

# **IMPLEMENTATION OF THE INTERNAL AGENDA FOR EUROPEAN INTEGRATION IN THE AREAS OF FREEDOM OF THE MEDIA, RESPECT FOR HUMAN RIGHTS AND COMBATTING CORRUPTION**

## **Progress in 2008**

### **I. FREEDOM OF THE MEDIA**

#### **Improving access to information**

In 2008, the Government of the Republic of Moldova has undertaken the commitment to ensure better governance, including through increasing the transparency and visibility of its activity. As a first step, the Prime-Minister requested that all ministers hold regular press-conferences, inviting all media outlets. In the months of June to October, 28 press conferences, including international events, have been held by 14 ministers and other head of central agencies. With a view to ensure a higher degree of transparency, the Government has built the capacities of press services in public authorities and is continuously promoting the participation of civil servants in joint activities with non-governmental organizations. The Government has created the Communication Council, a network of all press services in public authorities and in June 2008, provided training for members of the network at the Academy for Public Administration in ethics, communication, and ensuring access to information. All public authorities have reviewed their web-pages and have ensured that the press services are updating them on regular basis.

#### **Strengthen the Audiovisual Coordination Council**

With a view to increase transparency, the Audiovisual Coordination Council has established, in August 2008, a fully-operational press service. The sessions of the Council are open to the general public and the media. The civil society is invited to monitor and to provide support to the Council's activity. The Council's website was restructured, and it provides updated information on the agenda of Council meetings, on the current developments in the field of audiovisual, decisions adopted, national and European legal framework, as well as records and reports of the Council activity.

#### **Development of the broadcasting sector**

With a view to guarantee the transparency of decisions on allocating radio and TV broadcasting channels, the Audiovisual Coordination Council includes information on the results the bids in its published decisions, as well presents the decision publicly during the Council's meetings. The Council passed a set of instructions on providing arguments to the decisions taken in the process of granting broadcasting licenses. Templates for applications for participation at the contest, the classification of documents needed for participation in the contest have been adopted and enacted. This aims at ensuring the competitive nature of bids, facilitating the participation in contests, as well as guaranteeing the transparency of Council's activities. In 2008, the Council issued 178 licenses to providers of TV cable, MMDS, GSM and satellite broadcast.

#### **Strengthening the dialogue with civil society**

In November 2008, the Parliament adopted a new law on the transparency of the decision-making act. The Law clearly outlines the obligation of all public authorities to publish draft decisions and consult civil society before their adoption. The objective of the law is to ensure access to information, to actively involve non-governmental organizations and the general public in decision-making, to increase the quality of adopted legislative and regulatory provisions, and to increase the responsibility of public authorities.

## **II. RESPECT FOR HUMAN RIGHTS**

The Government has undertaken important steps towards improving the stability and effectiveness of institutions guaranteeing democracy, and protection of human rights, though specific areas need further continuous improvement. The national human rights action plan currently in force is set to expire in 2008 and the National Commission for European Integration tasked the Ministry of Justice with drafting a new plan by end-2008, with a view to consult and adopt the plan by spring 2009.

### **Enforcement of ECHR decisions**

During first nine months of 2008, the ECHR have issued 42 decisions against Moldova. Although progress has been made in adjusting the national legal framework to the *acquis* and international standards, including on human rights and fundamental freedoms, and efforts have been made in strengthening democratic institutions, the number of ECHR decisions against Moldova remains high.

In order to prevent deficient enforcement of court decisions issued by Moldovan courts, as well as to tackle other reasons for which Moldova is most often condemned by the ECHR, in March 2008, the Parliament has passed the Decision on enforcing ECHR decisions against the Republic of Moldova, and preventing violation of human rights and fundamental freedoms. The Decision outlines main reasons for ECHR judgments and provides for correction measures that have to be taken by the Government, the General Prosecutor's Office, the Supreme Council of Magistracy, the National Institute of Justice.

### **Freedom of public assembly**

A new law on public assembly was adopted and enacted in February 2008. The law is more progressive and inclusive than previous legal provisions, covering all possible forms of assemblies, including political assemblies, as well as simplifying authorization requirements. Civil society reports indicate that the law is one of the best in the OSCE region. A joint project of OSCE/ODIHR/OSCE Mission to Moldova/CREDO has been monitoring assemblies carried out in Moldova prior to the adoption of the new law and after. The number of assemblies has risen and the liberalisation of the law did not have an adverse effect on public order during the assemblies. Moreover, the more libertarian freedom of assembly regime facilitated the increase of the citizens' activity. A relatively small number of cases of excessive involvement by law enforcement officials have been registered. Such cases have been investigated, and several law enforcement officials have been administratively sanctioned.

The National Institute of Justice has included lectures on freedom of assembly in its training curriculum. Representatives from local public administration, law enforcement officers and prosecutors have been trained on the legality of assembly. The Ministry of Interior has adopted recommendations on maintenance of public order during assemblies in August 2008.

### **Freedom to run for elected office**

On October 16, Parliament passed in first reading a draft new law on state secret. The draft law has been reviewed by the Venice Commission in March 2008; it is expected for the draft to be adopted in second reading by end-2009.

In 2007, a new Law on Political Parties complementing the electoral code was drafted and submitted to the Venice Commission. Adopted on December 21, 2007, the law aims to regulate the registration, functioning, and financing of political parties and seeks to make the electoral system more transparent and less prone to abuse. To enact the provisions of the law, the 2009 draft budget, set to be adopted by end of November, includes allocations in the amount of MDL 7,8 mil for financing political parties. The financing is to be disbursed the second semester of 2009, after the

parliamentary elections. This amount will be split in two parts – 50% will be disbursed proportionally to the results of parliamentary elections, and 50% for financing the parties proportionally to the results of local general elections. Presently, there are 29 political parties registered. In cases when the Ministry of Justice rejects application of a political party, the full text of the decision, pointing the reasons for refusal, are published (decisions are available on the MoJ website).

### **Ensuring religious freedom**

There are 39 registered applications from religious groups submitted to the Ministry of Justice. In July 2008 a round table on registration and functioning of religious cults was held at the Ministry of Justice, with the support of a UNDP project. Guidelines on registration of religious cults are being presently drafted. In September 2008 a meeting was held at the Ministry of Justice on the implementation of the Law on religious groups, with the participation of the deputy head of the Office for Enforcing the ECHR Judgments.

### **Fight against torture, and improving detention conditions**

The Government has been making efforts towards ensuring better detention conditions in prisons. Based on the provisions of the Recommendation Rec(2006)2 of the Committee of Ministers to member states on the European Prison Rules, the Parliament adopted in November 2008 a law on *civil control on the respect of human rights in prisons*. The law provides the establishment of an efficient and independent mechanism for monitoring the prisons, run by independent bodies in order to ensure transparency in prisons and to prevent torture or other ill treatments in prisons. The Enforcement Code will be amended and will provide legal standards on training for the independent monitoring commissions.

With a view to transfer prerogatives regarding persons in remand from the Ministry of Interior to the Ministry of Justice, four regional arrest houses will be built. The Ministry is currently researching funding possibilities for the construction of arrest houses with domestic or international financing. For the purpose of ensuring access of detainees to education and socialization programs, 14 socio-educational programs, including 5 psycho-correctional and 3 programs aimed at preparation for liberation, which were delivered to 5.521 persons. Important legislative measures have been undertaken: in February 2008 a law for amending the law on penitentiary system (adopted in 1996) has passed; more than 500 persons benefited from the law adopted in August 2008 on amnesty connected to the declaration of 2008 as Year of the Youth.

As means to enforce alternative measures, in September 2008 the law on probation enters into force. It aims at preventing the recidivism and provision of assistance and counselling for community reintegration of subjects in probation. In October 2008 the Parliament adopted an amendment to the law on salaries in budgetary sector (adopted in 2005). It provides remuneration of probation officers from state budget. Per total, there are 173 persons within the Probation Unit by the Enforcement Department/Ministry of Justice. In order to build capacity of new probation officers, conferences and thematic lectures have been carried out with participation of foreign experts on probation (i.e. Norwegian Mission of Rule of Law Advisers to Moldova). The Criminal Code is to be amended by mid-2009, aiming at ‘humanization’ of criminal law. Important amendments are to be made as to decrease the length of detention.

In October 2008, Parliament appointed a new director of the Centre for Human Rights of Moldova (ombudsman institution), who also serves as the coordinator of the National Mechanism for Prevention of Torture. In November 2008, the Government has sent an official note authorizing the publication of all CPT reports. The four parliamentary advocates (ombudspersons) have also been appointed in October 2008; one of them is responsible for protection of children’s rights. Five criminal cases on torture have been initiated upon the notification of the ombudsman in 2008. The

National Preventive Mechanism is operational since January 2008. The ombudsman report on the implementation of national preventive mechanism, as well as generally, on respect of human rights in Moldova, according to the law on parliamentary advocates is to be submitted to the Parliament by March 15, 2009.

In 2008 MoI has been providing trainings for law enforcement officers on respect of human rights during arrest, during home arrest, limits of physical force used by investigation officers, restoration of prejudice caused by illegal actions of law enforcement agencies, prosecutors and judiciary. Such lectures are provided both during professional upgrading sessions for officers, as well as for students at the Police Academy.

### **Fight against trafficking in human beings**

The Government has undertaken significant efforts in the fight against trafficking in human beings. The National Committee for Combating Trafficking in Human Beings has re-launched its activity in July 2008 and meets on a quarterly basis, with the last meeting taking place in October 2008. In March 2008, the Committee adopted the National Action Plan on combating and preventing trafficking in human beings for 2008-2009.

Following the provisional placement of Moldova in the lowest, Tier 3, list of countries in the US Department of State yearly Human Trafficking Report, the Government of Moldova undertook significant efforts to investigate public officials complicit in trafficking. The Ministry of Interior's Centre for Combating Trafficking in Persons (CCTP) has been reorganized. As of November 2008, staffing has been completed in the proportion of 80%, with a new approach to hiring personnel (greater focus on analytical department). Every police commissariat has an officer appointed exclusively for investigating trafficking cases. A data base on traffickers has been created by the Ministry of Interior in February 2008. Presently, data on traffickers from previous years is being registered into the data base.

Investigations were resumed in the case of certain officials, former MoI employees, on their possible involvement in cases of human trafficking. This information was made public to the media. In order to prevent officials' direct or indirect involvement in trafficking related cases, a Code of Conduct for Government officials is currently drafted. In June-July 2008 the Ministry of Interior, the General Prosecutor's Office, and the Ministry of Justice have compiled and made available statistics on allegedly corrupted officials involved in trafficking cases for 2007-2008 years. Thus, during 10 months of 2008 there have been 5 criminal cases registered against officials involved in trafficking.

The General Prosecutor's Office is monitoring all cases on human trafficking in order to avoid delays during investigation and to hasten their examination in court. By the end of October 2008, 236 criminal cases on trafficking and related crimes have been initiated. The CCPT has taken a leading role in carrying out prevention and information campaigns, coordinating the activities with nongovernmental organizations. CCTP developed capacity building trainings for law enforcement officers, focused on identification of trafficking crimes, investigation (evidence collection and use), as well as on protection of survivors of trafficking.

The Government of Moldova has taken a leading role in establishing a National Referral System for Assisting and Protecting Victims of Human Trafficking (NRS) in 2006. This is in line with international trends on development of referral mechanisms, involving civil society and governmental agencies. Currently, the NRS is being successfully implemented in Moldova in 16 rayons, through multidisciplinary teams periodically trained and supervised by the Ministry of Social Protection, Family and Child. The Strategy document for the implementation and development of the mechanism has been adopted by Government decision on November 12, 2008.

In July 2008 the Centre for Assistance and Protection of Victims and Potential Victims of Trafficking in Human Beings was created through a Government Decision. In 2008, there were MDL 512.000 provided for operating the Rehabilitation Centre; the amount increased for 2009 – MDL 708.300 are set to be allocated for running the Rehabilitation Centre in 2009. A law for amending the criminal code was adopted in September 2008, making clearer specifications on particular trafficking crime components.

### **Protecting the rights of minorities**

The Bureau for Interethnic Relations is carrying out trainings targeting at local public administration, involving roma communities and professionals who work on regular basis with minorities. In 2008 the Bureau for Interethnic Relations of Moldova signed cooperation protocols with the Secretariat of the Ministry for Social Integration of the Republic of Latvia, and the Secretariat of the Estonian Ministry for Population Affairs. The Bureau for Interethnic Relations is cooperating with 36 ethno-cultural organizations of roma, supporting their activities and projects. The Bureau has launched a project focused on strengthening roma communities, project supported by the European Commission and the Council of Europe. Four trainings for educational mediators on minority issues have been carried out in 2008 by the Bureau. At the same time, with a view to strengthening international cooperation in this field and sharing Moldovan practices, working visits have been made to Lithuania, Latvia and Estonia, opportunities for establishing cooperation floors on this issue.

### **Security at Work**

In July 2008 Parliament adopted a Law on safety and health at work. Following the enforcement of the law, territorial labour inspectorates subordinated to the Labour Inspection have been invested with supervisory functions over the implementation of the new law, as well as other normative acts on safety and health at work.

## **III. FIGHT AGAINST CORRUPTION**

During 2008, the Republic of Moldova made important steps in reducing corruption and rising population awareness regarding this phenomenon, continuing the implementation of GRECO recommendations, the National Strategy for Combating Corruption, and the Country Threshold Program with the Millennium Challenge Corporation.

Generally speaking, in the course of 2008 the fight against corruption in Moldova has been based on four major pillars: national legal framework enhancement (adjustment in line with the international anticorruption legislation and the acquis); corruption prevention (legal drafts anti-corruption expertise, corruption risks assessment in public institutions, population awareness toward corruption, civil society implication in corruption prevention issues, etc.); combating corruption (both, in public institutions and public services); international cooperation (Group of States Against Corruption (GRECO), Regional Anticorruption Initiative (RAI), other international forums).

In terms of performance, Moldova registered positive dynamics in 2008. The country scored 2.9 points on Corruption Perception Index (C.P.I), issued by Transparency International (on a scale from 1 to 10), which shows although a modest, but still a positive trend in comparison to 2007 (when Moldova obtained the score of 2.8). This C.P.I. score ranks Moldova on the second place in the Commonwealth of Independent States (C.I.S.) (being out-run only by Georgia).

### **Central Public Administration Reform**

Main policy actions focused on improving general management of public service. For this purpose, the Parliament adopted a new Law on Public Function and the Statute of Civil Servant. Although

the law has not been signed by the President and returned to Parliament for review, it is expected to be re-voted and enacted by end-November. Additionally, the Parliament adopted the Law nr 25-XVI of the 22 of February, 2008 regarding the Civil Servant's Code of Conduct.

In order to ensure the practical application of those Laws, the Methodology regarding elaboration, coordination and approval of terms of references for the public function and its model-structure was adopted. The Government has drafted several regulations for the implementation of the two laws, notably on amending the rules for competition-based selections for public positions, on the probation period for new entrants in the public service, and on the organization and the functioning of Disciplinary Commissions within the Central Public Authorities.

On April 16<sup>th</sup> 2008, the Government created two new units in the Government Office – the Department for Civil Service, and the Department for Policy and Aid Coordination. These new departments have assumed responsibility for implementing policies in civil service reform, strategic planning, and reform of the decision-making process, including introduction of participatory mechanisms in decision-making. At the moment, employment based on a competition-based selection is being applied by several Central Public Institutions: Ministry of Economy and Trade, Ministry of Justice, Ministry of Social Protection, Family and Child, Center for Combating Economic Crimes and Corruption, Custom Service, Main Fiscal State Inspectorate, Court of Account, as well as by the Government Apparatus.

The preparation for corruption risks assessment was initiated within central public institutions. Corruption risks assessment is a process of detecting institutional factors which encourages or might encourage corruption, as well as drafting recommendations for these factors elimination. Beginning with November 2007, with the support of the Council of Europe (CoE) MOLICO Project, corruption risks assessment was conducted in 51 institutions of the Judiciary System (including the National Justice Institute). This activity began with 4 introductory trainings conducted by CoE experts with participation of approximately 250 judges. The final reports on self-evaluations are expected to be drafted by the end of this year.

The corruption risks assessment methodology in public institutions was approved by the Government Decision nr. 906 from 28 of July, 2008. In accordance with this normative act self-evaluation has to be carried out by public institutions during 2008-2009. In order to effectively apply the risk assessment, with the support of the MOLICO Project, two trainings were organized for the CCECC employees. The first one (13 – 16 May, 20 participants) aimed to present the way of organizing and the stages of corruption risks self-assessment, and the second one (28 – 29 October, 16 participants) debated the topic of integrity plans and of training methods in the framework of risks self-assessment. It is planned that by the end of this year central public institutions will accomplish the first stage of self-assessment “Pre-condition assessment” which comprises the evaluation of institutions' relevant legal framework, evaluation of organization structure and of ethics internal regulations.

With a view to ensure transparency and civil society participation, the Government approved a Decision to create the Civil Council for monitoring the C.C.E.C.C. According to this Regulation, the main attributions of the Civil Council, include: evaluating the Center's yearly reports; evaluating the Center's performance; notification on the Center's yearly budget; quarterly and yearly informing the Center's Director, the Government, the Parliament and the President of the Republic of Moldova regarding the Center's monitoring; receiving intimations regarding corruption offences.

In addition to the actions presented above, in accordance with GRECO recommendations, on the 18<sup>th</sup> September, 2008, a circular letter was sent to all regional Fiscal Inspectorates in order to ensure that, in practice, the expenses related to corruption offences are not tax-deductible.

### **Reduction of systemic factors encouraging corruption**

Main policy actions were focused on ensuring the effectiveness of anti-corruption expertise of Law drafts, enhancing the customs control of goods and bringing before the court individuals involved in corruption offences.

According to national legal framework, all drafts of legal acts must be compulsory submitted for an anti-corruption expertise. The anti-corruption expertise reports are elaborated by CCECC and regularly published on its web-site. The Center for Analysis and Prevention of Corruption, a non-governmental organization, also presents anti-corruption expertise reports to the Parliament (drafted by its own methodology) to the majority of legal drafts published on the Parliament web-site.

Customs control of goods was improved in 2008. According to the Concept of Risk Management System of the Custom Service main efforts are directed toward elaboration of selectivity criteria and risk profiles. The Custom Service operates with risk criteria on the local and national level, depending on the identification codes, origin and destination of goods, type of transportation, company profile and others.

The selective custom control is performed automatically through the Custom Informational System “ASYCUDA World” which ensures the streamlining of custom declarations toward one of the three selectivity corridors: the red corridor (compulsory personal and documentary control), the yellow corridor (compulsory documentary control) and the green corridor (custom clearance is made without any physic or documentary control). Performance criteria are set according to the following proportions: for import – 40% green, 25% yellow and 35% red; for export – 70% green, 20% yellow, 10% red. In this regard, training for the Custom employees using “ASYCUDA World” was carried out (47 participants) in 2008.

The custom staff rotation is carried out monthly at all custom units of each Custom Bureau beginning with June, 2008. In order to enhance this procedure, an electronic system of staff rotation has been elaborated. This electronic system significantly reduces the implication of the human factor in the rotation procedures management, and, therefore, eliminates possibilities for corruption. One problem encountered with scaling up rotation is the high transportation and moving costs.

Additionally, in 2008 the Custom Service improved the procedures for staff recruitment, promotion and evaluation, ensured adequate use of the Code of Conduct by employees. It has also conducted a thorough analysis and verification of information received through the hot-line.

During 2008, Law Enforcement Bodies concentrated their efforts on bringing before court individuals involved in corruption offences. In this regard, an interdepartmental working group was created on the 4<sup>th</sup> of July, 2008. In accordance with G.R.E.C.O. recommendations, made during II Evaluation Cycle, this working group has elaborated draft Law on whistleblowers’ protection, and the draft Law regarding the protection of witnesses and other participants in criminal process. Subsequently the latter was voted and approved by the Parliament (Law nr 105 – XVI, from 16 May 2008).

In the first 10 months of 2008, Ministry of Internal Affairs, General Prosecutor’s Office and C.C.E.C.C registered 3424 complaints on corruption offences. After their examination, criminal procedures were initiated in 849 cases. Out of these cases, 243 individuals were convicted (from which: 57 - police officers, 43 - civil servants, 1 - prosecutor, 7 - custom officers, 135 – others.).

### **Public procurement**

An assessment of the national procurement system of the Republic of Moldova has been performed with technical assistance of UNDP using OECD methodology, and report issued in October 2008.

The report shows good progress registered by Moldova in implementing World Bank recommendations as part of Country Procurement Assessment Report (CPAR 2003) and meeting OECD targets for internationally accepted standards.

Moldova's Law on public procurement, which entered into force in October 2007, conforms to GPA requirements, and provides for a fair and transparent public procurement process. In accordance with the law all important acquisitions require competitive bidding with strict formal legal requirements that limit the extent of sole sourcing. By law unsuccessful bidders can instigate an official review of procurement decisions and challenge these decisions in a court of law. Likewise, all announcements regarding annual Procurement Plans of Contracting Authorities, Invitation for Bids for public tenders, Requests for Quotations, as well as notification of Contract Awards and Complaints are published on the web-page [www.tender.md](http://www.tender.md) and in the "Procurement Bulletin". As a result, the procurement procedures have become more transparent, and the accountability of the National Procurement Agency has been strengthened. Along these lines, while the number of tenders has been increasing (from 564 in 2003 to 2592 in 2007, and, finally – 1235 in the first 6 months of 2008), the percentage of single-source procurement has been constantly decreasing (from 45% in 2003 to 7.14% in 2007, and 6.06% in the 6 months of 2008).

In March, 2008, Government adopted a Decision regarding the elaboration and launching of new free public procurement portal by the National Procurement Agency. It is expected that this will ensure an on-going monitoring, and will allow to gradually moving towards e-procurement system in Moldova by 2010. In March, 2008, an amount of MDL 3 mln was allocated from the Fund "Electronic Moldova" for creation of the portal. Pilot e-procurements are planned to be launched within some central public authorities by the end of 2008.

A Government Decision of 29 May, 2008 has established a supervisory Committee on public procurement. Agency for Material Reserves, Public Procurement and Humanitarian Aid (AMRPPHA) reports to this Committee, which in turn submits reports to the Government every 6 months. It approves contracts for goods > MDL 5 mln., and for works > MDL 20 mln.

In order to improve the skills of main participants in the procurement process, a number of training exercises was conducted. AMRPPHA has organized 43 seminars (approximately 1400 individuals). Currently, AMRPPHA is elaborating a Guide on public procurement, which will be used as a methodological support for future trainings in public procurement.

#### **Raising public awareness regarding corruption**

In the course of 2008, the C.C.E.C.C. has continuously improved and updated its website, effectively launched in April, 2008. Notably, there were posted 123 press-releases, and 142 articles regarding prevention and combating corruption. Additionally, 2 studies on fight against corruption were published in the Information Bulletin of the Government of Moldova. In the same framework, there were organized 7 press-conferences with the participation of national press-agencies. Since the beginning of 2008, 30 seminars on anticorruption issues were organized for the Central Public Administration employees (approximately 1300 participants).

By the beginning of 2008, the Center prepared and realized 125 Radio-shows and TV-reports on the topic of corruption prevention. With the support of MOLICO Project there were launched anti-corruption TV spots shooting. The first TV spot from that new anti-corruption media campaign will be officially revealed during the National Anticorruption Conference in December, 2008.