

NATIONAL REPORT ON
THE PROGRES AND PROSPECTS IN REPRESSING CORRUPTION
(2012)

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LIST OF ABBREVIATIONS

NAS	National Anticorruption Strategy for 2011-2015
RoM	Republic of Moldova
NAC	National Anticorruption Centre
MIA	Ministry of Internal Affairs
ISS	Information and Security Service
NCI	National Committee for Integrity
CPI	Corruption Perception Index
TI – Moldova	Transparency International - Moldova
CAPC	Centre for the Analysis and Prevention of Corruption
GRECO	Group of States against Corruption
CEC	Central Election Commission
CoE	Council of Europe
IFES Moldova	Office of the "International Foundation for Electoral Systems" in Moldova
CPA	Central public administration authorities
MIAPAC	EU project to support the Government in the field of anticorruption, the MIA reform, including the police and the protection of personal data
EUBAM	EU Border Assistance Mission to Moldova and Ukraine
UDI	Urban Development Institute

INTRODUCTION

Corruption in the Republic of Moldova is still a major problem, as evidenced through the various studies, reports and surveys; the main factor undermining the economic growth, the development of the democratic values and the trend of integrating the country into the European community.

The declared political will to combat this scourge materialized by prioritizing the anticorruption objective in a number of national and sectorial policy documents, but the main document, which systematizes its efforts in this field is the *2011-2015 National Anticorruption Strategy*. The NAS was approved by Parliament Decision No. 154 of 21.07.2012 and is implemented through the 2012-2013 Action Plan, approved by Parliament Decision No. 12 of 17.02.2012.

The Parliamentary Committee on the National Security, Defence and Public Order and the Monitoring Group constituted according to section 6.2 of the NAS¹ are the entities responsible for the external supervision of the implementation of the NAS and the achievement of the Action Plan.

The outcome of the Monitoring Group is reflected in the quarterly and annual reports monitoring the implementation of the Action Plan and the annual evaluation report prepared in accordance with the methodology for monitoring and evaluating the implementation of the NAS. In its work, the Monitoring Group is assisted by the Secretariat, the functions of which are performed by the NAC.

Acknowledging the corruption phenomenon as a threat to the national security of the state, the effective implementation of the NAS has been a priority issue, including in 2012, and in the activity agenda of the Superior Council of Security, chaired by the President of the Republic of Moldova.

This report that assesses the implementation of the NAS is a synthesis of the anti-corruption activities carried out in 2012, being considered the impact and the degree of achieving the result aimed at. The evaluation report is derived from the annual monitoring Report of the implementation of the 2012-2013 Action Plan, using the information obtained during the monitoring, including: quarterly reports submitted by the public institutions; public institutions monitoring reports prepared by the representatives of the civil society, information collected from the official websites of the subjects being monitored, polls, surveys and progress reports, developed both by the national experts, as well as by the international ones.

Considerable support was provided during the monitoring process by TI - Moldova and the CAPC within the following projects: "*Monitoring the corruption policies*", funded by the Soros Foundation - Moldova (Implementation period 01.04.2012-30.03.2013, TI - Moldova: budget - USD 35,000, including planned in 2012 - USD 25,460, spent - USD 20,473) and "*Monitoring the conflict of Interest in Moldova*" funded by the National Endowment for Democracy (Implementation period - 1.10.2012-30.06.2013, TI - Moldova: budget USD 20,00, including in 2012 - USD 6,755, spent - USD 6,755).

The annual monitoring report is a document analysing the relevant information on the way and level of achievement of the Action Plan for 2011-2012². The plan includes 12 priority actions, systematized into 4 components (research, legislative, institutional, educational and public communication) and 63 concrete measures for achieving them, of which 34 actions with 2012 as a deadline, 6 - 2013, and 23 with an annual/permanent implementation period - 23.

According to the conclusions included in the Annual Monitoring Report, **14** of the actions having 2012 as a deadline were not completed, including: the **NAC** registered **3 arrears**, of which **2** actions are in the final stage of implementation, their delay was due only to the procedure for reforming the institution, the **Ministry of Finance** (Procurement Agency) - 3 actions regarding the development of legislation in the field in the final stage of implementation; **General Prosecutor's**

¹The website www.cceec.md/Membrii includes the list of the members of the Monitoring Group, created according to point 6.2. of the National Anticorruption Strategy for 2011-2015

² The Implementation Monitoring Report for 2012 of the Action Plan for 2012-2013 for implementing the National Anticorruption Strategy for 2011-2015 is placed on the page www.cceec.md/strategy.

Office - 3 ongoing actions regarding the development of some amendments to the Criminal Code and review of the joint record mechanism of offenses, the **Ministry of Economy - 1 backlog** and the **CPA** and some **LPA 2 arrears** as regards the implementation of Law No. 161/2011 on Implementing the One-Stop Shop for Entrepreneurial Activity, **CPA** has one backlog as regards the creation of an effective system of risk management within the authority under Law No. 229/2010 on the Public Internal Financial Control; the **NCI - 1** action related to hiring the personnel in the final stage of implementation.

This "Progress and Prospects in Repressing Corruption" Evaluation Report was divided into four chapters, taking into account the structure and the components of the NAS and the Action Plan. The first chapter describes the key elements of the NAS, while the following three chapters include information relevant for the priorities for actions in the policy document, systematized in three of the four components of the NAS: legislative, institutional, educational and public communication. These chapters include the descriptive part of the activities and conclusions presented by the Monitoring Group. The priorities for 2013 and the responsibilities of the NAS subject in achieving them are outlined in the conclusion of the report.

I. KEY-ELEMENTS OF THE STRATEGY

The key-elements of the NAS are: goal, general and specific objectives and targets, expected results and priority actions.

The goal of the National Anticorruption Strategy lies in reducing the level of corruption in the public and private sectors. Achieving the goal will be determined by the progress made in reaching the objectives of the Strategy.

The document established *two general objectives*, including: "Transform the corruption from an advantageous and less risky activity into a disadvantageous and very risky activity" and "Contribute to creating a "zero tolerance" climate for corruption".

Reaching the aims and objectives of the Strategy will be assessed in 2015 in terms of performance indicators, an important stage that will reflect synthetically and qualitatively the reached performances. The characteristics of these indicators for 2012 are shown in Table 1.

Table 1. NAS performance indicators (2011-2015)

NAS Elements	Performance indicators	Initial Indicator (2010-2011)	Year 2011/new methodology	Year 2012/new methodology	Years 2013/2014/2015	Expected Indicator (year 2015)/ Performance/new methodology
Goal	Corruption Perception Index (Transparency International)	2,9/ (2010)	35	36	x	40
	Global Index of Economic Freedom (Heritage Foundation)	55,7/ (2011)	55,7	54,4/ - 1,3 pct.	x	62,0/ (+ 6,3 pct.)
	The estimated volume of bribes paid by the households Nominal/Real ³ (TI-Moldova)	MDL 630/630 Mil. (2008-2009)	----	MDL 733/551 Mil. (-13%)	x	MDL 370 Mil. / (- appr. 40 %)
	The estimated volume of bribes paid by the entrepreneurs Nominal/Real (TI-Moldova)	MDL 264/264 mil. (2008-2009)	x	MDL 390/293 mil. (+11%)	x	200 (- appr. 25 %)
General objectives	The "Control of Corruption" Indicator (Worldwide Governance Indicators)	-0,74/ (2009)	-0,73/ (2010)	- 0,62 (2011)/ +0,12	x	0,24 / (+ 0,5 pt.)
	The "Regulatory Quality" Indicator	-0,15/	-0,11/	- 0,08	x	0,15 /

³ Consumer price index in 2008 -112.7, 2009 - 100, 2010 -107.5; 2011 - 107.6; 2012 January - September - 102.4. Source: the National Bureau of Statistics of the Republic of Moldova.

(Worldwide Governance Indicators)	(2009)	(2010)	(2011)/ +0,07		(+ 0,3 pt.)
The share of people who claim to have offered bribes in the past 12 months (Global Corruption Barometer - IT)	28% (2009)	37% (2011)/ (+9 pt.)	----	x	18% / (- 10 pt.)
The share of people in rural households and businessmen willing to resort to bribery (TI-Moldova)	64,3% (GC) 76,5% (OA) (2008-2009)	----	72,9% (GC)/(+ 8,6 pt.) 72,1% (OA)/(- 4,4 pt.)	x	50% (GC)/ (-14,3 pt.) 45% (OA)/ (-31,5 pt.)

A brief analysis of this table shows that the population and the international community perceive the Republic of Moldova as a country where corruption is very widespread.

As for the CPI, in 2012, Transparency International has applied a new methodology for calculating the CPI as the arithmetic average of indices from several sources. CPI is an aggregate index reflecting the perception of corruption in different countries; it is positioned according to the degree to which corruption is perceived among the public officials and politicians. The index is calculated on a scale from 0 to 100, where 0 means "totally corrupt" and 100 - "free of corruption". According to the IPC 2012, the Republic of Moldova registered a score of 36 points, which placed it on the 94th place of the 176 countries included in the ranking. Compared to 2011, calculated by the new methodology, the CPI accounted for 35 points. Moldova rose in the ranking by 18 positions, of which 5 positions were due to the fact that 5 countries (Macau, Samoa, Vanuatu, Kiribati and Tonga) have not been included in this year's rankings. According to this ranking, the Republic of Moldova registered the best position among the countries of the Commonwealth of Independent States. It is noteworthy that the position of the neighbouring countries in this ranking varies: Romania - 66th, Bulgaria - 75, Ukraine - 144, Russia - 133, Georgia - 51.

This means a slight improvement of the situation in preventing and combating corruption.

The TI - Moldova researches confirm the same situation. The "*Corruption in Moldova: Perceptions and experiences of household representatives and businessmen*" Study⁴ (2012) shows that, despite the fact that the population perceives corruption as one of the biggest impediments to the economic, social and democratic development of the country, the amount of the unofficial payments is still very high, there are some positive trends indicating that the tolerance to this phenomenon decreases. Thus, the share of businessmen who would categorically refuses to offer bribes grew from 23.5% in 2008 to 27.9% in 2012, increasing the share of those who consider as inadmissible to accept informal payments (from 61.8% in 2008 to 78.5% in 2012). Although most of the businessmen are dissatisfied with the entrepreneurial climate and the total bribe amount that continued to grow, the time spent by the entrepreneurs solving the problems they have with the state decreased (from 17.3% in 2008 to 11.1 % in 2012), the number of inspections and visits from the representatives of the state decreased by 3 times, the share of businessmen talking about a regular conduct of the tax inspectors during the checks undertaken by them (from 66% in 2008 to 15.6% in 2012).

The two positions, included in the performance classification of the NAS, were reflected in the pre-noted studies: "The estimated amount of the bribe paid by the households and entrepreneurs" and "The share of people in rural households and businessmen willing to resort to bribe". These data, presented in *Table 1*, reflect very modest results. Thus, the estimated amount of the bribes paid by the households is recalculated in real terms (taking into account the increase in consumer prices for the period January 1, 2008 - September 30, 2012 by about 33%) decreased by about 13%. As for the businessmen, the amount size of the bribes paid by them increased in 2012 compared to 2008 by 11%. In general terms, the main causes of corruption, invoked by the respondents, are the impunity for corrupt persons and the fact that the authorities do not address seriously the problem of corruption.

⁴"Perceptions and experiences of corruption in the Republic of Moldova - 2012" Sociological Research was conducted by TI - Moldova within the Project funded by the U.S. Department of State through the U.S. Embassy to Chisinau (implementation period - 1.07.2012–30.10.2012, budget - USD 17,380 USD, spent – USD 17,380), www.transparency.md.

More pessimistic results are registered as regards other performance indicators included in Table 1. According to the "*Index of Economic Freedom 2012*" Report, prepared annually by the American Foundation, "Heritage", this year, the Republic of Moldova took the lowest grades in the ranking of the economic freedoms, the index reaching the level of **54,4**, registering a decline by **1.3 points** compared to 2011. Of the 10 indicators taken into account, the scores well below average are registered as regards the following chapters: *corruption* - **29.0**, property rights - **40,0** and the investment freedom - **35,0**, thus, corruption stands out among the major issues raised by the experts of the Heritage Foundation⁵.

The rating concerning the "corruption" section in the "Nations in Transit" Study, conducted annually by the Freedom House Organization remains unchanged. In the classification based on a scale from 1 to 7, where 1 represents the highest level of democratic progress and 7 - the lowest, corruption in Moldova registers the **score 6**. This score affects the average scores of other categories included in the yield and, as a result, causes a low level of democracy in the country (see Table 2).

Table 2. Progress of the Republic of Moldova in the field of democratization

	Year 2009	Year 2010	Year 2011	Year 2012
Democracy score	5.07	5,14	4,96	4,89
Corruption	6.00	6.00	6.00	6.00
Independence of the judiciary	4.50	4,75	4,50	4,50
National democratic governance	5.75	6,00	5,75	5,75
Local democratic governance	5.75	5,75	5,75	5,75
Independent mass media	5.75	5,75	5,50	5,00
Civil society	3.75	3,50	3,25	3,25
Election Process	4.00	4,25	4,00	4,00

The score of corruption is explained by the experts through the inadequate implementation of the anti-corruption legislation, political manipulation of the justice system in the context of the so called "raider attacks", political sharing that affected the theoretical independence of the public apolitical authorities.

Conclusions:

The NAS performance indicators cannot be considered as absolute indicators for measuring the level of corruption in the country, but they do have value a certain value and they can show the produced evolution. In general terms, the findings of the researches mentioned above measure the practical effect of the anticorruption efforts, perceived by the citizens, rather than the intentions declared by them or the written rule.

For 2012, the features of some performance indicators of the NAS signify a slight improvement of the situation in the field of corruption, which can be explained by the evolution of the reforms conducted in the country and the consistent support provided by the international organizations for these reforms. However, corruption remains a major and extended problem. Thus, the confidence received by the Republic of Moldova from its European partners is to be supported through planned and consistent anticorruption activities, through unconditional political commitments regarding the finality of the initiated reforms.

II. LEGISLATIVE COMPONENT

2.1. Strengthen the legislative framework

The priorities of the legislative component of the NAS arise from the need to exclude certain arrears registered as regards the chapter of implementation of the international anticorruption

⁵ "2012 Index of Economic Freedom", www.heritage.org/index/

instruments, to improve the legal framework, taking into account the justified requirements of the institutions responsible for their enforcement, as well as to improve the mechanisms governing the functioning of the legal framework as regards the important administrative tools aimed at preventing corruption.

The legislative changes that occurred in 2012 are characterized both by passing new laws and amending and supplementing the existing regulatory framework.

To adjust the national anticorruption legislation to the provisions of the in the UN Convention against Corruption, the Criminal Law Convention on Corruption, the Additional Protocol to this Convention and GRECO recommendations to the Republic of Moldova, this year, the following normative acts were passed:

- Law No. 78 of 12.04.2012 and Law No. 245 of 02.12.2011 to amend and supplement the Criminal Code of the Republic of Moldova, by which the GRECO recommendations (Chapter "Indictment") made to the RoM, following Round III of the evaluation, are implemented;

- Law No. 77 of 12.04.2012 to supplement the Criminal Code of the Republic of Moldova by a new article - "uttering forged accounting documents", by which an outstanding GRECO recommendation made to the RoM, following Round II of the evaluation, was enforced.

In the public and law sector:

- Law No. 98 of 04.05.2012 on the Specialized Bodies of the Central Public Administration, the purpose of which lies in ensuring a democratic, legal, efficient and transparent character of organization and functioning of the specialized central public administration;

- Law No. 305 of 27.12.2012 on the reuse of the public sector information, the purpose of which is to facilitate the reuse of the documents held by the public institutions and developed as part of their work in order to create new information products and services, based on the public data, their use for commercial or non-commercial purposes.

In the context of implementation of the *2011-2016 Justice Sector Reform Strategy*, the following regulatory acts were passed:

- Law No. 59 of 29.03.2012 on the Special Investigative Activity;

- Law No. 66 of 05.04.2012 on Amending and Supplementing the Code of Criminal Procedure. It was proposed by this legislative act to create additional safeguards for the rights and freedoms of the individual during the criminal proceedings;

- Law no. 96 of 03.05.2012 on Amending and Supplementing the Law on the Compensation for the Damage Caused by the Illegal Acts of the Bodies of Criminal Investigation, Prosecution and Courts and by the Law on the State Compensation for the Damage Caused by the Breach of the Right to Trial within Reasonable Time or the Right to Enforce the Court Judgment within a Reasonable Period of Time;

- Law no. 154 of 05.07.2012 on the selection, performance evaluation and the career of judges;

- Law No. 29 of 06.03.2012 and Law No. 153 of 05.07.2012 providing amendments and supplements including for the Law on Judicial Organization, the Law on the Status of Judges, Law on the Supreme Court, the Law on the Disciplinary Board and Disciplinary Liability of Judges, developed in the context of the initiated justice sector reform;

- Law no. 120 of 25.05.2012 on Amending and Supplementing a number of legislative acts in the context of reorganization of the Centre for Combating Economic Crimes and Corruption Centre into the National Anticorruption Centre;

- Law no. 319 of 27.12.2012 to amend and supplement the Law on the National Anticorruption Centre;

- Parliament Decision No. 232 on approving the Strategy to Strengthen the National Anticorruption Centre;

- Law No. 320 of 27.12.2012 on the Police Work and Police Officer Status.

The following laws are being drafted:

- *Law on the Ministerial responsibility* (registered in the Parliaments as a legislative initiative carrying the number 1651 of 15/07/2011). The opinion of the Ministry of Justice on this project was examined during the Government meeting of 16.01.2013;
- *Law on the Disciplinary Responsibility of Judges*, designed to strengthen the anticorruption efforts within the judiciary. Such provisions like withholding income and assets; breach of the deadlines for performing the procedure related actions due to the reasons that are obviously imputable to the judge; abusive intrusion by the authorities, institutions or officials for settlement of some claims; demand or accept to resolve the personal interests or the interests of the family members or relatives and exploiting in any other form the position of judge in order to obtain undue benefits (a draft presented for public debates) were included in the list of disciplinary offenses;
- *Law on Testing the Professional Integrity*, the provisions of which will be applicable not only to the CNA employees and representatives of the justice sector, but also to the authorities, institutions and organizations (public entities) conducting activities of public interest and whose employees (public agents), imminently, are determined or exposed to the risks of corruption or vulnerability while performing their professional duties (a draft presented for public debates);
- *Law on Amending and Supplementing the Law on the Status of Judges, the Law on the Superior Council of Magistracy and the Criminal Code*. The proposed amendments establish: - prohibitions for communication outside the trial of the judge with the participants in the trial and other third parties; - mandatory polygraph testing for candidates for the position of judge and prosecutor; - include in the Criminal Code a new provision establishing the " extended confiscation"; - review the sanctions provided for by the Criminal Code for corruption offenses, by increasing them, particularly the size of the fine, and setting them alternatively (fine or imprisonment), but not cumulatively (fine and imprisonment) and introduce a new corpus delicti "illicit enrichment" (a draft presented for public debates);
- *Law on Amending and Supplementing the Law on the Information and Security Service, Law on the status of the prosecuting officer and the Law on the International Legal Assistance in Criminal Matters*, a draft developed in the context of Law No. 66/2012, mentioned above (recorded for consideration in the Parliament under No. 3148 of 21.12.2012);
- *Law on the Remuneration of Judges* (recorded for consideration in the Parliament under No. 3079 of 12.18.2012);
- *Law on Mediation* (a draft presented for public debates);
- *Law on the Code of Conduct of the NAC Employees* (recorded for consideration in the Parliament under No. 3178 of 25.12.2012);
- *Law on Amending and Supplementing Law No. 90/2008 on Preventing and Combating Corruption and the Code of Administrative Offences* (submitted to the Government for consideration);
- *Law on Assessing the Corruption Risks in the Public Institutions* (in the stage of endorsement).

The interaction of the public sector with the private sector:

- At the beginning of 2012, two laws relevant to this sector entered into force: *Law No. 160 of 22.07.2011 on Regulating through Licensing the Entrepreneurial Activity* and *Law No. 161 of 22.07.2011 on Implementing the One-stop Shop for Conducting the Entrepreneurial Activity*. The deficiency of this chapter lies in delaying the development and approval of the secondary legal framework, which results from the provisions of these legislative acts.
- Once passed, *Law No. 131 of 08.06.2012 on the State Control over the Entrepreneurial Activity*, determined the following:
 1. comprehensive delineation of functions of the relevant institutions, financial -economic, tax and specialized activities, as well as creating a unique system for keeping record of the inspections and checks;
 2. set an exhaustive list of bodies that have the right to control and provide control warrant;
 3. impose the performance of the control plans transparently; limit in time the given plans and the mandatory approval of the control plans to the specialized national body;

4. impose the obligation to analyse the risks while establishing the control plans;
5. determine some criteria as regards the possibility to initiate spot controls;
6. regulate the legal framework of the Registry book of the controls, which will force the controllers to authorise themselves and officialise the control;
7. Registry books of controls for each field and a National Registry Book that will be managed and maintained by a specialized central body. Based on the Registry Book, the basic information will be considered and compared to the records of the registry books for each field;
8. regulate as thoroughly as possible the control procedure (initiation, development, conclusion) by establishing comprehensively the rights and duties of the parties involved;
9. introduce the inadmissibility of damaging the normal functioning of the person subject to the control and/or undertaking of measures that will lead to full or temporary suspension of activity of the person concerned.

In December 2012, the State Chancellery initiated public consultations on the draft of *Government Decision "On implementing the provisions of Law No. 131/2012 on State Control over the Entrepreneurial Activity."* The draft provides for the approval of the Regulation of the State Registry Book of Control and the way the control bodies should keep the registry books of the conducted controls. Moreover, the project sets out some specific tasks for the State Chancellery as the authority of the central public administration monitoring the controls, and for all the control bodies, in order to ensure the establishment and practical functioning of the State Registry Book of Controls.

A series of regulatory acts have been developed *in the field of public procurement*, including:

- Standard-documentation for performing public procurement of goods and services, approved by the Government on 03.10.2012. It contains an exhaustive description of the public procurement process and the sample documents to be used by both the working groups of the contracting authorities and the economic operators involved in the public procurement procedures;
- Practical Guide for the introduction and widespread use in the public procurement process of the common public procurement vocabulary;
- Regulation on the common public procurement Vocabulary, which entered into force in August this year, its use in all tender documents becoming mandatory.

The Government decisions for approving *the Regulation on the implementation of the negotiated public procurement procedures, the Regulation on the implementation of procurement through competitive dialogue and the Regulation on the implementation of public procurement through electronic auction* (all three documents were submitted for Government approval) are being drafted.

This year, a number of changes were made to Law No. 845/1992 on Entrepreneurship and Enterprises and Law No. 451/2001 on Regulation through Licensing of the Entrepreneurial Activity.

Conclusions:

Strengthening the legislative framework for preventing and combating corruption is a priority measure included in the Moldova - EU Action Plan on Visa Liberalization.

The European Commission progress report on the implementation of the Plan, approved in Brussels in June 2012, includes a description of the anticorruption legislative developments, started in the Republic of Moldova since 2008, as well as additional measures taken to align the legislation to the international anticorruption instruments, including in 2011-2012.

The report concluded that special attention should be paid to the overall coherence of the legislative process in order to avoid legal uncertainty and to ensure its full implementation. The legal framework undergoes successive amendments requested by a large number of the anticorruption measures within the framework of the initiated reforms. Although the pace of reforms is an accelerated one, the consistency and stability of the legislative framework should not be affected. In some cases, the same normative regulations are amended and supplemented by various laws during several months. The legislative initiatives should be subject to the detailed impact studies, including citing the need for human and financial resources, which must be coordinated by the relevant authorities.

2.2. Anticorruption expertise

The compliance of the draft legislative and regulatory acts to the anticorruption standards is assessed within the anticorruption expertise, this process being as well an efficient non-admission filter various inconsistencies in legislation, identify rules that encourage or may encourage corruption.

This duty lies with the NAC, in accordance with Art. 4 of Law No. 1104/2002 on the National Anticorruption Centre. Parallel to the NAC, the expertise of the corruptibility of the legislation is carried out by the CAPC NGO.

Anticorruption expertise performed by the NAC

During 2012, the NAC experts examined 628 draft laws, of which 352 drafts were submitted for approval and the necessary recommendations were prepared. Expertise reports were prepared for 276 drafts, of which 122 draft laws and 154 draft government decisions.

When analysing the draft legislative and normative acts considered/passed by the Government and the Parliament, it was found that draft Government decisions and draft laws were passed without being subject to the anticorruption expertise, which is a mandatory legal requirement. Although the number of the normative acts that were not subject to the anticorruption expertise is decreasing, such cases are still registered. For instance, during the reference period, of the total number of 122 draft laws, the Government was the author of 109 drafts (about 89.3%), which shows that the authors of the draft laws, other than the Government, have sent only 13 drafts for the anticorruption expertise, which is an exceedingly small number of the total number of the draft laws submitted by the members of the Parliament for being passed.

In preparing the draft laws, only 75.45% of the authors have complied with the provisions of the Law on transparency in the decision-making process.

About 35.65% of the draft laws and regulations did not have economic-financial substantiation, although the application of the provisions of the drafts require financial expenses. As a result, the drafts without financial backing are promoted, which will create difficulties when they are implemented.

Only 5.05% of the number of drafts incurring regulatory impact analysis (18.41% of the total number of drafts subject to the anticorruption expertise) met the provisions of Law No. 235-XVI of 20.07.2006 on the Basic Principles Governing the Entrepreneurial Activity. Such a number causes a high risk in creating an unfavourable legal framework for the entrepreneurial activity.

When performing the assessment of the drafts subject to expertise, the following picture emerged: 808 corruptibility factors were identified, of which the most frequent factors are: excessive discretion of the public authority - in 41,35% of cases, ambiguous linguistic expressions - 21,66%, conflicts of the law provisions - 10.96%, lack of responsibility or enforcing inappropriate sanctions - 7.12%.

The authors of the drafts considered the experts' recommendations in 72,3% of cases.

A major problem attested by the NAC experts is the overly short term offered for conducting the anticorruption expertise. In some cases, it is asked that the anticorruption expertise should be conducted for one day, although the legal framework establishes in this regard a period of 10 working days, and, as regards, the complex drafts - 1 month.

The anticorruption expertise conducted by the CAPC

The "Corruption Expertise" Project was launched released by the CAPC in 2006 and it is developed and implemented by the organization for a period of over seven years with the support of several donor institutions. 2012 refers to Phase V of the Project Implementation and it is developed with the support of the *Civil Rights Defenders* and the *Swedish International Development Cooperation Agency*.

The CAPC activity is independent and aims at the external monitoring of the public policies expressed in the texts of the draft laws. The CAPC provides expertise for the draft laws entered into the Parliament and published on its website, available to any interested subject to make comments and suggestions, in accordance with the Concept of Cooperation between Parliament and the civil society. The CAPC prepares expertise reports on corruptibility, including upon the formal request of the interested public authorities. Thus, during the period 02.01.2012 - 31.01.2013, the CAPC submitted for the corruptibility expertise **65** draft laws including: **55** drafts on the website of the Parliament and **10** drafts upon the formal request of the Ministry of Justice, of the Centre for Human Rights and the National Integrity Commission. The CAPC experts formulated objections on **1127** corruptibility elements identified in the considered drafts.

The synthesis of the corruption expertise reports showed that the largest share of corruptibility is registered in case of the items in the following categories: "The interaction of the draft with other laws and regulations" - 41,1%; "linguistic formulation" - 25,0% and "The way the public authorities perform their duties"- 19.4% (see table 3).

Table 3. The incidence of objections to the elements of corruptibility from each category of the total number of objections to the corruptibility elements

No.	Categories of corruptibility elements	%	number
I.	The interaction of the project with other laws and regulations	41,1%	462
II.	The way the public authorities perform their duties	19,4%	219
III.	The way to perform the rights and duties	4,0%	45
IV.	Transparency and access to information	1,3%	16
V.	Accountability and responsibility	2,8%	32
VI.	Control mechanisms	1,3%	15
VII.	Linguistic formulation	25,0%	277
VIII.	Other corruptibility elements	5.4%	61
TOTAL		100%	1127

The efficiency of the expertise reports of corruptibility, prepared by the CAPC experts, was measured by acceptance testing of **425** objections to specific elements of corruptibility identified in **14** draft laws passed by the Parliament and published in the Official Gazette at the time when the Study was prepared. Of the **425** objections, **217** were accepted, representing a **delivery of 51.1% of the expertise reports of corruptibility**.

The share of the draft laws published on the website without a briefing note registers a significant decrease. Thus, only 2% of the draft laws published on the website of the Parliament lacked a briefing note. The Parliament also excelled at the end of the last year by ensuring the publication on the Parliament's website of the entire draft accompanying folder (opinions of the institutions, synthesis of the objections and recommendations etc.), providing, thus, the unbundled access to the information of public interest.

An increase by over 20% of the briefing notes, described by the experts as "motivated enough" was also registered in 2012. Progress was found in terms of securing the financial-economic substantiation of the drafts: from 4% in 2011 up to 20% in 2012.

The CAPC experts *concluded* that the corruptibility expertise remains an efficient tool for monitoring the law-making process in the Republic of Moldova, the application of which led to the development of the new drafts in the anticorruption field. In 2012, an increase of the argument sufficiency of the briefing notes is registered, a more frequent invoking frequent of some financial - economic assessments made to support the draft laws, integral publication of the materials in the file accompanying the draft laws on the Parliament's website.

However, there still are concerns in 2012 too about the quality of the regulations considered and passed by the Parliament: "the relativity" and the predominantly "declarative" character of the process of harmonizing the national legislation with the *acquis communautaire*; return of some alarming trends of increasing the discretionary risks for the civil servants by: formulating the duties of the public authorities in a manner that admits exceptions and abusive inquiries, the large number of "the legal loopholes" and "ambiguous linguistic expressions."

The CAPC full report on "The efficiency of the mechanism to conduct the corruptibility expertise in 2012" is available on the website www.capc.md.

In addition, a number of opinions on the draft laws, included for consideration on the agenda of the Cabinet of Ministers, were developed by the NPC. The NPC opinion concerning these issues may be viewed on the following website - www.cnp.md.

TI - Moldova is a member of the NPC too. In 2012, TI - Moldova conducted anticorruption expertise and submitted proposals on 8 regulatory acts, including: the Draft Law on Preventing and Combating Discrimination; proposals to reform the Moldovan Prosecutor's Office; Draft Law on Amending the Law on the Code of Conduct of the Public Servant and the Draft Law on the Conflict of Interests, both regulating rules on gifts; proposals for reversing the burden of proof, of the legality of the origin of the civil servants' property etc.

2.3. Monitor the process of legislation implementation

Foreign Monitoring

GRECO monitors the performance of the commitments assumed by the Republic of Moldova through adherence to the international legal instruments against corruption.

In April 2011, GRECO published a Report evaluating the Republic of Moldova (cycle III), focused on the compliance of the national legal framework with the indictments under the Criminal Law Convention on Corruption, its Additional Protocol and Guiding principle 2 of Resolution (97) 24 and the compliance of the national legal framework with the Recommendations of the Committee of Ministers of the Council of Europe Rec (2003) 4 on the common rules against corruption in the funding of political parties and election campaigns. The report contains 17 recommendations, addressed to the Republic of Moldova, including on "*Indictments*" - 8 recommendations and "*Transparency in political party funding*" - 9.

On November 5, 2012 two reports (progress report) were sent to the Executive Secretary of GRECO, which contained the relevant information for every recommendation regarding their enforcement, by attaching the related texts of the regulatory acts, draft laws. This information, as well as other information that will be found out along the way, will underpin the compliance report to be prepared by the GRECO Secretariat and the representatives of Luxembourg and Belgium. This report will be submitted for discussion and approval at the GRECO plenary meeting of March 18-22, 2013.

It is previously stated that, by passing Law No. 78/2012 and Law No. 245/2011, mentioned above, **88%** of the recommendations made to the Republic of Moldova in round III concerning the "*Indictments*" Chapter are implemented.

As regards the "*Transparency of political party funding*" Chapter, the Republic of Moldova registers some **arrears**.

During April 2011 - October 2012, a series of events (conferences, roundtables, seminars) were held with the participation and support of such international organizations such as the Council of Europe (*CoE Project to Facilitate the Eastern Partnership for Good Governance and Fight against Corruption*) OSCE, IFES Moldova, UNDP/ODIHR, IRI (International Republican Institute).

At the end of 2011, under the aegis of CEC, a working group responsible for drafting proposals for amending the legislation on funding the political parties and election campaigns was created,

consisting of persons delegated by the relevant public institutions and representatives of the parliamentary political parties, the civil society and the development partners. The activity of the Working Group resulted in the development of a *Draft Law on Amending and Supplementing the Election Code, the Law on the Political Parties, the Code of Contraventions, the Criminal Code, the Code of Criminal Procedure and the Law on the Court of Auditors*.

The pre-noted project was widely publicized during two seminars organized by the CEC with the IFES Moldova support, and included as well in the "Amendments to laws aimed at regulating the funding of the political parties and election campaigns in the Republic of Moldova" Booklet published in June 2012 with the support of IFES Moldova and distributed to a large group of subjects (MPs, central public authorities, representatives of the civil society).

In October 2012, the International Conference "Funding the political parties in the Republic of Moldova: Current Situation and Options for Reform" was held. The event was organized by: CEC, OSCE Mission to Moldova, IDIS "Viitorul", IFES Bureau to Moldova and the East-European Foundation. The conference was organized in the context of discussions on the reform of the political party funding in the Republic of Moldova. Thus, the topics discussed by the local and international experts focused on the current situation in this respect, the drafts of the reform of the public funding and transparency of the political party funding through the prepared draft law.

Currently, this draft, as well as an alternative draft law, submitted upon the initiative of a member of the Parliament, is considered by the experts of the Venice Commission, which will deliver its opinion on them by the end of March 2013.

Conclusions:

Delaying the implementation of the international anticorruption standards by not carrying out the GRECO recommendations on transparency in the funding of political parties and election campaigns could affect the country's image abroad.

In this context, three priorities stand out for 2013:

- speed up the consideration and passing of the legislative acts designed to implement the GRECO recommendations, as regards the "Transparency of the political party funding" Chapter, addressed to the Republic of Moldova in Round III of evaluation, which would allow GRECO, according to its internal requirements and case law to declare these recommendations "implemented" and avoid the labelling as "globally poor";
- prepare the state authorities for *Round IV of the GRECO evaluation*, which will focus on the issue of preventing the corruption among the members of the Parliament, judges and prosecutors. The questionnaire, developed for this purpose, was adopted in its final version at the 57th GRECO Plenary Meeting held in October 2012. The national authorities are to complete this document during the fourth quarter/2013 or the first quarter/2014;
- prepare the public authorities to review the implementation of the UN Convention against Corruption under Resolution 3/1 of the Conference of the States Parties to the UN Convention against Corruption, the Republic Moldova being planned for the fourth year (2013) of the First Cycle of Revision. In this respect, using the Methodology of the United Nations Development Programme "Going Beyond the Minimum", a self-assessment will start through a participatory process with the support of UNDP Moldova that will be completed by a report in November .

Domestic monitoring

The responsibility for the domestic monitoring of the implementation of legislation, aimed at assessing the effectiveness of laws and improve the mechanisms of functioning of the legislative framework, belongs to: - ***the Parliament***, in accordance with the provisions of Art. 111 of the Parliament's Regulation, approved by Law No. 797/1996; - ***the Government***, according to Government

Decision No. 1181/2010; - *civil society representatives* by virtue of their role in monitoring and assessing the public policies (NPC, the Anticorruption Alliance).

By approving Government Decision No. 1181 of 22.12.2010 on Monitoring the Implementation of the Legislation, a mechanism for monitoring the implementation of the legislation at the Government's level was established, aiming at identifying the level of enforcement or unenforceability of the legislation in force and, in this sense, submit recommendations on the way to address the negative consequences. The Minister of Justice was appointed as a coordinator of this process. The lists of the laws and regulations, monitored by the specialized bodies of the central public administration, were approved by Government Decision No. 54 of 30.01.2012 and No. 498 of 06.07.2012. The monitoring reports are posted on the official website of the Ministry of Justice (www.justice.gov.md), the "Monitoring of the legislative acts" Module.

A primary role in monitoring the implementation of the anticorruption legislation belongs to the non-governmental organizations, members of the Anticorruption Alliance.

A comprehensive analysis of the way the CPA apply Law No. 1264/2002 on the Declaration and Control of Income and Property of the Persons Holding Public Offices, Judges, Prosecutors, Civil Servants and Persons Holding Management Offices, Law No.16/2008 on the Conflict of Interests and Law No. 25/2008 on the Code of conduct for the Civil Servant was carried out made in 2012 by TI - Moldova and CAPC, under the "*Monitoring the anticorruption policies*" Project, funded by the Soros Foundation - Moldova. As a result, a number of issues in applying the given policy (see subchapter "The system of declarations of assets and interests") were registered.

Conclusions:

1. *Deficiencies* are found concerning this chapter as regards the "Parliamentary control over the implementation of the anticorruption legislation" segment, the initiation of remains to be a priority for 2013.
2. Concrete measures are to be imposed in 2013 in order to improve the policy on the conflicts of interest policy and declarations of income and assets, a special role being resorted to the NIC, the activity of which started in October 2012.

III. INSTITUTIONAL COMPONENT

3.1. Prevent corruption within the authorities, institutions and organizations

Modernize the public services

An indispensable prerequisite to the country's integration process into the European community is to modernize the public services through technologisation, ensuring quality, efficiency and a high degree of satisfaction of the public interest. The European Union has set ambitious targets to build a new information society, for the realization of which the Moldovan authorities are to synchronize their efforts too.

The public sector in the Republic of Moldova was late in taking over technology to modernize the public services and streamline the governance. The citizens and the business environment continue to get the public services in a traditional way, making queues at the authorities desks, and the traditional way of interaction of the citizens with the state institutions involves costs and time, causes discontent and creates opportunities for the spread of corruption.

Addressing this issue is a priority in the process of implementing the public administration reform, leading to a strategic approach of this subject by the present government. The electronic government (e-Government) became a priority of the Government, included in the 2011-2014 Government Program, and in September 2011, by Government Decision No. 710, the *Strategic Program for Technological Modernization of the Governance* (e-Transformation) was approved. In

2012, this program was implemented by the Action Plan, approved by Government Decision No. 44 of 26.01.2012.

This document sets out the objectives of the *e-Transformation* and provides a unified vision on the modernization of the public services and streamlining the activity of the governance through information technology (IT). Based on this Program, IT will be widely used in the public sector, aiming at: modernizing the public sector and developing a dynamic and competitive private sector by digitizing the public services by 2020; increase the transparency and efficiency by of the governing process by integrating intelligent IT used by the CPA institutions and open the public government data; lower the costs of the IT use by the public sector.

Among the results obtained in this field, the following may be mentioned:

- Create an one-stop shop under the "*Free access to the public government data*" initiative. It provides citizens and enterprises with access to all public data, which can be accessed at www.date.gov.md. Currently, a series of about 159 data sets are published on the website;
- Launch the portal www.particip.gov.md, which offers to the citizens the possibility to be informed about the matters of public interest and express their opinions;
- Launch the civic responsibility portal www.implicare.md, an action aimed at reducing corruption and involving the civil society in dealing with problems related to securing and maintaining public order. The mentioned portal is an innovative of online interaction between the authorities and the citizens, based on the information technology. The system allows the online notification of the law enforcement bodies by placing videos and photos that capture various violations of the legislation;
- Launch the unique platform of the public services provided by the authorities (May 2012). The portal www.servicii.gov.md is an electronic catalogue of services provided to the citizens and business environment. The platform has two dimensions - information and digital interaction between the government and the citizens. The visitors may access the information about the public services and print forms required by the state institutions for their delivery non-stop;

Improving the quality of the governance by applying intensely information and communication technologies represented the goal of establishing by the Government the Centre for Electronic Governance (Government Decision No. 392 of 19.05.2010). In 2012, the Centre launched four electronic services:

- Online application for the criminal record, launched in September 2012 (e-Record);
- Online application for licensing launched in November 2012 (e-Licensing) in partnership with the Ministry of Economy and the Licensing Chamber. The service provides a full range of specialized functions for optimizing the submission and review of the applications for licenses from the Licensing Chamber.
- Electronic Reporting at the National Health Insurance House. The "e-NHIC" was released in April 2012 in partnership with the National Health Insurance Company;
- Digitizing the documents in the field of construction and online application for them. The Platform e-Documents for the regulation in the field of construction (www.ednc.gov.md), in force as of January 2013, is implemented in partnership with the Ministry of Regional Development and Constructions.

Work done by the Centre for Electronic Governance can be viewed at the following address www.inovatii.gov.md.

In the context of implementing the 2011-2014 Government Programme, the *Public Services Reform Program for 2012-2015* was approved by Government Decision No. 797 of 26.10.2012. The purpose of this document lies in the deep restructuring of the central public administration government in order to create an effective, functional and sustainable institutional framework for providing some

quality public services to the population, transform the governance and improve the performance of the public administration, including through the information and communication technologies, deconcentration of the public services by reducing the bureaucracy, implement the electronic Government and the electronic services for citizens.

Conclusions:

In the Republic of Moldova, the e-Services are increasingly accessed by the citizens, especially by the young one and those with university education, about 49% of Moldovans being satisfied with the quality of the electronic public service delivery, 48% believe that the e-Governance will benefit the citizens and 31% say they support strongly the e-Transformation of the Government in the Republic of Moldova. These are the conclusions presented in the "Perception, assimilation and support by the population of the e-Transformation of the Government" Study, conducted upon the request of the Centre for Electronic Governance in October-November 2012, by the consortium of the Institute for Public Policy and Magenta Consulting.

Technologies improve the public services, constituting as well an efficient premise for reducing corruption in the public sector.

In this context, in 2013, the public authorities are to continue implementing the Strategic Programme of Technological Modernization of the Governance (e-Transformation), while the State Chancellery will monitor and coordinate the full implementation of the measures in the Action Plan for 2013, approved by Government Decision for implementing the pre-noted programme.

Decisional transparency

An important aspect in the implementation of the policy to prevent corruption is ensuring the transparency of the activities conducted by the state institutions, especially as regards the decision-making process, ensuring the implementation of Law No. 239/2008 on Transparency in Decision Making. As for this Chapter, the public authorities have obtained notable successes resulting from the integration of the information technologies.

In order to develop a productive dialogue between the public authorities and the citizens, the official website of the decisional transparency in the Republic of Moldova, www.particip.gov.md, was launched. All the decisions presented for public debates may be accessed here.

The website www.actelocale.md is a common platform of the local public authorities, on which about 114 mayor's offices publish regularly their official documents (during the reporting period, about 6100 documents were published, including 4546 decisions and 1539 orders). The "Registry Book of the Local Documents" Public Electronic Service is part of the Government e-Transformation agenda, being developed as part of the USAID BIZTAR Project.

"*Monitor of decisional transparency*" Electronic Publication was launched in order to facilitate the access of the citizens, the nongovernmental organizations and the mass media to the decision making process, inform about the draft decisions that have a major impact, and increase the involvement of the society in improving the decision making. The document is a periodic synthesis of the draft decisions, prepared by the CPA and launched for public consultation. The Monitor is developed by the ADEPT Association under the "Open Government and Parliament: Increasing Transparency in Decision Making through Public Participation", with the financial support of the Netherlands Embassy.

The transparency of the decision-making of the public authorities is ensured through the official websites. In April 2012, *the Regulation on the official websites of the public administration authorities on the Internet* was approved and implemented by Government Decision No. 188, developed to increase the level of transparency of the activities conducted by the public authorities and the access to the information of public interest through the official website, and establish the minimum mandatory requirements as regards the official websites of the public administration authorities on the Internet.

As regards this chapter, positive developments were registered by the Moldovan Parliament and its Secretariat by enhancing and improving the content of the website www.parlament.md, developing a communication Strategy of the Parliament for 2011-2014, online broadcasting of the meetings etc. However, there are still some deficiencies as regards the implementation of Law No. 239/2008, among which the lack of the exposure for public consultation of some draft laws, developed at the initiative of the members of the Parliament, the rules and procedures for organizing public consultations are not posted on the website etc. These are the conclusions of a group of 36 nongovernmental organizations, which have issued a call to the Secretariat, requesting the exclusion of shortcomings in the implementation of the Law on transparency in decision-making⁶.

TI-Moldova carried out an analysis of the content of the official websites of the 20 CPA from May to August 2012, under the "Monitoring corruption policies" Project, funded by the Soros Foundation - Moldova⁷.

As for the "Decisional transparency" Chapter, the experts concluded that the necessary information posted on the websites of the authorities is, usually, incomplete (depending on the institution, the plans to develop draft legislation, the tables of divergences, reports on the decisional transparency are not included). In the case of many public authorities, despite placing a lot of information in the respective box, it is difficult to trace "the route" of the draft documents since the publication of the notice of initiation of decision development till developing the final decision. Several other shortcomings were found concerning the "quality of the web pages", seen through the acts regulating this field, including Government Decision No. 188/2012.

Conclusions

The analysis of the evolution of the content of the CPA official websites shows some progress, however, there are still some deficiencies, particularly the existence of shortcomings in placing the public information on the official websites of the public institutions and arrears of the Parliament/Secretariat in terms of ensuring the transparency of the decision-making process.

To remove them, the TI - Moldova experts submit the following proposals:

- ensure visible placement of the indicators specified in Government Decision No. 188/2012 on the CPA website template, developed by the Centre for Electronic Governance. In this respect, to present the data in the "*Decisional Transparency*" section in tabular form, in the profile of each draft decision, to ensure the visibility of the each developed draft;
- mandatory specification of the types of "the public services provided" by the public authorities, subordinated subdivisions and enterprises managed by them;
- post on the websites information specified by Government Decision No. 188/2012, in particular the results of the conducted inspections and audits, budget planning and execution, functions and duties of the subdivisions, technical assistance programs, samples of applications and instructions on completing them;
- continuous update of the websites;
- provide access to the archives of the website section.

The Parliament's Secretariat will remove the arrears concerning the *Decisional Transparency Chapter* by implementing the recommendations offered by the civil society representatives.

Risk management and internal control

According to the provisions of Art. 9 of the *UN Convention against Corruption*, adopted in New York on October 31, 2003 and ratified by the Republic of Moldova by Law No. 158-XVI of 06.07.2007, each State party should take appropriate measures to promote transparency and accountability in managing the public funds, including through the implementation of efficient systems of risk management and domestic control.

⁶ www.e-democracy.md, call for ensuring transparency and public information in the activity of the Moldovan Parliament.

⁷ The "Monitoring corruption policies: to what extent do the public authorities comply with the content of the websites?" Report is placed on the website www.transparency.md.

In the Republic of Moldova, strengthening and efficient management of the public finances is determined by the success of the reforms initiated in the public administration, including by the implementation of the "Public Finances Management" Project (PFMP), supported and co-financed by the World Bank, the Swedish International Development Agency (SIDA) and the Government of Netherlands.

The concept of internal public financial control, as an integral part of the management of public finances, is gradually developed with the support of the "Strengthening Public Financial Management in the Republic of Moldova" Twinning Project.

Law No. 229/2010 on the Internal Public Financial Control was adopted and implemented within the activities to reform the internal public financial control system. The purpose of the Law is to strengthen the managerial accountability for the optimal management of public resources through the implementation of the financial management and control and the internal audit activity in the public sector.

The secondary regulatory framework, approved for the implementation of the law, includes:

- *the national standards for internal control in the public sector*, approved by order of the Ministry of Finance No. 51 of 23.06.2009;
- *the Regulation on the evaluation, reporting the financial management and control system and issuing the statement on good governance*, approved by order of the Ministry of Finance No. 49 of 26.04.2012;
- *the Financial Management and Control Manual*, published in 2012 and placed on the website of the Ministry of Finance, which represents a compendium of guidelines for the implementation of the financial management and control system in the public sector, including the risk management system;
- *the Regulation on the certification of internal auditors in the public sector*, approved by Order of the Ministry of Finance No. 100 of 29.08.2012.

In accordance with Law No. 229/2010 and the National Standards of Internal Control, performance and risk management represents a component of the financial management and control system. Thus, the public bodies that manage the resources of the national public budget, are to systematically identify, assess, record and monitor the risks that may affect the achievement of objectives and perform the planned performances and develop measures to reduce the risk probability and/or their impact.

Also, according to the provisions of Law No. 229/2010, the role of the internal evaluator of the financial management and control system and provision of recommendations to strengthen its effectiveness, belongs to the internal audit units within the public entities.

62 internal audit units were created by the end of 2012, including **22** in the ministries and other central administrative authorities and **9** within the local public authorities.

In order to examine the training and practical experience of the internal auditors, a national professional certification system of the internal auditors in the public sector was created, within which **32 employees** of the internal audit units have obtained qualification certificates.

Externally, the quality of the system of financial management and control is monitored and evaluated by the **Ministry of Finance**, the authority responsible for the development, promotion and monitoring the policies on the internal public financial control. Support for the external monitoring activities is provided by the *Board of the Internal Public Financial Control*, the operating regulation of which was approved by order of the Ministry of Finance No.114 of 12.10.2012.

In 2012, the Ministry of Finance organized and conducted within the Twinning Project mentioned above, **13** training seminars for the internal auditors (a total of **6,979 man-hours** of training) and **10** training seminars for the managers within the public authorities (a total of **2628 man-hours** of

training), the following being included among the topics - "Risk management", "Tackling fraud and corruption", "Financial management and control in the public sector" etc. Also **5** seminars for the mediatisation in the field of financial management and control were organized and conducted, including the field of risk management (a total of **362 man-hours**) and **1** seminar for mediatisation in the field of internal audit (a total of **44 man-hours**).

At the same time, **21** sessions, meetings with relevant persons, meetings of working groups in the field of financial management and control and **4** sessions/meetings with the heads of internal audit units and their collaborators were held for the support of the public institutions engaged in reform.

Although there is a basic legal framework for the development of the system of financial management and control, it is not yet fully operational and the concept of managerial responsibility is not fully developed yet.

Despite the fact that in 2012, the Ministry of Finance informed the all CPA on their responsibilities in accordance with Law No. 229/2010, only **14 CPA** initiated the process of establishing an effective risk management system, including **6 authorities** that have a system for identifying, assessing, recording and monitoring the risks (Ministry of Finance, Ministry of Agriculture and Food, Tourism Agency, Agency for Land Relations and Cadastre, Bureau of Interethnic Relations, Ministry of Labour, Social Protection and Family).

The deficiencies and arrears in this area are large and are conditioned by the continuous need for training and capacity building, both institutional and personal, because it is difficult to ensure the functionality and effectiveness of risk management. Also, the internal audit, which assesses the effectiveness and contributes to improving the risk management processes is not fully functional, this issue is often caused by failure to complete the internal audit units with the necessary personnel - **55%** of the total number of internal audit units have only one internal auditor and **10%** have no personnel.

The same problems were also identified by the *Court of Auditors*, a duty of which is to streamline the management of the public finance by evaluating the internal control and internal audit systems in the public institutions. Thus, in the annual activity Report of the institution, two major deficiencies were highlighted in this chapter, including: - noncompliance of the internal audit units of the public entities with the provisions of Law No. 229/2010, thus not ensuring the promotion of an advanced level of managerial responsibility to the use of public funds and a good governance of public entities; - delayed adoption of the Law on Public Finance and Budgetary-Tax Responsibility.

Conclusions:

A modern system of financial management and control is to be established in the Republic of Moldova in the public sector, which will comply with the rigors of the international standards in the field. The necessary regulatory framework for the implementation of this system has been adopted and implemented. However, this sector encounters a series of deficiencies. In this context, the following priorities stand out for 2013:

- *Public entities*, financed from the state budget, will intensify the efforts to eliminate arrears set by the Ministry of Finance and the Court of Auditors;
- *Ministry of Finance* will ensure the implementation of the policy in the field through: strict monitoring of the activities conducted by the entity and making the managers accountable for not complying with the new rigors in the field; providing methodological assistance to the public entities and train the internal auditors and operational managers in the public sector; update the regulatory framework in the field of public internal financial control;
- *Court of Auditors* shall provide, within its powers, the promotion and passing of the Draft Law on Amending and Supplementing the Criminal Code, the Code of Criminal Procedure Code and the Code of Administrative Offences. This draft was developed for making the managers accountable as regards

training, management and use of the public finances, and management of the public assets, as well as maximizing the outcomes as a result of the audit activity and enforcement of the judgments of the Court of Auditors (the draft was submitted to the Parliament to be passed, registered with No. 2412 of 23/10/2012).

Corruption risk assessment

A key component of the risk management mechanism within the public entities is represented by the corruption risk assessment, an activity designed to increase the institutional integrity of the public authorities.

In this regard, but also independent from the above rules, in 2009, the Moldovan authorities initiated the institutional corruption risk assessment, a procedure established by Government Decision No. 906 of 28.07.2008 "On Approving the Methodology of Assessing the Corruption Risks in the Public Institutions." Based on this document, from 2009 to 2012, the specialized bodies of the central public administration self-assessed their corruption risks, by developing and implementing integrity plans. **1** public authority stands has arrears in conducting this activity: the **Ministry of Foreign Affairs and European Integration**.

The process of corruption risk assessment, conducted by the CPA, represents a novelty for the Republic of Moldova and involves several steps, which is why the public institutions have not complied with the deadlines set out in the pre-noted law (2011) and in the anticorruption policy documents. The officials involved in these activities are partially trained concerning this chapter. They lack the practical experience and the theoretical knowledge when it comes to the NAC experts. Not least, the superficial attitude of the persons from the public authorities in charge of this activity is mentioned, which determined stagnation in the effective implementation of this activity.

A positive aspect of this chapter was to extend this activity at the local level. Thus, the "Anticorruption Strategies for the Local Public Authorities" Project, implemented by the Council of Europe was launched in the Republic of Moldova with the support of the European Commission, in the framework of the Eastern Partnership on "Good Governance and Fight against Corruption".

The purpose of this project was to identify the risk areas vulnerable to corruption within Causeni and Telenesti Raion councils and develop integrity plans in order to eliminate these risks. These priorities have been implemented by the IHR, in collaboration with the NAC and the State Chancellery, the integrity plans being approved and implemented by the Raion Councils.

Conclusions:

The activity of the institutional corruption risk assessment is an important tool to prevent this scourge, however, the conducted activity has not reached the expected level or result. The development of the integrity plans by the authorities without a supervision and the lack of the logical end of their implementation has led, in some cases, to the inclusion of some misleading data and, as a consequence, the corruption risk self-assessment will not have continuity, but will turn into a reporting at a given moment in time, being carried out in a superficial way.

According to the provisions of Government Decision No. 906/2008, the NAC had jurisdiction only in terms of training and consultation on the corruption risk assessment. At the end of 2012, according to the amendments to Law No. 1104/2002, the NAC jurisdiction expanded by adding a new duty "*ensure the performance of the corruption risk assessment within the public authorities and institutions through training and consultation, monitoring and analysis of the data on the corruption risk assessment and coordinate the development and implementation of the integrity plans*". By this amendment, it was intended to exclude the encountered deficiencies, in order to obtain qualitative results during the assessment and after that.

The *Draft Law on the Corruption Risk Assessment in the Public Institutions* is at the final stage of approval, the passing of which resulting in the abrogation of Government Decision No. 906/2008. The

scope of this prevention measure was expanded through this draft law, by including in addition to the specialized bodies of the central public administration the institutions subordinated to them, along with the autonomous public and regulatory institutions and authorities.

Based on the above, the following priorities stand out for 2013:

- Pass the Law on the Corruption Risk Assessment in the Public Institutions;
- Ensure the performance of the corruption risk assessment by the NAC, focusing on monitoring this activity within the authorities having arrears and submit the necessary recommendations to reduce or eliminate the found deficiencies.

The system of declarations of assets and interests

A key component of the mechanism of prevention of corruption in the public system policy is the implementation of the policy of the conflict of interests and declaration of income and property.

Currently, the legal framework characteristic for this process includes: Law No. 1262/2002 on the Declaration and Control of Income and Property of the Persons Holding Public Offices, Judges, Prosecutors, Civil Servants and Persons Holding Management Positions, Law No. 16/2008 on the Conflict of Interests; Law No. 25/2008 on the Code of Conduct for Civil Servants, Law No. 180/2011 on the National Integrity Commission.

This tool to fight against corruption in 2012 ***was not functional***, the reason being the delayed establishment of the National Integrity Commission, the authority responsible for coordinating this process. In fact, the Commission became operational as of 25.10.2012, with the initiation of organizational activities (improve the internal regulatory framework and develop the instructions for filling in the declarations, which are to be published in the Official Gazette of the Republic of Moldova, hiring procedures, web page creation etc.).

In accordance with the provisions of the laws mentioned above, most CPA reported on the internal designation of persons responsible for collecting declarations of incomes and property and declaration of personal interests.

Deficiencies: Given the delayed establishment of the NIC and based on Art. 10 and Art. 11 of Law No. 1264/2002 on Submission of the Declarations of Incomes and Property to be Verified by the NIC within 20 days since the receipt, as well as the one-year limitation period provided for the NIC for verifying them, the declarations submitted by the subjects of law in 2012 remain unverified.

The monitoring of the policy to approach the conflicts of interest and promotion of the ethical standards in 20 CPA⁸ was performed by TI - Moldova under the "*Monitoring the implementation of anticorruption policies in the CPA*" Project funded by the Soros-Moldova Foundation.

As a result, a number of issues in applying the given policy were registered, among them: failure to report by the officials the conflicts of interests; inadequate awareness of the officials, especially of those responsible for the collection of statements of interests, with the relevant legislation in the field; difficulties in filing in the declarations of personal interests due to the lack of *Instructions on filing in the declarations*; not involving the control/internal security subdivisions in monitoring the policy of the conflicts of interests; failure to inform the public about the breach of the Code of Conduct and the sanctions imposed by the CPA in this context. (Full monitoring report prepared by TI - Moldova, attached).

⁸ Ministry of Economy, Ministry of Finance, Main State Tax Inspectorate, Customs Service, Ministry of Justice, Ministry of Internal Affairs, Ministry of Foreign Affairs and European Integration, Ministry of Defence, Ministry of Regional Development and Construction, Ministry of Agriculture and Food Industry, Ministry of Transport and Road Infrastructure, Ministry of Environment, Ministry of Education, Ministry of Culture, Ministry of Labour, Social Protection and Family, Ministry of Health, Ministry of Communications and Information Technology, Ministry of Youth and Sports, Land Relations and Cadastre Agency, Centre for Combating Economic Crimes and Corruption/National Anticorruption Center.

Conclusions:

- Concrete measures to improve the policy on the conflicts of interest and declarations of income and property are to be imposed in 2013. In this respect, the regulations in force will be revised upon the initiative of the NIC and with the support of the public authorities and civil society representatives, after which proposals to amend/supplement them will be submitted;
- The NIC will achieve full control of the veracity of the data presented in the declarations of income and property of the justice sector actors (section 35 of the 2012-2013 Action Plan for the implementation of the NAS);

The CPA will implement the proposals received from the *TI - Moldova experts*, which resumes to the need to:

- trigger the NIC activity and strengthen its control capacity;
- concentrate in 2013 the NIC control of the declarations submitted by the persons holding public offices;
- apply the mechanism to implement Laws 16/2008 and 25/2008 by engaging the control/internal security and internal audit subdivisions in controlling the compliance with the provisions of these laws, particularly in identifying situations of conflicts of interests; warning the subjects about the mandatory reporting of the situations of conflicts of interests; document the declared conflicts of interests and decisions to solve them; continuous training of the officials, especially those responsible for collecting the declarations, in the context of the mentioned laws, including through seminars organized together with the civil society; dissemination of the conducted activities.

Report corruption cases

Considerable support in preventing and fighting against corruption is offered by the citizens reporting corruption cases, different conflict of interest situations and unworthy behaviour. This mechanism is provided by using the "hotline" option, established in all public authorities and institutions.

Based on the information received by the Secretariat of the Monitoring Group, the most effective of all "hotlines" is considered to be the one of the NAC (tel. 257-257), which is available non-stop. In 2012, the NAC received **959** reliable pieces of information via the hotline, of which **197** were reported for being considered to the management of the institution. Thus, the share of those who reported illegal actions amount to **20.5%**. Other **367** calls (or **48.16%**) represented an advisory opinion, while **395** calls (or **51.84%**) did not fall under the jurisdiction of the Centre and the persons were informed about the hotlines of the competent institutions.

In 2012, under the "*Monitoring Anticorruption Policies*" Project funded by the Soros Foundation - Moldova, the CAPC monitored the operation of the anticorruption hotlines within 20 public authorities⁹.

According to the preliminary conclusions of the experts, all the monitored institutions have anti-corruption hotlines, 75% of which have provided a satisfactory visibility for the telephone number by placing it on the official website of the institution.

In order to verify the information received from the CPA, the persons in charge with monitoring applied "the mysterious petitioner technique", which involved making 2 phone calls over two months for each monitored institution. Following the deficiencies found in this activity, the experts made the following recommendations to the public authorities: - establish a regulatory framework on the anticorruption hotlines; - provide a greater visibility by the CPA of the anticorruption hotline telephone numbers; - designate within the public authorities persons responsible for communicating with the citizens on the anticorruption hotlines, who would have the necessary skills and abilities; - ensure the

⁹ The full study on the functioning of the CPA hotlines is placed on www.capc.md

continued operation of the anticorruption hotlines, regardless of the period of annual or sickness leave for those in charge with the anticorruption hotline.

"*The anticorruption hotline*", launched by TI-Moldova, represents an alternative for the citizens¹⁰. In the provision of the free consultancy services by the hotline, **348 free legal consultations** were provided to the citizens on the legislation in force, ways to exercise the rights by the judicial and extrajudicial means, way to denounce the acts of corruption. Appeals were sent to 31 public authorities and 3 cases were accepted as success stories by the TI Secretariat.

Conclusions:

Currently, the national legal framework does not contain provisions that would establish a procedure for acquisition via telephone lines of information that refers to aspects concerning the corruption acts or related to them, as well as the facts of corrupt behaviour by the CPA employees, and other violations of the anticorruption legislation.

The establishment of the hotlines and, in particular, their operation in the absence of legal regulations, proved to be of low efficiency, did not lead to the sensitizing of the society and did not increase the citizens' confidence in the state bodies. Most calls received by the institutions had a consultation character, a number of the complaints submitted by the citizens were not valued at their fair value, some of them have not even been submitted to the competent authorities for consideration. These findings result from the reports submitted by the institutions to the Secretariat of the Monitoring Group.

Based on the mentioned problems, the draft Government Decision regarding the approval of the Regulation on the operation of the anticorruption hotlines of the public authorities was drafted, the deadline for the approval of which is far exceeded. This document includes both a clear delineation of the categories of telephone lines (national anticorruption line, specialized anticorruption lines and institutional information lines), as well as regulations on their operation. The national anticorruption line is to be established within the NAC, aimed primarily at receiving calls on the corruption acts and acts related to them, and facts of the corrupt behaviour.

In this context, the following priorities stand out for 2013:

- Approve and implement the Regulation on operation the corruption hotlines of the public authorities;
- Train the persons responsible for the operation of the specialized anticorruption guidelines of the public authorities.

3.2 . Fight against corruption

Corruption and issues related to this scourge represent the negative phenomena of the modern society, with profound domestic and foreign impact, constituting an obstacle to the country's social-economic development, and the quality of the governance. For these reasons, the main desideratum in the context of minimizing the corruption phenomenon is also fighting this scourge at the national level by implementing viable policies and the use of some effective and practical tools.

In 2012, the activity of fighting corruption was conducted by the NAC and the MIA subdivisions together with the Prosecutor's Office bodies and under the direction and control exercised by the prosecutors.

In this context, it is noted that during the reporting period, the prosecutor's office bodies and the criminal prosecution bodies of the NAC and the MIA instituted **353 (302 in 2011)** criminal cases of

¹⁰ Activity conducted by TI – Moldova under the "ALAC –Advocacy and Legal Advice Center" Project, funded by the TI Secretariat and the German Ministry of Foreign Affairs (implementation period 1.01.2012 –31.12.2012, budget - Euro 37,640, spent - Euro 37,640).

corruption offenses (including 146 on passive corruption, 38 on active corruption, 165 on the influence peddling, 3 on accepting bribery and on 1 for offering bribery), **278** (220 in 2011) cases on offenses of abuse of power or abuse of office and **266** (237 in 2011) cases on the offense of abuse of power or excess of duties.

Of the total number of criminal cases under the management of the Prosecutor's Office and criminal prosecution bodies of the NAC and the MIA, in 2012, **266** cases were brought to justice, of which **111** (or **41,7%**) were investigated by the prosecutors, **126** (or **47,4%**) by the NAC and **29** (or **10.9%**) by the MIA.

In 2012, the courts have finished the substantive judicial review of the merits of **120** criminal cases concerning corruption offenses in respect of **122** persons (compared to **128** cases in respect of **137** persons in 2011) and **77** criminal cases in respect of **78** persons accused of corruption related offenses (compared to **56** cases in respect of **64** persons in 2011).

Among the criminal cases instituted on *the corruption offenses* examined in substance, similar to 2009 and 2010, the ones on traffic of influence (64 cases or 53.33%) and passive corruption (28 cases or 23.33%) prevail, followed by active corruption (25 cases or 20.8%), bribery (2 cases or 1.66%).

After conducting an analysis of the status of the persons convicted of corruption offenses, there is certainly found that the primacy is held by the police officers (26), followed by 16 sentences concerning the public officials, 3 sentences concerning the customs service officers, 2 sentences concerning 2 prosecutors and 75 sentences concerning persons of other categories.

As for the criminal cases on *corruption related offenses* examined in substance, those concerning the abuse of power or abuse of office (29 cases or 37.66%), abuse of power or excess of duties (24 cases or 31.17 %) and embezzlement (20 cases or 26%) prevail. According to the subject of the corruption related offenses, in 2012, sentences were delivered in respect of 47 public officials, 8 police officers and 23 people of other categories.

The analysis of the application of criminal penalties in corruption and related to corruption cases denotes the fact that the largest share is held by the punishment in the form of fines - concerning **73** persons, followed by fine and imprisonment with the application of Art. 90 of the Criminal Code "Conviction with conditional suspension of punishment" concerning **26** persons, imprisonment with the application of Art. 90 of the Criminal Code - in respect of **21** persons, imprisonment with the actual execution of the sentence - about **15** persons. The additional punishment, deprivation of the right to hold certain positions or to practice certain activities, has been applied during the respective period in respect of **60** persons. However, in 2012, **20** persons were acquitted.

The criminal proceedings in cases on corruption and related to corruption offenses stopped in respect of **47** persons. Of these, in more than half of the cases, the criminal proceedings stopped under Art. 55 of the Criminal Code, the person being released from criminal liability and contravention accountability, an index way too large, considering the recommendations of the international institutions on the anticorruption practice. These negative practices represent a way to avoid the additional penalty and, respectively, the dismissal from office of the convicted persons, particularly of those convicted for the corruption offenses.

Making reference to the correlation between the number of convictions and acquittals delivered in criminal cases on corruption and related to corruption offenses, it is concluded that they are maintained at a high level for the following reasons:

- the difficult perception by the court of the damage caused by the defendant as a result of committing an offense of corruption or one related to it. For example, the diminution of the image of the public authority, the disruption of the good work of the authority in question and the interference

with the good relations of good performance on the activity by the public authority itself are invoked as damage;

- specific subjects of the offense, who are usually characterized positively, have University or post-University education (in some cases they graduated from two institutions), a certain social position, a certain status;
- difficulties in documenting the corruption and related to corruption offenses, which require important human and technical resources for conducting special specific investigative measures for an extended period of time;
- lack of witnesses, unwillingness to disclose facts of corrupt behaviour by the colleagues or the subordinates of the accused. This aspect is also generated by the refusal of temporary suspension from office by the administration of the institution, distrust in the judiciary, unwillingness to generate a conflict with the defendant.

It is noteworthy that the statistics of convictions and the sanction imposed in cases of corruption do not enjoy the same media coverage as the statistics of the registered offences and the effectiveness of the activity of the law enforcement bodies cannot be assessed using some quantitative indicators, because if they lower the quality of the case investigation. But in order to get the real results, it is necessary to establish performance indicators of the activity of the law enforcement bodies, such as the share of convictions in corruption cases share out of the total number of recorded crimes that are sent to court.

Thus, it is important to emphasize that the statistics on the sentences in criminal cases and the categories of applied punishments represent the most important criterion for determining the effectiveness of the measures taken by the law enforcement bodies to combat crime, and while the fight against corruption is one of the current social premises, its completion is achieved by delivering a judgment that corresponds to the seriousness of the offense and the degree of social danger it poses. And as a result of the inadequate sanctions of the persons who are accused of having committed corruption acts, there is a tolerant reaction of the society to these crimes, thus encouraging them to commit once again such offences.

With reference to the things mentioned above, it is noted that **the lack of media coverage** of the act of justice, namely, the judgments delivered by the courts in corruption cases, the non-involvement of the mass media and the civil society in this section reduces the resonance and the importance of the justice act in investigating the corruption cases, which gives to the judiciary corpus the possibility to adopt sentences of terminating the criminal proceedings by applying the administrative sanctions, which, ultimately, reduces the efforts undertaken by the law enforcement bodies to combat corruption and favours tolerance by the citizens of the corrupting behaviour, making them to give up the cooperation with the law enforcement bodies in order to counter the corruption cases.

A priority of the NAS is to identify the vulnerabilities of the national legal and institutional framework in the field, which may prevent the effective exercise of the mission to combat and reduce the impact of corruption.

Against this background, it is necessary to mention that until 10/27/2012, the legal framework in force that regulates the investigation of the corruption and related to it offenses, excludes the possibility of managing the evidence by means of wire tapping and images in case of light and less serious offenses.

Thus, *Law No. 66 of 05.04.2012 on Amending and Supplementing the Code of Criminal Procedure*, which entered into force on 27.10.2012, aimed at bringing clarity as regards this chapter. However, it was found that the wording of Art. 132⁸ of the Code of Criminal Procedure provided exhaustively the list of the components of offenses for which tapping and recording of

communications may be applied. By analysing that list, it is concluded that it lacks logic, it is not clear by which criteria the Parliament limited itself only to of these offense components. For example:

- Art. 140 par. (3) and (4) in the list do not even exist in the Criminal Code;
- Art. 140¹ par. (3) and (4) in the list are less serious components, while Art.140¹ par. (1) is a serious one and par. (2) is a particularly serious one, this measure being inapplicable for the last ones;
- Art. 142 par. (2) in the list is a very serious component, while Art. 142 par. (4) - an exceptionally serious one for which this measure does not apply;
- Art.171 par. (2) and (3) in the list provide for components with identical punishments and similar social danger and consequences as the components of Articles 172 par. (2) and (3), for which this measures does not apply.

Such reasoning is also characteristic for the components of Art. 186 par. (2), Art. 187 par. (2), Art. 188, Art. 189, Art. 278 par. (1) co-reported to Art. 278¹ par. (1), Art. 295¹ etc.

It is important to underline as regards this chapter that in the context of the international acts, to which the Republic of Moldova has also adhered, in particular Art. 23 of the Criminal Law Convention on Corruption, Art. 3 and 4 of the Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime, Art. 7 and 9 of the UN Convention against Transnational Organized Crime, Art. 3 of the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and Financing of Terrorism and other tools, the Republic of Moldova is obliged to pass appropriate legislative and other measures that allow the use of special investigation techniques necessary to facilitate the collection of evidence about the corruption offenses, money laundering, terrorist financing and other crimes (listed in the Annex to the Warsaw Convention), which generate proceeds from money laundering, but also for the identification, tracing, seizure and confiscation of the proceeds from criminal activity.

In such circumstances, this version did not harmonize the legislation of the country with the international standards, but rather led to a even greater discrepancy between them, with obstacles being created for the flagrant documenting of the crimes, especially corruption offenses.

Another vulnerability in fighting the corruption phenomenon is ***the constitutional presumption concerning the illegal acquisition of property***, which is the subject of review by the Constitutional Court, which by Decision No. 21 of 20.10.2011 held that *"the regulation of the presumption of the illegal character of acquiring property does not prevent the legislator that, in applying the provisions of Article 8 of the Constitution - Respect for the international law and international treaties, to adopt rules to allow full compliance with the international treaties in the field of fight against crime."* The Ministry of Justice developed a *Draft Law on amending and supplementing certain laws (referred to in the Legislative Component, page 9)*, by which a new rule is included in the Criminal Code that establishes "an extended confiscation"; revision of the sanctions of the Criminal Code for corruption offenses, by increasing them, particularly as regards the size of the fine and setting them alternatively (fine or imprisonment), not cumulatively (fine with imprisonment) and introducing a new corpus delicti - "illicit enrichment".

Another relevant issue is the minimization of the legal levers legal for defending the victim, without taking into account the fact that the ECHR case law recommended the adjustment of the national legislative and regulatory framework to the European one, currently, these requirements have not been fully implemented yet.

Conclusions:

Currently, the legal framework governing the investigation and punishment of the corruption and related to it offenses registers some weaknesses, namely, the impossibility of managing the evidence by means of wire tapping and images in case of some corruption and related to it offenses, the deterring character of the penalties, including the legal possibility of release from criminal liability for mild and less serious crimes.

In order to effectively conduct the activity of fighting corruption, reducing its impact on the society, it is necessary to further implement the following measures and initiatives:

1. Increase the pro-active activity of the law enforcement agencies, particularly the NAC, to uncover cases of corruption, including high-level ones, along with exposing the corrupt persons and those seeking to corrupt the public persons;
2. Conduct actions to counter the corruption and protectionism crimes by the NAC in the the most affected fields of the national economy and the state structures, by revealing criminal schemes among the civil servants, judiciary employees, and participants in various lawsuits (prosecutors, lawyers etc.).
3. Complete, publish and disseminate the thematic study initiated by the NAC, with the support of the experts of the MIAPAC Project, on the analysis of the final court sentences delivered on crimes of corruption and those related to it, in order to assess the effectiveness of applying the sanctions and undertaking the necessary measures to address the situation for the given chapter;
4. Promote some punitive criminal policies appropriate for the risks and dangers posed by the corruption offenses, uniform the legal practice and orient it to the application of some penalties that are proportionate to the seriousness of the corruption offenses and those related to them and the degree of social danger they pose, including the complementary punishments for such a category of offenses and mandatory confiscation of the proceeds from corruptible activities;
5. Examine the deficiencies resulting from the amendments to the Code of Criminal Procedure through Law No. 66/2012 and submit proposals for adjusting the legal framework to increase the efficiency of the law enforcement bodies;
6. Modernize the system of the statistics management according to some unique or similar principles and replace the numerical indicators with the quality ones by emphasizing the statistics on the delivered sentences and the categories of enforced punishments.

3.3 Institutional reforms

A declared priority of the state authorities is to implement some reforms that, once completed, will have the public comply with the EU standards, characterized by efficiency, accountability and transparency.

Consistent with the commitments made, this year, the continuity of reforms initiated in the public sector was ensured, with a special emphasis put on the implementation of the *Justice Sector Reform Strategy for the period 2011-2016*, approved by Law No. 231 of 25.11.2011.

The strategy comes with an innovative approach and seeks to integrate all efforts and reform intentions of several institutions in a unified framework for ensuring consistent and sustainable reforms in the justice sector as a whole. The effectiveness of the specific intervention areas such as the judiciary, the reform of the MIA, Prosecutor's Office, the NAC and SIS will be the key to success in the field.

In addition to the overall objective of the Strategy to build an accessible, effective, independent, transparent, professional and incorruptible justice sector, which would ensure the rule of law and observance of the human rights, its implementation will ensure effective prevention and combating of corruption both in the justice sector and in other institutions and public authorities, as well as in the private sector.

The strategy is implemented through the *2011-2016 Action Plan*, approved by Parliament Decision No. 6 of 16.02.2012. In 2012 the emphasis in carrying out the activities of the plan was put on the legislative reforms described above (*the Legislative component, page 8*). The detailed reports regarding the implementation of the Action Plan may be viewed on www.justice.gov.md, the "Reforms in the justice sector" Module.

Strengthen the National Anticorruption Centre

In the context of the 2011-2016 Justice Sector Reform Strategy, the reform of the Centre for Combating Economic Crimes and Corruption was started in 2012 and included: appoint the director of the institution by the Parliament and place it under parliamentary control; maintain the duties to prevent and combat corruption and other irregularities affecting good performance of the activity in the public sphere, money laundering and terrorism funding; transfer the powers to investigate the economic offences to the criminal prosecution bodies of the Ministry of Internal Affairs and the Customs Service.

These objectives were achieved by passing and implementing Law No. 120/2012 on Amending and Supplementing Certain Laws, including Law No. 1104/2002 on the Centre for Combating Economic Crimes and Corruption, as a result, the institution was renamed into the National Anticorruption Centre.

The process of institutional constitution and reorganization was launched by the NAC as of the entry into force of the amendments to Law No. 1104/2002 (October 2012). Thus, according to Art. 8 of the mentioned Law, the NAC Director was selected through an open competition organized by the Parliament's Committed on Legal Affairs, Appointments and Immunities, which ensured impartiality, transparency and fairness of the procedure of selecting and appointing the potential candidate for the office of director, later being appointed by the Parliament for a 5-year mandate. At the same time, a contest was launched to fill the vacancies of the Heads of the North and South Offices of the NAC, a process that is currently underway.

Another stage of implementing the objectives stated in the context of the initiated reform was to organize the assessment of the employees' performance, in this context, a special Commission, composed of eight members, including four representatives of the civil society, being created by order of the NAC Director. The Commission worked from November 21 to December 20, 2012. Additionally, the employees were exposed to psychological aptitude testing, an instrument that allowed the assessment of the individual behaviour of each employee. Following these activities, of the total number of **509** employees, **347** underwent the assessment procedure, of these **336** were re-employed at the NAC.

To enhance the institutional capacity of the NAC, *the Strategy to Strengthen the National Anticorruption Centre* was approved and implemented by Parliament Decision No. 232 of 26.10.2012. The document was developed and implemented with the support of the MIAPAC Project experts.

The Strategy includes **41 priority actions**, the implementation of which will result in achieving **16 expected outcomes**, **3 objectives** of the policy document being consistently achieved: 1) Ensure the NAC independence from the improper pressure and influence, 2) enhance capacity to prevent and combat corruption at all levels; 3) obtain the public support for the anti-corruption efforts. Reaching the objectives will ensure efficient functionality of the NAC in accordance with its primary mandate to fight corruption.

The schedule for implementing the Strategy includes **two stages**: July-December 2012/January-October 2013. Of the **41** priority actions of the Strategy, **11** were included with an achievement deadline - December 2012, of which **8** were achieved, **1** partially achieved and **2** are underway (see table No. 4).

Table 4. Schedule for Implementing the Strategy to Strengthen the NAC (excerpt)

Priority actions	Timescale for achievement	Level of achievement	Activity description
Objective 1. Ensure independence of the NAC from pressure and undue influence			
1.1.1. Appoint into office the NAC Director under the	October/ November	achieved	PD No. 227 of 23.10.2012 on

provisions of Law No. 120 of May 25, 2012	2012		Appointing into office the NAC Director
1.2.1. Develop and pass in the Parliament decisions on the Code of Conduct, structure and staff limit of the NAC	October/ November 2012	partially achieved /underway	- PD No. 230 of 25.10.2012 on Approving the Structure and Staff Limit of the NAC. - PD No. 280 of 7.12.2012 on Approving the List of Offices in the NAC and Special Degrees Corresponding to Them. - PD No. 282 of 7.12.2012 on Approving the Regulation on Hiring the Heads of Directorates of the NAC Territorial Subdivisions Following a Contest. - Draft Law on Approving the Code of Conduct of the NAC Employees, submitted to the Parliament to be passed.
1.3.1. Develop amendments to Law No. 355-XVI of December 23, 2005 on the Remuneration System in the Budgetary Sector	November 2012	underway	Law No. 319 of 27.12.2012 on Amending and Supplementing Some Legislative Acts (Art. IV).
1.3.2. Amend the legislation in order to create additional conditions for the remuneration of the NAC employees	November 2012	underway	Draft Law on Amending and Supplementing Laws No. 1104/2002, No. 355/2005, No. 158/2008 and No. 48/2012, submitted to the Parliament to be considered.
1.4.2. Introduce amendments to Law No. 1104-XV of June 6, 2002 on the NAC in order to establish explicit grounds for dismissal and suspension from office, as well as criteria for promotion of the employees	July/ December 2012	achieved	Law No. 319 of 27.12.2012 on Amending and Supplementing Some Legislative Acts (Art. II).
Objective 2. Enhance the capacity to prevent and combat corruption at all levels			
2.1.1. Develop and approve a sufficient budget for CNA work covering real needs of prevention and fight against corruption	July/ November 2012	partially achieved	Law on the State Budget for 2013 No. 249 of 02.11.2012. Following the laws developed and passed in the context of the 2013 Strategy, with the NAC budget being corrected.
2.2.1. Develop and approve the NAC organizational structure based on the structure passed by the Parliament	October/ November 2012	achieved	NAC Order No. 3 of 30.10.2012
2.2.2. Prepare and approve the job descriptions of the employees based on the powers	October/ November 2012	achieved	Order of the NAC management No. 17 of 04.02.102 on Approving the

conferred by the NAC			Internal Regulations Descriptions of Employees. Operation and Job of the Employees.
<p>2.7.1. Prepare drafts to amend and supplement the criminal and criminal procedure law in order to streamline the efforts to combat corruption in accordance with the international anticorruption conventions and GRECO recommendations</p>	<p>October/November 2012</p>	<p>Achieved as regards the Implementation of the GRECO Recommendations</p>	<p>- Law No. 77 of 12.04.2012 on Amending and Supplementing some Legislative Acts - Law No. 78 of 12.04.2012 on Amending and Supplementing the Criminal Code of the Republic of Moldova and Law No. 245 of 2.22.2011 on Amending and Supplementing some Legislative Acts (Art. 123, 123 (1), 326) - a draft law developed under the CEC aegis in the context of implementing the GRECO recommendations as regards the "Political Parties Funding" Draft Law. The Draft Law was exposed to the anticorruption expertise and it was considered by the experts of the <i>Venice Commission</i>. - MoJ developed the draft Law on amending and supplementing <i>Law on the Status of the Judge, Law on the Supreme Council of Magistracy and the Criminal Code</i>. The draft law provides for the inclusion of a provision in the Criminal Code establishing a new regulation that institutes "extended confiscation" - revise the sanctions of the Criminal Code for corruption offenses, by increasing them, particularly the size of the fine, and setting them alternatively (fine or imprisonment), not cumulatively (fine with imprisonment) and introducing a new corpus delicti - "illicit enrichment" (draft law presented for public debates).</p>
<p>Objective 3. Obtain public support for the anticorruption efforts</p>			

3.1.1. Periodic roundtable debates on the main issues to enhance the effective exercise of the CNA mandate	July/December 2012	achieved	The Strategy, in the draft form, has undergone numerous debates and public consultations. Activities undertaken in the context of document implementation were reported within the National Anticorruption Conference of 10/12/2012, as well as in the working meetings of the Monitoring Group.
3.1.2. Develop a clear anticorruption mission of the NAC for the public	July/October	achieved	NAC Order No. 34 of 28.12.2012 on Approving the NAC Communication Strategy. The Strategy was developed with the support of the MIAPAC Project experts.

The Monitoring Group of the NAS Implementation is responsible for monitoring the implementation of the Strategy to Strengthen the NAC, while the Parliamentary Committee on National Security, Defence and Public Order coordinates generally the implementation of the policy document. In this context, the members of the Monitoring Group were regularly informed on the progress of the implementation of the NAC institutional reform.

Reform of the Ministry of Internal Affairs

The MIA reform is in the process of being implemented and requires a comprehensive institutional and legislative effort falling as part of the justice sector reform. *The Concept of Reforming the Ministry of Internal Affairs and its Subordinate and Deconcentrated Institutions* was approved by Government Decision No. 1109 of 06.12.2010, while the Action Plan for Implementing the Concept was approved by Government Decision No. 439 of 16.06.2011.

The objectives of the policy document mention among others improving the legal framework of the police and Carabinieri activity, police demilitarization and de-politicization; delimiting the powers of the state police and local police; reform the carabinieri troops; professional training of the personnel; revive the police activity assessment system.

Conventionally, the MIA reform was divided into **3 phases**: adopt and adjust of the regulatory framework; implement the legal framework, institutional capacity building and personnel training.

The stage of the practical legislative framework has been overcome, an important issue being the passing of *the Law on Police and Police Officer Status*, the implementation of which is a priority for 2013.

In the context of the undertaken reform, the organizational structures for police and the Ministry were approved, and the organizational structure of the Border Police Service and the Civil Protection and Emergency Situations Service undergo the development process. The assessment of the entire personnel of the Road Police Service was conducted, thus being certified only 10% of the personnel, about 50% of the employees were offered a trial period of 6 months, 131 policemen were dismissed. The activities related to the technical equipment are being implemented, the installation of the video surveillance systems in all police offices and temporary detention facilities has been completed, the implementation of the project concerning the installation of the system for video monitoring of the

road traffic is underway, as is the professional training of the staff and improvement of the assessment system of police activity.

The whole process of the implementation of the reform in this field is coordinated by *the Centre for planning and achieving the objectives of the MIA reform*, whose activity results may be viewed on www.mai.gov.md, the "Programs and Strategies" Module ("Centre for the MIA Reform"). Nationally, the implementation of the MIA reform is coordinated by the *National oversight committee*, established for this purpose by Government Decision No. 1188 of 22.12.2010. The MIA Reform is implemented with the support of the MIAPAC Project.

Reform of the Prosecutor's Office bodies

In the context of the Justice Sector Reform Strategy implementation, working groups responsible for the implementation of activities specific for the Areas of Intervention attributed to the Prosecutor General and the Superior Council of the Prosecutors were established by the General Prosecutor's Order No. 48/09 of July 2012. Among the conducted activities, the following are mentioned:

- approval by the Superior Council of Prosecutors of *the Regulation on the assessment of the professional performance of the prosecutors* (September 2012);
- in order to increase the transparency of the self-administration bodies of the Prosecutor's Office, regulations of the Superior Council of Prosecutors, the Qualification Board and the Disciplinary Board were adopted, while the information on the activity of the SCP and the prosecution bodies are published and periodically updated on the website <http://www.procuratura.md> etc.;
- the activity on training and implementing a new integrated system of performance indicators was initiated under the aegis of the General Prosecutor's Office for all institutions involved in the criminal proceedings, currently in progress;
- the Superior Council of Prosecutors adopted on 04.12.2012 "the 2012-2014 Prosecutor's Office of the Republic of Moldova Strategic Development Program", the draft has been previously exposed to the public debates, organized by the General Prosecutor's Office together with the Office of the Council of Europe to the Republic of Moldova, with the participation of international experts, representatives of the law enforcement bodies and the civil society.

The ***Information and Security Service*** undergoes the process of reorganization, its draft of the Reform Strategy being placed for public consultation on the website www.sis.md.

Integrity of the justice sector actors

A pillar of the *Justice Sector Reform Strategy* is to strengthen the integrity of the industry players by promoting anticorruption measures, focusing on implementing a viable mechanism for internal and external control within the authorities.

An effective method of preventive control is testing the integrity of the officials. This activity implies a periodic check of the observance of the professional duties or behaviour of the subjects in the sector, as well as identify, assess and eliminate the vulnerabilities and risks determining acts of corruption, acts related to corruption or corrupt behaviour acts.

This innovative action will be piloted by the NAC, the given issues being regulated in Art. 14 of Law No. 1104/2002. Professional integrity testing will be conducted by the ISS with the prosecutor's authorization. Additionally, the NAC employees will be subject to the NAC monitoring of their lifestyle by the Internal Security Unit within the institution.

Currently, the *Draft Law on the Professional Integrity Testing*, a draft developed by the Ministry of Justice, is exposed for public debates. Its provisions will apply not only to the NAC employees and the justice sector representatives, but also to the employees of the authorities, institutions and organizations (public entities) engaged in the activities of public interest and which are determined or exposed to the risks of corruption or vulnerability in conducting the professional activity.

Another mechanism, implemented within the reform process in the sector, is related to *the simulated behaviour detector (polygraph) testing* according to Law No. 269-XVI of December 12, 2008. In this context, six officers, of which two NAC representatives, three - of the MIA and one of the ISS, attended a training course on the application of the polygraph test. The training was supported by an American expert and lasted two weeks, during which the officers have studied both the theory and practical application of the device.

In this chapter, an important issue refers to the application of Law No. 271/2008 on Verifying Holders and Candidates to Public Offices. Under this legislative act, the ISS conducts, upon the request of the management authorities, checks of the holders and candidates for the public offices. So far, all checks were initiated exclusively by the Superior Council of Magistracy and the General Prosecutor's Office. The process of implementing *Law No. 271/2008* encounters a number of *deficiencies*. The levers and mechanisms regulated by law for the ISS to exercise these powers are not capable to ensure the achievement of the purpose of the Law: to prevent holding of public offices by persons posing a threat to the national security interests and prevent corruption in the public authorities. The material resources, human resources and the personnel of the ISS are insufficient, which leads to an accomplishment of these activities below the level expected by the civil society.

Conclusions:

The implementation of the Justice sector reform is one of the most sensitive topics of a particular interest pursued by the European and international community, while the deficiency of the anticorruption policy is perceived by the society by delaying the impact expected in this process.

In this context, the priority of 2013 is to achieve consistently and in due time the action plans approved in the implementation of those strategies in this regard, wide dissemination of these processes, especially of the new corruption prevention mechanisms, initiated by testing the professional integrity and conduct simulated detector testing, effective application of Law No. 271/2008.

IV. EDUCATIONAL AND PUBLIC COMMUNICATION COMPONENT

4.1. Anticorruption education

The anticorruption education of the citizens to raise the awareness of the population and cultivate the spirit of intolerance towards corruption, liquidation of the legal nihilism and promotion of ethical and moral behaviour for strict adherence to the law, are a constant component part in the activities conducted by the public institutions.

The anticorruption education is achieved by using the methods of conviction, correction of the human behaviour, compliance of the human actions to the legal and ethical requirements. In this sense, the efficiency of the preventive activity is an essential attribute of a high quality life. The more the preventive activity results, the higher the security degree of the society as regards the attempts to corrupt it.

Acknowledging the importance of the educational component, the NAC conducts educational-pedagogical measures permanently, the number and diversity of which increase every year.

Thus, in 2012, **85 anticorruption meetings** were organized, with an estimated number of **2,872 persons** taking part in them.

The trainings were conducted for: representatives of the specialized central bodies of the public administration; employees of the Customs Service and the Department of Penitentiary Institutions; employees of the Calarasi, Nisporeni Soroca, Edinet, Briceni, Rascani, Telenesti, Drochia Raion Councils; officials of the Central Office of Probation; internal auditors; teachers, students and parents of the students of the Technological College; students of various universities; the professional-didactic staff of the Institute of International Relations of Moldova; baccalaureate centre managers; managers of the preschool and pre-university institutions of the sectors of Chisinau City; soldiers of the Military Commandant's Office of the National Army; Chisinau Military Municipal Centre; Ministry of Defence; employees of the Registration of Transport and Driver Qualification of the CRIS "Register" State Enterprise.

The corruption issues are included in the employee professional training modules, made within the public authorities and institutions, as well as within the professional development courses for the personnel in the central and local public authorities, organized and conducted by the Academy of Public Administration by the President of Moldova, both upon state order (GD No. 1021 of 29.12.2011) and with the support of the Multi-Donor Trust Fund.

The development of the **unified anticorruption curriculum** for the employees of the Customs Service and the Border Guard Service of the Republic of Moldova and Ukraine is underway. The Working Group, formed for this purpose, includes experts from the EUBAM, experts from Ukraine, Khmelnytsky Border Guard Academy, Dnepropetrovsk Academy of Customs, Customs staff Training Center and Moldovan experts, representatives of the NAC, MIA and Customs Service, Customs Service Training Centre, "Stefan cel Mare" Academy, Department of Border Police, "Alexandru cel Bun" Military Academy.

4.2. Civic Partnership

A series of activities designed to support the campaigns to reduce public tolerance towards corruption are carried out by the public authorities in collaboration with the civil society and the mass media, a successful partnership being accomplished in this regard. As regards this chapter, the positive aspect lies in the opening of the state authorities towards the public through the participation of the decision-makers in Radio and TV broadcasts, conducting meetings with the civil society representatives.

It should be mentioned that education is a sector that is vulnerable to the manifestations of corruption. This issue is reflected in the findings of the *Express survey of the Students Opinion on the Informal Payments in the Education System*, developed by TI - Moldova in 5 universities. The survey results showed a high level of spread of the phenomenon of informal payments, unethical behaviour in the academia, multiple practices of plagiarism (including the graduate thesis, by using to the practice of selling them online through the portal www.diplom.md), discrimination etc.

For these reasons, the sector has been constantly kept under observation by the NAC. Following the cooperation of the NAC with the EUBAM the Border Guard Service of Ukraine, in terms of educating the young generation in the spirit of intolerance towards corruption, **2 "Youth against Corruption" Spring and Autumn Schools** were held in the period May 6-13, 2012 and October 14-21, 2012. The Schools were organized in the City of Yalta, Ukraine, respectively, in the City of Chisinau, Moldova. 26 students from Ukraine and 26 from Moldova attended the schools, having as lecturers experts from Lithuania, Poland, Ukraine, the EUBAM and the NAC.

In this context, in July 2012, upon the initiative of a group of trainees of the "Youth Against Corruption" Schools, the NAC, with the EUBAM support and "Faclia" (Ungheni) Public Association for Children and Youth, held in the City of Ungheni two anticorruption trainings under the topic **"Youth against corruption in action"**. About 40 high school students attended the trainings.

Also, on the occasion of the international day against corruption, the trainees of the anticorruption schools organized in the faculty of law of MSU the **"Youth against corruption" student scientific conference**, attended by the NAC representatives.

An event was held for the first time in the City of Soroca upon the imitative of the City Hall initiative, in partnership with the NAC entitled "The anticorruption week in the city of Soroca" (November 2012). Various activities to prevent corruption were organized during this week, including: a press conference, publications on the anticorruption topics in the local press, TV shows, roundtables and anticorruption meetings. In 9 schools, high schools and gymnasiums the painting competition under the title *"My country without corruption"* and the essay contest under the title *"There is no corruption in my future"* were organized in 9 schools, gymnasiums and high schools. 85 essays and 75 paintings were presented in these contests. During this period, the representatives of the NAC, Soroca City Hall and the Department of Education of the City Council, paid visits to the 9 educational institutions, bearing discussions with the authors of the works. Also, during the week, 23 operators interviewed the residents of City of Soroca, to analyse the impact of the perception of corruption and

the impact of the anticorruption policies at the local level, 1200 people being interviewed. At the end of the week, the winners of the two contests were elected and the survey results were announced.

The Association of the Advertising Agencies in Moldova is the new partner of the NAC in fighting corruption. In 2012, a cooperation agreement was signed between the Centre and the Association on organizing the **social action "Corruption destroys the future. Do not tolerate corruption"**, with a press conference being also organized in this regard.

The social action aimed to raise the awareness of the public opinion and inoculation of intolerance towards the corruption phenomenon, promote the idea of personal involvement in the fight against corruption, and increase the citizens' awareness about their rights in this area. Therefore, social advertising open contest was held in three categories: sample for the outdoor advertising; radio commercial script; Internet banner. The contest took place from April to September 2012. 99 works were submitted in the contest: 52 models for the outdoor advertising, 46 audio commercial script and 1 Internet banner. The results were announced in October 13, 2012, on the last day of the Advertising & Design Exhibition in a festive atmosphere.

A comprehensive **awareness campaign "Corruption kills Education"** was launched and implemented by **the Ministry of Education**.

Another vulnerable sector to corruption is the medical one. In this regard, the Institute of Oncology initiated, in partnership with the NAC, the social campaign **"Corruption and cancer - social diseases"**, with a live talk show "Buna seara" (Good Evening) taking place on the National Broadcaster, Moldova 1.

An active role of informing the society about corruption was also assumed by the mass media, especially by **Publika TV**, which, during 2012, conducted the **Campaign "I do not give, do not take bribe"**, thus contributing to the formation of the public opinion of perception corruption as a negative social phenomenon.

A pro-active part in conveying the anticorruption message to the citizens belongs to TI - Moldova, which gave about 80 interviews for various TV channels, radio, print and electronic media in 2012.

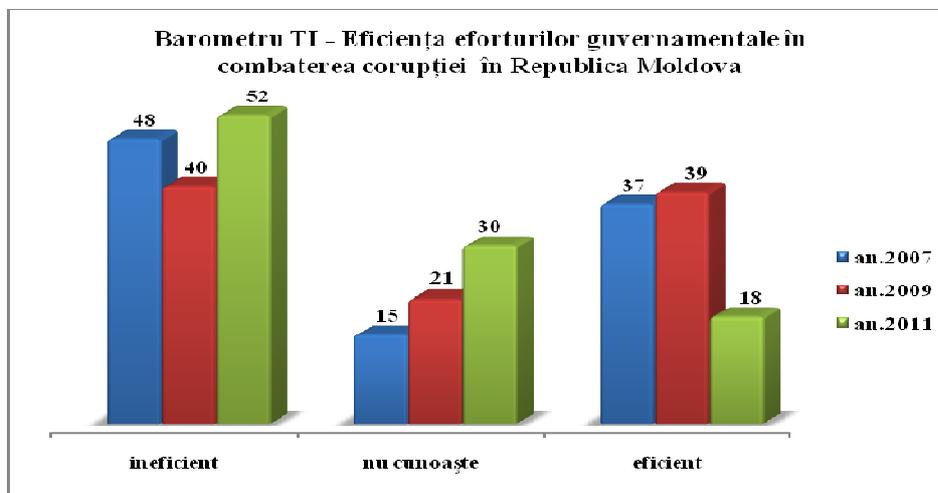
Conclusions:

A major goal of the policy to prevent corruption policy is the cooperation between the state authorities with the civil society and the mass media. In this context, the list of priorities for 2013 includes the involvement of the players in this sector in preventing corruption and informing the public about the negative impact of this scourge, increase in the society the intolerance towards corruption, continue the activities to prevent corruption targeting the youth, as they are one of the most vulnerable groups of people to various forms of offenses. The public authorities, with assistance and support of the NAC, will continue the anticorruption training activities of the civil servants and other categories of employees who provide public services, as well as ensure the implementation of the Civil Society Development Strategy, approved by Law No. 305 of 28.12.2012.

CONCLUSION

Currently, the deficiency of the anticorruption policy is perceived with the breach of the constitutional principle of separation of the three branches of state power and their collaboration in a strictly legal framework. Political sharing and pressure, delay of the reforms in the public sector, the inadequate implementation of the legislative framework and formalism in carrying out anticorruption activities are reflected in the eyes of citizens and the businesses environment, in the conclusions of different international experts and institutions concerning the effectiveness of the anticorruption measures.

An indicator that would allow the performance assessment of the anticorruption policies implemented by the governments authorities is reflected in the Global Corruption Barometer¹¹. According to the 2011 IT Barometer, only 18 per cent of the Moldovan respondents considered as effective the efforts of the state in repressing corruption, this index decreasing by 21 points compared to 2009. The number of the respondents who consider these efforts ineffective is impressive (52%, or by 12 points more than in 2009).



The conclusions exposed in the evaluations conducted by the Public Policy Institute are even more pessimistic. According to the Public Opinion Barometer in the Republic of Moldova (November 2012), only 5.9% of the respondents are satisfied with the country's leadership efforts in combating corruption, this figure being lower than in 2009 (see table 3).

Table 3. Public Opinion Barometer, IPP (extract)

Period	XI/2009	XI/2010	XI/2011	XI/2012
To what extent are you satisfied with what the leadership of the country does in the field of combatting corruption?	14%	8%	7,3%	5,9%

These findings represent an alarming signal for the authorities, which are to intensify the efforts in this sector.

A functional National Integrity System stands as the main warranty in the effective fight against corruption. Each component of this system: the Parliament, the Government, the Judiciary, the law enforcement and control bodies, the civil society and the mass media, has its own particular role in this process. The vulnerability of one of the institutions leads to the dysfunction of the entire system.

To demonstrate the will and perseverance, in 2013, the anti-corruption efforts will be aimed at strengthening the involvement and collaboration of all components of the National Integrity System.

In this context, the following are revealed among the priority tasks of each component party:

Parliament:

- Priority passing legislative acts subsequent to the policy documents, developed in the context of reforms in the justice sector;

¹¹ The Global Corruption Barometer reflects the perception of the citizens and is used by Transparency International as a tool to quantify the level of corruption in the country. The Republic of Moldova was included in that study as of 2004, being described as a New Independent stateS.

- Speed up the examination and passing of draft laws developed to implement the GRECO recommendations in the "Transparency in funding the political parties" Chapter, addressed to the Republic of Moldova, following the Third Round of Evaluation;
- Initiate a parliamentary control over the effective implementation of the anticorruption legal framework;
- Comply with the legal procedures to ensure the transparency of the decision making process of the Parliament and mandatory exposure of the draft laws developed following the anticorruption expertise;
- Prepare for the Fourth Round of the Republic of Moldova evaluation by the GRECO on the "Preventing corruption among the parliamentarians, judges and prosecutors" Chapter.

Government:

- Conduct effectively and timely the activities included in the approved policy documents in order to implement the reforms in the public administration and justice sector;
- Conduct fully the measures of the 2013 Action Plan on the implementation of the Strategic Plan for the Technological Modernization of the Governance (e-Transformation);
- Implement effectively the administrative tools to prevent corruption, by applying the policy of the conflicts of interest and the declarations of income and property, implement the standards of the professional integrity. The CPA will implement the recommendations of the TI - Moldova submitted on this chapter;
- Implement the Law on the Public Internal Financial Control in order to strengthen the managerial responsibility for the effective management of resources and establish an effective system of risk management, including the institutional corruption risks;
- Pass the Law on the Corruption Risk Assessment in Public Institutions. The NAC will ensure the implementation of the legislation, focusing on the monitoring of this activity within the authorities with arrears and submit the necessary recommendations to reduce or eliminate the found deficiencies;
- Exclude the traditional gaps in providing to the citizens access to the public information and transparency of the decision-making process, mentioned by the local experts in the monitoring of this chapter;
- Enhance the quality of hotlines and petitioning system. Approve and implement the Regulation on operating the anticorruption hotline of the public authorities and train the persons in charge with operating the specialized anticorruption lines of the public authorities;
- Train the population and civil servants in the context of the legal anticorruption framework in the Republic of Moldova and the consequences of failing to observe it. Conduct an extensive campaign to explain the implementation of the commitments vis-a-vis the prevention of corruption in particular institutions.

Judiciary:

- Implement effectively and timely the activities included in the Action Plan for the implementation of the 2011-2016 Justice Sector Reform Strategy, according to the area of competence;
- Promote some criminal punitive policies appropriate for the risks and dangers posed by the corruption offenses, level the legal practice and orient it towards the application of penalties proportionate to the seriousness of the corruption and related to them offenses and their degree of social danger, including the alternative sanctions for such a category of offenses and mandatory confiscation of the proceeds from corrupt activities.

Law enforcement and control bodies:

- Implement, according to the set terms, the Strategy to Strengthen the NAC, the MIA Reform Concept, the Prosecutor's Office Bodies Reform. Conduct effectively and timely other measures included in the Action Plan for the implementation of the 2011-2016 Justice Sector Reform Strategy, according to area of competence;
- Implement the Law on the State Control over the Entrepreneur Activity and the Law on public Internal Financial Control;
- Pass the Draft Law on Amending the Criminal Code, the Code of Criminal Procedure and the Code of Administrative Offences, developed to make the managers accountable concerning the training, administration and use of the public funds and management of the public assets, as well as maximize the outcomes as a consequence of the audit activity and execution of the judgments delivered by the Court of Auditors;
- improve the policy on the conflicts of interest and declarations of income and property, in this respect, a special role being resorted to the NIC, the institutional capacity of which is to be strengthened. Following the NIC initiative and having the support of the public authorities and the civil society representatives, the regulations in force will be revised and proposals to amend/supplement them will be submitted;
- Conduct a full control by the NIC of the veracity of the data presented in the declarations of income and property of the justice sector players and persons holding public offices;
- Enhance the pro-active activity of the law enforcement bodies, particularly the NAC, to uncover cases of corruption, including high-level ones, by subsequently exposing the corrupt persons and those seeking to corrupt the officials;
- Take actions to counter corruption and protectionism crimes by the NAC in the most affected areas of the national economy and state structures, by revealing the criminal schemes among the civil servants, employees of the judiciary, customs, taxation, education and medical systems;
- Develop communication strategies with the public for the law enforcement bodies and train the heads of the subdivisions in the field of public communication.

Civil society and mass media: monitor effectively the reforms in the field, inform correctly the society about the corruption phenomenon, take a pro-active role in promoting the anticorruption legal culture and standards. Enhance the credibility of the mass media, of the quality of information on corruption, in an unbiased way, ethical and reasoned approach to the corruption issues, educate an intolerant attitude towards corruption.