society in monitoring the ethical behaviour of the justice sector actors etc.

The evaluation report noted the lack of clarity and predictability of the requirements under the codes of professional conduct and ethics of the justice sector actors as one of the causes of the spread of corruption in this sector.

Draft for public consultation

To strengthen and extend the application of anti-corruption ethical and conduct standards in the justice sector a number of specific interventions are necessary focusing on: promotion and awareness of the rules of professional ethics on the part of the justice sector actors; development and harmonization of ethical standards for all actors in the justice sector; capacity building for bodies responsible for compliance with professional ethics and the self-enforcement bodies of the professions; wider involvement of the society in the process of monitoring the compliance with ethical norms.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
4.2.1. Standardize and refine ethical standards for all actors in the justice sector						Ministry of Justice Centre for Combating Economic Crimes and Corruption Superior Council of Magistrates General Prosecutor's Office Ministry of Internal Affairs State Chancellery Unions of professions related to the justice sector	Improving and standardizing the provisions of codes of ethics
4.2.2. Regular training of justice sector actors in the field of professional ethics						National Institute of Justice "Stefan cel Mare" Police Academy	1. Training courses organized and conducted; 2. Justice sector actors trained in professional ethics.
4.2.3. Improve the mechanisms for respecting the professional ethics and capacity building of bodies responsible for observing professional ethics						Ministry of Justice Centre for Combating Economic Crimes and Corruption Superior Council of Magistrates Superior Council of Prosecutors Ministry of Internal Affairs	1. Draft amendments to the legal framework developed and adopted; 2. Number and results of disciplinary proceedings.

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4.2.4. Public awareness campaigns on the professional ethics of justice sector actors						Ministry of Justice Centre for Combating Economic Crimes and Corruption Superior Council of Magistrates Superior Council of Prosecutors Ministry of Internal Affairs	Number of public awareness campaigns conducted
4.2.5. Involve the society in monitoring the compliance with the professional ethics of justice sector actors						Centre for Combating Economic Crimes and Corruption Superior Council of Magistrates General Prosecutor's Office Supreme Court of Justice Ministry of Internal Affairs	1. Mechanisms of involving civil society members society in monitoring the compliance with the professional ethics of justice sector actors; 2. Draft amendments to the legal framework developed and adopted.

Expected results:

- A justice sector with clear and uniform regulations on ethical standards;
- Effective mechanisms for enforcing professional ethics;
- A well informed society about the professional ethics of justice sector actors;
- High professionalism of employees of the bodies responsible for compliance with professional ethics;
- Civil society involved in the process of monitoring compliance with professional ethics.

4.3. Develop a culture of intolerance to corruption by self-management institutions from the justice sector

The spirit of intolerance towards all manifestations of corruption is to be inoculated not only to the whole, but especially to bodies of the justice sector. As long as the manifestations of corruption are accepted as an element of normality even by the actors in the justice sector the development of this phenomenon reaches alarming connotations and erodes the very essence of the rule of law. The high degree of corruption spread within the justice sector is noticed in many evaluation reports drawn by the national and international institutions. The fact that justice in the Republic of Moldova is seriously affected by corruption was also recognized by a Parliament declaration on the state of justice in the Republic of Moldova and the actions needed to improve the situation of the judiciary (Parliament Resolution No. 53-XVIII of October 30, 2009).

Draft for public consultation

Among the main causes of the spread of corruption in the justice sector the assessment report cited the following: insufficient and ineffective exercise of the role of regulation and control by the Superior Council of Magistrates; the total lack of capacity of the investigation and judicial bodies in the anti-corruption sector the results of which are daunting; lack of skills, competencies, training and leadership qualities.

In order to improve the alarming state of affairs in this area it is necessary to carry out some specific interventions on the following dimensions: dissemination of best practices regarding strengthening the integrity of the justice sector actors; develop training components to deter the justice sector actors to engage in corruption acts; introduce at the legal and practical levels some non-traditional measures to promote corruption intolerance; ensure a greater degree of openness of the justice sector to society, including dissemination of information regarding the causes of corruption and people punished for involvement in corruption acts.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
4.3.1. Conduct periodic training courses for the justice sector actors on combating corruption						Centre for Combating Economic Crimes and Corruption National Institute of Justice “Stefan cel Mare” Police Academy	1. Curriculum developed; 2. Trainings conducted and number of trained actors.
4.3.2. Develop and implement measures to encourage the justice sector actors to promote honest behavior and develop a culture of intolerance to corruption						Superior Council of Magistrates Superior Council of Prosecutors Ministry of Internal Affairs Centre for Combating Economic Crimes and Corruption	1. Developed study and formulated recommendations; 2. Draft amendments to the legal framework developed and adopted. 3. Encouragement measures, developed and applied.
4.3.3. Strengthen the system of the integrity warnings (inside and outside the sector)						Superior Council of Magistrates Supreme Court of Justice Superior Council of Prosecutors General Prosecutor’s	1. Study developed and recommendations formulated; 2. Draft amendments to the legal framework developed and adopted. 3. The mechanism of the warning regime operation, created and implemented.

Draft for public consultation

						Office Centre for Combating Economic Crimes and Corruption Ministry of Internal Affairs	
4.3.4. Publish and disseminate court decisions on sentencing justice sector actors for corruption acts						Superior Council of Magistrates Ministry of Justice	1. Draft amendments to the legal framework developed and adopted. 2. Site created and operational; 3. Court decisions on sentencing justice sector actors for corruption, published and disseminated.

Expected results:

- High level of intolerance to corruption in the justice sector;
- Warning regime established and operational;
- Public access to court decisions on sentencing justice sector actors for corruption is ensured.

PILLAR 5. Contribution of justice to the economic growth

Specific objective: Implement some measures through which the justice sector would contribute to the creation of an environment favourable for the sustainable development of the economy

The economic growth is conditioned by the potential existing resources and the way they are used. In this sense it would not be appropriate to refer only to direct factors determining the economic growth, but also to the indirect ones, which have an equal influence on the economic growth, one of them being the efficiency of the justice system. To achieve this objective several strategic directions through which the expected results may be reached have been established: 5.1. Strengthen the system of alternative dispute resolution; 5.2. Improve the insolvency proceedings; 5.3. Modernize the system of record keeping and access to the information about businesses.

5.1. Strengthen the alternative dispute resolution

Businesses in particular and individuals in general have limited access to the alternative dispute resolution arrangements that would allow them to avoid time consuming and costs in some trials. In the case of the Republic of Moldova all economic disputes are resolved by two specialized courts (the economic circumscription court and the Economic Court of Appeals), while the civil ones, between individuals, even though of a commercial nature, are solved by common law courts. This state of things affects significantly the small business entrepreneurs who cannot allow themselves significant expenses for conducting a trial that could eventually create a state of insolvency. The potential of the alternative methods to produce economic benefits in the settlement of disputes at less cost, compared to the costs of judicial processes, as well as the many social benefits are claimed as advantages that should justify the adoption of policies in favour of alternative methods in general and mediation in particular. The practice of mediation in the Republic of Moldova is a modest one, just as modest as the empirical studies on its economic efficiency for the justice system and citizens. Currently, only one study is available. It was carried out by the Institute for Criminal Reforms and deals with the issue of cost-benefit of the criminal mediation (IRP Report 2010 - Criminal Mediation in the Republic of Moldova). The study finds that besides saving financial resources, the use of alternative means of dispute resolution involves a considerable reduction of time needed to solve a dispute, which reiterates the idea of saving money. The average period of case resolution is 537 days, or by 20% more than when using mediation as an alternative method. The reduction of the trial costs may be attributed not only to the individuals but also to the entire judicial system. Along with promoting the benefits of the mechanisms for the alternative dispute solution, the solution of the economic disputes will no longer be concentrated exclusively in the courts, so that the administrative costs (salaries, number of the auxiliary personnel, materials, logistics etc.) would also be streamlined. In this respect, the Strategy suggests that the mediation becomes an effective and attractive alternative for litigants and for this it must be accompanied by a feasible mechanism for recognition and enforcement of the foreign arbitration court decisions.

	Deadlines		
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Draft for public consultation

Specific intervention areas	12 months	24 months	36 months	48 months	60 months	Responsible institution(s)	Indicators of the implementation level
5.1.1. Taking over the examination of economic cases by the ordinary courts, including the provision of specialization for judges on these types of cases						Ministry of Justice Superior Council of Magistrates Courts National Institute of Justice	1. The duties of the economic courts will be taken over by the courts of common law; 2. The curriculum for the specialization in the field of examining economic (commercial) cases, developed; 3. Judges of courts of common law trained.
5.1.2. Develop guiding principles for the use of alternative dispute resolution mechanisms (criminal, civil, commercial) and development of arbitration and mediation as alternative means of dispute resolution						Ministry of Justice Mediation Council Chamber of Commerce and Industry National Institute of Justice Bar Association	1. Guidelines for the use of alternative dispute resolution mechanisms, developed; 2. Study developed and recommendations formulated on development of arbitration and mediation institutions; 3. Draft amendments to the regulatory framework on arbitration and mediation, developed and adopted; 4. Curriculum for the training of mediators and arbitrators, developed.
5.1.3. Promote the benefits of using alternative dispute resolution mechanisms in the society, business environment, judicial community, academia and the judiciary and conducting campaigns for information and dissemination of information about alternative mechanisms						Mediation Council Chamber of Commerce and Industry National Institute of Justice Ministry of Justice External donors Bar Association	1. Public information campaigns to promote benefits of using alternative dispute resolution mechanisms, conducted; 2. Information campaigns for the justice sector actors, conducted; 3. Promotional materials on alternative dispute resolution mechanisms, developed and distributed; 4. Public media events, conducted.
5.1.4. Create/improve the mechanisms of recognition and enforcement of the foreign courts of arbitration decisions						Ministry of Justice Courts	1. Study developed and recommendations formulated; 2. Mechanism of recognition and enforcement of judgments of courts of arbitration, promoted and improved.

Expected results:

- Alternative dispute resolution system strengthened;

- The public and justice sector actors informed about the benefits of using alternative dispute resolution mechanisms;
- The number of arbitration and mediation service users increased;
- Economic courts liquidated.

5.2. Improve the insolvency proceedings

The Government, according to the additional Memorandum on Economic and Financial Policies signed with the IMF, has pledged to modernize the enterprise and organization insolvency and dissolution, which determines the reform of the system that organizes the work of the administrators. With the delivery of the decision of bringing the process of insolvency, the debtor loses the right to use, dispose and manage his/her assets, it is taken over by the insolvency manager in accordance with the regulated procedures. In this context, it is necessary to mention the importance of this actor in the insolvency proceedings. It is exactly the insolvency manager who should have good training and, in this respect, there should be a strict regulation of the organization of his/her work. The existing legal framework (Law on Insolvency no. 632-XV of November 14, 2001) does not regulate in a comprehensive format the way in which the profession of manager should be performed as regards the insolvency procedure or other fiduciary management activities, and does not include provisions related to admission into the office of the responsibility of its representatives either.

It is therefore necessary to have legal framework that would regulate the work of the managers in order to ensure the speeding of the insolvency proceedings and carry out adequate management not only of the insolvency process, but also the dissolution of enterprises and organizations. Improving the insolvency procedure contributes directly to creating an environment favourable for sustainable development of the economy. Having a well-established bankruptcy procedures and an efficient management of the debtor's assets will be a factor that will increase the attractiveness of from the foreign investment perspective.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
5.2.1. Create the necessary regulatory framework for the organization and efficient operation of managers of the insolvency proceedings						Ministry of Justice Ministry of Economy	Regulatory framework developed and adopted.
5.2.2. Strengthen the status of managers of the insolvency proceedings to ensure the stability of the profession, increase their integrity and professionalism						Ministry of Justice National Institute of Justice	1. Regulatory framework developed and adopted; 2. Initial and continuous training of administrators of insolvency procedure, conducted.

Expected results:

- Management of the insolvency proceedings is more efficient and more transparent;
- Strengthened status of managers of the insolvency proceedings;
- Improved legal framework on the organization and operation of managers of the insolvency proceedings.

5.3. Modernize the system of keeping record and access to the information on businesses

Along with the development of the information society, the use of the information and communication technologies raise new challenges for the government, but also provides generous opportunities for more efficient and closer to the citizen activities. The emergence of new technologies favored the storage of information on businesses in different databases, offering the citizens free access to them too, which led inevitably to streamlining State activities, transparency of public institutions concerning their projects and activities and facilitated the provision of public services, while the settlement time is reduced. The authorities undertake steps towards electronic government and until then people may use certain public services online and have access to different databases, including: Real Estate Registry, the Registry of commercial organizations, the non-profit organizations Register, State Register of the population etc. It would be incorrect to state that this is not a significant progress in implementing the information technologies in the service of citizens.

The strategic directions below aim at ensuring proper operation of these databases. Such operation could be achieved by creating new mechanisms of systematization and interoperability of the information, creating, ultimately, search engines with complete and accessible to the citizens and institutions information results, including the relevant actors in the justice sector. In this respect, it would be appropriate to create some information connections between these databases and databases of the courts to ensure: rationalizing costs and time of the trial participants and the courts, including the speeding of litigation resolution. Another problem that may be avoided due to modernizing these information systems is reducing the human factor in the delivery of public services by technologizing some services, because the human factor is sometimes regarded as a cause of corruption in the public sector.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
5.3.1. Modernise the system of electronic registration of economic agents						Ministry of Economy Ministry of Justice E-Governance Centre	1. Study conducted and recommendations formulated; 2. The system of electronic registration of economic agents modernized.

Draft for public consultation

5.3.2. Create a unified electronic registry for the registration of economic agents and non-profit organizations						Ministry of Economy Ministry of Justice E-Governance Centre	<ol style="list-style-type: none"> 1. Study conducted and recommendations formulated; 2. Unified electronic registry created and implemented.
5.3.3. Provide free access to information in electronic registries of economic agents						Ministry of Economy Ministry of Justice E-Governance Centre	The system of access to information in electronic registries of economic agents changed.

Expected results:

- Ensured free access to the information in the electronic registries of businesses;
- Modernized system of access to the information on businesses.

PILLAR 6. Respect for human rights in the justice sector

Specific objective: Ensure effective respect for the human rights in legal practices and policies

Actions aimed at ensuring the effective respect of human rights in the legal practices and policies will focus on five strategic directions: 6.1. Strengthen the role of the Constitutional Court; 6.2 Capacity building of the Human Rights Centre and of the Ombudsman institution; 6.3. Strengthen the justice system for children, 6.4. Respect for the rights of inmates; eradicate torture and ill-treatment, 6.5. Strengthen the probation system and the prison system.

6.1. Strengthen the role of the Constitutional Court

The human rights and fundamental freedoms are enshrined in the Constitution of the Republic of Moldova. The state is obliged not only to respect these rights and freedoms, but also to create an operation and efficient mechanism for their protection against any violation or interference, including the case when they would emanate from the state. The efficiency of the Constitutional Court depends not only on the powers conferred by the Constitution, but also on the process of appointing judges, the organizational structure, procedure for examining complaints and decision making circle of subjects entitled to notify the Constitutional Court, analytical resources, material and financial provision of the Court.

The evaluation report highlighted a number of basic issues related to the efficiency of the Constitutional Court, namely: under the law, only 11 subjects have the right to notify the Constitutional Court and the task of this institution is only to rule on the constitutionality of legislation; the citizen does not have *locus standi* to notify the Constitutional Court, therefore, this institution does not participate in the management of justice; the Constitutional Court consists of six judges and a majority of four votes to 2 is necessary to declare a law unconstitutional; the relevance of the Constitutional Court is reduced, given the low number of cases examined by this court.

The specific interventions to strengthen the role of the Constitutional Court concerns the revising of the composition of the Constitutional Court, the criteria and procedure for judge selection; optimize the number of judges and their term of office to ensure the independence and professional skills of the judges; widening the circle of subjects entitled to notify the Constitutional Court so as to provide the opportunity to request the verification of the constitutionality of normative acts by persons whose constitutional rights and freedoms have been violated; also optimize the internal organizational structure and strengthen human resources to ensure high quality of law verification.

	Deadlines		
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Specific intervention areas	12 months	24 months	36 months	48 months	60 months	Responsible institution(s)	Indicators of the implementation level
6.1.1. Review the criteria for judge selection for the Constitutional Court						Ministry of Justice Constitutional Court	1. Criteria for judge selection for the Constitutional Court, established; 2. Draft amendment to the regulatory framework, developed and amended.
6.1.2. Review the procedures to examine complaints submitted to the Constitutional Court						Ministry of Justice Constitutional Court	1. Completed study and formulated recommendations. 2. Draft amendment to the regulatory framework, developed and amended.
6.1.3. Review the range of entities entitled to notify the Constitutional Court						Ministry of Justice Constitutional Court	1. Completed study and formulated recommendations. 2. Draft amendment to the regulatory framework, developed and amended.
6.1.4. Professional capacity building of the Constitutional Court personnel that would ensure high quality verification of laws						Ministry of Justice Constitutional Court	1. Curriculum, developed. 2. Trained personnel.

Expected results:

- The role of the Constitutional Court strengthened;
- The circle of subjects entitled to notify the Constitutional Court enlarged;
- Capacity of the Constitutional Court increased.

6.2. Streamline the capacity of the Centre for Human Rights and the Ombudsman institution

To institute a non-judicial mechanism for human rights in the Republic Moldova, in 1998, under Law no. 1349-XIII of 17 October 1997 on Ombudsmen an independent national institution was created for the promotion and protection of rights – The Centre for Human Rights, according to the principles concerning the status of the national institutions to promote and protect human rights ("Paris Principles").

Despite some significant efforts of this institution to achieve its statutory duties, the evaluation report stated that, currently, the Centre for Human Rights and the Ombudsman institution have a high degree of inefficiency. On the one hand, this is due to the insufficient funding of the institution, which undermines the capacity of the Centre for Human Rights to hire staff, to make use of the equipped facilities, to carry out activities to achieve its mandate, on the other hand – the low level of the individual and institutional capacities.

To strengthen the capacity of the Centre for Human Rights and the Ombudsman institution it is necessary to focus the efforts on: encouraging adequate funding for the ombudsman institution, which would equip the institution with adequate resources to ensure the gradual and progressive

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performance of the organization's operations aimed at improving it, the institutional reform of the Centre for Human Rights, increased role of the Ombudsman as a mechanism to prevent violations of human rights and protection of these rights, as well as the support for the research and analysis function of the Centre for Human Rights and the Ombudsman institution.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
6.2.1. Institutional reform of the Centre for Human Rights and the Ombudsman institution, the method of his/her appointment and performance evaluation						Ministry of Justice Centre for Human Rights	1. Draft amendment of the regulatory framework, developed and amended. 2. Institutional framework of the Centre for Human Rights, amended. 3. Performance evaluation criteria, developed and implemented.
6.2.2. Assessment of real needs for appropriate funding of the Ombudsman institution						Centre for Human Rights	1. Undertaken analysis and formulated recommendations; 2. Draft amendment of the regulatory framework, developed and amended. 3. Appropriate funding mechanism for the institution, established.
6.2.3. Strengthen leadership investigative, research and analysis skills and competences of the staff of the Centre for Human Rights and of the Ombudsman institution						Centre for Human Rights	1. Mechanism for communication with other institutions, established; 2. Personnel trained.
6.2.4. Strengthen the capacity of the Ombudsman to protect and promote children's rights						Centre for Human Rights	Capacity of the ombudsperson is strengthened and adjusted to child rights protection standards.

Expected results:

- The role and capacity of the ombudsperson institution are strengthened;
- Mechanism for independent financing of the institution established and financial resources in line with the real needs of the institution are ensured.

6.3. Strengthen the justice system for children

The justice for children remains a priority for the Republic of Moldova, given that until now the efforts undertaken to strengthen the juvenile justice purposes have been insufficient. There is no child friendly justice system that would meet their needs currently in the Republic of Moldova; the rights of the children-victims or witnesses in criminal cases are not well-protected; the practices to implement extrajudicial measures of case resolution involving children are not develop; the juvenile probation system does not provide efficient services for children; the conditions of children’s detention are not tailored to their needs; the system of collecting and analysing data on children in contact with the justice system does not ensure the monitoring and evaluation of children’s situation and their rights; the connection between the justice sector and community social services for children is weak, while the community support and rehabilitation of children who have broken the law or have been victims of abuse are insufficient. Similarly, there is no specialized institutions: panels of judges, prosecutors or lawyers, specialized in cases involving the underage.

Thus, it is proposed to undertake some actions in order to specialize the children's justice system, strengthen the instruments of protection of children victims or witnesses in criminal cases in order to ensure the rights of imprisoned children.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
6.3.1. Ensure the specialization of the justice sector actors while working with children						Superior Council of Magistrate, Ministry of Justice, General Prosecutor’s Office, Ministry of Internal Affairs, National Council for State-Guaranteed Legal Assistance, Mediation Council, National Institute of Justice, Ministry of Education, Ministry of Finance, National Council for Children’s Rights Protection	<ol style="list-style-type: none"> 1. Specialization of judges, prosecutors, lawyers, probation counsellors, inspectors for the underage, prosecution officers, personnel of the institutions under the custody of which the underage are placed and mediators in cases involving children that are witnesses, victims or of those have troubles with the law, ensured. 2. Training curriculum developed and training courses held. 3. Rooms for hearing children in courts, prosecutor’s offices, police stations and probation bureaus, allocated and equipped. 4. Legal framework and procedures for children under the age of criminal liability, adopted and implemented.
6.3.2. Strengthen						Superior Council of	1. Draft amendment to the regulatory

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<p>the instruments of protecting children who are victims or witnesses in criminal cases</p>						<p>Magistrate, Ministry of Justice, General Prosecutor's Office, Ministry of Internal Affairs, National Council for State-Guaranteed Legal Assistance, Mediation Council, National Institute of Justice, Ministry of Education, Ministry of Finance, National Council for Children's Rights Protection</p>	<p>framework, developed and adopted. 2. Methodology on the examination of cases with the involvement of children-victims and their support within the criminal cases, developed and implemented. 3. State-guaranteed legal assistance, support and counselling services of the psychiatrist and the teacher for children-victims of children witnesses in criminal cases, ensured. 4. Legal expertise adapted to the needs of the children-victims or children-witnesses.</p>
<p>6.3.3. Strengthen the system of juvenile probation</p>						<p>National Institute of Justice, Ministry of Labour, Social Protection and Family, Ministry of Justice, Ministry of Finance</p>	<p>1. Strengthen the case management system by probation counsellors, refer beneficiaries to the specialized community services, operational. 2. Psychosocial programs for children, developed and implemented. 3. Improve the recruiting system, initial and continuous training and monitoring of the performance of juvenile probation counsellors. 4. Financial means provided according to the real needs of the probation system.</p>
<p>6.3.4. Ensure the respect for the rights of imprisoned children</p>						<p>Ministry of Justice Ministry of Finance</p>	<p>1. Draft amendment to the regulatory framework, developed and adopted. 2. The mechanism for processing complaints of children in custody revised and improved according to the international standards in the field of children's rights. 3. The system for monitoring the detention period of the children having trouble with the law, created and operational.</p>

							4. Programs for the rehabilitation of children in custody for the reduction of recidivism, developed..
6.3.5. Strengthen the system for collection and analysis of data on children who come into contact with the justice system						Ministry of Labour, Social Protection and Family, Ministry of Justice, Superior Council of Magistrates, General Prosecutor's Office, Ministry of Internal Affairs, Ministry of Labour, Social Protection and Family, National Bureau of Statistics	1. The process of collecting and analysing statistical data on children having trouble with the law modified according to the system of international indicators of juvenile justice. 2. Data on the juvenile justice published annually.

Expected results:

- A child friendly justice system, ensuring compliance and effective implementation of children's rights in contact with the justice system;
- Justice sector actors working with and for children benefit from interdisciplinary training on rights and needs of children of different age categories;
- The legal, social, emotional, physical and cognitive development of children in contact with the justice system is addressed multidisciplinary;
- Child victims or witnesses of crimes receive optimal protection of their rights in criminal proceedings.

6.4. Respect for the rights of detainees; eradicate torture and ill-treatment

The right of every person to freedom and security is among the supreme values of a modern and democratic state, being covered by several international and national fundamental acts. Despite the guarantees included in the national legislation and efforts to prevent violations of the law, the practice shows that there are cases where this right is violated. The Republic of Moldova continues to face negative social phenomena such as torture and other punishments or cruel, inhuman or degrading treatment, as evidenced by the alarmingly high number of applications of citizens of this country to the European Court of Human Rights, as well as by the favourable decisions of the Court, in particular on infringement of the right to freedom and personal security.

This, according to the evaluation report is due mainly to the existing regulatory framework, which is contradictory and inefficient; to the outdated system of performance indicators applied to the prosecution bodies; limited capacity of the authorities responsible for examining complaints of torture or ill-treatment; lack of abilities, skills and appropriate training at the institutional and individual levels amount the prosecution bodies.

Thus, taking into account the fact that is not enough to recognize the problem of the violation of the right to freedom and personal security, it is deemed to undertake the necessary measures to create a standardized system for keeping record of the arrest and detention cases; streamline the application of the procedural measures of coercion and those of freedom the deprivation; create adequate conditions of detention; establish a mechanism to rehabilitate victims of torture and inhuman or degrading treatment.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
6.4.1. Increase the effectiveness in the application of coercive procedural measures and preventive measures to ensure effective respect for the right to liberty and physical safety.						Ministry of Justice General Prosecutor's Office Ministry of Internal Affairs Centre for Combating Economic Crimes and Corruption Supreme Court of Justice Centre for Human Rights	1. Draft amendments to the legal framework, developed and adopted; 2. An efficient mechanism to monitor the institutions applying coercive procedural measures and preventive measures, created.
6.4.2. Develop technical and material means, and infrastructure in accordance with the European standards in all places of						Ministry of Justice Ministry of Finance General Prosecutor's Office	1. The amount of financial resources increased; 2. New buildings built and the old ones renovated; 3. Modern technical means to ensure torture prevention implemented.

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deprivation of liberty.						<p>Ministry of Internal Affairs Centre for Combating Economic Crimes and Corruption Ministry of Health Ministry of Labour, Social Protection and Family Ministry of Education</p>	
6.4.3. Capacity building for therepresentatives of institutions responsible for deprivation of liberty (police, prison system, CCECC, psychiatric institutions, and psycho-neurological boarding homes) to prevent and combat torture and ill-treatment.						<p>Centre for Human Rights National Mechanism for the Prevention of Torture</p>	<ol style="list-style-type: none"> 1. Continuous monitoring of places of detention, conducted; 2. Draft amendment of the regulatory framework, developed and adopted; 3. Units to monitor the respect for human rights create within the institutions directly subordinated to the management; 4. Unexpected controls in places of detention; 5. National torture prevention mechanism, strengthened; 6. The staff under the National torture prevention mechanism trained.
6.4.4. Create a standardized and protected against manipulation system of tracking and registration of custody, arrest and detention.						<p>General Prosecutor's Office Ministry of Internal Affairs Centre for Combating Economic Crimes and Corruption Ministry of Justice</p>	<ol style="list-style-type: none"> 1. A new tracking and registration system developed and implemented; 2. The staff responsible for tracking and registration of custody, arrest and detention trained; 3. A control and monitoring system for tracking and registration process developed and in place.
6.4.5. Effective fight against acts of torture and ill-treatment.						<p>General Prosecutor's Office Ministry of Internal Affairs Centre for Combating Economic Crimes and Corruption Ministry of Justice</p>	<ol style="list-style-type: none"> 1. The relevant legal framework evened; 2. Criminal penalties for acts of torture amended; 3. The mechanism of documentation on acts of maltreatment improved; 4. Involvement of victims in the examination of cases of maltreatment increased; 5. Training on the investigation of cases of ill-treatment, carried out. 6. Information campaigns on the absolute

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							prohibition of torture, developed.
6.4.6. Create some effective mechanisms to rehabilitate victims of torture and ill-treatment.						Ministry of Finance Ministry of Health Ministry of Labour, Social Protection and Family, Ministry of Justice	1. Draft amendment of the regulatory framework, developed and adopted; 2. Victims' Rehabilitation Fund created; 3. The number of persons who have received rehabilitation services.

Expected results:

- Zero tolerance culture toward acts of maltreatment shared, recognized and promoted;
- A mechanism to implement coercive procedural measures and preventive measures improved;
- Places of pre-trial detention and other places of detention in line with the international standards.

6.5. Strengthen the probation system and the penitentiary system

The probation system was created in the Republic of Moldova in 2007, along with the creation of the Central Probation of Probation, but even today the system is not yet strengthened and efficient. The ineffectiveness of the probation system is determined by several factors, such as: lack of necessary skills, competencies and training for the probation counsellor of the Central Probation Office; the inefficiency of the continuing education mechanism; the society is not involved to the necessary extent into the probation activities; formal institutional autonomy; lack of cooperation between probation and penitentiary sub-sectors; incomplete regulations regarding the post-care services; insufficient human resources and other factors. Under this situation, it is found that it is necessary to introduce a modern concept of probation that would ensure the balance between community safety and the need for social rehabilitation of offenders; it is also necessary to amend the legislation in this regard.

The penitentiary system is still a problem for the Republic of Moldova, being continuously underfunded for more than 20 years. The evaluation report has noted the following weaknesses in the penitentiary system: "overcrowding of the detention institutions; poor general conditions of detention (sanitation, hygiene, food); work, educational and social activities difficult to have access to; health care and psycho-social assistance under the required level; uncertain environment and poor discipline; persistent criminal sub-culture, facilitated by the high occupancy degree and maintenance of prisoners in bedroom type rooms; inadequate scheme for the detention facilities, escort and logistical arrangements". Another problem is the way the personnel of the penitentiary system is recruited, which is usually carried out unilaterally, most workers are former police officers and they keep their military ranks.

The intervention measures proposed in the Strategy will be oriented on revising the hiring and recruitment policy in the penitentiary system and full demilitarization of the penitentiary system; development and implementation of the policies on rehabilitation and social integration of prisoners, including individual planning of term serving and creation of a progressive detention regime; promotion and implementation of ethical standards in the probation and penitentiary system.

Specific intervention areas	Deadlines					Responsible institutions	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
6.5.1. Introduce a modern probation concept to ensure a balance between the community safety and need for rehabilitation of offenders in the						Ministry of Justice Ministry of Labour, Social Protection and Family	1. Study developed and recommendations formulated; 2. Draft amendments to the legal framework, developed and approved.

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society						Ministry of Education	3. A system of performance indicators correlated with the new system of performance indicators for the justice sector.
6.5.2 Ensure institutional autonomy of the probation service						Ministry of Justice Ministry of Labour, Social Protection and Family Ministry of Justice	1. Draft amendments to the legal framework, developed and approved. 2. Reviewed personnel scheme. 3. Reorganized probation service.
6.5.3. Ensure continuity of the individual probation process starting with the pre-sentence phase and ending with post-assistance services						Ministry of Justice Ministry of Labour, Social Protection and Family Ministry of Economy Courts Local public authorities National Institute of Justice	1. Draft amendments to the legal framework developed and approved; 2. Individual mechanism for treatment of beneficiaries of probation services developed and implemented; 3. The training curriculum developed; 4. Probation counsellor and judges trained.
6.5.4. Strengthen partnerships between the probation service and other public or private organisations, members of the civil society, families and communities to promote rehabilitation and social inclusion of former detainees						Ministry of Justice	1. Active role of probation counsellors for use of partnerships between the probation service with other public or private organisations, members of civil society, families and communities; 2. Active involvement of nongovernmental organisations in the rehabilitation and reintegration activity.
6.5.5. Strengthen the system of filing and review of complaints regarding the activity of probation services and la penitentiary system						Ministry of Justice	1. Study conducted and recommendations formulated; 2. Draft amendments to the legal framework developed and approved.
6.5.6. Review the employment and recruitment policy of the personnel for the penitentiary institutions and comprehensive demilitarization of the penitentiary system						Ministry of Justice	1. Study conducted and recommendations formulated; 2. Draft amendments to the legal framework developed and approved. 3. Demilitarization of the penitentiary system achieved.

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6.4.7. Promote and implement ethical standards within the probation services and the penitentiary system						Ministry of Justice	Ethical standards / codes developed, adopted and implemented.
6.4.7. Develop and implement rehabilitation and social integration policies, including individual planning of sentence servicing and creating a progressive advanced regime of detention, supporting cognitive-behavioural programs						Ministry of Justice Ministry of Education Ministry of Labour, Social Protection and Family	1. Study conducted and recommendations formulated; 2. Rehabilitation and social integration policies revised and implemented; 3. Mechanism for individual planning of sentence servicing developed; 4. Diversify and implement cognitive-behavioural programs of personality reorientation; number of beneficiaries of these programs.
6.4.8. Provide educational, occupational and other social activities for detainees						Ministry of Justice Ministry of Labour, Social Protection and Family Ministry of Education	1. Educational, occupational and other social activities for detainees developed; 2. Draft amendments to the legal framework developed and approved; 3. Mechanisms to stimulate the occupational activity, applied; 4. Monitoring mechanism on the implementation of educational, occupational and other social activities, established.

Expected results:

- Modernized, streamlined and strengthened probation system and penitentiary system;
- Increased capacity of the probation offices to manage and supervise performance of probation counsellors;
- Increased capacity of the National Institute of Justice in the field of continuous training for probation counsellors;
- Strengthened social inclusion capacity of ex-convicts and the number of repeated offences reduced;
- Conditions in the penitentiary institutions meet the international standards.

PILLAR 7. A well coordinated, well managed and accountable justice sector

Specific objective: Coordinate, establish and delimitate the duties and responsibilities of the main actors in the justice sector and ensure the inter-sector dialogue

The actions aimed at creating and building a well-coordinated, well-managed and accountable justice sector will be focused on three strategic directions: 7.1. Coordinate actors in the justice sector; strategic planning and policy development; 7.2. Harmonize the institutional and legal frameworks with the European standards of the justice sector; 7.3. Coordinate external donor assistance and information exchange with the NGO sector.

7.1. Coordinate the activity of the actors of the justice sector; strategic planning and policy development

The specific nature of the justice sector lies in the impossibility to implement a coherent reform policy and strategy without coordination. The evaluation report found significant deficiencies in the national efforts to coordinate the extended sector reform, which may be caused by the following factors: the somewhat precipitated style of policy development; short-term perspective rather than longer-term regulatory initiatives and institutional review; lack of full awareness and of the provision of budgetary implications that the planned reforms may have; lack of consultations with a wider group of partners, including the private sector and the civil society in the implementation of reforms; relatively ambivalent attitude of the judiciary, of the lawyer community and other sector associations in taking a more active role and exercise greater influence in policy development; lack of capacity in case of the sector partners to make contributions to the common strategy to reform the justice sector by developing strategic chapters for each sub-sector.

Only a well-coordinated reform can provide systemic and sustainable changes in the justice sector, provided in specific intervention areas of the Strategy. To ensure the sustainability of the reform it is necessary to maintain a constant dialogue and an interaction between various justice sector actors, as well as strengthen their strategic planning capacities and skills necessary for the full involvement in the implementation of reforms and quick response to any possible impediments to this process. It is necessary that each justice sector institution becomes a responsible participant of the reform, acknowledging the need for interventions included in the Strategy and providing all necessary support and expertise through consultations and expertise, which are possible thanks to the experience in different areas of the sector to ensure speed and effectiveness of the reforms in each pillar; be responsible for general and specific objectives of the reform, not only to the professional or corporate institutions, but also to the entire society. To this end, it is necessary to create a mechanism for reform coordination and monitoring; to improve the coordination of the drafting of regulatory acts and public debates on them, including the involvement of different institutions and professions within the sector; to strengthen the strategic planning skills and capabilities not only for the Ministry of Justice employees, but also for representatives of the entire sector; to ensure the collaboration of these institutions in planning, developing, implementing and monitoring measures and decisions made in specific intervention areas by making an effective information exchange between all institutions in the sector.

	Deadlines		
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Specific intervention areas	12 months	24 months	36 months	48 months	60 months	Responsible institution(s)	Indicators of the implementation level
7.1.1. Establish and support working groups under the Ministry of Justice to coordinate and monitor the implementation of each Pillar of the Strategy						Ministry of Justice and relevant actors of the justice sector	<ol style="list-style-type: none"> 1. Working groups established; 2. The monitoring mechanism set up and implemented; 3. Working groups members trained.
7.1.2. Strengthen the role of the National Council for the Reform of the Law Enforcement Bodies to ensure an efficient dialogue between the actors of the justice sector						Actors of the justice sector	<ol style="list-style-type: none"> 1. The number of regular meetings of the Coordinating Council for the Reform of Law Enforcement Bodies organized and carried out. 2. Number of documents debated at the meetings of the Council. 3. Number of reports of the working groups monitoring the pillars of the Strategy. 4. Number of public reports of the National Council for the Reform of the Law Enforcement Bodies.
7.1.3. Reorganize and strengthen the capacity and powers of the unit in charge of strategic planning and monitoring within the Ministry of Justice						Ministry of Justice State Chancellery	<ol style="list-style-type: none"> 1. Functions and structure analysis, completed; 2. Draft amendments to the legal framework developed and approved 3. Regulation, organigramme and personnel of the Ministry of Justice, reviewed; 4. Internal stimulation systems applied. 5. Staff trained.
7.1.4. Capacity building for each institution involved in the reform of the justice sector to take part in the reform process						Ministry of Justice and actors of the justice sector	<ol style="list-style-type: none"> 1. Functions and structure analysis completed; 2. Internal operation regulations of the institution, amended; 3. Staff trained.
7.1.5. Create conditions for ongoing collaboration between persons in charge of strategic planning and monitoring at the institutions of the justice sector						Ministry of Justice and actors of the justice sector	<ol style="list-style-type: none"> 1. Persons in charge of strategic planning and monitoring appointed and trained; 2. Regular joint meetings organized and carried out.
7.1.7. Establish and maintain a system for collecting, analyzing, and exchanging relevant information between key institutions in the justice sector						Ministry of Justice and actors of the justice sector	The system for collecting, analysing, and exchanging relevant information between key institutions in the justice sector set up and implemented.

Expected results:

- The capacity of the Ministry of Justice for interacting, strategic planning, and monitoring strengthened;
- The capacity of the justice sector actors for strategic planning, monitoring, and active involvement in the reform strengthened,
- Efficiency of the information exchange between actors of the justice sector enhanced;
- Justice sector reform coordinated, and its implementation monitored.

7.2. Bring the institutional and legal framework of the justice sector in line with European standards

In order to establish a well-coordinated, well-managed and accountable justice sector it is necessary to create a legislative and institutional framework to make it compatible with the European standards. This would help address issues such as quality of the University legal education, the quality of regulation drafting, limited public access to the legal information, the contradictions between national and Community law.

The main intervention areas aimed at harmonizing the institutional and legal frameworks with the European standards of the justice sector aim at: improving training programs in the Law departments; improving the quality of regulation drafting in order to ensure stability, predictability and clarity of the legislation; enhance public access to regulations by ensuring quality and accessibility of the official legal databases; improving the harmonization of the national legislation with the EU legislation.

Specific intervention areas	Deadlines					Responsible institution(s)	Indicators of the implementation level
	12 months	24 months	36 months	48 months	60 months		
7.2.1. Assess and improve the quality of higher law education in Moldova through the lenses of European good practice and Bologna principles, including by ensuring the uniformity of the University curriculum for Law Departments						Ministry of Education Universities Ministry of Internal Affairs Security and Information Service	1. External assessments carried out and recommendations developed; 2. Teaching staff trained; 3. The University curriculum amended, uniformed and implemented.
7.2.2. Improve the legislative creation to ensure stability, predictability, and clarity of legislation						Ministry of Justice State Chancellery	1. Study developed and recommendations formulated; 2. Draft amendments to the legal framework developed and adopted; 3. Ex-ante analysis implemented effectively; 4. Staff involved in legislation development trained.

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7.2.3. Increase public access to legislation (databases)						Ministry of Justice E-Governance Centre	1. Study developed and recommendations formulated; 2. Legislation database revised and accessible.
7.2.4. Improve the process of bringing national legislation in line with EU legislation						Ministry of Justice Ministry of Foreign Affairs and European Integration State Chancellery	1. Study developed and recommendations formulated; 2. Draft amendments to the legal framework developed and adopted; 3. Institutional capacity of the Legislative Creation Centre strengthened; 4. The staff involved in the process of bringing national legislation in line with EU legislation trained.

Expected results:

- Prerequisites for improving University law education in Moldova created;
- Higher quality of draft regulations achieved;
- Public access to legislation databases increased;
- Relevant national legislation brought in line with EU legislation.

7.3. Coordinate external donor assistance and information exchange with the NGO sector

Until recently, one of the major shortcomings in coordinating the international donor assistance was the absence of a forum for public consultation to ensure a permanent dialogue between donors and international institutions to develop projects in the justice sector and contribute as well to systemic and coordinated targeting of donor assistance to areas most in need, preventing duplication of donor assistance. Although the Ministry of Justice has already established a permanent forum for coordination of donor assistance, it is necessary to strengthen the institutions and adapt them so that they can coordinate external donor assistance by focusing it on certain directions to achieve its goals and for the implementation of intervention measures established by the Strategy. It is also necessary to create a network for exchange of information between representatives of the NGO sector engaged in the justice sector to harmonize and unify the efforts focusing them on the policy objectives. The two coordination mechanisms must be integrated and interconnected to ensure a high level of synergy in the implementation of strategies to prevent duplication and fragmentation of donor assistance, as well as strengthen the efforts of the NGO representatives in reforming the justice sector.

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Specific intervention areas	12 months	24 months	36 months	48 months	60 months	Responsible institution(s)	Indicators of the implementation level
7.3.1. Establish and maintain a coordinated mechanism of cooperation with external donors in the justice sector with a view to implement the Strategy						Ministry of Justice	1. Mechanism of cooperation with external donors adopted; 2. Regular meetings with external donors organized and carried out
7.3.2. Establish an information exchange framework for the representatives of the non-governmental sector and the actors of the justice sector in the context of Strategy implementation						Ministry of Justice Actors of the justice sector NGOs	1. The information exchange framework created and implemented; 2. Regular meetings of the representatives of the non-governmental sector and the actors of the justice sector organized and carried out.

Expected results:

- Donor assistance is better coordinated, focused and targeted towards priority directions in the justice sector;
- Efficient coordination between the actors of the justice sector and the non-governmental sector involved in the reform of the justice sector.

PART 6. FINANCIAL IMPLICATIONS

The implementation of the SJSR implies a range of costs and finance expenditures required for attaining the set objectives.

The plan of actions to finance the sector shall be developed in relation to the implementation of the Strategy.

Finance sources for the SJSR implementation will be as follows:

- 1) state budget, within the limits of the earmarked/approved expenditures of the institutions involved;
- 2) foreign donor technical and financial assistance projects and programmes;
- 3) sponsorships and other sources accepted within the limits of the law.

To ensure internal coherence as regards the financing of the entire justice sector, the costs related to the implementation of the SJSR will be linked to the provisions of the MTEF for 2012-2014.

PART 7. ANALYSIS OF THE STRATEGY IMPLEMENTATION RISKS

Successful implementation of the Strategy for Justice Sector Reform depends on a number of factors, primarily on the full involvement and commitment of the representatives of justice sector institutions and on the strong will of the decision makers - the Parliament and the Government, especially to undertake adoption and implementation of legislative and policy amendments proposed within the SJSR.

Based on the social, political and current legal context, as well as the experience in implementation of other strategic papers of the Republic of Moldova, the following major risks associated with implementation of the SJSR and proposed solutions to avoid or mitigate them, could be highlighted:

1) Political instability. Implementation of the Strategy involves the adoption of a number of laws, including amendments to the Constitution as well as coherent development and implementation of these papers and a number of policies. These require strong and consistent will from the behalf of Parliament and Government.

The solution presented by SJSR on avoiding or at least mitigating this risk is the mechanism of adoption of the SJSR by the Parliament after public consultation and involvement of representatives of all the ruling parties. This mechanism should ensure adherence of the Members of the Government and Parliament to the commitments undertaken by these institutions, regardless of the political affiliation of their members.

2) Resistance to reform from the behalf of the representatives of justice sector institutions. In the Republic of Moldova there is already rooted the tradition of differences between the provisions of normative acts and the practice of their implementation, primarily because of resistance of the representatives of institutions and related professions to follow exactly the provisions of the law, as well as permanent amendment and weaknesses of the regulatory framework.

The SJSR has envisaged to mitigate this risk through a number of measures, namely: development of a mechanism for monitoring implementation of the Strategy, including by involvement of representatives of responsible institutions; organization of a number of training activities to explain and implement coherently the approved amendments; promotion of zero-tolerance policies on corruption in the justice sector; strengthening the self-management capacity of the judiciary, prosecution and related legal professions of the judiciary system. The mechanism for coordination of the SJSR implementation will include activities for public education and involvement of civil society in monitoring and implementation of the SJSR.

3) Limited capacity to forecast and allocate the financial resources required for SJSR implementation, including reduced capacity to assimilate resources allocated for implementation of SJSR segments. Implementation of the SJSR involves both considerable financial resources and professional human resources to forecast the required expenditures, their coordination with the relevant institutions during the approval of the state budget, coordination in the view of achieving external technical assistance.

The SJSR has envisaged the mechanism for coordinating the SJSR implementation, as well as creation or strengthening the strategic planning subdivisions in every institution of the justice sector in order to co-ordinately plan the reform processes and their implementation. Also, the Ministry of Justice will create a specialized subdivision to implement the SJSR, which will be responsible for coordination of foreign technical assistance provided to the justice sector and collaboration with the State Chancellery for monitoring the allocation of national and foreign financial resources for SJSR implementation.

In addition to these major risks, the Ministry of Justice is aware of the possibility that other problems could occur and which could undermine the consistent implementation of the SJSR. Thus, full implementation of the SJSR implies participation of all stakeholders – policy makers, the executive, the judiciary, the prosecution, judiciary related legal professions, national mechanisms for human rights’ protection, academicians, civil society, private sector, donors.

The Ministry of Justice, as an institution responsible for policy development in the field of justice, will take all the necessary measures in order to avoid the emergence of predictable and unpredictable risks, and in case of their occurrence will make maximum efforts to mitigate their negative impact on the implementation of the SJSR. In this context, the Ministry of Justice will strengthen its capacity and the capacity of involved institutions to implement the measures set in the SJSR, as well as involvement of all the stakeholders.