



Ministerul Justiției
al Republicii Moldova

**COORDINATION AND MONITORING MECHANISM
OF IMPLEMENTATION OF THE JUSTICE SECTOR REFORM
2011-2016**

2013

**Annual report on the implementation
of the Justice sector reform strategy
for the years 2011-2016**

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I. INTRODUCTIVE CONSIDERATIONS ON THE JUDICIAL SECTOR REFORM STRATEGY AND ACTION PLAN FOR IMPLEMENTING THE STRATEGY

On 25 November 2011, the Moldovan Parliament adopted the 2011-2016 Justice Sector Reform Strategy (hereinafter the Strategy or JSRS). The Strategy's general objective is to build a justice sector that is accessible, efficient, independent, transparent, professional and accountable to the society, that meets the European standards, secures the rule of law and respect for human rights, and contributes to ensuring the society's trust in the act of justice.

The Strategy's specific objectives are as follows:

- strengthen the independence, accountability, impartiality, efficiency and transparency of the judicial system;
- enhance the pre-trial investigation process in view of guaranteeing observance of human rights, ensuring each person's security, and diminishing the level of criminality;
- improve the institutional framework and the processes that secure an effective access to justice: efficient legal assistance, cases tried and court judgments enforced in reasonable timeframes, status of certain legal professions related to the judicial system modernized;
- promote and implement the principle of zero tolerance to acts of corruption in the justice sector;
- implement measures through which the justice sector would contribute to creating a climate favorable to sustainable economic development;
- ensure effective observance of human rights in legal practices and policies;
- coordinate, establish and delimit the tasks and responsibilities of main players in the justice sector, ensure the inter-sector dialog.

The Strategy is built on seven pillars and each of them reflects the most stringent problems of the sector and offers solutions for overcoming them by setting strategic directions of intervention. The pillars are established as follows:

Pillar I. The Judicial System;

Pillar II. Criminal Justice;

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

Pillar IV. Integrity of Justice Sector Players;

Pillar V. The Role of Justice in Economic Development;

Pillar VI. Human Rights Observance in the Justice Sector;

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

The JSRS is the policy paper that offers strategic views and comes to integrate all reform efforts and intentions in a unified framework, so that to ensure the coherent, consistent and sustainable character of the reforms in the justice sector as a whole. As a result, the development of the Action Plan for implementing the JSRS was dictated by the need to transform the Strategy into an easily applicable tool, with a clear planning of the actions, detailing of their sequence but also with clarifying the budgetary and extra-budgetary funds to be planned, used and/or attracted for this purpose.

On 16 February 2012, the Moldovan Parliament approved the Action Plan for implementing the JSRS, which was published in the Official Gazette only on 5 June 2012.

Under the Strategy, the Ministry of Justice (MoJ) is appointed as the institution responsible for monitoring and coordinating the implementation of the JSRS and of the Action Plan.

II. THE MECHANISM FOR COORDINATING AND MONITORING THE IMPLEMENTATION OF THE STRATEGY AND ACTION PLAN

Based on an order issued by the Minister of Justice there were created six working groups to monitor the implementation of actions for each of the first six pillars prescribed by the Strategy and Action Plan (Sector Working Groups) and a group for coordinating the implementation of the Strategy, which is a higher level group, responsible for monitoring the implementation of the Strategy as a whole and of the actions of Pillar VII in particular.

The high level coordination and monitoring of the Strategy is conducted by the National Council for Law-Enforcement Bodies Reform, which reviews the general annual report on the implementation of the Strategy and advises on the major issues raised to which the sector working groups or the coordination group did not find solutions.

The composition of the National Council was amended in 2012 and it met on 11 December 2012. That meeting discussed the Council's Regulation.

Another meeting of the Council took place on 2 April 2013 at which the 2012 Annual Report was presented as well as information about the foreign assistance of the European Union for 2013.

At the MoJ, under the Minister's order, the Working Group Secretariat was established to provide technical assistance to the groups coordinating and monitoring Pillars I-VI. The work of these groups is set out in a Regulation and Monitoring Methodology, also approved by order of the Minister of Justice. The Regulation also established the mechanism for settling potential disputes that may arise among the implementing agencies. Proposals for amending and completing the Methodology and Regulation were made and approved during the work group meetings at the end of 2013. The amendments refer to having actions divided depending on their timeframes of implementation to determine objectively the scores for each action.

During 2013, the working groups met on a monthly basis to review the progress made in implementing the Strategy's actions. The working groups approved the intermediary monitoring reports in September 2013 and the annual action report in February 2014.

The groups also discussed the appropriateness of excluding certain obsolete actions whose implementation was not pertinent. The working group members justified their decision of qualifying the actions as obsolete and prepared a list that is attached to this report.

Communication with the External Implementation Partners

The external partners and the civil society continue to have an active and stable involvement in the implementation, monitoring and coordination of the Strategy. This sustainable and comprehensive partnership is ensured through a framework for information exchange between the nongovernmental sector, the development partners and the justice sector players in regard to implementing the Strategy.

The mechanism of cooperation with both the donor community and the civil society is prescribed by the Regulation of Operation of the working groups coordinating and monitoring the Strategy and includes regular meetings to ensure good coordination and mutual communication about how the Strategy is implemented and the progress achieved as well as about other ways of continuous cooperation and communication. During

2013, regular and topical meetings were held with the donor community. At the latest meeting, of 25 November 2013, the priority actions for foreign assistance, as established by the working groups, were presented. The priorities are mainly actions that have not been financially covered and that require methodological and advisory support in regard to the best practices in a certain area, where there is no similar experience in Moldova (e.g. the applicability of the law on equality).

An improved matrix of foreign assistance was presented at the latest meeting with the development partners, which includes not only the actions and priorities in which the donors are involved but also new columns on the budgeting for these priorities. Each development partner is to include also the costs incurred for implementing certain activities under the Strategy. This approach offers more transparency to the assistance that beneficiary institutions receive in the reform process. The matrix of the assistance provided by the development partners can be accessed on the official website of the MoJ in the directory of information for donors.

This exercise is useful for eliminating the previous flaws in the coordination of foreign assistance and for ensuring a forum of public consultations that would be based on a permanent dialog between the donors and the international institutions that develop projects in the justice sector. Although this mechanism was established at the MoJ as early as in 2011, when the Strategy was adopted the efforts were intensified to strengthen this institution and adapt it to the current needs, so that foreign assistance is coordinated in a way that is focused on the needs and avoids overlaps.

At the same time, during 2013, the State Chancery with the support of UNDP and “Development Gateway” produced an online platform <http://www.amp.gov.md/> that helps monitor foreign assistance programs, shows the projects on maps in a graphic form, and can generate reports upon the users request.

In 2013, the following development partners provided assistance to the public institutions in implementing the Strategy actions: the European Commission (through the Delegation of the European Union to Moldova), USAID/ROLISP, UNDP, US Embassy, Embassy of Lithuania, EBRD, Council of Europe, UNICEF, Soros Foundation Moldova, Romanian Government, the Konrad Adenauer Program, OHCHR, IOM, OSCE, IRZ Foundation, etc.

Significant support in 2013 was provided by the Delegation of the European Union to Moldova. On 7 August 2013, the Project „Support in Coordinating the Justice Sector Reform in Moldova (2013-2015)” was officially presented. This project is implemented by Altair Acesores (Spain) in consortium with ICON-INSTITUTE Consulting Group (Germany), the German Foundation for International Legal Cooperation (IRZ) and the Institute for Penal Reforms of Moldova. During 2014, other technical assistance projects – on criminal justice, building efficiency, accountability and transparency of the judiciary, and assistance for developing the enforcement, rehabilitation and probation systems – will be launched.

Communication with the Civil Society

The communication with the civil society continues to remain a priority in promoting reform initiatives in the justice sector. Similar to the communication platform with the development partners, a platform has been created for the communication with the civil society. This communication has taken the form of their participation in the working groups monitoring the Strategy, inter-institutional groups for implementing some actions from the Action Plan, and separate meetings to discuss the progress made and to establish cooperation partnerships for the following year. The platform serves as an efficient and necessary tool for motivating the civil society to get actively involved in the reform process by offering constructive criticism in regard to the legislative initiatives, methodological and advisory support.

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

As noted above, civil society representatives are involved in the working groups responsible for implementing various actions, such as conducting studies, preparing draft legal acts, concept notes etc. The table below presents a list of the NGOs that were directly involved in 2013:

Pillar	Action	NGO
Pillar I	1.1.1.p.1 – Conduct a study to establish the appropriateness of optimizing the map of location of courts in view of strengthening the institutional capacities of courts, optimizing the number of judges and ensuring an efficient use of resources available.	Legal Resource Center
	1.1.9.p.2 – Conduct a study of the work of the Superior Council of Magistracy that would focus on the legal framework and its practical work.	Legal Resource Center
	1.3.3.p.2 – Develop and approve legal acts on the specialization of judges in specific types of cases.	Legal Resource Center
	1.3.8.p.2 – Prepare draft law for amending certain legislative acts, including the Law no.544-XIII of 20 July 1995 on the Status of the Judge and the Law no.950-XIII of 19 July 1996 on the Disciplinary College and Judges Disciplinary Liability (a study on the mechanism for holding Moldovan judges disciplinarily liable.)	Legal Resource Center
	1.2.3.p.3 – Hold monitoring of the functioning of the judicial system from the perspective of transparency and efficiency.	Legal Resource Center
	1.3.3.p.1 Conduct a study and make recommendations regarding the need of judges to specialize in specific types of cases.	Legal Resource Center
	1.1.3 p.4. Hold information campaigns about the functioning of the judicial system (a study on assessing judge performance).	Institute for Penal Reforms
Pillar II	Act. 2.2.10.p.1 – Conduct a study of the rules for holding prosecutors liable, including the disciplinary liability, and for eliminating their general immunity.	Institute for Penal Reforms
Pillar IV	Act. 4.3.2.p.1 – Conduct a study on the voluntary polygraph testing of justice sector representatives.	Center for Analysis and Prevention of Corruption
	Act. 4.1.5.p.1 – Conduct a study on the tool for preventing the interference in justice making and corrupt behavior prevention activities.	Center for Analysis and Prevention of Corruption

Pillar VI	Act. 6.5.3.p.2 – Develop a curriculum for the initial training and program for the continuous training of probation officers.	Institute for Penal Reforms
	Act. 6.3.1.p.2 – Assess the training needs of the persons working with children in contact with the judicial system; amend and/or develop training programs for them.	Institute for Penal Reforms
	Act. 6.5.4.p.2 – Prepare and distribute informational materials to the public at large (brochures, posters) on the role of probation in safeguarding community security.	Institute for Penal Reforms
	Act. 6.5.7.p.1 – Develop and amend the codes of ethics of probation officers and of penitentiary system staff.	Institute for Penal Reforms
	Act. 6.3.2.p.2 – In court and police station buildings, organize rooms for child assistance and hearing.	La Strada Center for Analysis and Prevention of Corruption

The following civil society organizations participated in the working groups monitoring the implementation of the Strategy as observers and voting members:

Working group	NGO
Pillar I	Legal Resource Center Institute for Penal Reforms PromoLex
Pillar II	Association of Legal Career Women of Moldova Legal Resource Center PromoLex
Pillar III	Legal Resource Center Soros Foundation Moldova Institute for Penal Reforms PromoLex
Pillar IV	Transparency International Center for Analysis and Prevention of Corruption PromoLex
Pillar V	IDIS Viitorul Foreign Investors Association PromoLex
Pillar VI	Association of Legal Career Women of Moldova Institute for Penal Reforms Legal Resource Center PromoLex
National Council for Law-Enforcement Bodies Reform	Soros Foundation Moldova Institute for Penal Reforms Legal Resource Center

Coordination Committee for Monitoring the Implementation of the Agreement for Funding the Budget Support Program	Institute for Penal Reforms Legal Resource Center
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Other independent monitoring was conducted in addition to the monitoring and coordination mechanism prescribed by the Strategy:

- a) In 2012, PromoLEX started a parallel monitoring program of the JSRS, with the financial support of the European Commission. So far, three monitoring reports have been presented to the public (2012 report, 2013 reports no.1 and no.2)¹. The project developed a separate methodology for conducting the monitoring process and involved national level monitors.
- b) The LRCM <http://crjm.org/> has been conducting systematic monitoring since 2013 (project to end in December 2014) of the work of the Superior Council of Magistracy (SCM) (starting with 2014, separate monitoring will be conducted of the work of the Disciplinary Board of the SCM). A comprehensive report on the conclusions of the monitoring process will be made public at the end of 2014.
- c) Moldova Curată <http://www.moldovacurata.md/> conducts alternative monitoring of the activities of the National Integrity Commission (NIC)².

In the first years of implementation of the Strategy an essential component was legal framework drafting and amending. In this sense, the MoJ is the line institution that drafts policies in the judicial area. In 2013, as part of the public consultations with the civil society, the MoJ subjected 77 legal acts to public consultations and collected 1,635 opinions/comments, many of which came from civil society representatives. In this connection, it is worth noting the cooperation with the National Participatory Council that has a working group on justice and human rights.

Some Strategy activities are monitored using resource websites, managed by the civil society, such as: www.monitor.md (allows evaluating the implementation of the Strategy in the human rights area); www.evaluez.eu (allows evaluating judges work), etc.

Ensuring Transparency and Communication for Promoting Strategy Outcomes

The MoJ has developed and approved a Communication Plan for promoting the achievements of the JSRS. The Communication Plan establishes the strategic lines for the information measures that would ensure that the target groups know about the level implementation of the Strategy and the Action Plan as well as about the coordination and monitoring of the implementation of these papers. At the same time, the communication activity is supported by information campaigns aimed at providing immediate, accurate and transparent information.

Most of the implementing agencies have online platforms where they post the most relevant information about the activities envisaged by the Strategy. Also, on the MoJ website, one directory is dedicated to the mechanism for coordinating and implementing the Strategy³. The directory contains all the documents that result from its work, including the agendas and minutes of all the working meetings of the groups coordinating and monitoring the Strategy. The website devoted to monitoring the implementation of the Strategy is permanently updated. A new column entitled “Studies conducted under the Strategy” has been recently launched.

¹ <http://monitor.md/ro/monitor-monitorizare/strategia-de-reforma-in-sectorul-justitiei-2011-2016/monitorizare-civica-a-implementarii-reformei-in-sectorului-justitiei-2011-2016>

² <http://www.moldovacurata.md/>

³ <http://www.justice.gov.md/category.php?l=ro&idc=155&nod=1&>

The aptitudes, methods and system of communication with the public were assessed and a number of persons – department directors and other responsible persons who must be in touch with the media and answer journalist questions on matters of their competence – were selected and trained. Such trainings were held between July and September 2013, with the support of the technical assistance project “Support in Coordinating the Justice Sector Reform Strategy in Moldova”. Details about the actions carried out under the communication plan on promoting justice reforms can be found in the Annual Report that is accessible on the official website of the MoJ.

Financial Coverage of the Implementation of the JSRS

The mechanism for coordinating and monitoring the implementation of the Strategy is meant to ensure adequate budgeting for the actions prescribed in the Strategy and the Action Plan. Starting with 2013, the expenditures related to the implementation of the Action Plan were integrated in the national budget planning cycle. As a result, the Justice Sector Expenditure Strategy that is part of the 2013-2015 Medium-Term Budget Framework has benefited from budget allocation by 59.6% higher than in 2012. Of the actions included in the Action Plan for implementing the Strategy, 79% received budget coverage towards the end of 2013, registering a positive trend as compared to the 2012 year-end when only 72% of actions had enjoyed budget coverage. Accordingly, the number of actions that further requires funding has decreased from 139 to 102.

The increase in the financial allocations for the justice sector was possible thanks to the budget support provided by the European Union (EU). In November 2013, the EU transferred the first tranche of 15 million euros of the total amount of 60 million euros in accordance with the funding agreement signed on 14 June in Brussels. The first tranche of the More for More was also transferred at the same time. The funding agreement between the Moldovan Government and the EU was approved by the Government Decision no.669 of 2 September 2013 and the MoJ was appointed as the institution responsible for implementing the agreement. Taking into account the amount of financial allocations for the justice sector, the absorption capacity was a challenge. Although the financial support was transferred with a delay, the level of absorption of the budget allocated from the Program Supporting the Justice Sector Reform was 85% as at 31 December 2013. This progress speaks about the fact that the implementing agencies can systematize and plan the distribution of the allocated financial means. For 2013, the MoJ shows a rate of execution of the financial means of 88% and the other implementing agencies – a rate of 85%.

The institutions with the highest absorption rate were the SCM (99.9 %), the Constitutional Court (CC) (100%), the Ministry of Health (MoH) (99.6%), and the NIC (100%). The institutions with the lowest rate of fund absorption include the Human Rights Center (HRC) (2.8%). Of the institutions subordinated to the MoJ, the maximum level of absorption is held by the Department for Penitentiary Institutions (DPI) (92%) and the Center for Approximation of Legislation (99.9%), and the minimum rate is held by the National Center for Judiciary Expertise (0%).

III. GENERAL DESCRIPTION OF THE LEVEL OF IMPLEMENTATION OF ACTIONS ESTABLISHED IN THE ACTION PLAN FOR IMPLEMENTING THE STRATEGY

This report contains information about the level of implementation of all actions that had to be implemented under the Action Plan starting with the 4th quarter of 2012 and until the end of 2013. The actions that had to be started in 2013 and whose timeframe of implementation is bigger or they have an ongoing nature are shown in the same manner. The implementation of 258 actions was supposed to be completed in 2013.

For such actions, the Annex to this Report presents a table with detailed information on the level of implementation of each action evaluated in accordance with the Methodology for monitoring the implementation of the JSRS. The table presents information about the level of implementation of the actions, measures taken, funds used/partnerships established with the donors, and the difficulties and challenges faced in the implementation of the actions. The supportive documents proving the implementation of a certain action are also indicated. For a visual display of the implementation of actions, different colors were used for different categories of actions, as follows: *actions implemented* – blue; *actions partially implemented* – yellow; *actions not implemented* – red, *obsolete actions* – orange.

The working groups approved a list of obsolete actions during their meetings, on the account that such actions had lost their relevance or their implementation was not appropriate anymore in the context of other actions.

Of the 258 actions outstanding as at 31 December 2013 – 154 (in 2012 - 87) have been implemented, which accounts for 60% of the total number of actions; 79 have been partly implemented (30% of the total); 19 have not been implemented (8% of the total); and 6 actions were qualified as irrelevant (2% of the total).

Outstanding actions as at the end of 2013

Pillar	Total actions	Actions implemented	Actions partially implemented	Actions not implemented	Obsolete actions
Pillar I	73	44	21	7	1
Pillar II	38	28	10		
Pillar III	32	12	17	3	
Pillar IV	26	14	7	1	4
Pillar V	19	8	7	3	1
Pillar VI	45	30	12	3	
Pillar VII	25	18	5	2	
Total	258	154	79	19	6
Percentage	100	60%	30%	8%	2%

The table in the Annex to the Report also presents the actions having an ongoing nature or a bigger timeframe

of implementation. In accordance with the Methodology for monitoring the implementation of the Strategy, information on the implementation of these actions was presented and they were marked with different colors similarly to the outstanding actions but with the specification that the action was evaluated based on its implementation during the reported period according to action plans of the institutions responsible for their implementation.

The table shows the situation for 162 such actions: 59% of them were implemented during the reported period; 20% were partially implemented; 20% - implementation had not started yet; 1 - obsolete action. The slightly higher percentage of actions not implemented than of outstanding actions indicates that many of the responsible institutions have not yet started implementing the actions having a bigger timeframe of implementation.

Ongoing actions and actions having a bigger timeframe of implementation as at the end of 2013

Pillar	Total actions	Actions implemented	Actions partially implemented	Actions not implemented	Obsolete actions
Pillar I	36	24	8	4	
Pillar II	33	6	15	11	1
Pillar III	15	11	2	2	
Pillar IV	21	11	2	8	
Pillar V	6	2	2	2	
Pillar VI	35	27	4	4	
Pillar VII	16	15		1	
Total	162	96	33	32	1
Percentage	100 %	59 %	20 %	20 %	1 %

The Action Plan shows 15 implementing subjects (or subject categories) for the actions that became outstanding in the 4th quarter of 2013. The implementation of actions by each implementing agencies is shown below.

The Table shows the number of actions implemented, partially implemented and those that have not been implemented by the implementing agencies. The actions not implemented are shown in Section A and the actions partially implemented are shown in Section B.

1. Ministry of Justice

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
157	92	51	10
100%	59%	32%	9%

4 actions were qualified as obsolete actions.

2. Superior Council of Magistracy

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
25	11	11	2
100%	44%	44%	8%

1 action was qualified as obsolete action.

3. National Institute of Justice

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
26	17	4	5
100%	65%	15%	20%

4. General Prosecution's Office

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
14	9	5	
100%	64%	36%	

5. National Anticorruption Center

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
7	6		
100%	86%		

1 action was qualified as obsolete action.

6. National Council for State-Guaranteed Legal Assistance

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
6	5	1	
100%	83%	17%	

7. Center for Human Rights

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
6	4	1	1
100%	66%	17%	17%

8. National Integrity Commission

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
4*	4		
100%	100%		

* 1 action is related to the Parliament, 1 action is related to public authorities in general.

9. Ministry of Internal Affairs

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
5	3	2	
100%	60%	40%	

10. National Union of Bailiffs

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
1	1		
100%	100%		

11. Center for Electronic Governance

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
1		1	
100%		100%	

12. Constitutional Court

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
1		1	
100%		100%	

13. Justice Sector Institutions

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
3	1	1	1
100%	33%	33%	33%

14. Self-administration bodies of justice system related professions

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
1		1	
100%		100%	

15. National Council for Law-Enforcement Bodies Reform

Actions pending at the end of 4th quarter 2013 (total)	Actions implemented	Actions partially implemented	Actions not implemented
1	1		
100%	100%		

A review of the level of implementation of actions by separate pillars shows a positive trend of implementation but also certain actions that have not been implemented. The conclusion is that the pace of implementation is more or less balanced by sectors and there are no problematic sectors but only actions and institutions that could be evaluated differently.

The level of implementation of the actions is evaluated by the working groups based on the Methodology for monitoring the Strategy against the indicators prescribed in the Action Plan. The working groups get into the essence of the issue to the extent possible and assess if the action has reached the objectives pursued. The evaluation of the implementation of an action is not done at the macro level and no focused review takes place of the changes that have occurred in the society or their effect and impact on the state of affairs in the justice sector as a whole.

A complex quality review is envisaged at the end of the period of Strategy implementation, which will be based on an especially developed methodology. The 2013 Report for the first time includes also a quality review of the outcomes obtained through a comparative analysis of a number of indicators available. Thus, a number of impact indicators are underlined for each pillar, in the analytical part.

The relevant impact indicators were indicated in the conclusions of the trial participant satisfaction surveys conducted in 2013. One of such surveys was conducted by PromoLex as part of the project “*Monitoring the Justice Sector Reform to Increase Government Accountability*.” The highest rates of respondent full dissatisfaction were registered in regard to court facilities, lack of signs inside court buildings etc. The highest rates of respondent full satisfaction included over 71% of lawyers fully satisfied with the accessibility to the case files and the time allotted between summons served and date of court hearing scheduled. The highest rates also include 73% full satisfaction with the case publicizing and more than 80% of respondent satisfaction with the politeness and professionalism of judges. These data and all survey components are available in the quarterly reports of PromoLex: <http://promolex.md/index.php?module=publications>.

Another trial participant satisfaction survey was conducted by the Judicial Administration Department and the company Magneta Consulting. The survey results show positive trends justified by the fact that the trial participants had a chance to benefit from improved conditions in courts. The figures show that 71% of respondents were satisfied with the conditions in courts; 80% said the signs were sufficient; 54% specified the hearings started in time; and only 19% of respondents noted they had to wait for more than 20 minutes for the hearing to start; 68% of respondents said they settled their issues in court in a reasonable timeframe. Most of the interviews did not know about the existence of the Integrated Case Management System (ICMS) (55%) while 65% knew about the issue of audio-video recording of court hearings. The detailed results of the survey are available on the official website of the MoJ: http://www.justice.gov.md/public/files/file/reforma_sectorul_justitiei/pilonstudiu1/Studiul_privind_gradul_de_staisfactiei_a_justitiabililor_instantelor_de_judecata_in_RM_-_Magenta_Consulting-2013.pdf

In regard to the assessment of the impact of the reforms it was found adequate to use alternative data that are available and give information about the level of trust of the population in the judiciary. They are included in the Public Opinion Barometer (POB), on a bi-annual basis conducted by the Public Policies Institute. Others are: the corruption perception indicator, calculated by Transparency International in its studies; a review of the content and statistics of applications filed with the European Court of Human Rights (ECHR); reports of international organizations and other studies and monitoring exercises targeted at reviewing the quality of the reforms.

According to the POB conducted in November 2013, the share of citizens who have a lot or some trust in the judiciary has increased by 3% (from 13 to 16%) as compared to the percentage registered during the survey of April of the same year. Accordingly, the share of those who do not have trust in the judiciary (not at all or not much) has fallen by 4% (from 84 to 80%). It should be noted in this connection that POB measures the citizen perceptions of trust in the judiciary while trial participant satisfaction surveys measure the satisfaction of trial participants with the services provided by courts i.e. of those who have been in direct contact with the courts.

IV. IMPLEMENTATION OF ACTION PLAN MEASURES ACCORDING TO THE JSRS PILLARS

The Action Plan for the implementation of the JSRS, similarly to the Strategy structure was prepared according to the seven pillars of the reform. The level of implementation of the measures from the Action Plan was reviewed in terms of strategic directions, specific intervention areas, and each separate action established in the Plan for the JSRS implementation.

The level of implementation of the actions from the Plan was determined based on the reports/information received from the institutions responsible for implementing the actions through their annual activity reports that were received by the Secretariat of the working groups monitoring the implementation of the Strategy by 15 January 2013. At the same time, the decisions, notes, comments and suggestions expressed by the group members, representatives of the implementing institutions and development partners, as well as representatives of the associative sector, were taken into account.

Pillar I. The Judicial System

According to the JSRS, the specific objective defined for Pillar I is *“Strengthen the independence, accountability, impartiality, efficiency and transparency of the judicial system.”*

According to the Action Plan, Pillar I includes a total number of 123 actions.

By the fourth quarter of 2013, according to the timeframe, 73 actions were supposed to be completed. At the same time, the implementation of 36 ongoing actions started. The table below shows information for these 109 actions in terms of their implementation and other details, in accordance with the Methodology for monitoring the JSRS.

Of the 73 actions due as at 31 December 2013 – 44 have been implemented; 21 partially implemented; 7 not implemented; and 1 action was qualified as obsolete action.

Actions pending at the end of 4th quarter 2013	Actions implemented	Actions partially implemented	Actions not implemented	Obsolete actions
73	44	21	7	1
100%	60%	29%	10%	1%

Of the 36 ongoing actions/actions having a bigger timeframe of implementation, 24 have been implemented, 8 have been partially implemented during the reporting period, and 4 have not been implemented.

Actions of ongoing character/bigger timeframe	Actions implemented (for the reported period)	Actions partially implemented (for the reported period)	Action not implemented (for the reported period)	Obsolete actions
36	24	8	4	
100%	67%	22%	11%	

*Details about the actions implemented/partially implemented/not implemented can be found in the detailed *Table on the implementation of the Action Plan* included in the Annex to this Report.

Achievements

A comparative evaluation of the actions planned for 2012 and 2013 shows that 2012 was a crucial year for creating the legislative infrastructure necessary for the reform of the judiciary. The actions planned for 2013 mainly focused on developing the secondary legal framework, plenary implementation of the legislative amendments made and passed in 2012, institutional and organizational restructuring, improving the working conditions for judges, and increased use of information technologies by courts in their work.

After the passing of the Law no.153 of 5 July 2012 on Amending Certain Legislative Acts on the Organization and Operation of the Judiciary in 2013, the following achievements have been registered:

The SCM role in determining and establishing the concrete number of judges strengthened. This exercise was assigned to the SCM who has benefited from the new tool granted by the law having the possibility to establish the number of judges based on each court needs. The previous mechanism of fixed setting of the number of judges for each court was extremely rigid and did not give the SCM the possibility to react and intervene promptly and operatively when in some courts the workload was excessive and created institutional backlogs as compared to other courts. Hence, the SCM now has the possibility to intervene periodically in assigning judges to courts without having to go through the lengthy law amending procedure.

Number of persons with administrative positions in the judicial system optimized. This action is well-thought from the angle of revising the number of persons with administrative positions and establishing specific criteria for establishing the number of deputy chief judges in courts. According to the new provisions, the position of deputy chief judge is established in courts only if the number of judges is higher than 6. Before that, in some courts with a low number of judges (3-6), it was compulsory that two of them also performed administrative functions: chief judge and deputy chief judge. These amendments have also contributed to optimized staff costs for the entire system.

Enhanced management efficiency and improved practical and regulatory court management system. This has been achieved by having revised the responsibilities of chief judges and establishing the position of chief of the secretariat in courts. This inherently led to the unburdening of chief judges from tasks not related to justice making and to increased capacities of strategic and budget planning of the courts. According to the data as at the end of 2013, 48 chiefs of secretariats are now employed in the system.

Strengthened capacities and professionalism of justice making, efficiency and quality of this process ensured by establishing the position of judicial assistant. The long-term outcomes of this initiative will be expeditious case settlement; enhanced quality of court judgments; and also a created reserve of professionals that may eventually may be able to complete the judicial pool. By the end of 2013, there have been created 450 judicial assistant positions, 64 of which at the Supreme Court of Justice (SCJ).

Unified system of accession to the judicial profession and streamlined conditions for accession to the profession, by revising the conditions for acceding to the judicial position. At present, the provision used is that those persons who have length of service in certain areas are able to apply for a judicial office only having

attended an initial training course and taken an exam before the Graduation Commission of the National Institute of Justice (NIJ); the range of legal specialties that entitled graduates to apply for a judicial office has been reduced.

Institution of judicial immunity reformed. Its purpose was to prevent corruption in the judiciary and provide efficient tools for combating corruption. At present, if a judge is suspected of committing the crimes stipulated in article 324 (*passive corruption*) and 326 (*misuse of power*) of the Criminal Code, it is not necessary any longer to have the SCM's agreement to start criminal investigations against him. The constitutionality control of this provision has not changed its substance and thus three criminal cases were started against judges in 2013.

Number of judges of the Supreme Court of Justice optimized. This action implied reducing the number of judges at the Supreme Court of Justice (SCJ) from 49 to 33. The reduction of the number of judges was justified by the significant revision of the SCJ jurisdictional competences, which according to the latest amendments made to the procedural codes, has become a true cassation court.

Self-administration capacities in the judicial system strengthened by revising the role, composition and competences of the SCM and of the institutions subordinated thereto. The new composition of the SCM is made up of 12 members: 3 members are university professors; 3 are *ex officio* members (chief judge of the SCJ, Minister of Justice and Prosecutor General), and 6 judges elected at the General Assembly of Judges. This provision is consonant to the international standards and recommendations of the Venice Commission, according to which the composition of judicial self-administration bodies should be represented by at least half of the judges elected by their colleagues.

Judicial inspection strengthened by granting new competences for verifying the organizational activity for assuring the expedience of trial, transparency of justice-making, efficiency of court work, professional conduct of court staff etc. At present, judicial inspection controls have a systemic nature and, respectively, play a preventive role to eliminate the problems at an early stage. This institution's report served as basis for starting a number of disciplinary procedures against judges that resulted in the dismissal of some of them from office.

Transparency of the SCM work increased by setting the requirement of not only to publish the SCM decisions but also the additional materials to the SCM decisions, separate opinions of the SCM members, transcripts of hearings posted on the SCM website etc., the SCM members to vote only openly, the decisions issued to be reasoned, and SCM hearings to be public and video and audio recorded. All this has contributed to enhancing transparency in decision making within the SCM and to preventing abuses or making arbitrary decisions. According to a monitoring conducted by the LRCM under the project "SCM Transparency and Efficiency," it was found that 89 of the total number of 607 SCM decisions (14.7%) were not published in 2010; 56 of 713 (7.9%) in 2011; and 25 of 848 decisions (3%) in 2012. Although no figures are available yet for 2013, it is certain that with the introduction of stricter requirements for the SCM work, the institution has become more transparent and implicitly more accountable.

The Law no.154 on Judge Selection, Performance Evaluation and Career of 5 July 2012 has established a new **system of selection of candidates for judge positions, based on uniform, objective and clear criteria, a transparent system for the selection of the best candidates as well as** a new system of performance evaluation.

Judge performance evaluation is a new institution for Moldova. Prior to this law, the institution of attestation existed and it was limited to simple formality. Judge performance evaluation is conducted by the judge performance evaluation college and aims at establishing the level of knowledge and professional aptitudes of judges as well as their capacity of applying their knowledge and aptitudes in practicing the judicial profession; at establishing the strengths and weaknesses in judges work; and at stimulating the tendency of improving professional abilities. These criteria were regulated in detail in the SCM regulation. However, in selecting candidates for a judicial office, in promoting a judge to a higher court, in appointing a judge as chief judge or deputy chief judge of a court, in transferring a judge to a court of the same level or to a lower court, the following criteria are considered: judge's level of training and professional aptitudes, his capacity of applying knowledge and theoretical aptitudes in practice, length of service in the judicial office or legal positions, quality and quantity indicators of his work in the judicial office or in a legal position, as necessary, observance of

ethical standards, his teaching and scientific activities etc.

http://irp.md/uploads/Raport%20performante%20juridice_tipar_v2.pdf

In view of ensuring the practical implementation of the provisions of the above-said law during 2013, the SCM made consistent efforts to create the necessary institutional and normative frameworks: the college for judge selection and evaluation of performance was created; procedural rules for the operation of colleges and distinct criteria for the selection of judges for the judicial offices and judge performance evaluation were developed and passed. According to the 2013 report of the Evaluation College, 124 judges of the total number of 471 were evaluated. The following grades were given during the evaluation: 34 “excellent”, 64 “very good”, 23 “good”, 2 “fair” and 1 “failed”. By the end of 2015, the entire pool of judges is to be assessed according to the new procedure and based on a plan approved by the SCM

http://www.csm.md/index.php?option=com_content&view=article&id=377&Itemid=167&lang=ro

According to an informative note of the selection college, in 2013 the college held 12 meetings to consider 85 candidates and issued 85 reasoned decisions. The activity reports of both colleges for 2013 and their decisions are available on the SCM official website.

http://www.csm.md/index.php?option=com_content&view=article&id=377&Itemid=167&lang=ro

http://www.csm.md/index.php?option=com_content&view=article&id=376&Itemid=160&lang=ro

Increased funding of courts

The court budget was increased by 63.6% in 2013 as compared to 2012, which enabled the system to work better and covered the most stringent needs of courts. For the entire judicial system (SCM, NIJ and DJA), the budget increase was of 93.3%, which was a considerable increase for the judicial system as a whole. These increases were mainly focused on covering staff costs i.e. the new positions of judge assistants and chiefs of secretariats. Also, the budget increases had direct impact on work conditions of courts through investments and capital repair works. As at the end of 2013, 24 of 35 courts were renovated, of the total number of 48 courts. This positive trend is planned for 2014 as well, but to take place gradually, and so, the budget for 2014 was increased by 10% as compared to 2013. Such a considerable budget increase as in 2013 implied strengthening of the institutional administrative capacities. With the institution of the position of chief of court secretariat who took over the administrative prerogatives of chief judges, the financial means were absorbed at a rate of 96% per the entire judicial system.

Optimized court procedure and transparency

During 2012-2013, with the support of USAID ROLISP and in cooperation with MoJ and SCM the level of implementation of the audio hearing recording system SRS Femida and portable devices (Dictaphones) in all courts was assessed. The assessment found that 25 courts did not use the audio system at all; 19 courts used it partially; and only 6 courts used it in full. After having assessed the needs for removing the reasons why the devices were not used in full, in April – May 2013, with the support of the same development partner, 38 audio recording devices and 190 Dictaphones were transferred to courts. Also, in order to be able to use the devices, the courts received IT equipment for the audio recording of hearings: 200 computers, 200 printers and 30 scanners. Special attention was paid to training the court secretaries so that they could use the new technologies to the fullest. On 12 April 2013, the SCM approved a new edition of the Regulation on Recording Court Hearings. The new edition of the Regulation explains how to use Femida and the Dictaphones, defines how hearings can be recorded, the rules for saving, storing and archiving the audio recordings on various virtual carriers. All the conditions were ensured: technical equipment supplied, the staff trained and regulatory framework provided. This process will further be monitored in 2014. A special note must be made that at the beginning of 2014, the SCM started disciplinary proceedings against 9 judges, one of which was a chief judge,

for failure to observe the legal provisions on recording of court hearings.

Implementation of the e-justice system for the efficient and functional use of the court information system – the Integrated Case Management System (ICMS)

In accordance with the Action Plan for implementing the JSRS, in 2013, the electronic module for the random assignment of cases was improved with the support of USAID ROLISP; the mechanism for the electronic case management verification was created as well as the module for making court judgments anonymous. The statistical reporting module, which is necessary for evaluating judge performance, was improved. As a result of these changes, the fourth version of the ICMS was launched and installed in all courts in the country. In addition to the actions envisaged in the Strategy, all the local servers of each court were virtualized and migrated to a single data center, which enabled a facilitated electronic transmission of cases from one court to another. The new version of the ICMS excludes any potential manipulations in the system and the human factor from the random assignment of cases, and any arbitrary interventions in the random assignment is monitored and registered in the system. At present, it is possible to print out the case random assignment card and trial participants use this right and request that it be attached to their case file. The improved manner of random case assignment enabled the SCM to adopt the Regulation on Random Assignment of Cases that established the imperative use of the technical method of case assignment.

Institutional framework of courts strengthened

In view of optimizing the court activities, the MoJ launched the preparation of the concept for optimizing the map of courts in view of improving the quality of justice and enhancing the efficiency of the court system. An important reason for optimizing the court map is to ensure that the public funds are not spent in an unjustified manner for inefficient courts that have a low workload as compared to the number of judges and staff. Or, bigger courts can use the funds more efficiently than smaller courts. At the beginning of 2014, the study of the appropriateness of optimizing the dislocation of courts was presented. The authors of the study (the LRCM with the support of the US Embassy) came with a number of solutions and alternative models that are to be carefully reviewed by the dissidents in view of implementing the best recommendations.

In order to ensure a good mechanism of sustainable funding of the system, the MoJ together with its development partners coordinated a study on the funding of the judicial system, which was made public in October 2013. A number of options were considered for a more efficient mechanism of budget planning and use of funds by courts, with a further intention of strengthening this system and ensuring that courts use the public funds in a transparent, priority and efficient manner.

http://www.justice.gov.md/public/files/file/reforma_sectorul_justitiei/pilonstudiu1/Recomandari_de_elaborare_a_propunerilor_de_buget_al_instantelor_-ROLISP-2013.pdf

Backlogs

In 2013, a number of activities remained unimplemented, such as related to developing a legal framework on optimizing the dislocation of courts, modernizing the NIJ, and to organizing training activities at NIJ.

The reasons for these backlogs are various. For the draft legal acts necessary for optimizing the map of courts, the delay was conditioned by the complexity of the studies/ex-ante analyses conducted, which were to be used as basis for promoting the draft act; in the case of the draft law to amend the legal framework on the NIJ, the delay was caused by the considerable amount of legislative initiatives that MoJ had to implement in 2013. To overcome these backlogs, the MoJ together with the relevant institutions (SCM, NIJ) will use all the diligence and efforts in 2014 to resume the pace prescribed by the JSRS and to implement the actions lagging behind.

Pillar II. Criminal Justice

According to the JSRS, the specific objective for Pillar II is “Streamlining the pre-trial investigation to ensure respect for human rights, security of every person and diminish the crime level.”

According to the Action Plan for implementing the Strategy, a total of 71 actions are envisaged by Pillar II for implementation. In the 4th quarter of 2013, according to the timeframes, 38 actions (outstanding) were to be completed. The launching of other 33 actions having an ongoing nature or a bigger timeframe of implementation is envisaged.

A table with information about the level of implementation of the 71 actions and other details is presented below, in accordance with the Methodology for monitoring the implementations of the JSRS.

Of the 38 actions pending as at 30 December 2013 – 28 have been implemented; 10 have been partially implemented; and 0 not implemented.

Actions outstanding at the end of 2013	Actions implemented	Actions partially implemented	Actions not implemented
38	28	10	
100%	74%	26%	

Of the 33 actions with a bigger timeframe of implementation or having an ongoing nature, 6 can be considered as implemented during the reported period; 15 can be considered partially implemented; the implementation of 11 actions has not started; and 1 action is considered irrelevant (obsolete) according to the decisions of the working group for Pillar II.

Actions of ongoing character/bigger timeframe	Actions implemented (for the reported period)	Actions partially implemented (for the reported period)	Action not implemented (for the reported period)	Obsolete actions
33	6	15	11	1
100%	18%	46%	33%	3%

*Details about the actions implemented/partially implemented/not implemented can be found in the detailed *Table on the implementation of the Action Plan* included in the Annex to this Report.

Achievements

The concept and pre-trial stage procedure reviewed, based on the following actions:

Ministry of Interior streamlined (*legal and organizational framework reform implemented*). The new law on police voted by the Parliament on 27 December 2012 and entered into effect on 5 March 2013 marked the institutional separation between the Ministry of Interior (MoI) and the Moldovan police. This change led to a separation of competences and improvement in the management of the system integrity through the establishment of the Internal Protection and Anticorruption Service etc. As a result of these changes, in 2013, an increase in the level of citizens’ trust in the MoI was attested, from 23.7% in May to 31.3% in December (according to a sociological survey conducted by the Public Policies Institute).

Status of CCECC revised (after the NAC reform). As a result of the 2012 reform by which the status of the

National Anticorruption Center (NAC) was amended, the implementation of the NAC Strategy was started in 2013. At the same time, in view of strengthening the work of the NAC, rules were approved in regard to the NAC structure and staff limit and the following were developed: the Code of Conduct of the NAC staff; the Regulation on the Anticorruption Telephone Line System; and the methodology for measuring the perception of corruption in the country's vulnerable areas. Changing the NAC status provided independence to the institution, determined it to focus mainly on prevention and combatting of corruption, and strengthened its institutional capacity.

Professionalism and Independence of the Prosecutor's Office Strengthened

The Concept of Reformation of the Prosecution (*concept prepared and submitted to the Parliament for consideration*). On 11 July 2013, the Minister of Justice and the Prosecutor General signed a joint order on creating an inter-institutional working group to be responsible for amending the national normative framework to reform the prosecution. The group included representatives of the General Prosecutor's Office (GPO), MoJ, civil society, and international experts from the US Embassy, OSCE, NORLAM and the Council of Europe participated as observers, to ensure that the amendments to the legal framework comply with the international standards and best European practices.

The working group produced and submitted two papers:

- 1) *The concept of reforming the prosecution. Strengthening the professionalism and independence (presented in a public meeting on 20 November 2013);*
- 2) *A draft law on prosecution.*

Both the concept of reforming the prosecution and the draft law on prosecution are subjected to discussions in a parliamentary working group – the Working Group for Completing the Concept of Reforming the Prosecution and preparing draft legal acts on reforming the work of the prosecution, created by the disposition of the Speaker of the Parliament DDP/C1 no.2 of 15 January 2014. The group aims at preparing draft legal acts on reforming the prosecution (eventually, the draft law to amend the Constitution) and submitting it to the Parliament for adoption.

The prosecution reform refers to regulating the procedure and criteria for selecting, appointing, transferring and promoting prosecutors (establishing clear, transparent and objective criteria and procedures that would be merit-based for selecting, appointing, transferring and promoting prosecutors), strengthening the capacities and ensuring the independence of the Superior Council of Prosecutors (SCP) by establishing the competence of the prosecution and restricting (*excluding*) the participation of prosecutors in trying non-criminal cases, demilitarizing the institution of the prosecution, revising its disciplinary liability procedure and immunity regime, implementing the concept of specialization of prosecutor's offices, examining the adequacy of this type of activity etc.

As to examining the elimination of the general immunity of prosecutors, the IRP submitted a study on the rules for holding prosecutors liable, including disciplinary liability and elimination of the prosecutors general immunity – the recommendations of the study will be examined upon completion of the draft law on prosecution.

http://www.justice.gov.md/public/files/file/reforma_sectorul_justitiei/pilon2/Regulile_de_raspundere_a_procurorilor__raspunderea_disciplinar_si_eliminare_imunitatii-_PG-2013.pdf

Professional crime investigation capacities strengthened

In 2013, the NIJ contributed to improving the professional capacities of the persons involved in criminal investigation and prosecution by holding 38 seminars on 5 different topics that were attended by more than

1,000 judges and prosecutors.

Judicial expertise center reformed. In 2012, an empirical research was conducted that aimed at reviewing the appropriateness of establishing a mixed judicial expertise system, reforming the judicial expertise centers, and strengthening the judicial expertise system. As a result of the study, proposals were made for preparing a draft law on judicial expertise that will be subjected to public consultations in the first quarter of 2014.

Statistics collection system modernized. In 2013, a study was conducted on collection and analysis of statistics on criminal justice and the problems in this area.

The study showed it was necessary to ensure observance of the principle of coherence, consistency and balance among the regulations in the area that are stipulated by the legislative and departmental normative acts of the institutions involved in the collection and analysis of statistics on criminal justice (GPO, MoI, NAC, the Customs Service, the Intelligence Service, National Bureau of Statistics, SCJ). It is suggested to unify these provisions in view of ensuring the interoperability of databases. The study was made public and its conclusions are to be transposed in the amendments to the legislation. http://www.justice.gov.md/public/files/file/reforma_sectorul_justitiei/pilon2/Sistem_automat_statistica_judiciara_adatelor_penale_-_Edward_Lucaci_-2013.pdf

Performance indicators of the bodies that make criminal justice introduced. The GPO has developed a regulation on evaluating the professional performance of prosecutors, which was approved by the Decision of the SCP no.12-211/12 of 11 Sept 2012. The evaluation of the professional performance of prosecutors aims at establishing the level of their professional competence, improving their professional performance, enhancing the efficiency of the work of prosecution bodies, and maintaining and strengthening the capacity and public trust in this institution. To verify the fulfillment of professional competence and performance criteria, prosecutors are subjected to an evaluation of the efficiency of their work; quality of work; integrity; and how they fulfill their professional development obligation. For the prosecutors appointed to managing positions, the evaluation also covers the performance of their managerial tasks. At the same time, the GPO conducted an analysis of the performance indicators system of the bodies involved in criminal justice making that was submitted to the MoJ on 25 Nov 2013 with the no.28-1d/13-227. Performance indicators of all bodies involved in criminal justice making are to be developed.

Non-custodial preventive measures evaluated. In this sense, two studies were conducted: one on enhancing the manner of application of procedural coercion measures and one on evaluating the efficiency of application and enforcement of criminal non-custodial and custodial sentences.

Existing mechanism for protecting the rights of crime victims. A study was conducted of the existing mechanism for protecting the rights of crime victims.

Backlogs

Since the prosecution reform started later than the timeframe established for this action in the Action Plan, as at the end of 2013, some actions related to the prosecution reform remain only partially implemented.

Pillar III. Access to Justice and Enforcement of Judgments

The Pillar III of the JSRS is devoted to professions related to the justice sector and its specific objective is *“Improve the institutional framework and processes that ensure effective access to justice: effective legal aid, examination of cases and enforcement of judgments within a reasonable timeframe, and upgrade the status of certain legal professions related to the justice system.”*

According to the Action Plan for implementing the Strategy, Pillar III includes a total of 45 actions. In the fourth quarter of 2013, according to the timeframes, 32 actions had to be completed (the outstanding actions). At the same time, the implementation of other 13 actions, either having an ongoing nature or a bigger

timeframe, is envisaged to start.

Of the 32 actions outstanding as at 31 December 2013: 12 actions have been implemented, 17 actions have been partially implemented, and 3 actions have not been implemented.

Outstanding actions, 4th quarter, 2013	Actions implemented	Actions partially implemented	Actions not implemented
32	12	17	3
100%	34%	53%	13%

Of the 13 actions with a bigger timeframe of implementation and those having an ongoing nature, 11 can be considered implemented for the reporting period (the number includes actions for which no measures were envisaged in the reported period), one action can be considered partially implemented in the reporting period, and one can be considered not implemented in the reporting period.

Actions of ongoing character/bigger timeframe	Actions implemented (for the reported period)	Actions partially implemented (for the reported period)	Actiond not implemented (for the reported period)
13	11	1	1
100%	84%	8%	8%

*Details about the actions implemented/partially implemented/not implemented can be found in the detailed *Table on the implementation of the Action Plan* included in the Annex to this Report.

Achievements

Capacity of organization and administration of state legal assistance system strengthened

(*administrative apparatus created*). In view of strengthening the system of state-guaranteed legal assistance (SGLA) at the end of 2012, after passing the Law no.112 of 18 May 2012 on amending and completing certain legislative acts (<http://lex.justice.md/md/344079/>), the Administrative Apparatus of the National Council for State-Guaranteed Legal Assistance (NCSGLA) was created and provisions on the work of the executive director and of the administrative apparatus of the NCSGLA were introduced in the text of the Law on State-Guaranteed Legal Assistance. As an outcome of 2013, the NCSGLA was supported in its work by the administrative apparatus that ensured the continuous activity of the NCSGLA and exerted control of the system providing SGLA, a measure that essentially contributed to ensuring the functioning and strengthening of the administrative capacity of the entire SGLA system. The administrative apparatus contributed to establishing managerial levers for the continuous administration of the SGLA system by organizing and managing the information and communication among the Territorial Offices and the NCSGLA, between the NCSGLA and the activity partners, the strategic management by implementing and monitoring the implementation of the policies in the area, management of communication and external relations, and financial resource management. In view of performing the functional competences of NCSGLA, the administrative apparatus prepared draft acts to be adopted by NCSGLA, including draft fundamental acts on reviews and forecasts related to the work of the SGLA system, monitoring the enforcement of the NCSGLA decisions and performing other tasks in accordance with the Law on State Guaranteed Legal Assistance, the activity regulation of the administrative apparatus of the NCSGLA, and other normative acts in the area.

Costs of state guaranteed legal assistance recovered (*best option identified*). For the free qualified legal assistance provided depending on the person's level of income as well as in case of the partially free legal

assistance, it becomes necessary to develop a mechanism for pursuing the money the beneficiary is to return to the state.

Five options of a cost recovery mechanism were identified. The options identified were subjected to debates at a round table “Recovery of State Guaranteed Legal Assistance Costs” held in Chişinău on 4 October 2013. After the debates, it was decided that the best option in this sense would be to recognize the decisions issued by the coordinators of the Territorial Offices of the NCSGLA on recovering the costs of SGLA as enforcement acts. If this type of decisions was introduced in the list of enforcement acts stipulated in Art.11 of the Moldovan Enforcement Code i.e. they were assigned the status of enforcement document, the pursuit of SGLA costs would take place in a simplified manner, by omitting the judicial state and enforcing the enforcement stage. This option includes both a simplified procedure of pursuing the costs incurred for the SGLA and the right to effective appeal for the persons involved when they consider the decisions made in their regard as illegal and ungrounded. So, the appeal to the judicial procedure would take place only in certain cases, at the discretion of the persons referred to in the decisions made by the coordinator of the Territorial Office of the NCSGLA. Hence, the next step is to prepare a draft law to amend the Enforcement Code and namely Art.11 and to continue to support the Government and the Parliament in passing the new regulations.

Mechanism of accessing the databases for verifying the revenues of SGLA applicants (*access to information for the Territorial Offices*). Obtaining access to the databases for viewing the information on the applicant’s revenues would permit excluding applicant abuses. Although the access to the databases is still restricted, some progress was made in 2013 in view of achieving the final goal. A draft law for amending the Law on the State Guaranteed Legal Assistance and for completing the Moldovan Tax Code was prepared. On 3 December 2013, the Parliament passed the law on amending and completing the Tax Code (initiative of the Government no.491) that give to the Territorial Offices of NCSGLA the possibility to have access to the information held by the bodies having fiscal attributions in regard to a specific taxpayer for checking their revenues.

Improved quality and accessibility of SGLA services

Lawyer selection criteria (*criteria approved*). The NCSGLA Decision no.17 of 11 June 2013 on Amending the Regulation on the Contest of Selection of Lawyers for Providing Qualified State Guaranteed Legal Assistance established the *criteria for selecting the lawyers* who provide SGLA and how to ensure the transparency of the lawyer selection process. The tender application was completed with other documents to be filed by the lawyer applicant, such as the endorsement of the legal office on accepting the lawyer in the SGLA system. In this way, the Union of Lawyers of Moldova can also bring its input in the selection of lawyers. Also, the interview has become a mandatory test and the tender commission members will have to fill in an evaluation form and indicate the points given for each selection criterion and the total score.

Establishing new criteria of selection of lawyers for providing SGLA aims at verifying the level of awareness and motivation of lawyers to work in this system and whether the lawyer is morally prepared to provide quality services and respect the same quality standards regardless of who and how much pays him.

Quality of the SGLA monitored (*quality control conducted*). In accordance with Art.36 of the Law no.198-XVI of 26 July 2007 on the State Guaranteed Legal Assistance and pts.23 and 44, the NCSGLA carries out its activities in sessions, meetings and *visits monitoring the territorial offices and the subjects providing SGLA* as well as other forms of activities not forbidden by the law. The NCSGLA ensures the quality of the legal assistance provided through monitoring, by requesting and verifying the information from the Territorial Offices about the amount and type of the legal assistance provided, by reviewing the complaints received from the beneficiaries of qualified legal assistance and from other interested institutions, through *service quality controls*.

In 2013, the Territorial Offices of NCSGLA held 259 monitoring exercises in regard to lawyers who provide SGLA (of the total of 500 lawyers). Due to the monitoring of the quality of the SGLA, the number of lawyers who perform their missions in the system professionally increases. Analogically, the administrative apparatus

of the NCSGLA has monitored the work of the Territorial Offices of NCSGLA. Each monitoring was preceded by a work monitoring and evaluation act. Based on the monitoring observations, recommendations were made to improve the work of the Territorial Offices. This action has an ongoing nature and will be continued in 2014.

Public lawyer offices created in the locations of the NCSGLA territorial offices (*filling in the number of public lawyers*). One specific feature of public lawyers is representation of beneficiaries in criminal cases, especially when they involve serious crimes, very serious crimes and exceptionally serious crimes. As exception, the public lawyers can take over a civil case now and then. The public lawyers also get successfully involved in strategic litigation cases, especially to defend victims of torture and other ill-, inhuman and degrading treatments. Due to the lengthy application of the standards of quality representation of clients in criminal cases and continuous involvement in the state-guaranteed legal assistance reform, the public lawyers have influenced many lawyers from the private practice in view of enhancing their professionalism. In 2013, 12 public lawyers provided qualified legal assistance in 740 cases. In 2013, there were envisaged 14 units for the position of public lawyers in the following territorial jurisdictions: Chişinău – 9 persons; Bălţi – 2 persons; Cahul, Comrat, Căuşeni – 3 persons. For 2014, it is planned to fill in the vacancies with two more units. In 2013, financial means were allocated for the remuneration of public lawyers and in 2014 the funding is to be extended to cover the technical equipping of the offices.

Continuous training and assistance to persons authorized to provide SGLA (*training conducted*). In 2013, the lawyers providing SGLA benefited from 23 training sessions organized by the NCSGLA in cooperation with its development partners. As a result, most of the lawyers registered in the Registry of SGLA Providers collected at least 20 hours of training each and some collected even more than 45 hours of continuous training (a total of 436 lawyers trained of the total number of 500). This action has an ongoing character and will be continued in 2014.

Methodology of planning costs for SGLA services (*methodology produced*). The purpose of the methodology is to strengthen the connection between the public policies that come to ensure efficient access to justice of socially disfavored layers by providing SGLA and developing the budget in the area as well as enhancing the efficiency of public costs and focusing them towards the interest of the society. Thus, upon completion of the budget proposals all the elements identified and all the priorities established in the national and international legal acts to which Moldova is a party and in the national policy papers that refer to the SGLA system should be taken into account. As a result, the methodology of planning the costs for SGLA services will ensure better clarity to the state policy objectives in the area of SGLA, better predictability to the budget allocations, a more comprehensive coverage of activity spheres in the area, and more transparency to how the resources are used.

New methods of providing qualified SGLA studied. One of the strategic priorities in the SGLA system is to diversify the range of SGLA services and adjust them to the needs of the socially vulnerable beneficiaries. The study aims to identify potentially new methods of providing SGLA and formulate specific recommendations for implementing new methods of providing qualified SGLA.

Legal culture and access to legal information promoted

Work of paralegals (*supporting the work of paralegals*). A first objective is to implement broadly the work of paralegals, a new institution introduced into the law under the provisions of the Law on State Guaranteed Legal Assistance no.198 of 26 July 2007 that aim at endowing the members of the rural community with a large range of knowledge and legal skills to protect their rights and demand the others to respect them.

The paralegals provide primary legal assistance and confidential counseling for clarifying disputes. They especially explain the procedural aspects that are the most unclear to the citizens, especially to the rural ones who lack quality information. During 2013, the system of primary assistance provided by community paralegals was tested. Their work was evaluated in the *Evaluation Report “Main Conclusions of A Pilot Project and Recommendations for Extending the Network of Paralegals,”* produced by Soros Foundation Moldova, which concluded that it was necessary to extend the network of paralegals to a national scale. As a result, extending

the network of paralegals started on 1 April 2013, when 15 paralegals were already providing state guaranteed primary legal assistance under the contracts concluded with the Territorial Offices of NCSGLA and were paid from the state budget.

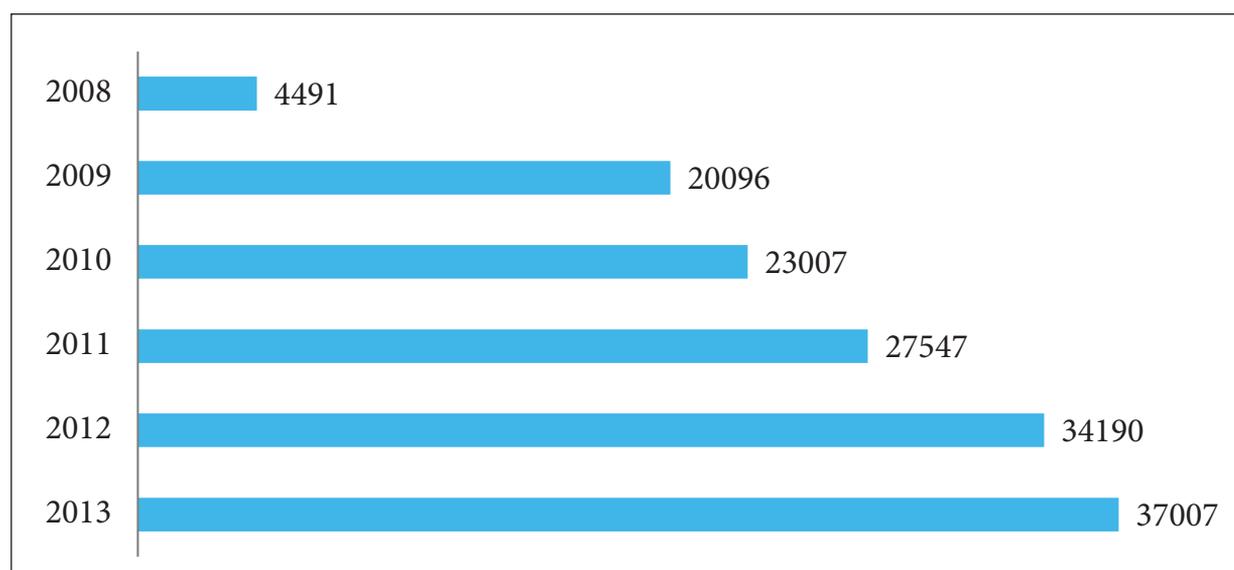
At the same time, during 2013, Soros Foundation Moldova continued implementing the project “*Legal Empowerment of Rural Communities Through the Network of Community Paralegals*,” with the financial support of Sweden and in partnership with NCSGLA, MoJ, and the Ministry of Labor, Social Protection and Family to strengthen the paralegal capacities. In this sense, the community paralegal network was strengthened and extended to 32 rural communities, they were trained (3 initial trainings and 4 continuous trainings) and paid for their work. So, the total number of currently active paralegals is 32 (in 2012 - 23) in 20 municipalities/districts: Chişinău, Bălţi, Comrat, Ialoveni, Nisporeni, Hînceşti, Cimişlia, Cahul, Leova, Ungheni, Cantemir, Briceni, Donduşeni, Făleşti, Floreşti, Glodeni, Rîşcani, Teleneşti, Soroca and Drochia.

SGLA services promoted. In order to respond to the legal education needs among the Moldovan population, the website www.parajurist.md was created and contains practical information and answers to the most frequent legal questions that may arise in the daily life of any person. At the same time, public information campaigns on the SGLA were held, with the administrative apparatus of the NCSGLA and its territorial offices disseminating about 1,500 brochures and 1,500 informative calendars about the SGLA system. The national TV station TVM 1 broadcast two ads daily in November-December 2013 on SGLA in criminal and non-criminal cases. At the same time, the local newspapers within the scope of the territorial offices published information for beneficiaries on SGLA.

SGLA services provided by civic associations (*study conducted, system tested*). In 2013, a study was conducted on the provisions of primary legal assistance by civic associations that have a better connection in the regions. According to the study conclusions, the primary legal assistance can be provided using various means: nongovernmental organizations, mayor’s offices secretaries, mobile teams, paralegals etc. Depending on the general level of infrastructure development, one or another model of primary legal assistance provisions appears to be optimal. The involvement of civic associations in the scheme of state guaranteed primary legal assistance will have as an additional positive effect the legal empowerment of the communities and an increased level of transparency in the SGLA system.

In 2013, the territorial offices of NCSGLA provided emergency legal assistance (2,803 cases) and qualified legal assistance (33,569 cases), with 37,007 beneficiaries (including 1,948 juveniles and 4,060 women). In 2013 the number of beneficiaries of SGLA increased by 8% as compared to the number of such beneficiaries in 2012.

Trend of the number of beneficiaries of qualified state-guaranteed legal assistance



Strengthening institutional capacities and professional development of representatives of professions related to the justice system (*lawyer; notary, mediator, judicial enforcement, judicial expert, insolvency administrators, translator/interpreter*)

Functionality of related legal professions analyzed. In view of reviewing the manner of operation of each profession related to the justice sector, in view of identifying proposals for amending the national legislation to guarantee an efficient activity thereof, in 2013 the MoJ conducted studies of the functionality of the following professions related to the justice sector:

- profession of notary in Moldova;
- profession of authorized translator and interpreter in Moldova;
- profession of insolvency administrator in Moldova;
- profession of attorney in Moldova;
- profession of mediator in Moldova.

The studies were subjected to public debates. As a result of the research conducted recommendations were reviewed for making legislative amendments: e.g. the study of the functionality of the profession of notary suggested drafting a new law on the organization of notaries that is currently at an advanced stage of finalization.

New system of private enforcement officers institutionally and operationally strengthened (*profession development*). Amendments have been made to the Enforcement Code and to the Law on Enforcement Officers that introduced the voluntary *timeframe of enforcement* and regulated the *procedure that follows when the debtor does not voluntarily execute the enforcement title*. These amendments contribute to strengthening the institutional and functional capacities of the Disciplinary College of the National Union of Enforcement Officers (NUEO) and of the Licensing Commission, with transferring the Disciplinary College of Enforcement Officers from under NUEO into the subordination of the MoJ. The Disciplinary College aims at examining the cases for holding disciplinarily liable the enforcement officers at the request of the MoJ, of the NUEO Board, of the parties to the enforcement procedure as well as on the request of another person. The competence of the Disciplinary College was amended and completed with responsibilities that ensure supervision of the work of the enforcement officer and an objective and complete examination of a disciplinary complaint.

The grounds for suspending the work of an enforcement officer have been established and include the enforcement officer's failure to execute his obligation of annual attendance of training and retraining courses; incompliance of the enforcement officer's position with the requirements established by the NUEO; failure to pay within 30 days the fine imposed as disciplinary sanction etc. Also, provisions were included that establish new disciplinary violations and increased the maximum ceiling of the fine to be imposed as disciplinary sanction.

Legislation on notaries (*draft law prepared*). To prepare this draft law, MoJ created a working group that included notaries, representatives of the MoJ and of the civil society. Workshops and meetings were organized with all the stakeholders and the first version of the draft law on notary organization was prepared. In preparing the draft law, account was taken of the recommendations of the Union of Notaries of Germany and the experience of other countries. The first version of the draft law was endorsed, discussed and amended according to the objections and recommendations made. The regulations basically aimed at making a clear and reserve-free determination of the status of the notary as a free professional, provider of a public service, of the status of the intern notary, the conditions for accepting candidates into the notary profession, improvement of the institutions of suspension, termination of the notary work, establishment of the professional body of notaries, assessment of their status, determination of the order of conducting control of the notary work, and establishing the grounds and types of liability and sanctions imposed on notaries. The promotion of the draft law is delayed due to the complexity of the area of notary organization but is to be submitted shortly to the Government for examination and approval.

Professional ethics standards (*being prepared*). In order to develop the standards envisaged by the

professional codes of the representatives of professions related to the justice sector, it was found necessary to contract experts to take part in developing the studies. The MoJ identified budget sources for this action and hired 2 experts for the legal and mediator professions. It is intended to hire experts for the other related professions as well. In 2013, the work of 10 notaries was suspended, 4 notaries were imposed disciplinary sanctions, and the license of one notary was withdrawn. As to the licensed attorneys, 13 attorneys were imposed disciplinary sanctions and 4 had their licenses withdrawn.

Effective enforcement of court judgments. The legal framework was passed to ensure an efficient enforcement of court judgments. The law aims to reach the objective of improving the institutional framework and the processes that ensure effective access to justice and examination of cases and enforcement of court judgments in a reasonable timeframe. The law mainly refers to making amendments to the Enforcement Code, the Civil Procedure Code, the Law on State Repair of Damages caused by Violating the Right to Trial in a Reasonable Timeframe or of the Right to Enforcement of Court Judgments in a Reasonable Timeframe, the Law on Insolvency, the Law on the State Tax.

At the same time, the Enforcement Code establishes the obligation for courts to send their judgments for enforcement *ex officio*, thus *foreign court judgments recognized in the territory of Moldova shall be submitted ex officio by the court for enforcement only in the cases established by the law*.

The court that examines the motion to recognize a foreign court judgments is required to notify in a timely manner the MoJ about this and the National Bank of Moldova if the judgment refers to a financial institution licensed thereby, with submission of the motion and related documents. The presence of a representative of the MoJ and of the National Bank of Moldova, as necessary, at the court hearing that examines the motion for recognizing the foreign court judgment is mandatory.

Management of information about the enforcement of court judgments (*study conducted*). A study was conducted to establish the improvement in the system of management of information and communication that have impact on the enforcement of court judgments. The study proposed as recommendation to establish an electronic mechanism for tracking the interdictions imposed by enforcement officers that would be accessible to the interested public authorities and that would be preceded by an opportunity analysis, including a cost-effectiveness analysis and if the conclusion is favorable, its creation may be proposed for implementation in the context of the activity plans, including the *e-governance* programs.

Backlogs

The reasons for the backlogs that for the most part refer to the amendment of the legal framework are determined either by a delay in passing the primary law that makes impossible to pass the legal framework prepared for enforcing the laws (Regulation on Enforcing the Judgments of the European Court of Human Rights) or by the difficulty of contracting experts to conduct the studies preceding the preparation of draft legal acts.

Pillar IV. Integrity of Justice Sector Players

Pillar IV aims at reaching the specific objective “*Promoting and implementing the principle of zero tolerance for corruption events in the justice sector*”.

According to the Action Plan for implementing the JSRS Pillar IV includes 56 actions. By the second quarter of 2013, according to the timeframes, 26 actions had to be completed and other 10 having either an ongoing nature or a bigger timeframe of implementation had to be started.

Of the 26 actions outstanding as at 31 December 2013 – 14 have been implemented, 7 partially implemented, 1 not implemented, and 4 actions have been considered obsolete.

Outstanding actions, 4th quarter, 2013	Actions implemented	Actions partially implemented	Actions not implemented	Obsolete actions
26	14	7	1	4
100%	54%	27%	4%	15%

Of the 10 actions having an ongoing nature due to their specifics, 8 actions have been implemented and 2 actions have not been implemented.

Actions of ongoing character/bigger timeframe	Actions implemented (for the reported period)*	Actions partially implemented (for the reported period)	Action not implemented (for the reported period)	Actions of ongoing character/bigger timeframe
10	8		2	
100%	80%		20%	

*Details about the actions implemented/partially implemented/not implemented can be found in the detailed *Table on the implementation of the Action Plan* included in the Annex to this Report.

Achievements

As compared to the implementation period of the Action Plan for implementing the JSRS in 2012, when the reform actions focused on deep institutional and procedural restructuring of the justice system, the year 2013 was distinguished by reform actions focused on creating the legislative and institutional infrastructure as well as on offering efficient and consistent tools for preventing and combatting corruption. This being the situation, the following achievements can be reported for 2013:

Increased level of salary payment for relevant justice sector actors. Starting with 2012, the process of increasing the salaries for the justice sector officers was started. The increase takes place gradually, as planned in the Action Plan for implementing the JSRS. A first step in increasing the remuneration for judges and prosecutors took place in 2013, with the passing of the new provisions that established an increase of 35% in the salaries of persons holding public dignity offices. As from 1 January 2013 the salaries of public officers have been increased with the simultaneous enforcement of the Law 48 of 22 March 2012 on Salary Payment to Public Officers, this category including also the persons who contribute to justice making: judicial assistants, court secretaries, the staff of court secretariats, of the prosecution bodies etc. Since summer of 2013, the salaries of the staff of the NAC (both civil servants and the staff having special status, including the criminal investigation officers of the NAC) have been significantly increased. In 2013, there were also passed rules for remunerating the staff of the MoI, including the criminal investigation officers, based on which they will enjoy an increase of 30% in their salaries as from 2014. The most significant progress was made on 23 December 2013 with the passing by the Parliament of the Law on Salary Payment to Judges, according to which from 1 January 2014 to 1 January 2016 the judges salaries will triple.

Mechanism of verification of declarations of income and assets strengthened and capacities of the NIC increased. In 2013, the NIC entered in full execution of its competences and namely: all NIC members were appointed; the staff to assist the NIC in its were selected; the website of NIC has been launched www.cni.md as well as the portal of income and asset declarations <http://declaratii.cni.md/> that posts over **100,000 declarations** and the instructions on how to fill in the declarations on income and assets, and on personal interests. In 9 months of 2013, the NIC managed **128 cases** including filed based on notifications – **61 cases**; and from own initiative – **67 cases**. The verifications conducted involved **19 judges**, **10 MPs**, **7 prosecutors**, **4 ministers** and deputy ministers, **9 mayors** and deputy mayors, **7 civil servants** with special status, **6 civil servants** with various functions in central

public administration institutions, 5 civil servants from the local public administration, 4 managers of municipal and state companies where the state was the main shareholder, 4 managers of medical facilities and 4 managers of education institutions. Of the **19 violations found** during the verifications, 7 were violations of the legal regime of the declaration of income and assets; 7 – violations of the legal regime of conflicts of interests; 3 – violations of the regime of incompatibilities; 1 violation of the legal regime of the declaration of income and assets and of incompatibilities, and 1 violation of the legal regime of conflicts of interest and incompatibilities.

New tools for preventing and combating corruption in the justice sector created. In December 2013, the Parliament passed a simple set of anticorruption laws that had been promoted for 2 years by the MoJ and that aims at discouraging acts of corruption and more severe sanctioning of corruption-related crimes in the justice sector and at increasing the effectiveness of judicial coercion. According to the experts of the Council of Europe, this set of laws contains very many innovational elements for the regional normative and institutional spaces and their efficient enforcement could propel Moldova to the top of regional leaders in preventing and combating corruption. The following innovations were introduced with the passing of this set of laws:

- A **three-time increase in the ceiling of fines** for committing monetary interest crimes, implicitly corruption crimes;
- A **three-time increase in the timeframe** for which **deprivation of the right to hold certain positions or carry out a certain activity** is enforced for corruption crimes. Deprivation of the right to hold certain functions or carry out a certain activity for a period bigger than five years (up to 15 years) is a clear signal of zero tolerance to corruption crimes;
- **Extended seizure instituted**, which permits seizing the goods that cannot be justified, including the goods originating from criminal activities that have no direct relation to the crime for which the person is convicted or more specifically, the direct relation between the crime that leads to conviction and the goods that are seized is not proved.
- A new **crime component** included in the Criminal Code, Art. 330² “**Illicit enrichments**”, under which the holding by a responsible person or by a public person, personally or through third parties, of goods whose value substantially exceeds the financial means acquired and it has been found, on evidence basis, that such means could not be acquired licitly, will be sanctioned;
- Express provision of **interdiction of any communication outside the courtroom between the judge and other persons**, including of public dignity if the subject matter of such communication is a case pending before the judge and may affect his impartiality, implicitly the credibility of the judicial system before the trial participants, with all the communication related to a case before the judge to take place in writing and all such documents to be attached to the case file in a compulsory manner;
- The **polygraph testing** requirement instituted for judge and prosecutor office candidates.

A component part of the anticorruption package voted by the Parliament in December 2013 was the **Law on Professional Integrity Testing** – an exclusive innovation in the European space. Although it is an instrument intensively promoted by such international institutions as UN, OSCE, and the World Bank, no other country in the European space has taken the ambition and had the courage to pass such a law. This law will contribute to preventing corruption within the law-enforcement bodies and the public authority system of Moldova – or professional integrity testing aims at ensuring professional integrity, preventing and combating corruption within public entities; verifying observance of work obligations and tasks as well as of conduct rules by the public officers; identifying, evaluating and removing vulnerabilities and risks that would determine or favor the committing of acts of corruption, acts related to corruption or corrupt behavior acts; non-admission of improper influences in the performance of work obligations or tasks by public officers.

Backlogs

Since the anticorruption law package was passed only at the end of 2013, the actions whose implementation is conditioned by its passing and enforcement remained unimplemented. The implementation of the legal provisions on integrity testing and integrity testor training, enforcement of the law on polygraph testing of judge

and prosecutor office candidates, unifying the codes of ethics and strengthening the capacities of the bodies responsible with sanctioning disciplinary infringements, implementation of internal warning mechanisms are the actions logging behind on which the institutions responsible with the implementation of this Pillar must focus their attention in 2014.

Pillar V. Role of Justice in Economic Development

The specific objective of Pillar V of the JSRS is *“Implement measures, by which the judicial sector would help create a favorable environment for sustainable economic development.”*

According to the Action Plan for implementing the JSRS, Pillar V includes a total of 28 actions. By the fourth quarter of 2013, according to the timeframes, 19 actions had to be completed. At the same time, 6 actions are planned to start in 2013 and are either ongoing or have a bigger timeframe of implementation.

Of the 19 actions outstanding as at 31 December 2013 – 8 have been implemented, 7 partially implemented, 3 not implemented, and 1 action became obsolete.

Outstanding actions, 4th quarter, 2013	Actions implemented	Actions partially implemented	Actions not implemented	Obsolete actions
19	8	7	3	1
100%	42%	37%	16%	5%

Of the 6 actions having a bigger timeframe of implementation or an ongoing nature, 2 can be assessed as implemented in the reporting period; 2 actions can be considered partially implemented in the reporting period, and 2 actions were not implemented in the reporting period.

Actions of ongoing character/bigger timeframe	Actions implemented (for the reported period)*	Actions partially implemented (for the reported period)	Actiond not implemented (for the reported period)
6	2	2	2
100%	34%	33%	33%

*Details about the actions implemented/partially implemented/not implemented can be found in the detailed *Table on the implementation of the Action Plan* included in the Annex to this Report.

Achievements

Legislation on mediation strengthened. The preparation of draft laws for amending the legal framework on the operation of the institution of mediation in special areas was started. The draft law on mediation was started based on studies conducted in the area that contain recommendations in this sense (the study on the functioning of mediation, an action implemented in 2012). In order to ensure an efficient consultation of the draft law, the MoJ organized a number of public debates with the participation of mediators, the academia etc., which strengthened the dialog with various categories of persons about the need to implement mediation.

Trainers trained in the area of mediation. The NIJ prepared a training of trainers plan to include mediators. The NIJ, in partnership with ROLISP, has trained 17 persons in “mediation in the intellectual property area”, and with the EBRD support - 25 persons in “mediation in commercial and economic disputes.” The persons trained will participate in training the network of trainers in mediation and will ensure transmission of good practices in this area.

Benefits of mediation promoted. In 2013, the functioning of the institution of mediation was publicized through a number of actions:

- website *www.mediare.gov.md* launched;
- round table “Mediation in Moldova: Challenges and Solutions” held;
- first General Assembly of Mediators of Moldova organized;
- informative booklets on the functioning of mediation disseminated;
- first informative newsletter “Mediation in Moldova” published;
- public lectures on mediation organized in partnership with the Public Law Library.

At the same time, in 2013, a pilot project was launched on promoting the use of mediation in commercial litigations in the partnership among the MoJ, Mediation Council, ACI Partners, EBRD, Center for the Efficient Settlement of Disputes, London (CEDR) “Mediation of Commercial Litigations in Moldovan Courts,” implemented in two courts (Bălți District Courts and Botanica District Court of Chişinău). The project at its first stage aimed at training 25 persons in commercial mediation, and at the second stage, at involving them in using mediation in commercial cases and the two pilot courts selected by the SCM. The project is for a period of six months and will continue in 2014. The mediators participate in disseminating information about the functioning of mediation – through discussions with the parties, judges, attorneys as well as in strengthening the institutionalization of the promotion of mediation e.g. posting information about mediation on the back of the summonses served to parties.

Recognition and enforcement of foreign arbitrary judgments. The study on the regulation and use of mechanisms for recognizing and enforcing foreign arbitrary judgments was presented. At the same time, 120 persons were trained (judges, prosecutors, enforcement officers) in recognizing and enforcing foreign judgments and foreign arbitrary judgments to ensure uniform interpretation of the legal provisions.

Profession of insolvency administrator created. In 2013 there was prepared and promoted the draft law on insolvency administrators that also responds to the needs of determining the criteria for accepting candidates into the profession of authorized administrator. On 29 Jan 2014, the Government Decision was approved that institutes this profession and establishes the following directives:

- Clear and reserves-free determination of the status of authorized administrator;
- Regulation of the procedure of admission to the profession, with express establishment of the requirements to candidates as well as the body that decides on the accession to the profession, this being the Authorization and Discipline Commission;
- Institute the professional body of administrators, assessing its status, goals, organization and administration of the profession;
- Establish the bodies and their duties related to the oversight and control of the authorized administrator’s work;
- Regulate the institutions of suspension and termination of the work of the authorized administrator;
- Accountability of administrators by establishing the grounds and types of accountability, sanctions and manners of imposing them.

Profession of insolvency administrator strengthened. The Government Decision of 29 Jan 2014 created the institutional framework for performing the profession of authorized administrator. The Authorization and Discipline Commission was established and its Regulation was prepared, to be submitted for endorsement after the Parliament passes the draft law on the insolvency administrator. At the same time, a plan for training the authorized administrators has been created to increase the stability of the profession, enhance their integrity and professionalism, which implies organizing 3 training modules of 5 days. The training is to start when the law becomes effective.

Backlogs

In 2013, the authorized administrator’s manual was not developed due to the late passing of the draft law on the authorized administrator. Or, the manual must contain information about the legal framework to facilitate

the administrator's work.

As to amending the legal framework to extend to amount of information in the electronic registry of business operators for free access and to improve the electronic system of supplying free and paid information about the business operators – these actions have not been implemented because they depended on the results of the studies on these topics and the studies are to be presented in 2014.

Pillar VI. Observance of Human Rights in the Justice Sector

The pillar VI of the Strategy has the specific objective “*Ensure effective observance of human rights in legal practices and policies.*”

According to the Action Plan for implementing the JSRS, the Pillar VI includes 101 actions for implementation. By the fourth quarter of 2013, 45 actions had to be completed and the implementation of 35 actions having either an ongoing character or a bigger timeframe of implementation had to start.

Of the actions outstanding as at 31 December 2013 – 30 actions have been implemented, 12 partially implemented, and 3 – not implemented.

Outstanding actions, 4th quarter, 2013	Actions implemented	Actions partially implemented	Actions not implemented
45	30	12	3
100%	67%	27%	6%

Of the 35 actions with a bigger timeframe of implementation or having an ongoing nature, 27 can be considered implemented during the reporting period, 4 actions can be considered partially implemented, while 4 actions have remained unimplemented.

Actions of ongoing character/bigger timeframe	Actions implemented (for the reported period)*	Actions partially implemented (for the reported period)	Actiond not implemented (for the reported period)
35	27	4	4
100%	78%	11%	11%

*Details about the actions implemented/partially implemented/not implemented can be found in the detailed *Table on the implementation of the Action Plan* included in the Annex to this Report.

Achievements

Capacities of the HRC and ombudsman strengthened. In 2013, a number of public debates were organized to discuss various aspects that were regulated in the new law on the ombudsman. At the same time, a final public presentation was made in August 2013 with the participation of the civil society, academia, independent experts, public institutions etc. to finalize the draft law that was approved by the Parliament in its 2013 autumn-winter session. According to the provisions voted in the first reading the number of ombudsmen was reduced to one; the procedure of appointment of ombudsmen was changed to guarantee transparency and the involvement of the civil society (The Parliament will appoint the ombudsmen on a public tender basis, the budget mechanism guarantees the financial independence of the institution, the mechanism for the preventing and combat of torture is improved by a better regulation of its activities). At the same time, in the context of this action, it is suggested to transform the HRC into the Ombudsman Office to be headed by a Secretary General

to administer and manage the office and the institution's financial independence should be ensured through its own budget approved by the Parliament. According to the Strategy indicator, this action was qualified as implemented in the form of a law approved by the Parliament. In 2014, due to the essential changes made to the draft law in the second reading, found by the civil society and the international institutions, the law was not promulgated by the President. Hence, additional amendments are to be made to this law.

Institutional capacities of the HRC strengthened. In view of developing the professional capacities of the HRC employees, a curriculum was developed to train them based on a study that established their training needs. At the same time, in view of ensuring an efficient communication of the activities carried out by the HRC, a new website thereof was launched, to include a directory dedicated to children.

Concept of juvenile hearing room promoted. In April 2013, the MoJ created an inter-institutional work group on juvenile justice that made proposals on the procedure and spaces for hearing children. The working group also made a proposal for amending the Criminal Procedure Code to minimize the negative effects on children victims/witnesses in crime investigation. The group established and approved the map for optimizing the child hearing spaces through a resolution.

Persons working with children in conflict with the law specialized. Measures were taken to assess the needs for improving the legal framework on specializing the persons who work with the children in conflict with the judicial system and during the year specialized training programs were carried out (with the support of UNICEF and NORLAM). Under a common project of MoJ and UNICEF there were trained officers and sub-officers in securing the rights of the child in detention. At the same, the NIJ trained judges (15) and prosecutors (10) in how to extend the use of alternative measures to juvenile detention and judges (52) and prosecutors (83) in the area of juvenile standards and procedures.

State guaranteed legal assistance or the juveniles in conflict with the law. As to the reformation of the legal framework for strengthening the observance of the rights of children in conflict with the law, the Law on State-Guaranteed Legal Assistance was amended. The amendments give the right to SGLA also to the children victims of crimes.

Juveniles transferred to the Goian penitentiary. In May 2013, the juveniles were transferred to the renovated penitentiary of Goian. Staff training courses were held to ensure the good observance of all standards of behavior with the juveniles in detention as well as to ensure the observance of their rights. The project for reconstructing the penitentiary and training the staff was implemented by the MoJ and the DPI with the support of NORLAM to contribute to reforming the national penitentiary system by creating national juvenile institutions that would be compliant with the European requirements.

Preventive measures and other coercion measures applied. The Criminal Procedure Code was amended to ensure observance of the procedural guarantees when applying preventive measures and other coercion measures. At the same time, 290 persons (judges, prosecutors, criminal investigation officers) were trained in applying preventive measures and other procedural coercion measures.

Video surveillance equipment used on detention sites. In 2013, video surveillance equipment was installed in all the penitentiaries (600 video cameras connected to the DPI service unit). With the UNDP support, 44 devices were installed in all police stations for the video surveillance of detention sites and hearing rooms, aimed at preventing torture.

Central Probation Office reorganized. The Central Probation Office (CPO) was transferred from under the DPI into the direct subordination of the MoJ based on the Government Decision no.735 of 3 Oct 2012. It is worth noting that the CPO has joined the European Probation Organization.

Settlement of penitentiary and probation system complaints. In 2013, a comprehensive study was conducted to analyze the settlement of complaints in the penitentiary and probation systems that proposed a number of amendments to the national legal framework. The mechanism of employing and recruiting staff for the penitentiary system was reviewed and new techniques were proposed for modernizing these processes (based on the Norwegian practice). The Code of Ethics of the Probation Officer was approved as a related

action to ensure the efficient work of probation officers.

Information technologies. The MoJ has already started developing the e-case frame concept that will connect all the judicial institutions in a common information platform (2015). Also, MoJ is currently working to ensure digitalization of the legal services to guarantee efficient communication with the citizens and better transparency. In August inst, Moldova became the second country in Europe and the fifth in the world that has implemented the e-apostille service.

New penitentiary construction project. A significant improvement in securing human rights in detention sites is represented by the conclusion of a framework loan agreement between the Moldovan Government and the Development Bank of the Council of Europe on building a new penitentiary with the capacity of 1,600 prisoners. A feasibility study has been prepared in this sense also with the Bank's support. At the first stage, a draft government decision on the Project Implementation Unit to start working in 2014 was prepared and submitted to the Government. The design work for the new penitentiary will also start in 2014.

Backlogs

The actions not implemented in 2013, both the outstanding ones and those having a bigger timeframe of implementation, were delayed due implying studies to be conducted or legal acts requiring a broad analysis.

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

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

According to the Action Plan for implementing the JSRS, Pillar VII includes 44 actions. Based on the Action Plan and Activity Plan for the fourth quarter of 2013, 39 actions had to be completed or started, as necessary.

Of the 25 actions outstanding as at 31 December 2013 – 18 have been completed, 5 partially implemented, and 2 have not been implemented.

Outstanding actions, 4th quarter, 2013	Actions implemented	Actions partially implemented	Actions not implemented
25	18	5	2
100%	74%	18%	8%

Of the 16 actions with a bigger timeframe or having an ongoing nature, 15 can be considered as implemented during the reporting period while one was not started.

Actions of ongoing character/bigger timeframe	Actions implemented (for the reported period)*	Actions partially implemented (for the reported period)	Action not implemented (for the reported period)
16	15	1	
100%	94%	6%	

*Details about the actions implemented/partially implemented/not implemented can be found in the detailed *Table on the implementation of the Action Plan* included in the Annex to this Report.

Achievements

Pillar VII implies actions to ensure a mechanism for coordinating and monitoring the Strategy efficiently.

In 2013, the Regulation on Operation and the Monitoring Methodology were amended. The amendments made deal with clearer structuring of the actions depending on their timeframe of implementation, broader competences for the group members and leaders, which will enable the groups to intervene when actions are delayed or certain implementing agencies show lack of accountability.

As to the activity of the National Council for Law-Enforcement Bodies Reform, established by Decree of the Moldovan President, this is an advisory body that assesses the implementation of the reform by the bodies protecting legal norms. In 2013, the Council met to present the Annual Activity Report on implementing the Reform Strategy in 2013 and its priority actions for 2014. In 2013, the regulation of the Council, approved by decree of the Moldovan President, was amended in the sense of extending the duties of the President, Secretary and Secretariat of the Council for a more efficient cooperation and settlement of the deficiencies arisen during the coordination and monitoring. At the same time, for a better coordination of the activities, the Secretary of the Council and the Secretariat meet periodically as necessary.

An action whose implementation started in 2013 was the preparation of the draft law on legal acts, transmitted by the MoJ to the Government in September 2013. The need for streamlining the process of preparation of legal acts was indicated also in numerous studies produced in this regard whose recommendations were taken into account in preparing this project, especially the *OSCE and ODIHR Reports on Assessing the Legislative Process in Moldova (2008, 2010)*. The draft law on normative acts aims at strengthening the system of developing normative acts and introducing the ex-ante analysis that would ensure increased transparency to the legislative creation process. The passing of the draft law will result in the elimination of double standards in regard to the preparation of legal acts, creation of a uniform legal framework that is based on single principles applicable to the drafting of legal acts regardless of the issuing body, observance of transparency in decision-making, and clarity of content of legal acts.

The progress made in Pillar VII was the start of the technical assistance project funded by the European Commission “Project to Provide Support in Coordinating the Justice Sector Reform in Moldova”

In 2013, the project started reviewing the functions and structure of the institutions involved in reforming the justice system that was conducted within the MoJ and partially in the GPO. The conclusions and recommendations made referred to improving the coordination and monitoring of the Strategy at the internal level by identifying the responsibilities, the weaknesses and the impediments. In 2014, the project will make a similar assessment for the HRC. The review of the functions and structure was conducted by Soros Moldova and USAID for the SCM and NIJ.

At the same time, in 2013 (second semester), there were organized a number of trainings and workshops for the civil servants responsible for budget planning and the responsible officers from the departments involved in implementing the reform.

In 2013, an optimization of the database of legal acts was started that now has a functional search engine that permits increased accessibility to the updated legal acts. The search engine of the database is functional and work is now being done to remove the technical issues, given the considerable number of legal acts (about 100 thousand).

Backlogs

A handbook on the procedure of development of legal acts and legal framework on the ex-ante evaluation will be produced after the draft law on legal acts has been passed.

V. PROBLEMS AND CHALLENGES IN IMPLEMENTING THE STRATEGY AND THE ACTION PLAN

The second year of implementation of the Strategy and Action Plan showed progress and a positive trend in implementing the initiatives but also challenges and problems caused by objective and subjective circumstances: scarce qualified resources, delays and inaction for these and other reasons, late budgeting of the outstanding actions, delay in promoting certain legislative initiatives, deficiency in the strategic budget planning, and difficulties in coordinating the efforts and resistance of certain justice sector players to the significant reforms in the area etc.

The challenges and problems in implementing the Strategy, depending on the activity specifics, can be grouped in the following categories:

A. Insufficiency of institutional capacities of players involved in implementing the Strategy

The JSRS implies a very ambitious policy paper that put a multitude of activities and new approaches in the task of the implementing agencies. During Strategy development and in the period right after that no analytical studies were conducted in regard to the real capacities of the institutions to cope with such new challenges. This was significantly felt in the first year of implementation and still persists. The scarce staff in a number of institutions cannot ensure active participation in all the activities related to the justice sector reform, such as: participation in the monitoring working groups, participation in inter-institutional working groups for preparing legal acts or studies, implementation as such of the actions for which they are responsible according to the Strategy, and finally carrying out the institution's current work. Thus, for objective reasons they must frequently revise their work priorities. It is necessary to note that such a functional analysis has been conducted only at NIJ, MoI, and in the prosecution bodies while the other institutions found it difficult to carry out the actions for which they were responsible (difficulty in identifying and appointing the persons responsible for reporting the results, lack of capacity for coordinating and planning the implementation of actions inside the institutions, lack of capacities to analyze the impact of the actions implemented etc.).

At the same time, the responsibilities of the persons involved in the implementation of the Strategy were increased without their efforts being remunerated accordingly. To note the experience of other countries that have implemented similar reforms but where the civil servant motivation mechanism also had a financial component.

Sometimes the inefficient institutional capacities could be overcome by outsourcing consulting and expertise services for implementing specific actions; however, this could not be overcome in full due to the insufficiency of qualified persons in specific areas. As an example could serve the failure to implement some actions from Pillars III and V (monitoring studies and reports). The delay in contacting the experts exceeded the budget year in which they had to be contracted and those actions do not have financial coverage in 2014.

Another problem worth noting is the high staff turnover in the entire public system. The persons involved in reform processes change frequently and thus there is no continuity of their participation in the Strategy activities. The representatives of the responsible institutions take part in a number of training sessions (strategic planning, communication of the results of Strategy implementation etc.), when they leave they do not pass over the good practices they had studied and so there is no institutional memory and the competences and information related to the implementation of the Strategy are not passed over to the others.

B. Difficulties in the financial-budget planning and execution

The late allocation or incapacity of the human resources to use efficiently, promptly and in a targeted manner the financial resources caused bottlenecks in the work of some institutions. As an example can serve the NIJ that invokes the incompliant infrastructure for the proper holding of trainings or the existence of a government decision that does not permit using the means allocated for holding them only within the limits established by the law.

Although the level of absorption of the financial means allocated for implementing the Action Plan of the Strategy was of 85%, there are reserves about the absorption capacities of some institutions. In 2013, the budget process underwent delays, such as rectifications to the 2013 annual budget. Thus, the institutions had to mobilize their efforts to review their priorities and absorption capacities. It was found that certain institutions did not react in due time to use their resources, which diminished their absorption capacity.

As an example can serve the HRC that did not buy premises although budget resources were allocated thereto, unlike the SCM that managed to use its resources for buying premises by the end of 2013.

C. Other difficulties

The implementation of the Strategy implies passing a number of legal acts and also development and coherent implementation thereof. This requires not only firm will from the Parliament and Government but also functional stability. The year 2013 was a year rich in political events, such as dismissal of the government and establishment of a new government. This implied a three month blockage in the work of the public institutions directly responsible for implementing the Strategy. In this period it was not possible to promote many legislative initiatives, which led to a delay in the implementation of many actions.

The resistance of a number of justice sector actors to the reform. This challenge persisted in 2013 as well, although there is an increased number of agents willing to make changes. In this sense, we could note e.g. the decreased reluctance of the SCM to dismiss judges from office; of the SCJ in using the ICMS; of the GPO – to the initiatives of reforming this institution.

VI. SOLUTIONS AND PERSPECTIVES FOR THE ELIMINATION OF THE CHALLENGES IN IMPLEMENTING THE STRATEGY AND THE ACTION PLAN

A. Strengthening the Institutional Capacities of the Justice Sector Players

- review of the institutional capacities that has already started in a number of institutions that is to be extended in 2014. The institutions are to assess objectively their needs and optimize their staff units within the limits established by the Ministry of Finance;
- in 2014 the other three projects of technical assistance funded by the European Commission will start. They will focus on enhancing the efficiency of the accountability and transparency of the judicial system, which will directly strengthen the capacities of the SCM and of DJA;
- assistance in developing the enforcement, rehabilitation and probation systems, which will have impact on strengthening the capacities of the probation offices;
- the technical assistance project on criminal justice, one of the goals of which is to strengthen the capacities of the GPO and SCP;
- establish an adequate mechanism for motivating the public officers involved in the activities envisaged by the Strategy.

B. Strengthening Budget Planning and Execution Capacities

- active involvement of the Ministry of Finance in coordinating the budget planning process;
- training of the persons responsible for budget planning and execution;
- use of the budget mechanism based on performance indicators;
- cooperation between the staff responsible for funding and the one responsible for the implementation of activities.