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# ASSESSMENT OF THE NATIONAL INTEGRITY AND ANTI-CORRUPTION STRATEGY 2017-2020 AND THE ACTION PLAN

# REPORT



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The analysis, results and recommendations in this document reflect the position of the authors and do not necessarily represent the views of the commissioning parties and GIZ.

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# ABBREVIATIONS

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**CPA** Central Public Authorities

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**LPA** Local Public Authorities

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**CAPC** Center for Analysis and Prevention of Corruption

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**NAC** National Anticorruption Center

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**NIA** National Integrity Authority

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**SC** State Chancellery

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**SCM** Superior Council of Magistracy

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**SCP** Superior Council of Prosecutors

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**CA** Court of Auditors

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**FG** Focus group

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**MG** NIAS Monitoring Group

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**GD** Government Decision

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**PD** Parliament Decision

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**OO** Ombudsman's Office

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**AP** Action Plan

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**GPO** General Prosecutor's Office

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**NIAS** National Integrity and Anti-Corruption Strategy

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**CS** Customs Service

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# EXECUTIVE SUMMARY

This report is dedicated to the evaluation of the National Integrity and Anti-Corruption Strategy (NIAS) and describes the main findings on the achievement of the objectives set for the period 2017-2020, as well as the findings on the implementation of the NIAS Action Plan. The most important aspect of the evaluation, from a strategic point of view, was to establish the impact of NIAS. In this regard, the NIAS assessment considered as a source of reference for the 2017-2020 period the NIAS impact assessment study<sup>1</sup>, alternative sources for measuring the impact of NIAS together with institutional monitoring/evaluation reports and alternative/independent reports.

**The NIAS goal** was to achieve integrity instead of corruption, and its objectives categorized with the acronym DREPTTE (i.e. RIGHT in Romanian) are the following:

**Deterrence** of involvement in corruption acts

**Recovery** of the proceeds of corruption crimes

**Ethics** and integrity in public, private and non-governmental sectors

**Protection of whistleblowers** and victims of corruption

**Transparency** of public institutions, party and media financing

**Education** of society and civil servants.

Between **May and November 2022**, CAPC's team of evaluators analyzed and evaluated the extent to which the NIAS objectives were achieved, as well as the progress achieved in the implementation of the action plan set for the pillars according to a methodology specially developed for this exercise. The applied methodological framework is based on the evaluation benchmarks established by Annex no. 3 of the NIAS, as well as the Methodological Guide for the intermediate and ex-post evaluation of public policies recommended by the State Chancellery of the Republic of Moldova.

CAPC experts made observations and issued conclusions on the achievement of NIAS objectives and the

assessment of the impact of the action plan implementation based on the data provided by the implementing institutions, the focus groups and interviews conducted with 75 people involved in the implementation and decision-making process, as well as experts from the field. The summary of the **evaluation report indicates a low achievement of the NIAS objectives**, as well as an average degree of implementation of the actions included in the action plan. Monitoring the implementation of these actions shows that it was often formal, and the social impact of the achieved results was minimal.

**The socio-political-economic conditions** (premises for effective implementation) existing in the period 2017-2020 **did not favor the achievement of NIAS objectives** or the implementation of the action plan. To a large extent, the political instability that inherently led to the lack of concern of decision-makers in the NIAS implementation process through formalism and sometimes disinterest.

This was clearly highlighted by the NIAS impact assessment survey (study) results which show **minimal/modest progress or even regression** in achieving the proposed objectives without finding considerable achievements/progress or systemic changes due to the implementation of NIAS. In this sense, the public's consideration of the implementing institutions continues in the sphere of reduced trust in the integrity area. Unfortunately, the monitoring of the NIAS implementation process was largely formal and considering that a number of actions that were at the same time also job duties. In this sense, there was no effective control of the implementation of NIAS, so that the results were not as expected.

It is recommended for the development of the next policy document in the field of integrity, prevention and combating corruption to have a more concise shape, focused on priority areas (justice, internal affairs, integrity, public procurement) without including actions that are already legal tasks of the implementers, the clearer definition of specific objectives and quantification of the progress achievement of results in concrete and verifiable terms. Focusing the strategy on the indicated priority areas will lead to a more efficient fight against the corruption phenomenon in the future and, thus, will be able to produce a visible, significant impact.

1 The study was developed in 3 editions (2017, 2019, 2021) with the support of UNDP Moldova within the Project within the Project "Curbing against corruption by strengthening integrity in the Republic of Moldova", financed by the Ministry of Foreign Affairs of Norway

There is also the need to update the implementation monitoring and control system and define a new composition of the monitoring groups considering the insignificant results of its current activity. These results are the effect of both formal/inappropriate activity of the monitoring groups and a formal and ineffective monitoring control. Nominating high-ranking government officials as members of these monitoring groups has not proven to be effective. In the same vein, and possibly with the support of development partners, it is reasonable and timely to create inter-group functions to produce semi-annual and annual sector reviews and organize relevant interim

survey(s). Having people with non-managerial positions as part of the monitoring groups allows greater mobility and more effective collaboration at the inter-group level. Thus, the information revealed by monitoring and control activities would be presented more quickly and efficiently to the decision-making persons/institutions for taking measures accordingly.

Additionally, strict monitoring of NIAS implementation progress is required, creation and use of multiple audit mechanisms, such as independent external audit, internal audit, peer review missions.

## I

# INTRODUCTION.

## METHODOLOGICAL REMARKS

The National Integrity and Anticorruption Strategy 2017-2020 (NIAS) was approved by Parliament Decision, no. 56 of March 30, 2017, for a period of 4 years. In 2022, the Parliament decided to extend the NIAS implementation deadline until 2023<sup>2</sup>, including making some adjustments to the text of the Action Plan. The strategy is focused on 7 pillars that target areas vulnerable to corruption and institutions that have a mandate to prevent and fight corruption, the respective concept being taken from the Transparency International approach applied worldwide for the evaluation of national integrity systems. Apart from establishing the general goal “*Integrity instead of corruption*”, the Strategy set 6 general objectives, 7 objectives, 20 action priorities and 29 expected results within the 7 pillars.

**The purpose of this evaluation** is the establishment of the implementation level of the National Integrity and Anticorruption Strategy for 2017-2020 (here in – NIAS) and of the Action Plan for its implementation, adopted by the Parliament by decision no. 56/2017, of the goal achievement level, the general and specific objectives of NIAS, as well as establishing the impact of the policy document on society.

**The objectives** of the assessment are:

- increasing the degree of involvement of responsible actors by evaluating the impact of NIAS;
- increasing the efficiency of the public resources allocation, both from budgetary sources and from development partners;
- improving the performance of budget programs in the field of anti-corruption and strengthening the integrity;

- improving the implementation of public policies in the field of anti-corruption;
- promoting, in the process of formulating and approving public anti-corruption policies, approaches based on conclusive and relevant data;
- providing recommendations for the new public policy document in the field of anti-corruption.

The scope of the evaluation is the NIAS, the specific objectives of the pillars, as well as the actions in the corresponding sections of the Action Plan focused on achieving the goal and the 6 general objectives of the NIAS. The basic pillars of NIAS assessed in the evaluation process are:

- I. Parliament
- II. Government, public sector and local public administration
- III. Justice and anti-corruption authorities
- IV. Central Electoral Commission and political parties
- V. Court of Accounts
- VI. Ombudsperson
- VII. Private sector
- VIII. Civil society and media.

The evaluation covers the initially established period of action of NIAS by Parliament decision no. 56/2017: 2017-2020.

The evaluation of the NIAS implementation was carried out in several distinct stages, as follows:

**Stage 1.** Collecting the data necessary for the establishment of **the result indicators progress value** of the NIAS pillars priorities and objectives. During this stage, the expert team:

- developed, sent, collected and analyzed the data/results of the questionnaires and requests for information from the responsible actors indicated in **Annexes no. 1 and 2** of this Evaluation Report;
- analyzed the annual monitoring and evaluation reports of the NIAS developed by the MG

2 The extension was ensured in line with the provisions of chapter V of NIAS which stipulates that: “Before the expiration of the term for the implementation of the Strategy, the Commission national security, defense and public order decide on the opportunity to extend this term”.

Secretariat by the NAC and the reporting entities, the reports on the implementation of the sectoral plans, including the alternative reports of civil society, as well as the relevant alternative sources that are cited in the report;

- collected and analyzed case studies regarding the degree of involvement of public entities in carrying out the actions set by NIAS and the corresponding AP.

In some sections of this Report, recent additional sources have been used (opinions and reports of European institutions: EU, GRECO, etc.) that go beyond the period under evaluation (2017-2020), but which, in the opinion of the authors, were considered essential, because these highlighted failures and progress in the field of justice and anti-corruption, and at the same time, these set priority actions for improving the situation in critical areas for building the rule of law.

**Stage 2. Data collection for impact assessment of NIAS** from the perspective of 5 evaluation criteria of public policies

During this stage, the team of experts, following the analysis of the collected data/information, conducted in-depth interviews and focus groups with relevant responsible actors, including civil society. For this purpose, the experts developed the list of topics and questions that can demonstrate the qualitative changes as a result of the NIAS implementation (or the lack of changes). The questions/subjects of the interviews/focus-groups included the control questions necessary for the

evaluation of the NIAS’s compliance with the 5 criteria: relevance, effectiveness, efficiency, sustainability and impact (see Annex no. 3 to the Report).

**8 focus groups** were held: 7 according to the NIAS pillars (including civil society), as well as 1 focus group to analyze the aspects related to the premises of the effective NIAS implementation and the monitoring and reporting mechanism on the NIAS. Also, there were conducted **interviews with experts**, actors in the field of action of NIAS. 70 actors from both the public and non-governmental sectors were involved in these evaluation exercises.

**Stage 3. Drafting and consultation/validation of the Evaluation Report**

During this stage, the team of experts compiled in a single text all the data collected in the previous stages and consulted/validated the previous version of the report with the NAC and other relevant actors.

Apart from the conditions provided by NIAS, the evaluation was also conducted from the perspective of 5 evaluation criteria of public policy documents, established by GD 386/2020:

- relevance;
- effectiveness;
- efficiency;
- durability;
- impact.

Within the **assessment of the progress achieved towards the purpose, the general objectives and the objectives of the NIAS pillars** the following evaluation grid was applied:

Impact indicators of the specific objective/pillar	Rating	Score
For each pillar separately, including the value at the NIAS adoption and the value at the end of 2020	Value improved by 40% and more	2
	Value improved by less than 40%	1
	Value of the indicator did not change or decreased	0

Additionally, for assigning the ratings for the other 5 evaluation criteria established by GD 386/2020, the control questions from **the Methodological Guide for the intermediate and ex-post evaluation of public policies were used**, as well as the results of the interviews and

focus groups held with the authorities responsible for the NIAS implementation, the experts in the field, as well as the beneficiaries of the document. A list of control questions for the NIAS evaluation from the perspective of these criteria is listed in **Annex no. 3** of this Report.



Criterion	Qualifying	Score
<b>Relevance</b>	The purpose and objectives of NIAS were relevant	<b>2</b>
	The purpose and objectives of NIAS were partly relevant	<b>1</b>
	The purpose and objectives of NIAS were irrelevant	<b>0</b>
<b>Effectiveness</b>	The value of the impact indicators of the objectives and purpose of NIAS improved by 40% and more	<b>2</b>
	The value of the impact indicators of the objectives and purpose of NIAS improved by less than 40%	<b>1</b>
	The value of the impact indicators of the objectives and purpose of NIAS did not change or decreased	<b>0</b>
<b>Efficiency</b>	Budgetary resources were allocated and used efficiently	<b>2</b>
	Budgetary resources were partly allocated and used effectively	<b>1</b>
	Budgetary resources were not allocated and were not used effectively	<b>0</b>
<b>Sustainability</b>	The degree of achievement of NIAS objectives ensures the sustainability of efforts	<b>2</b>
	The degree of achievement of NIAS objectives ensures partial sustainability	<b>1</b>
	The degree of achievement of NIAS objectives does not ensure sustainability	<b>0</b>
<b>Impact</b>	NIAS generated systemic changes	<b>2</b>
	NIAS generated partial changes	<b>1</b>
	NIAS did not generate systemic changes	<b>0</b>

Additionally, we shall note that in the process of writing this Report there were also a number of constraints:

- incomplete/truncated information by public authorities during the questioning and information request stage. The reasons cited were the lack of this information, or the lack of a data record system, including the lack of disaggregated data necessary for the assessment;
- institutional memory loss established during the focus groups: most participants did not demonstrate good knowledge of the actions that were to be implemented, the basic cause being the massive turnover of employees/reporting persons during the NIAS implementation. At the same time, the interviews and focus groups stage showed that the implementation

of NIAS was done exclusively based on the action plans, and the responsible persons did not consult, at least periodically, the text of the Strategy to observe the dynamics, if the efforts undertaken contribute to the achievement of the objectives, the purpose and the impact of NIAS;

- one of the fundamental constraints observed by the authors of this Report is that, at a certain stage, the implementation of NIAS turned into a formality and was not seen as a commitment assumed by the responsible authorities, the reasons being the cascading changes at the political level, the managers of public institutions, including anti-corruption agencies, as well as the staff responsible for implementation and reporting.

## II.

## FINDINGS

This chapter provides the detailed presentation of the evaluation results, in accordance with the criteria and the evaluation grid established by the Evaluation Methodology presented in the previous chapter and correlated with the indicators in Annex no. 3 of the NIAS.

The findings of this chapter refer to the following evaluated aspects:

- analysis of the degree of compliance with the premises for the effective implementation of NIAS ([section II.1](#));
- establishing the level of achievement of the general objectives and the purpose of the NIAS according to the objectives, priorities and results set for each of the 7 pillars, as well as the general objectives of the NIAS ([section II.2](#));
- analysis of the efficiency of reporting and monitoring procedures within the implementation of NIAS ([section II.3](#));
- determining the overall impact of the NIAS ([section II.4](#)).

### II.1. Findings regarding the premises for the effective implementation of NIAS: were they or they were not?

Emerging from the experience of implementing previous strategies, NIAS listed in Chapter IV the following premises, which were to be respected for an effective implementation of NIAS:

#### a. Stability and political will

##### *The socio-political events that occurred during the implementation of NIAS (2017-2020)*

By GD no.594 of **26.07.2017** on **restructuring the specialized central public administration**, the number of ministries was reduced, through absorption, out of 16 existing ministries at the date of NIAS approval (30.03.2017), 9 remained.

On **February 24, 2019**, the **ordinary parliamentary elections** took place, and the Xth legislature Parliament was elected. By Decision of the Constitutional Court no.4 of 03.09.2019, the results of the February 24, 2019 elections in the national constituency and single-member constituencies were confirmed, as well as the mandates of the elected members of the Parliament of the Republic of Moldova were validated. According to art.12 of Law no.136 of 07.07.2017 on the Government<sup>3</sup> the

**mandate of the Pavel Filip Government has ceased de jure.**

By PD no. 39 of 08.06.2019, the **Declaration** on the recognition **of the captive nature** of the state of the Republic of Moldova was adopted.

On 09.06.2019, the Constitutional Court issued the opinion no. 1 regarding the finding of the circumstances that justify the interim position of the President of the Republic of Moldova for the exercise of the constitutional obligation to dissolve the Parliament and establish the date of early parliamentary elections, which was abrogated by the Court's Decision Constitutional no. 16 of 15.06.2019.

By PD no.40 of 08.06.2019 for the approval of the Activity Program of the Government of the Republic of Moldova and for granting the vote of confidence to the Government, the vote of confidence was granted to the **Cabinet of Ministers** led by **Maia SANDU**.

On **October 20, 2019**, in the Republic of Moldova, **general local elections** were held in all administrative-territorial units of the first level – municipalities, cities, communes,

3 Article 12. Termination of the mandate of the Government on the date of validation of the elections for a new Parliament

(1) The mandate of the Government ends de jure on the date of confirmation of the elections results for a new Parliament and the validation by the Constitutional Court of the mandates of the newly elected deputies.

(2) The termination of the Government's mandate as a result of the confirmation of the election results for a new Parliament and the validation of the mandates of the newly elected members of the Parliament does not require the Government to fulfill any formal or procedural conditions.

villages, and of the second level – districts, the Chisinau and Balti municipalities, with the exception of the localities on the left of the Dniester and of the Bender municipality.

By PD no. 145 of 12.11.2019 on the expression of the no-confidence vote in **the Government**, the Cabinet of Ministers led by **Maia SANDU** was **dismissed** by **motion of censure** for the Government's assumption of responsibility for the project to amend the Law on the Prosecutor's Office, which gave the Prime Minister the right to propose candidates for the General Prosecutor position.

Through PD no. 146 of 14.11.2019 for the approval of the Government's Activity Program and granting the vote of confidence to the Government, the vote of confidence was granted to the **Cabinet of Ministers** headed by **Ion CHICU**.

By PD 55/2020 on the declaration of the state of emergency, considering the declaration by the World Health Organization of the coronavirus pandemic (COVID-19) on March 11, 2020 and the establishment by the Extraordinary National Public Health Commission on March 13, 2020 of the code red at the national level in connection with the epidemiological situation due to the infection with COVID-19, a **state of emergency was declared** throughout the territory of the Republic of Moldova.

**The presidential elections** took place in the Republic of Moldova: November 1, 2020, the first round and November 15, the second round of voting. Through the Decision of the Constitutional Court no. 30 of 10.12.2020, the results of the election of the President of the Republic of Moldova on **November 15, 2020** were confirmed and the election of Mrs. **Maia Sandu** as **President of the Republic of Moldova was validated**.

On December 23, 2020, the Government led by **Ion CHICU** publicly announced its **resignation**. By Presidential Decree no. 12-IX of 31.12.2020, **Aureliu CIOCOI**, Minister of Foreign Affairs and European Integration, was appointed as **interim Prime Minister**, starting with 31 December 2020, until the oath of the new Government members'.

### ***Stability of decision-making factors within anti-corruption authorities***

During the implementation of NIAS, NAC was led by **3 directors**.

As far as the Prosecutor General is concerned:

- by the President's Decree no. 1208-VIII of 11.07.2019 Mr. Eduard HARUNJEN was released from the position of General Prosecutor, based on the resignation request;
- by the President's Decree no. 1232-VIII of 31.07.2019 Mr. Dumitru ROBU was appointed as interim General Prosecutor;

- by Presidential Decree no. 1334-VIII of 29.11.2019 Alexandr STOIANOGLO was appointed to the position of General Prosecutor.

At the same time, during the implementation of NIAS, on December 26, 2019 a criminal investigation for abuse of office and forgery in public documents was started regarding the chief prosecutor of **the Anticorruption Prosecutor's Office**, he was suspended from the position of chief prosecutor of the Anticorruption Prosecutor's Office, and subsequently the service relations were terminated. In the same period, the criminal investigation was started against the former chief prosecutor of the Prosecutor's Office for Combating Organized Crime and Special Cases (PCCOCS) on the fact of illicit enrichment.

### **b. Financial assurance**

**NIAS**, in the Action Plan, provided the source of funding for the implementation of each action. Thus, the budget means were set for the implementation of 120 actions<sup>4</sup>. At the same time, the following available sources of external financing were foreseen: the "Strengthening parliamentary governance in the Republic of Moldova" Project for Action 7 of Pillar I; The project funded by the World Bank for the development of the e-declaration information system for Action 9 of Pillar III; The UNDP project implemented with the support of the Ministry of Foreign Affairs of Norway for Actions 20, 23 of Pillar III; The Council of Europe project "Corruption control in the Republic of Moldova through law enforcement and prevention activities (CLEP)" for Actions 31, 32 of Pillar III; Program "Improving democracy in the Republic of Moldova through parliamentary and electoral support" for Action 6 of Pillar IV; The UNDP project "Strengthening the technical capacities of national institutions for the promotion and protection of human rights", financed by the Ministry of Foreign Affairs of Denmark for Action 6 and 7 of Pillar VI.

According to art. 2 of PD no. 56/2017 on the approval of the NIAS for 2017-2020, the NIAS implementation was to be carried out at the expense and within the limits of the approved budgets of the authorities and institutions involved, as well as from other sources not prohibited by law.

The vast majority of the public authorities questioned during the first evaluation stage, as well as during the focus groups, stated that no budgetary financial

4 Pillar I, Actions 1-3, 8-15; Pillar II, Actions 1-37; Pillar III, Actions 1-8, 10-19, 21-22, 24-30, 33-36; Pillar IV, Actions 1-5, 7-12; Pillar V, Actions 1-8; Pillar VI, Actions 1-8; Pillar VII, Actions 1-14.

means were allocated for the implementation of the NIAS, nor did they benefit from external financial assistance for the implementation of the NIAS. However, in the answers received it was shown that: *the financing of the implementation of NIAS was made from the budget funds allocated annually to the institution; in the process of drawing up the medium-term budget cycle, the implementation of the actions of the NIAS is indicated, but the allocated budget means are directed including to pay the employees' salaries and the institution does not have data that would reflect the volume of the budget funds allocated directly for the NIAS implementation; the budgetary means allocated annually to the institution contributed including to the NIAS activities implementation; the financial means were budgeted operationally, in the context of performing administrative tasks.* At the same time, some authorities have indicated the name of the development partners' projects, the actions and/or the amount of external assistance provided for the NIAS implementation.

### c. Assumed responsibilities by the pillar-institutions

With the exception of the Court of Accounts and the Ombudsman, most of the pillar institutions did not assume the role of active promoters of the purpose and objectives set by NIAS, did not put the necessary pressure on the implementing authorities, responsible for executing the measures of the Strategy, so that all actions scheduled to be fulfilled in full volume and within the established deadlines. The results of the monitoring of the NIAS implementation (the official and alternative monitoring reports) found that there were multiple cases of late adoption of sectoral/local anti-corruption plans, formalism in the approach and execution of actions, indolence and cheating.

### d. Public control, independent and impartial monitoring

The implementation of NIAS was monitored by representatives of civil society, including, within the Small Grants Program of the Project "Fighting Corruption by Strengthening Integrity in the Republic of Moldova", implemented by UNDP Moldova and financed by the Ministry of Foreign Affairs of Norway, as well as within the Project "Participation in public policies in the justice sector reforms" with the

financial support of the United Nations Democracy Fund – UNDEF. The alternative reports to the official reports of the authorities on the implementation of sectoral and local anti-corruption plans were to be presented during the meetings of the NIAS Monitoring Groups, but due to the pandemic restrictions, as well as the reduced frequency of MG meetings, the presentation and mediatization of the reports was done outside MG meetings.

### e. Complementary approaches and avoidance of duplication

During the implementation of NIAS, in the Republic of Moldova, in total, 22 strategies/action plans were approved, of which: 3 strategies through laws<sup>5</sup>, 3 through Parliamentary Decisions<sup>6</sup> and 16 through Government Decisions, which, in general, do not duplicate the actions of NIAS. However, *the National Defense Strategy, the National Strategy of Prevention and Combating of Trafficking of Human Beings for 2018-2023 and the National Strategy for Public Order and Security for 2017-2020* contain some interferences with the National Social Security Act, but these do not cause confusion when implemented from the perspective of the responsible authorities and do not relieve them of any responsibility for the NIAS implementation.

5 Law no. 68 of 13.04.2017 for the approval of the National Strategy on radioactive waste management for 2017-2026 and the Action Plan for its implementation; Law no. 51 of 23.03.2018 on the approval of the Civil Society Development Strategy for 2018-2020 and the Action Plan for the implementation of the Civil Society Development Strategy for 2018-2020; Law no. 129 of 13.07.2018 for the approval of the Strategy for the development of the non-banking financial market for 2018-2022 and the Action Plan for its implementation.

6 PD no. 134 of 19.07.2018 for the approval of the National Defense Strategy and the Action Plan on the implementation of the National Defense Strategy for 2018–2022; PD no. 257 of 22.11.2018 on the approval of the Information Security Strategy of the Republic of Moldova for 2019–2024 and the Action Plan for its implementation; PD no. 239 of 16.12.2020 for the approval of the National Strategy for Prevention and Combating of Money Laundering and Terrorism Financing for 2020–2025 and the Action Plan for the implementation of the National Strategy for Prevention and Combating of Money Laundering and Terrorism Financing for 2020– 2025.

## CONCLUSIONS:

- Considering the extensive reform of the executive (July 2017); social upheavals, Parliament's recognition of the captive nature of the state; general parliamentary, presidential and local elections; the change of 4 governments, as well as the lack of stability within the decision-making factors of the anti-corruption authorities, we conclude that **the premise of stability and political will was not respected.**
- Taking into account the nature of the activities provided in the NIAS and the content of the answers of the questioned authorities regarding the financial assurance of the NIAS implementation, we conclude that the setting of the funding sources was carried out in a judicious manner and, consequently, **the premise of the financial assurance of the NIAS implementation was fulfilled.**
- The analysis of the results of the monitoring of the NIAS implementation (official and alternative monitoring reports) shows that most of the pillar institutions did not assume the role of active promoters of the purpose and objectives of NIAS, they did not put the necessary pressure on the implementing authorities, responsible for the execution of the measures set by the Strategy. Consequently, **the premise of assumption of responsibility by the pillar institutions was not fulfilled.**
- The civil society had an active role in monitoring the implementation of the actions provided for by NIAS, and the results of alternative monitoring were the subject of media coverage in the public informational space, in this way, the **premise of ensuring public control**, independent and impartial monitoring of NIAS was met.
- The content of the national policy documents, approved during the NIAS implementation, indicates that they do not contain duplications, which would induce confusion during implementation by the responsible authorities or relieve them of any responsibility for implementation. Thus, **the premise of complementary bordering and avoiding duplications has been fulfilled.**

## II.2. Findings regarding the degree of achievement of the objectives and purpose of the NIAS

Section II.2. of the Report assesses the achievement of the objectives on the pillars, the general objectives and the purpose of NIAS.

The information for each pillar was structured as follows:

- the general description of the pillar and the objective set for it by NIAS;
- the evaluation of the results of the transposing the actions from the established priorities for each pillar (analyzing *the progress* achieved during implementation) and conclusions;
- analysis of the evolution/involution of the pillars' impact indicators (*impact analysis*), including conclusions;
- the assessment grid for each pillar, as described in the introductory part (chapter I) of this Report.

The evaluation of the achievement of the general objectives (DREPTÉ – RIGHT) and the purpose of the NIAS followed a similar approach: the general description, the analysis of the evolution/involution of the indicators, conclusions and the evaluation grid.

### II.2.1. Pillar I. Parliament

Pillar I The *Parliament* constituted the starting point in building the architecture of the NIAS pillars, taking into account the role and importance of the Legislative body in drafting and promoting the integrity rules through the adoption of laws, the assumption and observance of the rules of ethics by the members of Parliament (MP's), as well as the accountability of the entire chain of authorities public in the process of implementing laws through parliamentary control. It was also considered important that the transparency of the legislative process, and the control of the institutions and authorities under parliamentary control, would be strengthened through the actions included in the NIAS AP.

The action plan for the implementation of NIAS provided for Pillar I **15 actions** of which 9 are permanent, and 6 have a specific deadline (2017-2018).

#### NIAS objective for Pillar I:

*Ensuring ethical conduct of MPs, harnessing the anticorruption role of the Parliament, increasing transparency of the legislative process and MPs' activity*

Within the objective of Pillar I, 3 priorities, 5 expected results and 6 result indicators were established:

Priorities of pillar I	Expected results	Outcome indicators
<b>I.1. Promoting MPs' ethics</b>	<ul style="list-style-type: none"> <li>● Violations of ethical and conduct rules by MPs, sanctioned</li> </ul>	<ul style="list-style-type: none"> <li>● Duty inquiries and reports of the responsible structure/person in charge of ethics conducted,</li> <li>● Sanctions applied</li> </ul>
<b>I.2. Enhancing parliamentary oversight</b>	<ul style="list-style-type: none"> <li>● Streamlined enforcement of laws and functionality of public institutions subject to parliamentary oversight</li> </ul>	<ul style="list-style-type: none"> <li>● Laws subject to parliamentary oversight;</li> <li>● Public institutions subject to parliamentary oversight.</li> </ul>
<b>I.3 Transparency of legislative process and corruption proofing</b>	<ul style="list-style-type: none"> <li>● Ensured transparency of the legislative process at all the stages;</li> <li>● Facilitated public monitoring of Parliament's activity</li> <li>● Decreased/excluded corruption risks identified in the draft laws</li> </ul>	<ul style="list-style-type: none"> <li>● The monitoring of the activity of the Parliament, carried out by the civil society, registers improvements</li> <li>● The laws implying corruption risks are not adopted or adopted after eliminating the particular risks</li> </ul>

The evaluation of the practical implementation of the 3 priorities of Pillar I, based on the examination of the data and information collected, demonstrates the following:

### Priority I.1.

#### *Promoting the ethics of members of Parliament*

For this priority, the AP included 3 actions with a specific deadline that referred to drafting the normative framework (code) of ethics and conduct of the members of Parliament and the creation of the institutional framework, which would put these norms into practice. Shall be noted that the respective actions were reconfigured in the revised version of the PA, approved by PD [241/2022](#), being set with more precision, including the part related to the establishment of the function of the Ethics Commissioner within the Parliament.

The results of the AP NIAS implementation generalized by the MG secretariat for the period 2017-2020 show that at the moment 2 actions have already been carried out: the evaluation of the normative framework and in the part related to the development of new rules, and 1 action on the adoption of the rules would be in progress.

According to [the information provided by the Parliament](#) during the reporting exercise on the NIAS implementation <sup>7</sup>, as well as the discussions within the FG, the respective action would be partially carried out, because there is a “*separate chapter of the draft Code of Parliamentary Rules and Procedures (No. 376 of 02.11.2018) which was adopted in the first reading on 22.11.2018. Also, the draft law no. 135 of April 4, 2016 regarding the Code of Ethics and Conduct of the Member of Parliament is in the legislative procedure. The draft law establishes the principles and rules of conduct of MP’s, the duties and restrictions in the exercise of parliamentary duties, imposing a greater ethical responsibility on elected people*”. However, there is no certainty regarding the fate of both draft laws, which apparently, are not a priority for the legislature: will they be adopted or not? Although [the deadline for the implementation of this action was extended](#)<sup>8</sup> until the fourth quarter of 2022, along with the general extension of the deadline for the NIAS implementation, the analysis of the current

parliamentary agenda and priorities do not indicate on the completion of the action within the established deadlines.

The need to establish distinct ethical norms for legislators is also imposed by our country’s international commitments, as this aspect is subject to evaluation by GRECO within the [IV Evaluation Round](#).

The [GRECO’s compliance assessment report](#) of December 3, 2021, noted that: *GRECO recommended (i) adopting a code of conduct for members of Parliament and ensuring that the future code is easily accessible to the public; (ii) establishing an appropriate mechanism within Parliament, both to promote the code and to make its members aware of the standards expected of them, but also to enforce these standards where necessary. [...] GRECO noted that the draft Code of Parliamentary Rules and Procedures needed to be completed beyond the existing provisions on discipline and sanctions, so that conflicts of interest and related matters (gifts, incompatibilities, additional activities and financial interests, lobbying, etc.) would be addressed. [...] since no new information has been provided since the last Report, GRECO can only conclude that its recommendation remains unimplemented.*

The analysis of the effect of the actions according to the result indicators listed above<sup>9</sup>, as well as the GRECO findings, allows us to conclude that the expected result [violations of ethnical and conduct rules by MPs, sanctioned](#), was not achieved.

### Priority I.2.

#### **Strengthening parliamentary control**

The priority for strengthening the parliamentary control was to be ensured through 4 actions centered on the adoption of the rules for carrying out the control, the annual control plans, the publication of the reports of the authorities under parliamentary control (NIA, NAC, GPO, CEC, CA OO and the hearing of these reports in plenary.

<sup>7</sup> Page 16 of the Report on the implementation of NIAS in the period 2017-2020, prepared by the MG Secretariat

<sup>8</sup> Appendix no. 2 at NIAS, action 1 from the “Parliament” Pillar

<sup>9</sup> Service investigations and reports of the responsible structure/ethics officer, carried out; Sanctions applied

The report of the MG Secretariat notes that only 1 out of 4 actions have been fully implemented, namely the action related to the adoption of the normative framework. The remaining actions were qualified with oscillations by the MG Secretariat from one year to another: accomplished or partially accomplished. The analysis of the information on the website [www.parlament.md](http://www.parlament.md) does not indicate the existence of a compiled plan for the conducting the parliamentary control, although the reports on the impact and ex-post analysis of the laws are published. The reports of institutions under parliamentary control are also published. As for the hearing of the reports of these institutions in the plenary session of the Parliament, a disparate approach is also observed from the legislative forum, only some authorities being heard “with dedication” during the NIAS implementation.

According to the information provided by the Parliament, as well as the discussions within the FG, it was mentioned that there cannot be a compiled plan of parliamentary controls, and decisions regarding the exercise of control are taken by each parliamentary committee of a separate profile. We find, in this sense, that there is no common approach on how to plan and achieve parliamentary control by parliamentary committees.

The AO Promo-LEX report “[Monitoring the Parliament’s control in 2019](#)” noted: [...] *Parliament, its working bodies and MP’s do not fully use these constitutional levers to exercise real parliamentary control. [...] the legislative program will also include compartments dedicated to parliamentary control, which includes control over the way the laws are implemented, hearing the Government reports and other central authorities, and the institutionalization of such procedures is the responsibility of the Parliament. [...] The lack of an exhaustive legal framework in the part of properly defining the control powers of the Parliament and clearly describing the working procedures in the exercise of parliamentary control (including the stagnation of the adoption process in the second reading of the draft Code of Parliamentary Rules and Procedures. [...] The lack of exhaustive rules that refer to parliamentary hearing procedures, such as: – the types of hearings and the conditions for their initiation; – the description of the cases in which hearings are carried out by the parliamentary committees and/or by the plenary session of the Parliament; – the purpose of the parliamentary hearings, including the monitoring of the*

*recommendations on their side. [...] Due to the lack of the regulatory framework and the monitoring mechanism, the Parliament and the parliamentary committees, following the hearings of public authorities, cannot track the degree of implementation of the recommendations made. [...] The legal provisions that refer to the obligation of some public authorities to present reports to the Parliament, as well as the form of these reports, are incomplete, and some situations are not described in general, such as: – the content and form of the report presented to Parliament; – it is not expressly provided if the reports are examined only by the profile commission or also in the plenary session; – who and how monitors the implementation of the recommendations formulated on the side of the report, etc. [...] the incomplete or even lack of information on the Parliament’s official website ([www.parlament.md](http://www.parlament.md)) about parliamentary control activity.*

From the perspective of the indicators<sup>10</sup> for the expected result formulated for this priority: **Streamlined enforcement of laws and functionality of public institutions subject to parliamentary oversight** we will find that it was only partially achieved, without any improvements that demonstrate the efficiency of parliamentary control. Or, apparently the control was carried out according to the customs established prior to the NIAS implementation, without significant developments or changes being recorded in the organization and implementation procedure, and in some chapters (hearing in the Legislative plenary session of the reports of the public authorities under parliamentary control) there even are some involutions.

### Priority I.3

#### Transparency of the legislative process and corruption proofing

5 actions were included in this priority, actions concerning the daily/usual activities of the Parliament by virtue of the Law on transparency in the decision-making process: publishing the summaries of the draft laws (with special emphasis on those that refer to the versions of the drafts between the first and second reading), monitoring the process of drawing up and publishing the

<sup>10</sup> Laws subject to parliamentary control; Public institutions subject to parliamentary control



summaries; development of the IT platform for online project monitoring; drafted summaries of the results of the corruption proofing and the monitoring of this process. The results of the evaluation carried out by the MG secretariat show that only 1 action would be carried out (*monitoring by civil society*), and the rest of the actions would be “*in progress*”.

The first recommendation of GRECO within the framework of the IV Evaluation Round was: to ensure (i) that draft laws, all amendments and all supporting documents required by law are published in a timely manner and (ii) that appropriate timescales are observed to allow for meaningful public consultation and parliamentary debate, including by ensuring that the emergency procedure is only applied in exceptional and duly justified circumstances. GRECO's latest report on the degree of compliance of the authorities of the Republic of Moldova concludes that: *the limited information provided does not make it possible to evaluate the evolution of the situation since the previous report regarding the legislative process, including both public consultations and the use of emergency or accelerated procedures. In addition, it notes that Parliament's website has not yet been updated and that the unified e-Legislation is not yet operational. GRECO concludes that recommendation (i) remains partially implemented.*

The study “Corruption proofing: efficiency, costs, impact” (2019-2020) concluded that *the provisions of the new Law 100/2017 affected the relevance and importance of corruption proofing. Although it stipulates the corruption proofing as mandatory, it does not specify the stage of the proofing of draft normative acts and leaves it to the discretion of the authors to include or not corruption proofing findings in the summary of objections and recommendations to the draft normative acts.* During the discussions in the FG with the representatives of the Parliament<sup>11</sup>, it was mentioned that the draft on the amendment of Law 100/2017 on normative acts is included in the agenda of the Parliament and it is to be adopted by the end of this year.

As for achieving the 3 expected results for this priority: *ensured transparency of the legislative process at all the stages; facilitated public monitoring of Parliament's activity; decreased/excluded corruption risks identified in the draft laws*, the result indicators<sup>12</sup> show that only 1 result has been achieved in a satisfactory manner regarding the removal of the corruption risks. Thus, the aforementioned Study identified “*the high degree of efficiency of CPR (corruption proofing reports), which means that the authors of the proofed draft laws take into account the recommendations of the CPR, and the draft normative acts will not encourage/favor at the level of regulations the appearance of corruption manifestations. Thus, in 2019-2020, the corruption proofing efficiency rate remained unchanged at 63% of accepted recommendations. [...] An encouraging trend is the willingness of the authors of the normative acts to mitigate/fix the risk factors related to the exaggerated costs of the rules, the elimination of blanket rules, of the provisions that establish excessive attributions or parallel attributions of public entities, as well as the regulation in drafts of control mechanisms*”. Regarding the improvement of the **monitoring** of the legislative process, there are no reports that would have demonstrated the achievement of this result, on the contrary, during the implementation of NIAS (2017-2020) there were several statements and public appeals by civil society<sup>13</sup> that pointed to the Legislature's slippages in ensuring some authentic public consultations on drafts of important legislative acts, as well as the transparency of the decision-making process.

## CONCLUSIONS

- The synthesis of the data regarding the results obtained within the 3 priorities for *the Parliament Pillar* shows that none of the proposed expected results have been achieved, respectively, the expectations to achieve the expected impact for Pillar I have been compromised;

12 The monitoring of Parliament's activity by civil society shows improvements; laws that present risks of corruption, not adopted or adopted after the removal of the respective risks

13 <https://old.crjm.org/wp-content/uploads/2020/12/Apel-public-privind-degradarea-procesului-democratic-in-Republica-Moldova-21-dec-2020.pdf> ; [https://old.crjm.org/wp-content/uploads/2020/12/Apel-public\\_3-decembrie\\_final.pdf](https://old.crjm.org/wp-content/uploads/2020/12/Apel-public_3-decembrie_final.pdf); [https://old.crjm.org/wp-content/uploads/2020/09/Apel-CALC-Parlament-adoptare-PL-263\\_30.09.pdf](https://old.crjm.org/wp-content/uploads/2020/09/Apel-CALC-Parlament-adoptare-PL-263_30.09.pdf)

11 The FG took place in September 2022

- The adoption and implementation of the rules of ethics of the members of Parliament is the main backlog noted both in the national reports and in the GRECO evaluation reports, and the fate of the mentioned draft regulations that are in the parliamentary procedure since 2018 is uncertain and is not included as a priority in the agenda of the legislative forum;
- The parliamentary control was carried out in a formal and less than satisfactory manner, and the expectation that the NIAS would be improved did not materialize, the control being carried out practically in the same parameters as before the adoption of the NIAS, without new systemic and

unitary approaches being proposed and implemented, as it was also recommended by civil society organizations;

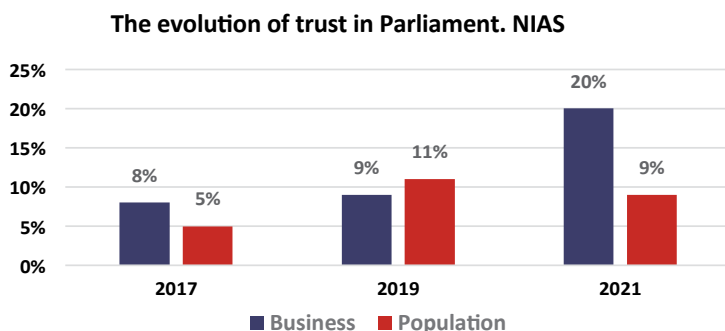
- The transparency of the legislative process is still of a reprehensible quality, which is confirmed by national and international reports. The technologization of the process, through offering interactive web platforms to increase the accessibility and efficiency of the monitoring process by civil society/stakeholders, has been in the process of implementation for many years, and even at the time of this evaluation (autumn 2022) there is no clarity when it will become available.

Achieving the expected results would contribute to the achievement of the objective of Pillar I and produce the impact measured on the basis of 4 indicators:

1. Significantly improved trust in the Parliament
2. Diminished perception of corruption within the legislative body
3. Increased efficiency of parliamentary control
4. Improved regulatory quality.

### Impact indicator 1: Significantly improved trust in the Parliament

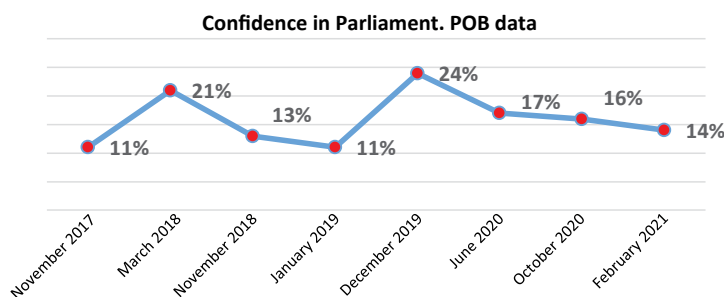
The NIAS impact assessment study shows a fluctuating evolution of trust in the Parliament during the NIAS period of action.



The trend shows that the confidence of the representatives of the business environment in the Parliament was constantly increasing from 8% in 2017 to 20% in 2021. From the citizens' perspective, even if this trend is increasing from 5% in 2017 to 9% in 2021, however, in 2019 the trust level was higher and represented 11%. The average inferred by the Study regarding the perception of both categories of respondents is 15% for 2021, compared to 7% in 2017.

At the same time, the data of the Public Opinion Barometer<sup>14</sup> show a trend with significant oscillations of the degree of trust in the Parliament during the NIAS implementation, the maximum trust rate, reached in December 2019, being 24%.

BOP reveals an insignificant increase in confidence in Parliament, as can be seen in the figure. Shall be noted that the value of this indicator for the beginning of 2021 of 14% is comparable to the average degree of confidence calculated by the NIAS Survey shown above.



[The IRI survey](#) (the question “*What is your opinion about the Parliament*”) established as an alternative source for measuring the impact of the NIAS underwent some changes during the NIAS implementation. The last Survey that measured the “*Opinion regarding the Parliament*” of national respondents covers the period May-June 2019. According to the data of this survey, a favorable opinion regarding the Parliament was shared by only 19% of the respondents, a percentage decreasing by 4% compared to the 23% which were in the year of the NIAS launch – 2017.

### Impact indicator 2: Diminished perception of corruption within the legislative body

According to the data of the NIAS Impact Assessment Study, there is an increase in the average percentage of respondents who consider that the Parliament *is “not at all corrupt”* or “*a little corrupt*” from 13% in 2017 to 21% in 2021. The increase in the average value occurred based on the answers of the representatives of the business environment (from 12% in 2017 to 30% in 2021), while the answers of the general population show an insignificant decrease: from 13% in 2017 to 12% in 2021.

An alternative source for measuring the impact of NIAS on this compartment is [Index 2.4. “Lack of corruption in the Legislature”/Rule of Law Indicator/World Justice Project](#). According to recent data, there is an increase of this indicator from 0.30 in 2016 to 0.34 in 2020. The increase continued in 2021 when a value of 0.36 was registered. Even if some positive developments are observed, however, they are insignificant as the evolutions are in decimal rates: 0.06.

### Impact indicator 3: Increased efficiency of parliamentary control

The NIAS impact assessment study shows that in the reference period the number of people who believe that *the Parliament controls To a great extent/ To a very great extent how the laws it adopts work* is decreasing, this trend being registered also in the case of the business environment (from 17% in 2017 to 8% in 2021) and in the case of the general population (from 10% in 2017 to 9% in 2021). Respectively, we notice a decrease in the general average of respondents who believe that the Parliament does not control the way in which the adopted laws are implemented, from 14% in 2017 to 9% in 2021.

The alternative source for measuring the impact of NIAS on this compartment was the Index 1.1. [“Government powers are effectively limited by the Legislature”/Factor “Constraints on Government Powers/Rule of Law Indicator/World Justice Project](#). In the year of NIAS launch, the respective indicator showed a value of 0.61 (the value for 2016), while for 2020 its decrease by 0.1 to 0.60 is registered, and in 2021 there is a return to the position at the launch of NIAS: 0.61.

The lack of progress in this chapter was also noted by the civil society reports cited in the sections above with reference to Pillar I.

### Impact indicator 4: Improved regulatory quality

The data of the NIAS Impact Assessment Study show that in the reference period the general average of the respondents’ perception of the functionality of the laws<sup>15</sup> is in decline: from 4.0 in 2017 to 3.8 in 2021. The decline is more significant in the case of respondents from the general population who opted more for the option that “*the laws only apply to some*” or the laws “*don’t work at all*”.

In contrast with the data of the NIAS Assessment Study, the [Global Governance Indicator “Regulatory Quality”](#)<sup>16</sup> developed by the World Bank and established as an alternative source for impact measurement shows an improvement in the situation from -0.05 (baseline at the early stage of NIAS) to 0.04 in 2020.

15 Value 1= Laws in the Republic of Moldova do not work at all/ Laws in the Republic of Moldova apply only to some... 10 = Laws in the Republic of Moldova work very well/ Laws in the Republic of Moldova apply equally to all

16 It is measured from -2.5 to +2.5

## CONCLUSIONS

The analysis of the four impact indicators for Pillar I show the following:

- **Impact indicator 1: Confidence in Parliament improved considerably**

The results of the NIAS Impact Monitoring Survey for this indicator do not agree with the alternative measurement source of impact indicator 1. The NIAS Survey shows that among the population, trust in the Parliament has increased by 4%, and among businesses the level of trust would be increased significantly, which in the end also influenced the increase of the average value of the level of trust in the Parliament by about 2 times. In contrast, alternative sources of impact measurement (IRI Survey) show the decrease in the level of trust in the Parliament.

- **Impact indicator 2: The perception of corruption within the legislature diminished**

The NIAS impact survey agrees with the alternative measurement source of the impact indicator, with non-significant improvements being registered. However, the significant difference between the assessments of the business environment, which shows an increase of almost 18%, should be emphasized in contrast to the opinion of the

general population, which is decreasing.

- **Impact indicator 3: Increased efficiency of parliamentary control**

The data of the NIAS Impact Monitoring Survey show a decrease of the general average of respondents who believe that the Parliament controls the way how which the adopted laws are implemented: from 14% in 2017 to 9% in 2021. The respective data are also consistent with the evolution of the international alternative indicator<sup>17</sup>, which also recorded a decrease.

- **Impact indicator 4: Improved regulation quality**

The NIAS impact survey for this indicator does not agree with the alternative measure of the impact indicator: NIAS survey shows a decrease in the share of respondents who think the laws are working well, while the alternative indicator shows insignificant improvements.

17 Limits on the Legislature/Factor “Control of Government Power/Rule of Law Indicator/World Justice Project

### Evaluation grid for Pillar I Parliament

Pillar I impact indicators	Qualifying	Score
<b>Impact indicator 1:</b> <i>Significantly improved trust in the Parliament</i>	<b>Indicator value improved by less than 40%</b>	<b>1</b>
<b>Impact indicator 2:</b> <i>Diminished perception of corruption within the legislative body</i>	<b>Indicator value improved by less than 40%</b>	<b>1</b>
<b>Impact indicator 3:</b> <i>Increased efficiency of parliamentary control</i>	<b>The value of the indicator decreased</b>	<b>0</b>
<b>Impact indicator 4:</b> <i>Improved regulatory quality</i>	<b>The value of the indicator decreased</b>	<b>0</b>

**II.2.2. Pillar II.**

**Government, public sector and LPA**

The integrity and efficiency of the activity of public sector authorities and local public administration has always been in addressed by the public anti-corruption policy documents. Thus, the first National Strategy for preventing and combating corruption (PD no. 421-XV of 16.12.2004) recognized among the causes of corruption the institutional ones, and among the measures for prevention and combating of corruption was listed “Prevention of corruption in public institutions and in the political process”, which included: the efficiency of the institutional system; ensuring transparency and responsibility in political activity; and reducing the effects of corruption on the private sector.

The second national anti-corruption strategy developed for 2011-2016 (PD no. 154 of 21.07.2011) systematized the priorities in four components, including the institutional component, which included measures for strengthening the capacity of institutions to prevent and combat corruption within authorities, institutions and organizations, including local public administration authorities, in the political sector, in the interaction of the private sector with the public sector and in social fields (education, medicine).

Within the NIAS, which was developed starting from the assessment of the national integrity system, the field of central and local public authorities was merged under the Pillar II *Government, public sector and local public administration*, which also included the sectoral approach to corruption (police, customs, tax, environment, public procurement, administration and privatization of public property, health protection and medical insurance, education).

**NIAS objective for pillar II:**

*Developing the integrity, accountability, transparency, and resistance to corruption risks of the public agents, Government members, and locally elected officials*

Within the Pillar II objective, were established 3 priorities, 6 expected results and 7 result indicators:

Priorities of pillar II	Expected results	Outcome indicators
<b>II.1. Promoting integrity within public entities</b>	<ul style="list-style-type: none"> <li>● Institutional integrity climate developed within public entities</li> <li>● Violations of integrity rules by public agents, including by Government members and locally elected officials sanctioned</li> </ul>	<ul style="list-style-type: none"> <li>● Institutional integrity assessments of the NAC and Security and Intelligence Service (SIS) published;</li> <li>● Sanctions for lack of institutional integrity, determined by NAC and SIS, are applied;</li> </ul>
<b>II.2. Sectoral approach to corruption</b>	<ul style="list-style-type: none"> <li>● Corruption in the sectors of police, customs, fiscal, environmental, public procurement, administration and privatization of public property, health protection and health insurance, education, and local public administration reduced</li> </ul>	<ul style="list-style-type: none"> <li>● Improved perception and/or experiences of citizens and businessmen with regard to corruption in the sectors of police, customs, fiscal, public procurement, administration and change of ownership of public property, health protection and health insurance, education and local public administration</li> </ul>
<b>II.3. Transparency and responsibility, including towards citizens</b>	<ul style="list-style-type: none"> <li>● Transparency in promotion through the Government of the draft normative acts ensured;</li> <li>● Quality of public services increased</li> <li>● Corruption risks identified in draft laws and draft Government decisions decreased</li> </ul>	<ul style="list-style-type: none"> <li>● Draft normative acts posted on the web page of the Government;</li> <li>● Public services offered by means of electronic platforms;</li> <li>● Recourse proceedings related to damages induced to the State and society</li> <li>● Laws and Government Decisions implying corruption risks not adopted or adopted after eliminating the risks</li> </ul>

The action plan for the implementation of NIAS provided for Pillar II **37 actions**, of which 20 are permanent, 10 are permanent after their implementation within a specific period, 4 with combined deadlines (established, periodic, on request) and 3 with a definite realization (2017-2018).

The evaluation of the practical implementation of the 3 priorities of Pillar II, based on the examination of the collected data and information, demonstrates the following:

## Priority II.1.

### Promoting integrity within public entities

This priority establishes 18 actions, of which 14 have a permanent character and, in fact, effectively implement the 14 instruments for ensuring the climate of institutional integrity, regulated by art. 10 of the Integrity Law no. 82/2017, and 4 actions refer to training on integrity tools.

According to the *NIAS Monitoring Reports for 2017-2020*, the reporting period 2018-2020<sup>18</sup>, the actions 1-14 (except for Action 3 which was unqualified), considering their permanent nature, were qualified as being *partially achieved*. Thus, in the monitoring reports, the progress of the public authorities in achieving the indicators of this priority was registered, being stated both the authorities that reached all the indicators, as well as those that registered deficiencies, as well as their possible reasons: non-application of the mandatory instruments; total non-presentation of the required data for monitoring; the inconsistency of the presented data.

Actions 15-18 were qualified as **accomplished**. Thus, during the years 2017-2020, in total, were organized in order to achieve:

- Action 15: 1806 trainings, with the training of 67 316 people;

- Action 16: 9 trainings with the training of 124 people;
- Action 17: 116 trainings with the training of 3 507 people;
- Action 18: 59 trainings with the training of 3 411 people.

The evaluation report of ordinary anti-corruption initiatives of public authorities in the Republic of Moldova: Implementation of 10 policies in 2020 described the results of the evaluation of how public institutions implemented in 2020 a number of 10 anti-corruption policies from the 14 policies established by the AP of NIAS/Law 82/2017<sup>19</sup>.

In the conclusions of the Report it was noted that *most ministries have designated the persons responsible for anti-corruption policies, implement the actions programmed in the AP of NIAS in a relatively satisfactory manner, in this way, the institutional infrastructure for strengthening the climate of integrity has been created. However, the analysis of the reports presented by the ministries and the information regarding the implementation of anti-corruption actions shows that they have a formal character. The actions regarding the identification and treatment of corruption risks within the institutions seem to be approached with superficiality and formalism, and the policies related to reporting improper influences and the disclosure of illegal practices are not fully understood and, respectively, are not capitalized by the authorities. [...]*

18 [https://www.cna.md/public/files/Raport\\_de\\_monitorizare\\_i\\_evaluare\\_a\\_implementrii\\_NIAS\\_2017.pdf](https://www.cna.md/public/files/Raport_de_monitorizare_i_evaluare_a_implementrii_NIAS_2017.pdf)

[https://www.cna.md/public/files/Raport\\_de\\_monitorizare\\_i\\_evaluare\\_a\\_implementrii\\_Strategiei\\_Naionale\\_de\\_Integritate\\_i\\_Anticorupie\\_pentru\\_anii\\_2017-2020\\_Perioada\\_de\\_raportare\\_anul\\_2018.pdf](https://www.cna.md/public/files/Raport_de_monitorizare_i_evaluare_a_implementrii_Strategiei_Naionale_de_Integritate_i_Anticorupie_pentru_anii_2017-2020_Perioada_de_raportare_anul_2018.pdf)

[https://www.cna.md/public/files/Raportde\\_monitorizare\\_si\\_evaluare\\_a\\_NIAS\\_2019.pdf](https://www.cna.md/public/files/Raportde_monitorizare_si_evaluare_a_NIAS_2019.pdf)

[https://www.cna.md/public/files/Raport\\_NIAS\\_2020\\_final\\_iunie.pdf](https://www.cna.md/public/files/Raport_NIAS_2020_final_iunie.pdf)

Regarding the achievement of the result indicators for this priority<sup>20</sup>, according to the answers of the authorities:

19 Evaluation of anti-corruption initiatives: was a voluntary exercise in which public entities were trained; did not double the assessment of institutional integrity, corruption risks, monitoring and evaluation of the implementation of integrity and anti-corruption plans; and established a parallel mechanism for evaluating activities and pro-active actions by public entities in the field of anti-corruption and integrity, according to the Action Plan for the implementation of Pillar II of NIAS.

20 The number of institutional integrity assessments carried out by the NAC and SIS, the list of published assessments, # of sanctions applied for lack of institutional integrity, found in the NAC and SIS assessments

- In 2017, NAC carried out 2 evaluations of the corruption risks in public authorities, under the provisions of the Methodology for evaluation of corruption risks in public authorities and institutions, approved by GD no. 906 of 28.07.2008. Since 2018, after the amendment of the Law 325/2013 on institutional integrity assessment, NAC carried out 19 assessments of institutional integrity, through the established methodological aspects of the Law 325/2013. In general, the reports on the results of the institutional integrity assessment are based on the competences of the assessed public authority and contain the relevant information, established by art. 18 of Law 325/2013, since the organizational/institutional and individual risk factors are identified. In some authorities, the risks identified during the assessment were confirmed both by the integrity incidents recorded in recent years, widely advertised in the press, and by the results of the professional integrity tests. The institutional integrity assessment reports were presented to the evaluated subjects, including, in some public events and published. In the period 2019-2020, following the negative result of the integrity test at the Oncological Institute, 38 employees were sanctioned, at the Agency for Consumer Protection and Market Surveillance – 2 employees, at the Environmental Protection Inspectorate 8 public agents were sanctioned, including 6 were dismissed, and at the “Moldsilva” Agency – 6 public agents from forestry enterprises. No managers of the assessed entities were sanctioned/dismissed as a result of the institutional integrity assessment. At the same time, in the period of 2017-2020, no employee of NAC was sanctioned for a negative result of the professional integrity test, due to the fact that during this period, the Security and Intelligence Service (the responsible authority designated under Law 325/2013) did not organize/carry out the institutional integrity assessment of NAC, where the professional integrity tests are part of the evaluation.
- The Security and Intelligence Service and the State Chancellery did not present, according to their competences, information regarding the achievement of the result indicators for Priority II.1 regarding the number of institutional integrity assessments and, respectively, the number of persons sanctioned as a result of institutional integrity assessments (negative result of professional integrity tests).

## Priority II.2.

### Sectoral approach to corruption

This priority establishes 12 actions, of which 10 are related to sectoral anti-corruption plans and 2 are related to anti-corruption plans at the local level.

According to the *NIAS monitoring reports for 2017-2020*, the GD no. 676 of 29.08.2017 on the approval of the mechanism for the development and coordination of sectoral and local anti-corruption action plans for 2018-2020 established the mechanism of development, implementation and monitoring of sectoral/local anti-corruption Plans, as well as the model/template of the plans and their implementation reports.

The implementation of sectoral anti-corruption plans in the field of: customs (action 20), fiscal (action 21), administration and privatization of public property (action 23), ensuring public order (action 27), were established as *achieved*.

At the same time, the activities related to the *implementation* of anti-corruption sectoral plans in the fields of: public procurement (action 22), health protection and medical insurance (action 24), education (action 25), agri-food (agricultural subsidies, safety food, etc.) (action 26), environmental protection (action 28) were established as partially implemented. These sector plans were developed and approved, but the respective authorities either did not submit quarterly reports to the Secretariat or did not make them public on their website.

NAC ensured the development of the model of the Anti-corruption Plan in the field of local public administration for 2018-2020, which was sent to the territorial administrative units of secondary level for adjustment and approval during the Local Councils meetings. According to the Secretariat of the Monitoring Group, 97% of the district councils<sup>21</sup> have approved the Anti-corruption Plans in the field of local public administration for 2018-2020, the Chisinau Municipal Council being the only who failed to adopt it. Thus, actions 29 and 30 were qualified as having been *achieved*. At the same time,

21 Anenii Noi, Basarabeasca, Cahul, Cantemir, Calarasi, Cimişlia, Comrat, Donduşeni, Edineţ, Faleşti, Floreşti, Hînceşti, Ialoveni, Leova, Nisporeni, Ocnîţa, Rezina, Rîşcani, Străseni, Şoldaneşti, Ungheni, Taraclia, UTA Gagauzia, Causeni, Soroca, Drochia, Orhei, Telenesti, Singerei, Stefan-Voda, Glodeni, Balti, Briceni, Dubăsari

shall be mentioned that the Local Anti-corruption Plan of Chisinau was approved by the Chisinau Municipal Council only in May 2022 and establishes actions for the period 2022-2025.

As for the content of the local anti-corruption plans, *the NIAS Monitoring Report for 2020* found that the majority of the territorial administrative units of secondary level preferred to faithfully take the measures indicated in the model and adopted the anti-corruption plan in the field of local public administration in the form proposed by NAC, without adapting it to the specifics of the LPA. Some LPAs<sup>22</sup> have excluded a part of the actions from the model plan, without first conducting the analysis of corruption risks and vulnerabilities. At the same time, the Report of the MG Secretariat appreciated the initiative and responsibility of the LPAs<sup>23</sup> which, in addition to the actions from the model anti-corruption plan, established other integrity actions specific to the institution.

For each of the measures included in the Plan, the LPAs collected indicators within a self-assessment process, which they reported to the NIAS MG Secretariat. The analysis of the reports of lnd level LPA's on the progress and deficiencies recorded during the implementation of the actions and progress indicators included in the Local Anti-corruption Plans qualified all the actions as *partially achieved*. Following the qualitative analysis of the reports, it was found that the significant variation regarding the volume of reporting on actions and progress indicators, non-uniform reporting (use of several types of reporting at the same time) and data quality problems was maintained.

Within the Project “*Fighting corruption by strengthening integrity in the Republic of Moldova*”, implemented by UNDP Moldova and financed by the Ministry of Foreign Affairs of Norway and the Small Grants Program – “Monitoring of the National Integrity and Anti-Corruption Strategy by developing alternative reports for monitoring the sectoral and local anti-corruption action plans”<sup>24</sup> 12 NGOs were selected which, over the course of two years, provided alternative monitoring of sectoral/local

anti-corruption plans and presented 8 alternative reports of the civil society on the implementation of sectoral anti-corruption plans and 23 alternative monitoring reports of local anti-corruption plans.

The alternative monitoring reports<sup>25</sup> of **anti-corruption sectoral plans** noted that:

- the deficiencies and failures in the process of drafting, approval and implementation, highlighted in particular: the repetitive actions already established in the NIAS AP, the lack of adequate progress indicators that made it difficult to evaluate the progress in the implementation of sectoral plans (**customs field**);
- in the **fiscal** field: the assessment results of the *progress are positive, with most of the actions qualified as achieved or partially achieved. However, the results of the impact assessment reveal that the actions achieved and partially achieved did not produce significant positive changes in the tax sector, to be felt by taxpayers [...], there is an average impact of the actions aimed at increasing transparency and a low impact of the actions aimed at involving taxpayers and civil society in the decision-making process [...]; as for strengthening the integrity climate and mitigating the corruption vulnerabilities by strengthening institutional capacities, there is a low impact of the actions taken by the SFS [...]. The efforts undertaken for the establishment an integrated model of professional activity did not significantly increase taxpayers' trust in the integrity of tax officials, and raising the level of knowledge of tax officials in the field of integrity*

22 Taraclia, Ungheni, Cahul, Cimişlia district councils

23 The district councils of Orhei, Hînceşti, Basarabeasca, Leova, the Department of Justice of UTA Găgăuzia

24 The “Curbbing corruption by strengthening integrity in the Republic of Moldova” project, implemented by UNDP Moldova and financed by the Ministry of Foreign Affairs of Norway

25 [Alternative monitoring report of the sectoral plan of anti-corruption actions in the customs field for the years 2018-2020](#); [Alternative impact assessment report of the 2018-2020 sectoral plan of anti-corruption actions in the tax field](#); [Alternative monitoring report of the Sectoral Plan in the field of public procurement for the years 2018–2020](#); [Alternative monitoring report of the implementation of the Sectoral Plan in the field of administration and denationalization of public property](#) ; [Alternative monitoring report of the anti-corruption action plan in the field of health and compulsory health care insurance for 2019](#); [Alternative monitoring report of the sectoral plan of anti-corruption actions in the field of education for the years 2018-2020](#); [Alternative PSA monitoring report in the field of ensuring public order](#); [Alternative PSA monitoring report in the field of environmental protection](#)



did not boost the reporting of corruption acts within the SFS [...]; for reducing the level of tax evasion by implementing measures to manage and monitor the activity of tax inspectors and increasing discipline among taxpayers, an average impact is registered as a result of the actions taken by the SFS, recording progress and positive changes in the system;

- in the field **of public procurement:** [...] the results for 2019 show that no action had a major impact, 3 actions had an average impact [...] and in the case of 6 actions, a lack of impact is noted. [...] some achievements were also noted: the organization of trainings by the Public Procurement Agency and for business, the initiation of the development of the draft Regulation for public procurement procedures by state enterprises; increasing the transparency of public procurement due to launching electronic procurement; initiating public discussions regarding the necessity and opportunity of centralized public procurement (on certain fields/regions). [...] a series of deficiencies in carrying out the actions and obtaining the expected results: the lack of improvements for the development of centralized purchases; an electronic procurement system that does not ensure a complete procurement process by electronic methods [...]; the electronic system with poor and difficult to use search tools; lack of report generation tools and corruption risk assessment tools integrated into the electronic system; the lack of information campaigns for businesses about the non-admission of anti-competitive practices in public procurement; the lack of intervention levers of the institutions in case of fraudulent purchases, including the exclusion of the Public Procurement Agency's competence to apply administrative sanctions for the illegalities in the procurement process by the responsible persons from the authorities;
- in the field **of public property administration:** the majority of actions and expected results established by the Sectoral Plan are not achieved; a large part of the public property assets are not yet adequately inventoried and registered in the Register of immovable assets [...]; the amendment of the legislation relevant to the improvement of the normative base regarding the management of public patrimony is carried out at a slow pace [...]; ensuring the transparency of information about state enterprises and enterprises with majority state capital is hampered by the lack of information or the presentation of a reduced public information; [...] the development and implementation of corruption risk registers, integrity plans, the Code of Corporate Ethics and the Integrity Rules for the transfer of public property to economic management and the training of managers or state enterprises and enterprises with majority state capital in their application as well as the Code of Ethics and Corporate Governance in the framework of these entities is late;
- in the field **of health:** [...] inconsistencies regarding the formulation of actions, correlative indicators and the designation of the authorities/institutions responsible for their implementation: [...] a series of actions/indicators are activities deriving from the obligation to implement several normative acts and the monitoring results indicate that the degree of realization of these actions is higher (about 80%) in relation to some new measures, such as, for example, establishing in an accessible manner for the citizens the tariffs/costs for medical services and drugs or ensuring the transparency of decisions regarding fixed amounts compensated for each drug in the list of compensated drugs.
- in the field **of education:** a low level of implementation of the plan and the lack of a structural entity within the ministry, which would take the responsibility for the achievement of the expected results for each of the 4 priorities of the Plan. [...] informal payments still remain an acute problem of the educational system; there is progress in the transparency of educational institutions [...]; the authorities in the educational field are focused on the formal implementation and superficial reporting of the actions from the Sectoral Plan, but without aiming to achieve the maximum impact following the activities carried out.
- in the field **of ensuring public order:** discrepancies in the uniformity and completeness of information reporting; [...] emerging from the number of sanctions applied and criminal cases initiated against police officers, the authors of the Report concluded that "the lack of integrity dominates within the subdivisions of the MIA and it is necessary to strengthen the efforts to combat it".
- in the field **of environmental protection:** out of the total number of actions (33), set out in the

*Plan, only 14 (42.42%) were qualified accomplished, 16 actions (48.48%) were qualified partially accomplished, and 3 actions were not initiated, respectively were qualified as unrealized. Although the Plan has been placed on the web pages of the concerned authorities, its content is not known internally [...] in some institutions there are no persons responsible for monitoring the implementation of the planned actions. The report noted the formal attitude towards the implementation of actions, as well as the insufficiency of capacities and resources on the part of environmental institutions.*

**The implementation of local anti-corruption plans** was the object of monitoring carried out by the NGO within the Small Grants Program, the “Curbing corruption by strengthening sustainable integrity in the Republic of Moldova” Project and the “Civic Engagement for Better Local Governance” project implemented with financial support by the Swiss Cooperation Office in Moldova and the Secretariat of Transparency International (small grants program of Transparency International – Moldova). Thus, the implementation of local anti-corruption plans in Basarabasca, [Cahul](#), [Cantemir](#), [Călărași](#), [Căușeni](#), [Cimișlia](#), [Criuleni](#), [Dondușeni](#), [Drochia](#), [Dubăsari](#), [Edineț](#), [Fălești](#), [Florești](#), [Hîncești](#), [Ialoveni](#), [Leova](#), [Orhei](#), [Rîșcani](#), [Sîngerei](#), [Sorooca](#), [Strășeni](#), [Ștefan Voda](#), [UTA Gagauzia](#), [Balti](#).

The analysis of alternative monitoring reports of local anti-corruption plans shows that:

- in general, LPAs were open to the monitoring process, ensuring access to the necessary information. At the same time, there was poor information of the district councilors regarding the fulfillment of the local anti-corruption plan and insufficient information of the citizens, local NGOs, businessmen regarding the process of the realization of the local anti-corruption plan;
- The LPAs encountered problems in drafting the reports on the implementation of the actions of the Local Anti-corruption Plan, both due to the lack of staff, combined with administrative tasks to implement the plan, and due to the complexity of the indicators that had to be reported, which affected the degree of reporting to NAC. At the same time, some LPAs cited the lack of feedback from the NAC regarding the reports presented by the reporting public entity;
- a good part of the LPA does not ensure the participation of civil society (local organizations, associations, citizens) in the decision-making process and in public consultations. In several LPAs there are no annual reports on transparency in the decision-making process published on the web pages or information on the participation of civil society representatives in public procurement working groups;
- in the chapter on strengthening the institutional integrity of LPAs, in the monitoring reports it was found that in some LPAs there is a lack of information about: the resolution and sanctioning of integrity incidents found by NIA and other potential integrity incidents; disciplinary sanctions applied in case of violations of ethics and deontology norms. Although in some LPAs there is a functional mechanism for evaluating and recording gifts, this information is not public. In the vast majority of LPAs, there were no cases of corruption reported by public agents to the heads of public entities, one of the reasons being the fear of being persecuted or harassed at work. The web pages of the LPA do not refer to the whistleblower mechanism;
- regarding the management of local public property in legal, transparent and efficient way, it was found that: in general, the information presented in the Reports is not complete or is confusing; there are Councils that have not developed and published the Internal Regulation for the management of local public property and the Register of publicly owned lands; there are situations in which real estate at the local level is not registered in the Real Estate Register or is not properly recorded or is not valued at the real price;
- as for ensuring transparency and preventing corruption in the process of planning, conducting and monitoring public procurements, it was found that, in general, the LPAs place on their own web pages the local budget projects, procurement plans, public procurement announcements, annual reports on the execution of contracts public procurement. Announcements about public procurement are also placed in the local press;
- as for increasing the quality of public services through an effective management of human resources is concerned, it was found that: for the most, there are employment announcements on the web pages of LPA; not all LPA's

require a record of integrity at the hiring stage; some district councils reported on conducting employee performance reviews; training is not always carried out; the report on the evolution of the quality of public services in the view of the citizens/beneficiaries was not developed and made public;

- regarding the improvement of communication with citizens and the transparency of the activity of LPAs. The web pages of some LPAs are not fully functional, not being updated with public information. In the situation where they are updated, the information is not complete or is placed in an inconvenient format for access by the general public.

Regarding the achievement of the result indicators for this priority<sup>26</sup>:

- NAC made reference to UNDP's NIAS Impact Assessment Studies<sup>27</sup>. Thus, according to the 2019 NIAS Impact Assessment Study, the perception of the level of corruption in public institutions remains negative. Every second respondent believes that in Moldova there is no public institution that is not corrupt. More than half of the surveyed **population** declares that the following institutions are quite/very corrupt: Medical institutions 53% (56% in 2017), Police 51% (52% in 2017), Customs Service 50% (56% in 2017). The same institutions are also considered highly corrupt by the **business sector respondents**: Medical institutions 51% (44% in 2017), Police 49% (44% in 2017), Customs Service 48% (39% in 2017), Border Police 42% (30% in 2017). Less corrupt are considered in the case of **population** the LPA level 1 (at community level) with

31% (36% in 2017) and fire inspections 28% (35% in 2017), and in the case of respondents from the **business sector**, the following were considered not at all/slightly corrupt: Fire inspections, Labor inspection.

The evaluation of the interaction of the **population** and **business** with various public institutions in the Republic of Moldova allowed the finding that the frequency of contact with a number of state institutions in 2019 decreased compared to 2017 for both target groups of the study. As for the degree of satisfaction, in the case of the **population**, the largest shares of positive answers (somewhat satisfied/very satisfied) were registered by *the Public Services Agency (66%)*, followed by *educational institutions (65%)*, *land registry offices (63%)*, *border police and customs with 62% each*. The lowest weights were observed for the *police (40%)*, *communal service providers (50%)*, *LPA at community level (50%)*, *medical institutions (52%)*. **The businesses** positively appreciated *the cadastral offices (78%)*, *the fire inspections (76%)*, *the Public Services Agency (74%)*, *the sanitary-epidemiological inspections (73%)*, secondary level LPA and the *labor inspection with 71% each*. The lowest weights were recorded for *the Courts (34%)*, *police and customs (56%)*.

The overall average level of satisfaction was estimated at 3.3 points (3.4 in 2017). In the case of the general population, it constituted 3.3 points in both studies and 3.4 points (3.5 in 2017) for businesses, on a scale of 5 points, where 1 = Very dissatisfied and 5 = Very satisfied.

- The State Chancellery did not present information regarding the achievement of the result indicators for Priority II.2.

In the focus group with the representatives of Pillar II subjects, it was mentioned that the transparency of the LPA has increased, through the implementation of the register of local documents, which allows access to the documents issued by the LPA by any interested person. During the interviews with the experts, it was shown that the implementation of the sectoral plans was either not carried out, or even if it was carried out, then formally. From this perspective, the sectoral approach to corruption, which, among other things, also assumed strengthening the institutional integrity of the authorities, which were the subject of the sectoral anti-corruption plans, did not achieve the expected result.

26 Surveys/indicators regarding the satisfaction, perception and/or experiences of citizens and businessmen regarding corruption in the police, customs, tax, public procurement, administration and denationalization of public property, health care and medical insurance, education and local public administration sectors (link -hate)

27 <https://www.undp.org/ro/moldova/publications/studiu-de-evaluare-impactului-strategiei-na%C8%9Bionale-de-integritate-%C8%99i-anticorup%C8%9Bie-2017>

<https://www.undp.org/ro/moldova/publications/studiu-de-evaluare-impactului-strategiei-na%C5%A3ionale-de-integritate-%C5%9Fi-anticorup%C5%A3ie-moldova-2019>

### Priority II.3.

#### Transparency and responsibility, including towards citizens

This priority establishes 7 actions, of which: 3 actions aimed at strengthening information tools in the public interest (2 with a fixed deadline for completion (actions 31 and 33) and one action (action 32) of a permanent character); 3 permanent actions (actions 35, 36 and 37) regarding corruption proofing; and a permanent action (action 34) regarding the submission of regressive actions against the persons responsible for the conviction of the Republic of Moldova at the ECtHR.

According to the NIAS Monitoring Reports for 2017-2020, during the 2018-2020 reporting period, actions 32 and 33 were qualified as *achieved*; action 31 and permanent actions (actions 35, 36 and 37) were qualified as *partially completed*, and for action 34 was assigned the qualification of “unqualified action”.

Thus, regarding the implementation of actions from Priority II.3, the NIAS monitoring reports noted the following:

- From the information provided by the State Chancellery, at the moment, public access to draft normative acts is ensured through the official web pages of public institutions and the government platform [www.particip.gov.md](http://www.particip.gov.md).
- The data analysis shows that at the end of 2018, on the <https://servicii.gov.md/> portal, in 2018, 631 public services were found, in 2019 – 624 services, and as of 11.01.2021 – 649 public services. Electronic payment for services takes place through the Government Electronic Payment Service (MPay). According to the situation as of December 2020, more than 86 public administrative services, provided by Public Services Agency, Ministry of Education and Research, National Office for Social Insurance, SFS, National Agency for Food Safety, Ministry of Foreign Affairs and European Integration, National Anti-Drug Agency, etc., have been integrated with the MPay Service. Thus, the Public Services Agency reported on the availability of 80 electronic services provided; State Fiscal Service – 34 services (all electronic services provided by the SFS are free for all taxpayers, through SIA “Taxpayer’s Personal Cabinet”); Ministry

of Internal Affairs – 81 services; Customs Service – 18 sets of services, which contain useful information and references regarding public services associated with customs administration; Ministry of Defense – 55 services; National Agency for Food Safety – 7 services; Ministry of Agriculture, Regional Development and Environment – 13 types of permissive acts.

- On December 19, 2018, the GD was approved regarding the establishment of the information resource in the field of trade, based on SIA GEAP. As a result, changes were made to the Technical Concept of the Automated Information System for the Management and Issuance of Permissive Acts (SIA GEAP), the Concept of the Mechanism for Managing and Issuing Permissive Acts and the Action Plan on the Implementation of One-Stop Solutions, the Regulation on the way of keeping the Register of permissive acts. Thus, the public authorities involved in the implementation of one-stop solutions in the field of trade use SIA GEAP as an information resource in the field of trade.
- According to the report of the General Prosecutor’s Office, no recourse actions were submitted and no sentences were pronounced regarding the persons responsible for the conviction of the Republic of Moldova at the ECtHR. The Anticorruption Prosecutor’s Office intervened in the meeting of Monitoring Group 3 of NIAS on May 28, 2018 arguing the need to review actions no. 34 from Priority II.2 and no. 36 from Priority III.5, together with the updating of the NIAS AP, in accordance with CPC and MPC, which provide for the powers of the prosecutor in civil actions and cases when the prosecutor intervenes with a civil action in a criminal trial. Thus, it was emphasized that there is no basis on which the prosecutor can sue the person responsible for the conviction of the Republic of Moldova at the ECtHR. The APO representative pointed out that it is not possible to proceed with a civil action in the absence of a functional legal framework, with grounds to regulate the procedure. At the same time, Law 82/2017 provides the right of the person to recover the damage from the public authority, but it is not procedurally provided how this measure is carried out. MG 3 members adopted the decision to organize a round table on the subject of the implementation of actions no. 34 from Priority II.2 and no. 36 from Priority III.5 in order to determine how to carry them out further.

- In 2020, 960 draft normative acts were examined during the Government meetings, of which 459 were subject to corruption proofing. Of the liable ones (459 projects) were submitted to the NAC and subjected to corruption proofing – 320 projects, and 139 projects were examined during the Government meetings without being subjected to corruption proofing, in violation of the legal norms that regulate the drafting procedure and adoption of draft normative acts. According to the new provisions of Law no. 100 of 22.12.2017 regarding normative acts, entered into force on 22.07.2018, the proofing of the draft normative act is carried out simultaneously with its approval, therefore, on an undefined project. In this context, it is necessary to approve the changes to Law no. 100/2017 regarding the normative acts in the sense of establishing the obligation to carry out the corruption proofing on the project when it is finalized.
- The public entities presented general information regarding the preparation of the summary of objections included in the anti-corruption expert reports on the draft laws and decisions of the Government and its publication on the web page of the executive simultaneously with the publication of the projects submitted to the Government for approval, not indicating specific data or sources of their verification.

Regarding the achievement of the result indicators for this priority<sup>28</sup>:

- According to the State Chancellery, on the Government website, in 2017, 988 projects of normative acts were placed, in 2018 – 1210, in 2019 -709, and in 2020 – 946 projects. The State Chancellery did not present information regarding the number of recommendations of interested parties accepted by the CPA, the number of information and summaries of proposals and objections placed on the web pages of the CPA, the number of documents that evaded the procedure for ensuring

transparency in the decision-making process. According to the [Evaluation Report of ordinary anti-corruption initiatives of public authorities in the Republic of Moldova: Implementation of 10 policies in 2020](#), all the ministries have on their web pages a directory dedicated to decision-making transparency, including the majority of which publish annual reports on transparency in the decision-making process, as a rule, using the reporting template developed by the State Chancellery, which foresees and captures only the quantitative aspects. The reports are formal, have a predominantly quantitative character and there is no substantive analysis of the activities carried out by the authorities on this dimension.

- According to Electronic Governance Agency, the nomenclature and tariffs for the services provided by the institution are expressly specified in Annex 3 of GD 760/2010 on the public institution “Electronic Governance Agency”, and these are: Mpay Service; Integrated government electronic service of electronic signature (MSign); The government’s electronic authentication and access control service (MPass); The interoperability platform (MConnect); Government Electronic Notification Service (MNotify); Government platform for distance learning (e-Learning); Government Delivery Service (MDelivery) – 2022.
- According to GPO, in 2019 a retroactive action was filed for damage to the state and society.
- According to the Ministry of Justice, the number of regressive actions submitted to the courts for damaging the state and society constituted: in 2017 – 166 regressive actions, in 2018 – 202, in 2019-187, and in 2020 – 323 regressive actions.
- According to NAC, the software through which the corruption proofing reports “e-Expertiza” are drawn up, at the moment cannot generate a statistic regarding the number of Government decisions that present risks of corruption, not adopted and the number of Government decisions that present risks of corruption, adopted after the removal of the respective risks.

28 The number of draft normative acts placed on the Government website; the number of public services provided through the electronic platforms launched during 2017-2020 (from submission to payment); the number of regressive actions filed for damage to the state and society; the number of laws and Government decisions that present risks of corruption, not adopted or adopted after the removal of the respective risks.

In the focus group with representatives of Pillar II subjects, it was mentioned that, currently, normative acts are not accepted, if there is no corruption proofing and if they are not placed on [particip.gov.md](http://particip.gov.md). More and more

platforms are being implemented, for example, the Government meeting platform. There are active people who intervene, leave messages, if there are any uncertainties. At the same time, in order to facilitate the identification of the GD, currently the date for the GD is the date of approval in the Government meeting and not the date of issuance of the GD, as it was previously. The practice of “principle” approval of a GD was excluded.

## CONCLUSIONS

According to the *NIAS Monitoring Reports for 2017-2020*, during the 2018-2020 reporting period, from the total number of 37 actions listed in *Pillar II Government, public sector and local public administration*, 12 actions were *carried out*, 23 *partially carried out* and 2 were *unqualified*.

Pillar II, with few exceptions, established actions for the effective implementation of the Integrity Law no. 82/2017 and other legislative acts, which would strengthen the implementation of the anti-corruption instrument. Thus, Priority I included actions for the implementation of the 14 instruments for ensuring the climate of institutional integrity, which were replicated at the sectoral and local level within Priority II, at the same time being foreseen, in Pillar III, actions to increase the effects of the actions of the first two pillars: strengthening the informational component in the public service, the recourse of the state against the persons responsible for the conviction of the Republic of Moldova at the ECtHR and strengthening the mechanisms for eliminating elements of corruption from normative acts. **That being the case, the vast majority of the actions in Pillar II constituted service obligations of the representatives of the public authorities, which had to be respected, on a daily basis, in the ordinary exercise of the public office.**

Both the authorities subject to the obligation to draw up sectoral plans and the local ones, with few exceptions, were largely inspired by the model policy documents, developed by the NAC, without adapting them to the realities and specific needs of the sector or village/municipality.

In general, **most of the authorities had a formal and indolent attitude, at all stages of NIAS implementation:** disregarding the particularities of the sector/village/municipality in the process of adopting sectoral/local anti-corruption plans; some authorities submitted reports with delay; some actions were omitted in the tabular format of the report; in some cases the information included in the report was not complete and did not correlate with the established indicators; when the simultaneous responsibility

of two or more subjects was established, the actions of only one responsible subject were indicated, or irrelevant information was included; the impossibility, in some cases, of verifying the sources/proof that the action would be carried out; web references in some cases were non-existent.

**It seems that there is no effective system of exchanging case law and statistics within the prosecutor’s office:**

**GPO** reported in 2019 the submission of a retroactive action for harming the state and society, and the Ministry of Justice for the period 2017-2020 reported 878 retrogressive actions submitted to the courts for prejudicing the state and society. It is not clear if these statistics were examined and taken into account in the process of assigning the qualification of action “*unqualified*” on the grounds of the non-existence of a functional legal framework for “action 34 of filing retrogressive actions against the persons responsible for the conviction of the Republic of Moldova at the ECtHR”.

The Republic of Moldova has equipped itself with a complete regulatory framework to ensure the integrity building process in the public sector and a climate of zero tolerance to corruption within public entities. However, citizens cannot take advantage of the effects of this legal framework, as the institutional integrity activities are not fully implemented in any public authority, the main cause being the lack of effective control of the implementation of laws.

The alternative monitoring carried out by non-governmental organizations revealed how public authorities execute anti-corruption legislation and, consequently, understand how to ensure the integrity climate in their own institution.

Alternative monitoring also led to the understanding that **law enforcement actions should not be part of strategies**, because:

- the anti-corruption policies established by an organic law, already are state policies, validated by the legislator and for their execution the subsequent normative framework is approved, which is opposable to all public authorities and, consequently, must be executed;
- listing some anti-corruption policies, regulated by law, in a strategic policy document would affect its power of action, by the fact that upon completion of the implementation of the strategic policy document, public officials, erroneously, will tend to stop executing the law, once they have reported “*partial achievement*” of the actions;

- The “massive monitoring” applicable in the case of the implementation of a strategy is in-operative in the case of the monitoring of some policies. The most relevant proof is the qualitative of action “unqualified” for Action 34 of filing retrogressive actions against the persons responsible for the conviction of the Republic

of Moldova at the ECtHR, which in 2017 was qualified as “partially completed”, and in 2018 as “in progress”;

- listing some anti-corruption policies, regulated by law, in a strategic policy document is ineffective, as it does not contribute to their implementation.

Achieving the expected results was to contribute to the achievement of the objective of **Pillar II and produce the impact measured based on 5 indicators:**

1. Significantly improved trust in the Government;
2. Improved trust in CPA and LPA;
3. Significantly improved perception of corruption within the executive;
4. Sanctioned misconduct of public officials;
5. Increased transparency in decision making and that of government data.

### Impact indicator 1:

#### Significantly improved trust in the Government

According to the NIAS Impact Assessment Study 2021<sup>29</sup>, in 2017 the population had no/little trust in the Government/Ministry in a share of -72%. In 2021 the percentage of people who have no or little trust in the Government/Ministries slightly **decreased by 3%** (-69%). As for people who have some confidence and enough confidence, the percentage remained unchanged in 2021 compared to 2017 and was 19% and 8%, respectively. In the case of business, there was a **15% decrease** in the number of businesses who have no/little trust in the Government/Ministry (from -59% in 2017 to -44% in 2021). At the same time, the number of business representatives who have some confidence (26% in 2017 compared to 25% in 2021) in the Government/ministries decreased by 1%, but **the number** of those who have enough or very high confidence in the Government/ministries **increased by 3%** (12% in 2017 versus 15% in 2021).

In the grid of NIAS impact assessment indicators for 2017-2020, the **Impact Indicator 1: Trust in the Government** improved considerably – there were established the following **alternative sources** for impact indicators: Favorable opinion about the Government/ Public opinion survey of the residents of the Republic

of Moldova/ International Republican Institute<sup>30</sup>, Factor “Constraints on Government Powers”/ Rule of law Index/ World Justice Project<sup>31</sup>, Factor “Regulatory Enforcement”/ Rule of law Index/ World Justice Project<sup>32</sup> and indicator The *Worldwide Governance Index* “Government Effectiveness”/ World Bank<sup>33</sup>.

According to the Public Opinion Survey of the inhabitants of Moldova, carried out by the International Republican Institute, the reference value of the favorable opinion regarding the Government, at the end of 2019, is **increasing by 5%** compared to the reference value available at the beginning of the implementation of NIAS (32% /2019 compared to 27% /2017, Scale: from 0 to 100%).

According to the World Justice Project, the reference value of the Factor “Control over the power of the Government” in the Rule of Law Indicator, in 2020, is **increasing by 0.03** compared to the reference value available at the beginning of the NIAS implementation (0.46 /2020 compared to 0.43 /2016, Scale: from 0 to 1).

30 Source: www.iri.org

31 Source www.worldjusticeproject.org/rule-of-law-index/

32 Source www.worldjusticeproject.org/rule-of-law-index

33 Source: http://info.worldbank.org/governance/wgi/#home

According to the World Justice Project, the reference value of the Factor “Enforcement of regulations” in the Rule of Law Indicator, in 2020, is **increasing by 0.02** compared to the reference value available at the beginning of the implementation of NIAS (0.43/2020 compared to 0.41/2016, Scale: from 0 to 1).

According to the World Bank, the reference value of the World Governance Indicator “Government Efficiency” in 2020 is **increasing by 0.17** compared to the reference value available at the beginning of NIAS implementation (-0.46/2020 compared to -0.63 /2015, Scale: from -2.5 to +2.5, standard error: 0.25).

### Impact indicator 2:

#### Improved trust in CPA and LPA

According to the NIAS- Impact Assessment Study Moldova 2021<sup>34</sup>, as far as trust in LPA is concerned:

- **at village/municipality level**, the level of trust **increased** among the **population by 3%** (*the number of people who have no or little trust decreased by 5% from -43%/2017 to -38%/2021; the number of people who have some confidence increased by 2% from 28%/2017 to 30%/2021; the number of people who have enough or very high confidence increased by 1% from 28%/2017 to 29%/2021*), among **businesses, by 10%** (*the number of businesses who have no or little confidence decreased by 12% from -48%/2017 to -36%/2021; the number of businesses who have some confidence increased by 3% from 27%/2017 to 30%/2021; the number of businesses who have enough or very high confidence increased by 7% from 22%/2017 to 29%/2021*);
- **at district level**, among the **population**, the level of trust **decreased by 3%** (*the number of people who have no or little trust decreased by 4% from -49%/2017 to -45%/2021; decreased by 6% the number of people who have some confidence from 32%/2017 to 26%/2021; the number of people who have enough or very high confidence increased by 3% from 15%/2017 to 18%/2021*), and among **businesses slightly increased by 1%**

*(the number of businesses who have no or little confidence decreased by 11% from -49%/2017 to -38%/2021; the number of businesses who have some confidence remained the same 29%/ 2017 and 29%/2021; the number of businesses who have enough or very high confidence increased by 1% from 14%/2017 to 15%/2021).*

In the grid of NIAS impact assessment indicators for 2017–2020, for the Impact **Indicator 2**: Confidence in CPA and LPA improved, the following **alternative sources** for impact indicators were established: Favorable opinion on local authorities/ Public opinion survey of Moldovan residents/ International Republican Institute<sup>35</sup> and the Local Democratic Governance/Nations in Transition/Freedom House<sup>36</sup>.

According to the Public Opinion Survey of the inhabitants of Moldova, carried out by the International Republican Institute, the reference value of the favorable opinion regarding local authorities, at the end of 2019, is **increasing by 12%** compared to the reference value available at the beginning of the implementation of NIAS (62% /2019 compared to 50% /2017, Scale: from 0 to 100%).

According to Freedom House, the reference value of the Local Democratic Governance Score in 2020 is the **same** as in 2016 (2.5/2020 and 2.5/2016, Scale from 1 to 7).

### Impact indicator 3:

#### Significantly improved perception of corruption within the executive

According to the NIAS Impact Assessment Study Moldova 2021<sup>37</sup>, among the **population**, the perception of the level of corruption within the Government/ ministries **increased by 7%**. So the number of people who estimated that the Government/Ministries are quite corrupt or very corrupt increased by 2% (-55%/2017 and -57%/2021); the number of people who estimated that the Government/ministries are moderately corrupt decreased by 5% (28%/2017 and 23%/2021); the number of people who estimated that the Government/

35 Source: www.iri.org

36 Sursa: <https://freedomhouse.org/reports>

37 page 54



Ministries are not at all or a little corrupt decreased by 2% (13%/2017 and 11%/2021).

Among **businesses**, the perception of the level of corruption within the Government/ministries **decreased by 3%**. So, the number of people who estimated that the Government/Ministries are quite corrupt or very corrupt decreased by 14% (-45%/2017 and -31%/2021); the number of people who estimated that the Government/Ministries are moderately corrupt decreased by 5% (30%/2017 and 25%/2021); the number of people who estimated that the Government/ministries are not at all or a little corrupt increased by 8% (13%/2017 and 21%/2021).

In the grid of NIAS impact assessment indicators for 2017–2020, regarding Impact **Indicator 3**: The perception of corruption within the executive, significantly improved, the following **alternative** source for impact indicators was established: Share of households and businessmen who consider the executive (Government) the most corrupt branch of power/ Sociological research “Corruption in the Republic of Moldova: perceptions and experiences personal data of businessmen and households”/ Transparency International Moldova<sup>38</sup> (27.9% households and 22.2% business people/2015, Scale: 100–0%).

Information regarding the reference value in 2020 of the share of households and businessmen who consider the executive (Government) the most corrupt branch of power, according to the Transparency International Moldova Methodology, could not be identified.

**Impact indicator 4:**

**Sanctioned misconduct of public officials**

According to the NIAS Impact Assessment Study Moldova 2021<sup>39</sup>, the general perception of the survey participants is that public agents in the Republic of Moldova continue not to be, in general, sanctioned by their leaders for lack of ethics and professional integrity. The share of people who declared that public agents are *rarely/very rarely/never* punished by their superiors constituted 74% (78% in 2017) of the responses of the general population and 71% (68% in 2017) of the responses of the representatives of the business sector. Among the population, these

opinions were expressed more frequently by people with a medium and high level of education, who faced corruption. Among the businesses, these options were selected, most often, by the representatives of the rural residents.

The share of respondents who believe that sanctions are applied in relation to public agents for inappropriate behavior (often/very often/always) is 5% both among the population and the business environment, being 2 times lower than in 2017.

At the same time, according to the NIAS Impact Assessment Study Moldova 2021<sup>40</sup>, 3 out of 4 public officials declared that officials who committed disciplinary violations within the institution where they work are usually sanctioned (75%). 5% declared that disciplinary violations are not sanctioned, and the share of non-answers represents 20%.

In the NIAS impact assessment indicator grid for 2017–2020, for the Impact **Indicator 4**: Disciplinary violations of public agents sanctioned, the following **alternative** source for impact indicators was established: *Index 1.4. Sanctioning for disciplinary violations, the “Control over Government Power” factor/Rule of Law Indicator/World Justice Project*<sup>41</sup>.

According to the Index stated above, the reference value in 2020 is **increasing by 0.04** compared to the reference value available at the beginning of NIAS implementation (0.31/2020 compared to 0.27/2016, Scale: from 0 to 1).

**Impact indicator 5:**

**Increased transparency in decision making and that of government data**

According to the NIAS Impact Assessment Study Moldova 2021<sup>42</sup>, the majority of participants in the 2021 survey continue to consider that the Government is not transparent in its activity, but compared to 2017, there is a decrease in the level of mistrust. The level of trust in the transparency of the Government’s activity increased from 23% in 2017 to 31% in 2021 among the population and from 28% to 45% among businesses.

38 Sursa: www.transparency.md

39 page 70

40 page 115

41 Sursa: www.worldjusticeproject.org/rule-of-law-index

42 Page 80-82

At the same time, the majority of respondents continue to assess as not transparent and quite non-transparent the degree to which central and local public institutions adopt decisions, make public purchases, spend public money, inform citizens, perform works and services of public interest. Another general finding is that of all activities, the most non-transparent activities relate to financial management.

On average, only 19% of respondents (population and business) appreciate the activity of central public institutions as quite transparent or very transparent.

The integrated indicator regarding the transparency of public institutions at the central level in 2021 increased insignificantly compared to 2017: from 18% to 20% respondents who appreciate the activity of public institutions at the central level as quite/very transparent. The decrease in the share of respondents with a negative attitude compared to 2017 is due to the increase in the percentage of undecideds.

On average, only 1/3 of the respondents (population and business) appreciate the activity of local public institutions as quite transparent or very transparent.

The comparative analysis of the data shows that the respondents have better perceptions with regarding the degree of transparency of local public institutions, compared to central level. Thus, the weights of the answers “not transparent at all/ quite non-transparent” are higher in the case of the evaluation of the activities of central institutions. Respectively, the weights of the answers “quite transparent/ very transparent” related to local institutions prevail (on average 2 times higher).

The integrated indicator regarding the transparency of public institutions at the local level has increased compared to 2017: from 34% to 38% of respondents who appreciate the activity of public institutions at the local level as quite/ very transparent. The increase in the value of the indicator is mainly due to the better appreciation on the part of the businesses.

In the grid of NIAS impact assessment indicators for 2017–2020, regarding Impact **Indicator 5**: Decision-making transparency and government data transparency, increased, the following **alternative sources** for impact indicators were established: Index 3.1. The public nature of laws and government data, the “Open Government” factor/Rule of Law Indicator/World Justice

Project<sup>43</sup> and Global Data Transparency Index/Open Knowledge International<sup>44</sup>.

According to Index 3.1. The publicized laws and government data, the “Open Government” factor/Rule of Law Indicator/World Justice Project benchmark value in 2020 is **lower by 0.02** compared to the benchmark value available at the beginning of NIAS implementation (0.60/2020 compared to 0.62/2016, Scale: from 0 to 1).

Information regarding the 2020 benchmark of the Global Data Transparency Index/Open Knowledge International could not be identified.

## CONCLUSIONS

- **Impact indicator 1: Significantly improved trust in the Government**

The results of the NIAS Impact Monitoring Survey for this indicator coincide with the 4 alternative sources of measurement of the impact indicator 1: among the population, trust in the Government remained the same with an insignificant positive trend (sometimes, within the sampling error), and among businesses, the level of trust in the Government slightly increased.

- **Impact indicator 2: Improved trust in CPA and LPA**

In general, the population’s results within the NIAS Impact Monitoring Survey for this indicator, partially coincide with the 2 alternative sources of measurement of the impact indicator 2: among the population, the level of trust in LPA at village/municipality level has increased, but decreased at the district level; among businesses, the level of trust in LPA has increased both at the district level and, especially, at the village/municipality level.

- **Impact indicator 3: Significantly improved perception of corruption within the executive**

For indicator 3, no alternative sources of impact assessment could be identified. The results of the NIAS Impact Monitoring Survey for this indicator show that among the population, the

43 Sursa: [www.worldjusticeproject.org/rule-of-law-index](http://www.worldjusticeproject.org/rule-of-law-index)

44 Sursa: <http://index.okfn.org>

perception of the level of corruption within the Government/ministries has increased. Among businesses, the situation is better, with a slight decrease recorded.

● **Impact indicator 4: Sanctioned misconduct of public officials**

The results of the NIAS Impact Survey for this indicator do not coincide with the alternative measurement source for impact indicator 4 (the “increase” from the alternative source is within the sampling error). According to the NIAS Impact Monitoring Survey, the share of respondents who believe that sanctions are applied to public agents for inappropriate behavior has decreased both among the population and among businesses.

● **Impact indicator 5: Increased transparency in decision making and that of government data**

The results of the NIAS Impact Tracking Survey for this indicator do not agree with the alternative measurement source for impact indicator 5 (the “decline” from the alternative source is within the sampling error). According to the NIAS Impact Monitoring Survey, the integrated indicator on the transparency of public institutions at the central and local level has increased. The comparative analysis of the data shows that the respondents have better perceptions regarding the degree of transparency provided by the local public institutions, than those of the central level.

**Evaluation grid for Pillar II Government, public sector and local public administration**

Pillar II impact indicators	Qualifying	Score
<b>Impact indicator 1:</b> <i>Significantly improved trust in the Government;</i>	<b>Indicator value improved by less than 40%</b>	<b>1</b>
<b>Impact indicator 2:</b> <i>Improved trust in CPA and LPA</i>	<b>Indicator value improved by less than 40%</b>	<b>1</b>
<b>Impact indicator 3:</b> <i>Significantly improved perception of corruption within the executive</i>	<b>The value of the indicator did not change or decreased</b>	<b>0</b>
<b>Impact indicator 4:</b> <i>Sanctioned misconduct of public officials</i>	<b>The value of the indicator did not change or decreased</b>	<b>0</b>
<b>Impact indicator 5:</b> <i>Increased transparency in decision making and that of government data</i>	<b>Indicator value improved by less than 40%</b>	<b>1</b>

**II.2.3. Pillar III.**

**Justice and anti-corruption authorities**

The Pillar III *Justice and anti-corruption authorities* within NIAS has an essential role for overcoming the arrears in the commitments undertaken by the authorities at the national level, as well as in the relationship with external partners, to “increase the quality and efficiency of the justice act and the fight against corruption”<sup>45</sup>,

to strengthen their independence and effectiveness. The strategy noted the will of the Government to develop a new policy document for the justice sector by the end of 2017<sup>46</sup>, establishing monitoring actions for the integrity of the judiciary and the dissuasive character of sanctions for corruption.

For anti-corruption agencies, NIAS introduced innovative priorities such as the recovery of criminal assets and the compensation of victims of corruption.

**NIAS objective for Pillar III:**

*Increasing the performance of justice and anticorruption authorities in preventing, combating, and sanctioning corruption acts, improving the mechanism for recovery of assets and ensuring the compensation of persons who suffered damages because of corruption acts.*

Within the framework of the objective of Pillar III, 5 priorities, 7 expected results and 8 result indicators were established:

Priorities of pillar III	Expected results	Outcome indicators
<b>III.1. Integrity of anti-corruption authorities and law enforcement bodies</b>	<ul style="list-style-type: none"> <li>● Tools for ensuring integrity in justice and anticorruption authorities enhanced and effectively applied</li> </ul>	<ul style="list-style-type: none"> <li>● Duty investigations carried out, sanctions applied to judges, prosecutors, NAC and NIA employees</li> </ul>
<b>III.2. Efficiency of justice and anti-corruption authorities</b>	<ul style="list-style-type: none"> <li>● Enhanced operation of anti-corruption institutions;</li> <li>● Applying deterring sanctions for corruption</li> </ul>	<ul style="list-style-type: none"> <li>● Statistics on convictions for corruption and related acts improved</li> </ul>
<b>III.3. Enhancing educational and corruption prevention measures</b>	<ul style="list-style-type: none"> <li>● Institutional and professional integrity standards are known and applied in public entities</li> <li>● Cultivated intolerance to corruption among pupils and students</li> </ul>	<ul style="list-style-type: none"> <li>● Reports on passive corruption and undue influences filed by public agents</li> <li>● Claims in relation to manifestations of corruption in schools and universities, including during final exams filed by parents, pupils and students</li> </ul>
<b>III.4. Recovery of criminal assets</b>	<ul style="list-style-type: none"> <li>● Assets originating from corruption offenses, acts related to corruption and other criminal activities, seized and confiscated</li> </ul>	<ul style="list-style-type: none"> <li>● Sentences in corruption cases order confiscation application</li> <li>● Letters rogatory on making unavailable illegal proceeds sent abroad and executed in the republic of Moldova</li> </ul>
<b>III.5. Compensating the victims of corruption</b>	<ul style="list-style-type: none"> <li>● Damages suffered by the state and people as a result of acts of corruption, repaired</li> </ul>	<ul style="list-style-type: none"> <li>● Statistics on voluntary reparation of damages caused via corruption acts and corruption assimilated acts increased</li> <li>● Damages caused by corruption and related acts, recovered on the basis of civil actions lodged by prosecutors in the interest of the state</li> </ul>

45 The national development strategy “Moldova 2020: 8 solutions for economic growth and poverty reduction”, approved by Law no. 166/2012

46 Parliament decision no. 259/2016 regarding ensuring the continuity of reforms in the justice sector . Law 211/2021 for the approval of the Strategy on ensuring the independence and integrity of the justice sector for the years 2022–2025 and the Action Plan for its implementation

The action plan for the implementation of NIAS established for Pillar III **36 actions**, 7 of which are permanent, and 29 with a specific, annual or staggered deadline (2017-2018). At the end of 2020, out of 36 actions, according to the NIAS Monitoring Report, 22 actions were carried out, 8 were partially carried out, and 6 actions were not carried out.

The evaluation of the practical implementation of the 5 priorities of Pillar III, based on the examination of the data and information collected, demonstrates the following:

**Priority III.1.**

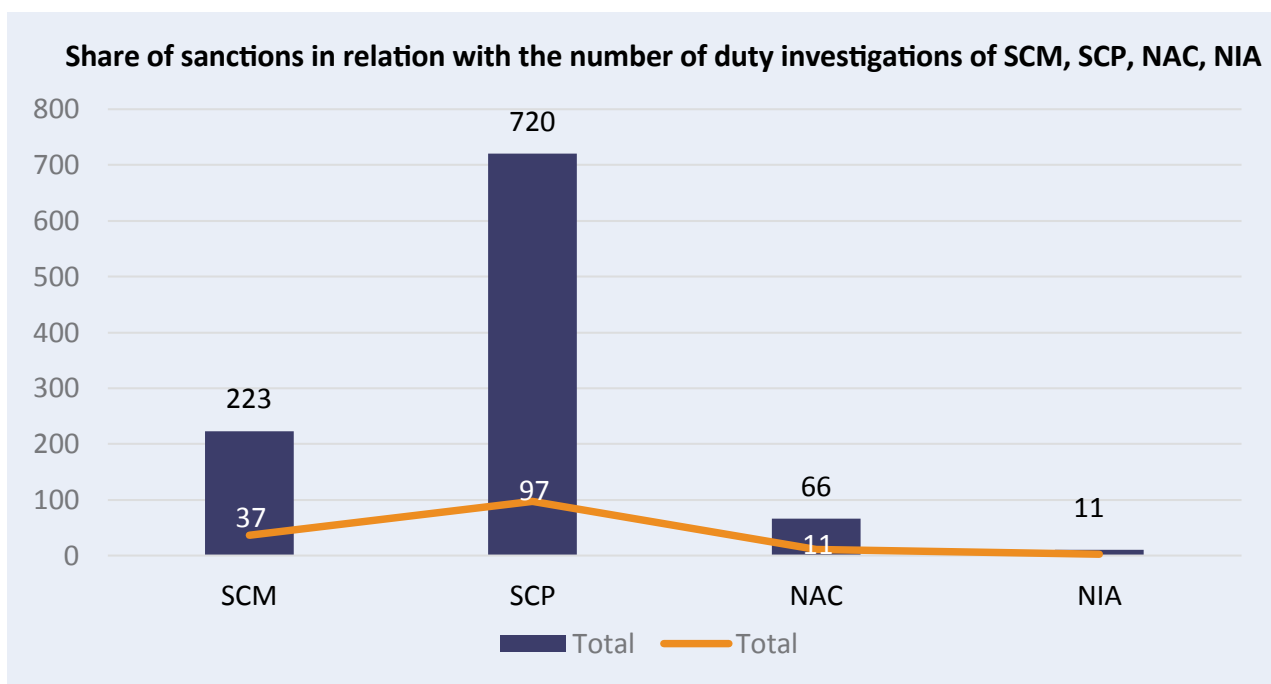
**Integrity of anti-corruption authorities and law enforcement bodies**

For priority III.1. The NIAS’s action plan established 4 actions aimed at strengthening and effectively applying the instruments to ensure the integrity of justice and anti-corruption authorities, namely: endowment with polygraph devices; training of polygraph experts employed to test candidates for the positions of judge, prosecutor, NAC, SIS, MIA and CS employees; training internal security subdivisions; lifestyle monitoring of NAC, MIA and CS employees in order to establish the correspondence of the living standard with the level of their legal income. The strategy did not anticipate and did not foresee the

result indicators for the guarantees of institutional independence of anti-corruption agencies, including the management of these institutions. The anti-corruption agencies underwent changes and were affected during the application of the NIAS (dismissal/suspension of the heads of the anti-corruption agencies, contests with controversial results, accusations regarding the alleged politicization of the anti-corruption agencies, etc.), and in 2021 the contest procedure for the appointment of the NAC director was excluded.

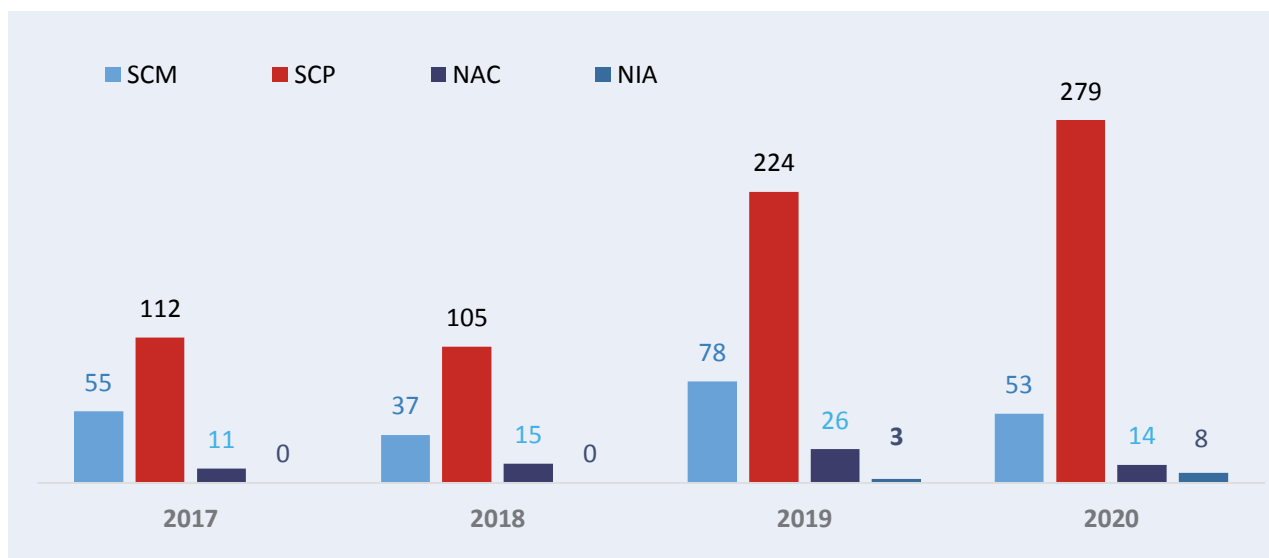
The data of the NAC monitoring reports, as well as the information provided by the authorities in the evaluation process, show that at the end of 2020, only 2 of the listed entities apply the tool of polygraph testing and lifestyle monitoring. SCM, SCP, CS and MIA were in the process of institutionalizing these instruments: either they do not have polygraph machines, trained polygraphists or they do not have internal security subdivisions/specialists. At the same time, the SCM requested the support of the NAC for the testing of candidates for the position of judge, but no tests were actually carried out, and for prosecutors starting with 2019, through the changes brought by the Law 163/2019, the condition of polygraph testing has been excluded.

The NIAS’s result indicators demonstrate that in the period 2017-2020 within the SCM, SCP, NAC and NIA, **1020** duty investigations were carried out, of which were applied sanctions in only 148 cases (14%).



Shall be noted that among prosecutors, judges and NAC officers, on average 1-2 people out of 10 investigated in

duty investigations were sanctioned, and within NIA only one out of three people was sanctioned.



### NIA activity

Investigative journalism has been an alternative source to the information provided by public authorities on the integrity of employees in the justice sector and anti-corruption agencies. During 2017-2020, multiple investigations were published on this subject<sup>47</sup>, including 2 Monitoring Assessments on the reaction of public authorities to journalistic investigations on corruption and integrity subjects<sup>48</sup>. According to the two studies, 15 out of the 36 monitored investigations targeted judges, prosecutors or employees of the NAC. The conclusion of the studies is that “the authorities reacted discretionarily to journalistic investigations, mainly opportunistically, depending on the political reality long after publication. In many cases, criminal cases based on information from journalistic investigations were started only after at the political level changes took place.”

The analytical report: the declaration of incomes and assets of the prosecutors from the Republic of Moldova<sup>49</sup> carried out by TI Moldova over 600 prosecutors and about 80 public agents within the Ministry of Justice for the period 2018-2020 revealed that although these targeted public agents declare in a qualitative manner their salary income, their income of their donations are constantly increasing, including donations that exceed up to 5 times the salary income of the family, registering values between 100 thousand lei and up to 2 million lei. Suspicious elements were also found by the authors of the report in the income declarations from deposits at financial institutions, real estate in the country and abroad, land, means of transport, debts and pensions. The report also highlighted that, of the 1900 statements subject to control by NIA in 2019, 71 cases of control initiation referred to prosecutors, and 37 misdemeanor files were sent to court for the application of the sanction for violating the regime of declaration of assets and personal interests. The General Prosecutor’s Office opened 44 criminal cases regarding corruption acts and corruption-related acts against prosecutors in the period 2018-2021, of which 7 on suspicion of illicit enrichment.

47 The main sources/actors that carried out the respective investigations and studies are the Center for Journalistic Investigations ([www.anticoruptie.md](http://www.anticoruptie.md)), Ziarul de Gardă ([www.zdg.md](http://www.zdg.md)), RISE Moldova ([www.rise.md](http://www.rise.md)) and the Independent Press Association (the portal [www.moldovacurata.md](http://www.moldovacurata.md)).

48 [https://www.api.md/upload/brosuri/files/Studiu\\_Reactia\\_autoritatilor\\_la\\_investigatiile\\_jurnalistice\\_.pdf](https://www.api.md/upload/brosuri/files/Studiu_Reactia_autoritatilor_la_investigatiile_jurnalistice_.pdf) , [https://www.api.md/upload/brosuri/files/Studiu\\_reactia\\_institutiilor\\_publice-2021.pdf](https://www.api.md/upload/brosuri/files/Studiu_reactia_institutiilor_publice-2021.pdf)

49 Study carried out in the project “Consolidation of the democratic rule of law: the contribution of civil society” financially supported by the Embassy of the Kingdom of the Netherlands

An up-to-date assessment of the level of integrity in the justice system can be found in [the Opinion of the European Commission on the application for the status of candidate country for accession of the Republic of Moldova of 17.06.2022](#), which notes that, despite the enumeration of national efforts *“In practice, integrity, independence and the accountability of the justice sector must be greatly improved.”* The same document recommends that national authorities *“complete the essential steps of the recently launched comprehensive reform of the justice system in all institutions in the justice and criminal prosecution chains, to ensure their independence, integrity, efficiency, accountability and transparency, including through the effective use of asset verification and effective democratic oversight”*<sup>50</sup>.

[GRECO’s assessment report in the framework of the IV round of assessment regarding the prevention of corruption among members of Parliament, judges and prosecutors in the Republic of Moldova](#) was published on June 5, 2016. GRECO’s 3rd Interim Compliance Report of February 9, 2022 concluded that overall compliance with the recommendations remains “unsatisfactory”: only 4 recommendations were implemented or dealt satisfactorily, another 10 recommendations were partially implemented, and 4 recommendations were not implemented. Remaining are the recommendations on taking additional measures to strengthen the objectivity, efficiency and transparency of the legal and operational framework for the disciplinary liability of prosecutors. Also, regarding prosecutors, the report found that although many actions have been taken to guarantee the independence and legality of prosecutors’ actions, the legal framework of this system needs to be strengthened. [The report](#) reiterates the need that *“more actions must be taken to increase the transparency of judicial activity, judgments and decisions, including the SCM, and to strengthen the objectivity of procedures and disciplinary measures against judges.”*

## Priority III.2.

### Efficiency of justice and anti-corruption authorities

In order to increase the efficiency of the authorities in the process of investigation and sanctioning for corruption acts and acts related to corruption, NIAS AP established 15 actions regarding: the creation of specialized courts/judicial panels for the examination of files for corruption acts and acts related to corruption and their provision, as well as providing NIA, NAC and APO with sufficient human, technical and financial resources, in accordance with the legal provisions regulating their activity<sup>51</sup>; improving the application of some anti-corruption tools, such as the electronic platform for filing assets and personal interests declarations, strategic and operational analyzes to identify corruption manifestations, analysis of sentences adopted in files for corruption acts and related to corruption, establishing the protection mechanism for whistleblowers (adoption of the law, establishing the national telephone line, promoting an information campaign, including establishing the cooperation mechanism between NAC and other entities empowered to examine disclosures).

According to [the Monitoring Reports of the MG Secretariat](#), for this priority all actions have been carried out, except for the specialization of judges/courts/panels for the examination of corruption cases and corruption-related files. The SCM informed that within the Chisinau Court of Appeal and the Chisinau District Court, specialized judges were appointed to examine cases related to economic crimes, corruption crimes and corruption related crimes, and were provided with all the necessary logistics for carrying out the activity. A similar formula was applied by the SCM starting in 2020 for the specialization of judges in the field of human trafficking and related crimes, [but in 2022](#) it was canceled due to an alleged selectivity in the appointment, but also due to over-demanding of specialized judges. At the same time, during NIAS implementation, a [draft normative act was registered](#)<sup>52</sup> in the Parliament on the establishment of the Anticorruption Court, as well as an analytical study was developed [with the involvement](#)

51 Law no. 159/2016 regarding the specialized prosecutor’s offices

52 Draft law no. 264 of 19.06.2020 regarding the Anti-Corruption Court of the Republic of Moldova

50 [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_22\\_3801](https://ec.europa.eu/commission/presscorner/detail/en/qanda_22_3801)

of international expertise<sup>53</sup>. The study included a series of recommendations for the national authorities in terms of increasing the dissuasive nature of sanctions for corruption crimes, as well as models for streamlining the examining of corruption files, recommendations that were not implemented.

From the perspective of the sufficient endowment of the anti-corruption authorities, a problem regarding the budgeting of sufficient sources for the Anti-Corruption Prosecutor's Office, according to its real needs, was revealed during the focus groups. It was mentioned that, although in accordance with Law no. 3 of 2016, the Anticorruption Prosecutor's Office has a budget reflected separately in the Prosecutor's Office budget and which is administered by the chief prosecutor of the specialized prosecutor's office, its needs would not be taken into account, because *"the draft budget of the Prosecutor's Office is developed by the General Prosecutor's Office, with the approval of the Superior Council of Prosecutors"*.

From the perspective of the NIAS result indicators set for priority III.2, which were to reflect the dynamics of the number of convictions on corruption cases, the following trends are revealed. In total, 807 convictions were handed down, of which:

- 219 in 2017;
- 237 in 2018
- 195 in 2019
- 156 in 2020.

The strategic analysis regarding the criminal and misdemeanor judicial practice of applying fines for corruption acts, acts related to corruption and corruptible deeds developed by NAC concludes that *"the Courts have applied minimum sanctions in the cases of persons convicted for acts of corruption, and this refers both to fines, to punishments with deprivation of liberty or to the deprivation of the right to hold certain positions"*. The study, which included the analysis of 989 cases examined by the courts in the period 2018-2020, revealed that in:

- 79% (777) of the cases the persons were convicted
- 9% (90) of cases the persons were discharged
- 12% (120) cases, termination decisions were adopted
- In the 777 cases of conviction, the punishment was:
- 73% (566) cases, a fine was applied
- 56% (433) cases, the prison sentence was applied
- 27% (209) cases deprivation of occupying certain positions

The NAC established that *"Out of the total of 566 cases of application of the fine, in 360 cases, or 64%, its value was below the minimum limit provided by the criminal law, in 149 cases, or 26%, the applied value was minimum, in 51 cases, or 9%, the average value was applied, in 4 cases, or 1%, the maximum value was applied, and in 2 cases the fine exceeding the maximum value provided by the criminal law was applied (competition of crimes)... The application of the prison sentence and the deprivation of the right to carry out certain activity or hold certain positions, also, was concentrated towards the minimum value provided by the criminal law."*

According to the Report of the NGO Legal Resources Center of Moldova "Sanctioning corruption – a case law review" which analyzed 416 Superior Court of Justice decisions issued regarding 553 persons between January 1, 2017 and December 31, 2020, it was noted related to *Sanctions (irrevocable cases): Prison – Eight out of 10 people convicted for corruption did not spend a single day in prison. Only in 18% of cases the judges do end up ordering imprisonment. The average length of the prison term applied is 2.3 years. The lowest prison term was 0.4 years, and the highest was 16 years. The fine – as the only sanction for a corruption offense, was applied in 19% of irrevocable cases. The average amount of fines applied is MDL 29,870. The highest fine was MDL 290,000, and the lowest was MDL*

53 The study "Dissuasive sanctions for acts of corruption. Specialized/complete anti-corruption courts. International practices and proposals for Moldova", elaborated within the project "Fighting Corruption by Strengthening Integrity in the Republic of Moldova" implemented by UNDP Moldova



3,000. Interdictions: in 27% of cases, judges applied interdictions from holding a certain function for persons sanctioned for corruption. The average term of a interdiction was 1.4 years, the lowest term applied was one year, and the highest was 10 years. The 10-year ban was applied to a bailiff”.

In its activity, NIA recorded positive developments in the number of finding acts on the asset declaration regime, the conflict of interests and the restrictions and incompatibilities regime, having progressed also in the number of detected violations:

CATEGORY	2017	2018	2019	2020
The number of finding acts regarding the asset declaration regime	*	1	54	82
The number of finding acts regarding the VIOLATION of the asset declaration regime	*	0	10	14
The number of finding acts regarding the conflict of interest	*	24	65	145
The number of finding acts regarding the VIOLATION of the regime of conflicts of interest	*	18	60	110
The number of finding acts regarding the regime of restrictions and incompatibilities	*	13	28	119
The number of finding acts regarding VIOLATION of the restrictions and incompatibilities regime	*	11	24	85

The analytical report: declaration of incomes and assets of prosecutors from the Republic of Moldova, developed by TI for the period 2017-2020, revealed that in the period 2019-2020, from the total number of finding acts on the violation of the regime of assets declaration (24), only 8 violations by prosecutors were found (2018 – two, 2019 – one, 2020 – five violations), related to a number of 71 cases of control initiation on the assets and personal interests declarations submitted by the prosecutors. These data reveal risks and vulnerabilities both related to corruption acts admitted by prosecutors and other actors from the justice sector, but also on the sanctioning for the lack of integrity activities carried out by the relevant bodies (NIA, NAC, APO).

The monitoring studies on the reaction of public authorities to journalistic investigations on corruption and integrity issues contain findings according to which the control and investigation institutions demonstrate a rather low concern for the facts investigated by journalists: *“In only 15 of the 26 monitored cases there were reactions from the authorities. Thus, NIA self-reported or initiated checks in seven cases reported by journalistic investigations, including three self-reports, it also reacted to three reports submitted by the MoldovaCurata.md portal and to a report submitted by a third party. The General Prosecutor’s Office/Anticorruption Prosecutor’s Office, the National Anticorruption Center and the Superior Council of the Magistracy reacted, through self-referrals or controls, to a total of eight cases reported by journalistic investigations. In one case, a sanction*

*was applied, but even this sanction is not final, because it was challenged in court”.* The authors also noted that none of the people the investigative journalists reported on were fired, only one was suspended, and 10 resigned for other reasons. At the same time, two persons targeted in the investigations were promoted, and four were elected/re-elected for public positions.

The opinion of the European Commission on the application for the status of candidate country for the accession of the Republic of Moldova from 17.06.2022<sup>54</sup>, which evaluates the progress of the Republic of Moldova in achieving the Association Agenda, notes that *“Moldova is part to all key international anti-corruption conventions, including the Group of States against corruption of the Council of Europe (GRECO) and the United Nations Convention against Corruption (UNCAC). A comprehensive legal framework for both preventing and combating corruption, largely respecting European and international standards, has been adopted and is also partially implemented. All forms of corruption are criminalized, including illicit enrichment, and the laws regulate conflicts of interest and protect whistleblowers...”* The same document states that although specialized anti-corruption institutions, such as NAC, ARBI, APO and NIA, have been established and are operating, further *“there are neces-*

54 <https://euneighbourseast.eu/news/publications/opinion-on-moldovas-application-for-membership-of-the-european-union/>

sary further efforts to clarify the mandates of these institutions and strengthen the effectiveness of the National Anti-Corruption Center and the National Integrity Agency. Progress is needed to bring corruption cases to court and prosecute them effectively. The investigation of minor corruption cases remains within the competence of the National Anticorruption Center and the Anticorruption Prosecutor's Office. This means that it has not been possible for these institutions to focus on high-level corruption cases. More action is needed to effectively verify asset declarations and secure asset recovery.”

### Priority III.3.

#### Enhancing educational measures and those for corruption prevention

In order to increase the level of knowledge and application of the standards of institutional and professional integrity within public entities and to build intolerance of pupils and students towards corruption, the Action Plan of NIAS established 8 actions for strengthening educational measures to prevent corruption by launching online platforms for anti-corruption training and promoting integrity, training pupils and students in the spirit of integrity and intolerance towards corruption, training representatives of the private sector on the ethics of commercial relations, internal control and transparency of business with the state. For the anti-corruption agencies, the launch and implementation of the electronic platform for ensuring institutional integrity and the **e-record** of professional integrity, the institutional integrity assessment and the corruption proofing carried out by the NAC were established as priorities.

The monitoring report of NIAS for 2020 established that all the actions for this priority have been carried out, with the exception of the actions related to the launch of the platform for ensuring institutional integrity, the e-record of professional integrity and the e-learning platform which was launched only in 2021. Also, in order to achieve the expected result of 5000 pupils and students trained on anti-corruption subjects annually, NAC reported for 2017 – 3400 pupils and students trained, 2018 – 2740, 2019 – 5035, 2020 – 1939, the training activity of the last year being affected by the pandemic period.

The result and impact of the actions for this priority were to be demonstrated by *the number of notifications regarding active corruption and undue influences filed by public agents*. The request for the data conducted in the

course of this evaluation showed that the anti-corruption agencies did not keep a separate record of this category of information<sup>55</sup>, therefore it is difficult to estimate the impact of the actions designed for priority III.3.

Another indicator established to measure the achievement of the result of priority III.3 – *the number of notifications on corruption manifestations in schools and universities, including during exams, submitted by parents, pupils and students* also cannot be estimated based on responses to requests for information received from NAC and GPO. From the report of the Anticorruption Prosecutor's Office, we learn that only 1 case in 2018 involved a teacher as the subject of a corruption crime. The entities presented generalized data, specifying that they do not keep records according to the categories specified by the NIAS indicators.

Regarding the actions for strengthening the corruption proofing of the draft normative acts, which were also targeted in priority III.3., the [“Corruption proofing 2019-2020: efficiency, costs, impact” study](#), developed with the support of UNDP Moldova, established that NAC performed the corruption proofing for 1448 draft normative acts, of which 768 were draft Government Decisions, 577 draft laws and 103 departmental acts. Starting with 2019, a negative trend was registered: the number of normative acts of the Government that ignored corruption proofing began to increase, their share reaching 30% in 2020. In the chapter on negative trends, it was mentioned that in 2020 the number of projects in which there was a risk of “tax evasion” and “scam” the actions tripled. The value of the avoided damages to the National Public Budget on rejected or withdrawn projects exceeded 1.5 billion lei, and the total amount of damages in the case of adopted projects was 2.5 billion lei. [The opinion of the European Commission on the application for the status of candidate country for accession of the Republic of Moldova from 17.06.2022](#) appreciated the effectiveness of the corruption proofing tool of about 50% of the accepted recommendations, and one of the 9 conclusions and recommendations to be fulfilled by the end of the 2022 is to “*substantially*

55 NAC response from August 2022: NAC received a total of 12,092 reports from citizens /2017 – 2,209, 2018 – 3,079, 2019 – 3,491, 2020 – 3,313. APO recorded a total of 1,941 reports (2017 – 657, 2018 – 532, 2019 – 500, 2020 – 252) of which 42 did not concern the competence of the APO and were handed over to other authorities. Criminal proceedings have been initiated in 1149 cases (2017 – 449, 2018 – 351, 2019 – 252, 2020 – 97).

increase the take up of the recommendations of the National Anticorruption Centre (i.e. corruption proofing)”.

### Priority III.4.

#### Recovery of criminal assets

In order to ensure the non-disposal and confiscation of assets resulting from corruption offences, from acts related to corruption and from other criminal activities, in 2017, together with the adoption of NIAS, the Parliament also adopted the Law on the creation of the Agency for the Recovery of Criminal Assets (ARBI), responsible for tracking, confiscation, administration and recovery, including from abroad, of criminal assets, within the NAC. In the last 5 years, ARBI was gradually equipped with more and more staff and necessary resources within the NAC, and the actors in the justice system (criminal prosecution officers, prosecutors and judges) were trained on the procedures for recovering criminal assets, including on special and extended seizure and confiscation, as well as on international legal cooperation.

According to the NIAS Monitoring Report, two of the actions that were supposed to ensure the proper functioning of this instrument were not implemented: the National Strategy for the Recovery of Criminal Assets was not developed and, for various reasons, the database was not created for the record of criminal assets frozen, seized or confiscated, which would make the activity of the responsible institutions more efficient.

The result indicators for the Priority III.4 concerned the number of sentences on corruption cases ordering the confiscation of assets from corruption crimes, acts related to corruption and other criminal activities. According to the information provided by GPO, the number of these sentences is relatively increasing in the period 2017-2019 with a total of 228 cases (2017-55, 2018 – 91, 2019 – 82), and in 2020 there were 72 cases.

Even if they were expressly requested, the authorities (NAC, APO, GPO) could not provide data on the result indicator “Requests for rogatory commissions regarding the non-disposal of criminal assets, sent abroad and executed in the Republic of Moldova”.

Shall be mentioned that the result indicators of NIAS include the quantitative data on the effectiveness of ARBI and APO through the number of sentences that applied confiscation, but do not refer to the volume of

assets actually seized and confiscated. In 2020, Ziarul de Gardă carried out an analysis of the correlation of the two data sets, bringing to the public’s attention the low volume of goods actually capitalized in the interest of the state, which is reduced to **1% of the volume of** frozen goods.

The opinion of the European Commission on of the application for the status of a candidate country for the accession of the Republic of Moldova from 17.06.2022<sup>56</sup> encourages the authorities “strengthen the fight against organised crime, based on detailed threat assessments, increased cooperation with regional, EU and international partners and better coordination of law enforcement agencies; in particular, put in place a legislative package on asset recovery and a comprehensive framework for the fight against financial crime and money laundering, ensuring that anti-money laundering legislation is in compliance with the standards of the Financial Action Task Force (FATF)”.

### Priority III.5.

#### Compensation of victims of corruption

In order to ensure the reparation of damages suffered by the state and individuals as a result of acts of corruption, the Action Plan of NIAS established activities related to the development of guidelines for victims of corruption on the procedures for obtaining compensation, training activities for lawyers on the legal assistance granted to victims and injured parties in criminal proceedings on corruption and corruption-related crimes. Also, there were included activities on the submission of recourse actions in the interest of the state by the Prosecutor’s Office on the files on corruption and corruption-related crimes. The monitoring report of the MG Secretariat reveals the opinion of the Anticorruption Prosecutor’s Office that “*victims of corruption crimes benefit from the right to be compensated under the conditions provided by the Criminal Procedure Code by the perpetrator or the civilly responsible person, like the victim of any other crime, without any distinction*”, and the development of dedicated guides is not necessary. In their absence, campaigns to raise awareness among corruption victims about their right to obtain compensation were not carried out, and this priority remained practically unfulfilled.

56 <https://euneighbourseast.eu/news/publications/opinion-on-moldovas-application-for-membership-of-the-european-union/>

In 2019, with the support of development partners, the Study on the compensation of victims of acts of corruption in the Republic of Moldova was developed<sup>57</sup>, but actions to implement its recommendations or the identified good practices were not carried out by the responsible anti-corruption authorities.

GPO communicated about the growing volume of damages compensated for corruption cases, the total volume reaching the amount of 29 755 155.35 MDL<sup>58</sup>, of which in 2020 – 28 473 163.4 MDL (+2651% compared to 2019), in 2019 – 1,034,725.75 MDL (+368% compared to 2018), in 2018 – 220,900 MDL (+739% compared to 2017), and in 2017 – 26,366.22 MDL.

## CONCLUSIONS

- *The expected result of NIAS “Duty investigations carried out, sanctions applied to judges, prosecutors, NAC and NIA employees” – has been achieved.* The authorities in the field of justice and anti-corruption continued to carry out official investigations and apply sanctions for lack of integrity, but the tools designed to make this process more efficient and contribute to increasing the integrity of prosecutors and judges were not applied, as an example are serving the tools of lifestyle monitoring and polygraph testing upon entry into office. At the same time, during the interviews, it was revealed that *“although these authorities with paramilitary discipline (special status functions) are excellent in applying sanctions, there is no information on ethics and institutional integrity on their web pages: Code of Ethics, Members of the Disciplinary Commission, how can citizens file a complaint regarding the violation of ethics by the institution’s employees, and no compartments/information in reports regarding the integrity of employees, disciplinary procedure regulations”*. The cited allegations, as well as the results of journalistic investigations, are factors that reduce public confidence in the effectiveness of these mechanisms.
- The priority of increasing the integrity of anti-corruption authorities and law enforcement bodies was not fully achieved, considering the insignificant progress in strengthening the institutional mechanisms for ensuring the integrity specific to these entities, such as lifestyle monitoring, polygraph testing, etc.
- The priority of increasing the efficiency of justice and anti-corruption authorities was partially achieved, and the expected result *“Statistics regarding convictions for corruption acts and acts related to corruption, improved”* was partially achieved. Although the authorities have demonstrated a relatively constant investigative practice, the analysis of the sentences and sanctions applied demonstrates that these do not, however, ensure the deterrent effect, due to their lack of dissuasiveness, speed, the insignificant number of application of the complementary sanctions of deprivation of the right to hold a public office, as well as to recover damages.
- The priority of strengthening of educational and corruption prevention measures was achieved, in accordance with the progress indicators of the Strategy. At the same time, the expected result *“Reports on active corruption and undue influences, submitted by public agencies”* was not achieved, due to the response regarding the lack of data on these indicators, provided by the responsible authorities. Similarly, the expected result *“Reports on corruption manifestations in schools and universities, including during exams, submitted by parents, pupils and students”* could not be established. The data collected from the authorities indicate that no record is kept of this data. Therefore, although awareness raising campaigns on reporting corruption in the education system are conducted annually, an analysis of their effectiveness or outcome has not been carried out by the responsible authorities.
- Recovery of criminal assets has registered progress in the assessed period, and the expected result *“Sentences on corruption cases ordering the application of confiscation”* was achieved, taking into account a number of approximately 70-90 sentences annually. The expected result *“Requests for rogatory commissions regarding the non-disposal of criminal assets, sent abroad and executed in the Republic of Moldova”* – was not subjected to analysis, due to the lack of statistical data on

57 Developed within the joint project of the European Union and the Council of Europe “Fighting corruption through law enforcement and prevention” (CLEP) and submitted to the responsible authorities.

58 2017 – 28 473 163.4, MDL; 2018 – MDL 1,034,725.75; 2019 – 220,900 MDL; 2020 – 26,366.2 MDL

this indicator at the level of the Prosecutor’s Office (General and Anti-corruption) and ARBI.

- For three of the six expected results, the authorities did not provide conclusive information, indicating in the answers to the requests for information that they do not keep records according to these criteria, a fact confirmed during the focus groups. Although the authorities have made some progress, in the absence of skills specialization or a high-performance integrated record-keeping system, the authorities cannot provide information in a way that convinces the public about the effectiveness of their work, as an example is the inability to provide information regarding *Requests for rogatory commissions regarding the non-disposal of criminal assets, sent abroad and executed in the Republic of Moldova*. Other actions established according to the NIAS

were not carried out by the responsible authorities, a fact that led to 0 cases of reparation of damages caused by acts of corruption and acts related to corruption, based on the civil actions filed by prosecutors and the failure to achieve the priority of the NIAS for the *compensation of the victims of corruption*.

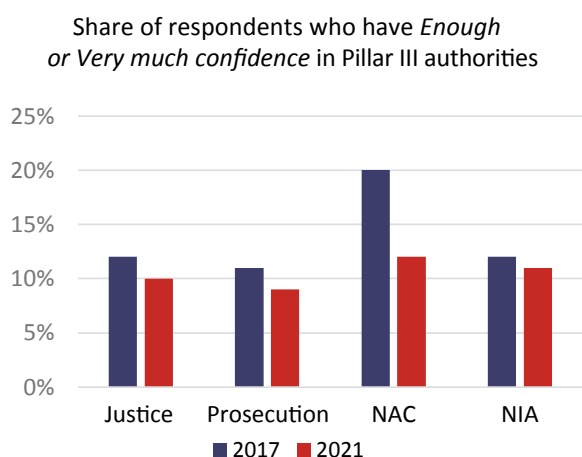
- At the same time, during the interviews and focus groups, were revealed several problems and strategic dilemmas related to the cancellation of the competition procedure for the appointment of the NAC director and the NIA vice-president, the reduced independence of the NIA inspectors as a result of the introduction of mechanisms for internal monitoring of their activity and ensuring finality of recovery of criminal assets activity, which shall be conceptually addressed in a subsequent policy document.

Achieving the expected results had to contribute to the achievement of the objective of **Pillar III and to produce the impact measured on the basis of 4 indicators:**

1. Significantly improved trust in the judiciary, prosecution services, NAC, and the National Integrity Authority (NIA)
2. Ensured independence and efficiency of the judiciary, prosecution services, NAC and NIA
3. Improved perception on corruption in the justice sector;
4. Lack of corruption in the justice sector and lack of improper government influence on the justice sector.

**Impact indicator 1: Significantly improved trust in the judiciary, prosecution services, NAC, and the National Integrity Authority (NIA)**

According to the NIAS impact follow-up survey carried out as part of the National Integrity and Anticorruption NIAS Impact Assessment Study<sup>59</sup>, the trust in the judiciary, Prosecutor’s Office, NAC and NIA decreased in the period 2017-2020, in the judiciary from 12% to 10%, in the Prosecutor’s Office from 11% to 9%, in NAC from 20% to 12%, in NIA from 12% to 11%.



The data updated in 2020 according to the NIAS impact indicators from alternative data sources (other surveys carried out by non-governmental organizations, national and international organizations), indicate in the Public Opinion Survey of the inhabitants of Moldova, carried out by the International Republican Institute (IRI), that 24% of the respondents have a favorable opinion regarding the courts, a decrease of 6% compared to the situation in 2017. At the same time, according to the sociological tool applied by GIZ MD, the “Corruption Radar”, the justice authorities are perceived as being on 3rd place, having 13.58% in the top of the most corrupt sectors, after police (21.44) and healthcare providers (20.83).

59 Developed with the support of the UNDP Project “Fighting corruption by strengthening integrity in the Republic of Moldova”

**Impact indicator 2:**

**Ensured independence and efficiency of judiciary, prosecution services, NAC and NIA**

According to the NIAS Impact Survey<sup>60</sup> decreased the share of respondents who consider that the activity of the courts, the prosecutor’s office, the NAC and NIA is efficient and gave the qualification “Good/Very good” for the activity of the Courts (decreased from 14% to 10%), the Anticorruption Prosecutor’s Office also decreased (from 17% to 11%), NAC (decrease from 19% to 12%), NIA (decrease from 11% to 10%).

The negative perception trend is maintained regarding the independence of the courts, thus the share of respondents who consider the courts to be totally independent decreased from 7% to 5%, the perception of the independence of the Prosecutor’s Office decreased from 7% to 5%, of the NAC decreased from 9% to 6%, and of the NIA decreased from 6% to 5%.

In terms of experiences, the study showed a positive trend of growth from 54% in 2017 to 59% in 2021 among respondents who faced corruption acts and reported these acts to anti-corruption agencies (NAC, NIA, Anti-corruption Prosecutor’s Office). It remained unchanged, at the level of 69%, in the proportion of respondents who faced corruption acts, reported them, but suffered or the guilty person was not held accountable. The share of respondents who would prefer to report corruption acts to anti-corruption agencies through various means decreased from 86% in 2017 to 76% in 2021.

NIAS impact indicators from alternative data sources (other surveys conducted by non-governmental organizations, national and international organizations), the “Efficiency of Justice” Score/Global Index of Economic Freedom/Heritage Foundation<sup>61</sup> indicated the value of 23.9% – in 2017, and 31.7% in 2020, having an increase of approximately 8%.

**Impact indicator 3:**

**Improved perception on corruption in the justice sector**

According to the NIAS impact follow-up survey, at the level of perception, a general negative trend can be seen regarding the share of respondents who believe that the Courts are not at all corrupt or slightly corrupt (from 12% in 2017 to 10% in 2020), Prosecutor’s Office (from 12% to 11%), NAC (from 23% to 15%), NIA (from 20% to 14%), Anticorruption Prosecutor’s Office (from 19% to 13%).

According to NIAS impact indicators from alternative data sources (other surveys conducted by non-governmental organizations, national and international organizations), Index 2.2. Lack of corruption in justice, the factor “Lack of corruption”/ Rule of Law Index/ World Justice Project had the value of 0.25 in 2016 and 0.39 in 2020 (Source: [www.worldjusticeproject.org/rule-of-law-index](http://www.worldjusticeproject.org/rule-of-law-index) Scale: from 0 to 1), recording an increase of 0.14 points.

**Impact indicator 4:**

**Lack of corruption in the justice sector and lack of improper government influence on the justice sector**

According to the NIAS impact follow-up survey, the share of respondents who claim that justice in the Republic of Moldova is NOT influenced by political interests, the Government and the interest in enriching of judges remained at the level of 2017 (3%).

The impact indicators established in the Strategy according to alternative data sources made by national non-governmental organizations in cooperation with international ones followed 4 indicators of the World Justice Project, as follows:

- Index 7.3. Lack of corruption, the Civil Justice/ Rule of Law Indicator/World Justice Project factor, which saw an insignificant increase of 0.1 points (10%), from 0.23 in 2016 to 0.33 in 2020.
- Index 7.4. Absent improper influences from the government, the “Civil Justice”/Rule of Law Indicator/World Justice Project factor is almost constant, having a slight evolution that falls within the sampling error of the indicator: 0.34 in 2016 and 0.35 in 2020.

60 Carried out as part of the Impact Assessment Study of the National Integrity and Anti-Corruption Strategy developed with the support of the “Curbing corruption by strengthening integrity in the Republic of Moldova” project, implemented by UNDP Moldova with the financial support of the Ministry of Foreign Affairs of Norway

61 Source: [www.heritage.org/index/](http://www.heritage.org/index/) Scale: 0–100%;

- Index 8.5. Lack of corruption, the Criminal Justice/Rule of Law Indicator/World Justice Project factor also saw a very small increase, from 0.32 points in 2016 to 0.36 points in 2020.
- Index 8.6. Absent improper government influences, the “Criminal Justice” factor/Rule of Law Indicator/World Justice Project decreased from 0.24 in 2016 to 0.20 in 2020 (Source: [www.worldjusticeproject.org/rule-of-law-index](http://www.worldjusticeproject.org/rule-of-law-index) Scale: from 0 to 1).

## CONCLUSIONS

The analysis of the 4 impact indicators of Pillar III reveals the following:

- **Impact indicator 1: Significantly improved trust in the judiciary, prosecution services, NAC, and the National Integrity Authority (NIA),** shows decreases both according to the NIAS Impact Monitoring Survey and in the alternative source.
- **Impact indicator 2: Ensured independence and efficiency of the judiciary, prosecution services, NAC and NIA,** shows decreases in the assessment of the perception regarding the independence and efficiency of these entities with values from 1 to 7 percent lower in 2020 compared to 2017. At the same time, the alternative source of measurement of justice efficiency shows an increase of about 8% in the same period of time.

- **Impact indicator 3: Improved perception on corruption in the justice sector** reveals that in the perception of citizens and businesses, institutions in the field of justice are more corrupt than they were in 2017, with decreases from 1 to 8 percent in terms of incorruptibility. The alternative source, however, indicates a 14% increase for the Lack of Corruption factor.
- **Impact indicator 4: Lack of corruption in the justice sector and lack of improper government influence on the justice sector** did not register improvements through the lens of the NIAS Sociological Impact Monitoring Study. Alternative sources showed a 10% improvement in the Lack of Corruption in the field of Civil Justice, stagnation for the lack of improper influences from the government and for the field of Criminal Justice, but also a slight increase in the level of influences from the government on Criminal Justice.

In general, the sociological impact indicators for Pillar III of the NIAS find a significant deterioration (by -15%, from 3.4 to 2.9 pct) for the general integrated indicator calculated by the NIAS Impact Survey, calculated based on perceptions, attitudes and experiences of the general population, businesses and public agents.

At the same time, the alternative indicators indicate either a stagnation or a slight increase towards the year 2020, which may be due to the data of objective statistics regarding the frequency of bribery experiences, but also the reaction capacity of the authorities.

## Evaluation grid for Pillar III Justice and anti-corruption authorities

Pillar III impact indicators	Qualifying	Score
<b>Impact indicator 1:</b> <i>Significantly improved trust in the judiciary, prosecution services, NAC, and the National Integrity Authority (NIA)</i>	<b>The value of the indicator decreased</b>	<b>0</b>
<b>Impact indicator 2:</b> <i>Ensured independence and efficiency of the judiciary, prosecution services, NAC and NIA</i>	<b>Indicator value improved by less than 40%</b>	<b>1</b>
<b>Impact indicator 3:</b> <i>Improved perception on corruption in the justice sector</i>	<b>Indicator value improved by less than 40%</b>	<b>1</b>
<b>Impact indicator 4:</b> <i>Lack of corruption in the justice sector and lack of improper government influence on the justice sector</i>	<b>The value of the indicator has not changed</b>	<b>0</b>

## II.2.4. Pillar IV. Central Electoral Commission and political parties

Pillar IV *Central Electoral Commission and political parties* was integrated into NIAS taking into account the fact that political parties must and can play a decisive role in setting, approving and promoting ethical and accountability rules, especially when they reach government. It was also considered important the role of the parties in their capacity as the main supplier of candidates and, implicitly, officials for the highest public positions, dignitaries who must demonstrate adherence to the values of integrity and constitute a model of conduct for the whole

society. Building the rule of law is impossible without free competition of political parties, fair and transparent elections. The supervision of these processes falls to the Central Electoral Commission (CEC) which was included in the same pillar of the NIAS, following the argument that *CEC is vulnerable to political influences; the limited capacities of electoral officials within hierarchically lower electoral bodies; the lack of adequate reaction to violations of electoral legislation, especially regarding the financing of political parties and electoral campaigns.*

### NIAS objective for pillar IV:

*Within the framework of the objective of Pillar IV, 2 priorities, 2 expected results and 5 result indicators were established:*

Within the framework of the objective of Pillar IV, 2 priorities, 2 expected results and 5 result indicators were established:

Priorities of pillar IV	Expected results	Outcome indicators
<b>IV.1. Transparency of the financing of political parties and electoral campaigns</b>	<ul style="list-style-type: none"> <li>Informed society about the sources of funding for political parties and election campaigns</li> </ul>	<ul style="list-style-type: none"> <li>Possible public monitoring</li> <li>Reports of political parties, about electoral campaigns' financing available</li> </ul>
<b>IV.2. Effective control of the financing of political parties and electoral campaigns</b>	<ul style="list-style-type: none"> <li>Ensuring access to governance for honest parties and honest politicians</li> </ul>	<ul style="list-style-type: none"> <li>Monitoring by civil society and international election observation missions shows improvements</li> <li>Violation of the rules of financing political parties and electoral campaigns and cases of corruption of voters, investigated</li> <li>Administrative, misdemeanor and criminal sanctions applied</li> </ul>

The action plan for the implementation of NIAS provided for Pillar IV **12 actions**, 7 of which are permanent, and 5 with a specific deadline (2017-2018).

The evaluation of the practical implementation of the 2 priorities of Pillar IV, based on the examination of the collected data and information, demonstrates the following:

### Priority IV.1.

#### Transparency of the financing of political parties and electoral campaigns

For that priority (IV.1) NIAS AP established 5 actions that referred to the publication of data on the financing of political parties in a special electronic module, awareness campaigns, as well as training actions.



The results of the NIAS implementation, synthesized by the MG Secretariat, qualify all 5 actions as completed.

According to the data provided by the CEC in the reference period (2017-2020) it was ensured:

2017	2018	2019	2020
Publication of political party reports on the financing of electoral campaigns			
46	83	555	211

Based on the data from the table above, viewed from the perspective of the result indicators set in the NIAS for this priority “possible public monitoring” and “available reports of political parties on the financing of electoral campaigns”, the respective actions could be treated as accomplished.

Promo-LEX noted in the report on the financing of political parties in the Republic of Moldova (retrospective of 2019) that: the CEC did not fulfill the main condition of the National Integrity and Anti-Corruption Strategy (NIAS) for 2017-2020, namely the publication of the data from the reports in open format – open data, which would offer the possibility of their reuse. The report for the first semester of 2020 on the financing of political parties released by the same organization mentions that: in January 2020, two years later, the CEC implemented the electronic module for financial reporting of political parties, SSI “Financial Control”. The system is intended for the reception, storage, visualization and public use of reports on the financial management of political parties and electoral campaigns. The module was created by the CEC as a consequence of the obligation to fulfill the National Integrity and Anti-corruption Strategy of the Republic of Moldova (NIAS) for 2017-2019 and the strategic plan of the CEC for 2016-2020. Thus, on July 15, 2020, the financial reporting of the parties, for the first semester of 2020, was carried out through the SSI “Financial Control” module.

Accessing the electronic module on the date of this evaluation<sup>62</sup> shows that the data, although published, are not placed in an open format (open data), i.e. their reuse cannot be easily achieved.

## Priority IV.2.

### Effective control of the financing of political parties and electoral campaigns

For this priority, 7 actions were scheduled that focused on training activities, revision of legislation, actions to clarify the responsibilities of interested parties/observers in the inter-electoral periods in the context of monitoring the way political parties are financed, the development of methodological norms for the training of actors from the justice system regarding the specifics of cases of financing of parties and electoral campaigns/voter corruption.

According to the report of the MG Secretariat, 5 actions were carried out, with the exception of the action on clarifying the role of observers in the inter-electoral period (action 10) qualified as not carried out and the action on revising the legislation (action 8) qualified in 2020 as “partially carried out”. The NIAS implementation monitoring report noted that the CEC requested the exclusion of action 10, on the grounds that the monitoring of the way political parties are financed as a general activity can be carried out by any person, both in the pre- and post-election period, as well as directly in the period election, under the conditions provided by the Electoral Code, Law no. 133 of July 8, 2011 on the protection of personal data and Law no. 982 of May 11, 2000 on access to information, but not having the quality of observer, or this is a special quality granted to the person for monitoring the elections. A similar position was also supported within the FG with the CEC representatives, who repeatedly pleaded that the electoral legislation does not represent an impediment to monitoring the financing of political parties by any interested person. The monitoring has become even more feasible with the insertion of the new directors on the CEC web page designed for the reports of political parties/electoral competitors on the financing of parties and electoral campaigns.

The analysis of the data provided by the CEC in the questioning process according to the table below through the lens of the 3 result indicators: monitoring by civil society and international election observation missions shows improvements; the violation of the rules of financing political parties and electoral campaigns and regarding the corruption of voters, investigated and administrative, misdemeanor and criminal sanctions applied indicate that the CEC, for the most part, has fulfilled its powers assigned by law: it accredited

62 Accessed on 26.09.2022

observer missions, notified, when it was necessary, the legal bodies regarding the violation of the rules of financing parties and electoral campaigns.

2017	2018	2019	2020
Monitoring by civil society and international election observation missions			
-	1	5	3
Reporting to law enforcement bodies regarding the violation of the rules of financing political parties and electoral campaigns			
-	1	-	-
Reporting to law enforcement bodies regarding voter corruption			
-	0	5	5

Asked to provide information on cases of corruption of voters and violations of the rules of financing political parties and electoral campaigns, GPO replied that “the Index is not a reference for the statistical data held by the Prosecutor’s Office”.

The existence of problems regarding processes, as well as the keeping the statistical data regarding the investigation and sanctioning of acts of corruption of voters, was noticed by the non-governmental organizations of the Republic of Moldova, which, in addition to monitoring the electoral processes, also undertook strategic litigation actions in cases of corruption of voters. Thus, the Study How was ensured the integrity of the local elected officials and the electoral process (2019-2020) revealed the following:

- The rule of the Criminal Code regarding the corruption of voters is a relatively new one in the arsenal of law enforcement bodies, and there are still no coherent and consistent practices and tactics for investigating this crime. Even if the sample of CAPC denunciations regarding the corruption of voters is not very representative (only 7 notifications), however, we can conclude that there is a lot of formalism in the approach of the responsible authorities [...];
- The way of investigating the alleged actions of corrupting voters also shows a diffuse distribution of powers: even if the APO is expressly assigned the competence of criminal prosecution in the case of this category of crimes, the practice shows that the investigation is delegated to other bodies, which also adopt final decisions on the initiation or non-initiation of the criminal

prosecution, which is disagreeing with the provisions in force of the CPC;

- The initiation of the criminal prosecution under the conditions of the current legislation and the interpretation practice by the prosecutors of the norm of art.181<sup>1</sup> of the Criminal Code is, practically, an “impossible mission”. The main argument for not starting the criminal investigation is the impossibility of proving the *purpose of the perpetrator of the crime, namely “to determine the voter to exercise or not to exercise his electoral rights”*, as well as the *direct intention of the perpetrator* who gave goods, money or offered services;
- Apparently, *the actions of corrupting voters will not be able to be detected, ascertained and, respectively, sanctioned in the absence of fundamental, unequivocal evidence*, which must demonstrate the direct interaction between the corrupter and the subject of corruption, as well as the direct and explicit urge to vote/not to vote for a certain electoral competitor. In other words, if the voter corruption action is not investigated *as a flagrant offense* (transfer of goods and exhortation to vote/not vote for a competitor), then any other reports, communications, denunciations about voter corruption (during the elections or post-factum) will remain outside the attention of criminal investigation bodies.

## CONCLUSIONS

From the perspective of the expected results of the NIAS priorities for Pillar IV and the evolution of their indicators, we shall note that:

- **Public monitoring of** political party financing is possible, with the CEC performing actions to create and maintain the module for publishing political parties’ financial reports on its web page. However, one of the basic conditions set by NIAS AP was not met – the *open data nature* of the published information;
- The reports of the national and international **election monitoring missions** did not record significant improvements in the electoral process in the Republic of Moldova, a series of problems being present in practically every election: voter

register, use of administrative resources, voter corruption, etc.;

- The investigation and **sanctioning of violations of the rules of financing political parties and electoral campaigns**, as well as cases of

voter corruption, are not found in the statistics of law enforcement agencies, and civil society research confirms the lack of proactive actions by law enforcement agencies in detecting, investigating and their effective sanctioning.

Achieving the expected results was to contribute to the achievement of the objective of Pillar IV and produce the impact measured based on 2 indicators:

1. Improved trust in the Central Election Commission;
2. Improved trust in political parties.

### Impact indicator 1:

#### Improved trust in the Central Election Commission

The NIAS impact monitoring survey shows an increase in the degree of trust in the CEC both from the population (from 12% in 2017 to 16% in 2021) and from the business environment (from 17% in 2017 to 19% in 2021), the average value increasing from 15% in 2017 to 18% in 2021.

At the same time, the Survey also found an increase in the average share of respondents who believe that the elections in the Republic of Moldova *are rather fair and free or are always free and fair* from 24% in 2017 to 45% in 2021.

The alternative source for measuring the evolution of trust in the CEC established in Annex no. 3 of the NIAS is the IRI public opinion survey. The last IRI survey<sup>63</sup> measuring trust in the CEC was released in December 2019 and shows a rate of positive opinion of the CEC of 41%,

which is up from the 2017 figure that showed a share of respondents with a positive opinion of the CEC of 34%.

Also, another alternative indicator for assessing the impact of NIAS Pillar IV CEC – Indicator 1.6 – was also increasing. The legitimate transition of power, the “Control over the Government” Factor<sup>64</sup> from 0.46 in 2016 to 0.50 in 2020, which is still increasing, for 2021 a value of 0.53 has been registered.

### Impact indicator 2:

#### Improved trust in political parties

The degree of trust in political parties, as measured by the NIAS Impact Survey, remained unchanged: 5% in both 2017 and 2021.

The IRI survey<sup>65</sup> established as an alternative source for measuring trust in political parties shows an improvement in 2019 in the degree of trust in political parties by 3%: from 23% in 2017 to 26% in 2019.

64 It is measured on a scale from 0 to 1.

## CONCLUSIONS

The analysis of the two impact indicators for Pillar IV shows the following:

- **Impact indicator 1: Improved trust in the Central Election Commission**

The results of the NIAS Impact Monitoring Survey for this indicator coincides with the 2 alternative sources for measuring the impact indicator that shows the increase in confidence in the CEC, this opinion being confirmed by the business environment and the population.

- **Impact indicator 2: Improved trust in political parties**

The respective indicator did not increase, and the alternative measurement source of the indicator indicates an insignificant increase (within the sampling error).

### Evaluation grid for *Pillar IV Central Electoral Commission and political parties*

Pillar IV impact indicators	Qualifying	Score
<b>Impact indicator 1:</b> <i>Improved trust in the Central Election Commission</i>	Indicator value improved by less than 40%	1
<b>Impact indicator 2:</b> <i>Improved trust in political parties</i>	The value of the indicator has not changed	0

## II. 2.5. Pillar V. Court of Accounts

Pillar V *Court of Accounts* represented for the strategic anti-corruption document a completion of the vision regarding the responsible authorities within the national integrity system. Although previously were established priorities within the strategic documents to increase the effectiveness of preventing and combating corruption, including for the Court of Accounts, by training auditors on the procedures applied in cases of fraud and corruption, a distinct role was assigned to the institution following the analysis of the National System of Integrity conducted by TI Moldova in 2014<sup>66</sup>. NIAS is based on the role of the Court of Accounts to notify the legal bodies regarding the risks of corruption and irregularities identified during the audit missions regarding the management of public patrimonial and financial resources repayable and non-repayable, to increase the transparency and impact of the institution’s activity, in collaboration with specialized anti-corruption agencies.

The action plan for the implementation of NIAS provided for Pillar V. The Court of Accounts **8 actions**, 4 of which have an annual deadline, and 4 with specific or staggered deadlines.

The evaluation of the practical implementation of the 2

priorities of Pillar V, based on the examination of the collected data and information, demonstrates the following:

### Priority V.1.

#### Transparency of the activity of the Court of Accounts

In order to increase the transparency and quality of the activity of the Court of Accounts, the Strategy established the need to carry out the external audit of the financial reports of the Court of Accounts and perform parliamentary control by hearing the reports in the Parliamentary Commission for Economy, Budget and Finance. In this sense, in the period 2017-2020, 3 audit missions were carried out, contracted by the specialized parliamentary committee, the annual calendar being affected by the COVID19 pandemic, and the implementation of the activities was partial, recording fluctuating performance qualifications during the 3 years. At the same time, the Court of Accounts diligently published on the website and in its annual reports information regarding the implementation of the recommendation of the audit of its financial reports.

#### ONIAS objective for pillar V:

*Enhancing the capacities of the Court of Accounts of preventing corruption in the area of administration of financial resources and use of public patrimony, as well as of foreign financial assistance*

Within the objective of Pillar V, 2 priorities, 2 expected results and 3 result indicators were established:

Priorities of pillar V	Expected results	Outcome indicators
<b>V.1. Transparency of the activity of the Court of Accounts</b>	<ul style="list-style-type: none"> <li>Increasing the quality of the Court of Accounts’ activity</li> </ul>	<ul style="list-style-type: none"> <li>Improved monitoring by the civil society regarding the activity of the Court of Accounts</li> </ul>
<b>V.2. The impact of the audit activity</b>	<ul style="list-style-type: none"> <li>Ensuring integrity of public funds and foreign assistance</li> </ul>	<ul style="list-style-type: none"> <li>Sanctions applied for acts of corruption established based on the information submitted by the Court of Accounts</li> <li>Recovered damages caused to the State</li> </ul>

66 [http://www.transparency.md/wp-content/uploads/2017/02/TI\\_Moldova\\_Sistemul\\_national\\_de\\_integritate\\_2014.pdf](http://www.transparency.md/wp-content/uploads/2017/02/TI_Moldova_Sistemul_national_de_integritate_2014.pdf)

The quality elements for achieving the mission of the Court of Accounts were addressed in the NIAS Action Plan by establishing some practices of consulting the civil society before the approval of the annual audit plans and programs of the Court of Accounts for the next year. In this sense, the Court annually collected opinions on the appropriateness of conducting the audit and received satisfactory qualifications (Achieved/Partially accomplished) on the achievement within the NIAS Monitoring Reports.

In order to ensure the responsible management of external assistance, the NIAS Action Plan established the need to create a communication mechanism with external donors regarding suspicions of fraud, corruption, irregularities and conflicts of interest identified by the Court of Accounts in the process of auditing the activity of public entities who benefited from external assistance. Although bilateral agreements were not signed with the representatives of the development partners established in the Republic of Moldova, a fact recorded in the Monitoring Reports of NIAS for 2017-2020, CA signed bilateral cooperation agreements with the audit authorities of these partners, which involve collaboration on the scale of suspicions of fraud, corruption and irregularities identified in audit missions regarding external funds from these partner countries (EU, Poland, Sweden, Turkey).

To measure the impact of the activities within Pillar V. Court of Accounts, the result indicators established in the Strategy are oriented to the monitoring carried out by civil society on the activity of the CA. In the period 2017-2020, Expert Grup published 2 analyzes on the execution of CA decisions<sup>67</sup>, as well as 2 analyzes of public spending and financial responsibility (Open Budget Survey). Other analyzes were carried out by the expert missions of the Council of Europe and the OECD, as well as by TI Moldova, for the evaluation of the experiences of interaction of public authorities with the national audit authority. During the reference period, the Court of Accounts was monitored both by local civil society, counterpart entities, and by international organizations, which published reports, studies, analyzes and external monitoring of the activity of the Court of Accounts:

- **2017:** About how public money is lost: Synthesis of the reports of the Court of Accounts, Semester II 2016
- About how public money is lost: Monitoring the execution of the Decisions of the Court of Accounts for 2016
- **2018:** Open Budget Survey 2017, Budget Oversight chapter, CAI Expert-Group.
- **2019:** Open Budget Survey 2019, Budget Oversight chapter, CAI Expert-Group.
- The Quality of the Audit performed by the Court of Accounts of the Republic of Moldova: Analysis of compliance with the International Standards of the Supreme Audit Institutions, World Bank.
- **2020:** Peer review evaluation report carried out by a group of experts from the European Commission and the Organization for Economic Co-operation and Development (joint initiative SIGMA), the Court of Accounts of Turkey and the State Audit Office of Latvia, covers the period of 2020-2021 and is to be presented in October 2022.
- Evaluation of Public Expenditures and Financial Responsibility (CPRF) of the Republic of Moldova (for 2018-2020)
- The experiences of central public authorities in communication with the representatives of the Court of Accounts, Sociological study carried out by TI Moldova in 2021.

**The alternative institutional evaluation**<sup>68</sup> carried out by Transparency International Moldova finds that “the *legal provisions ensure the independence of the CA to a sufficient extent... the anti-corruption agencies interviewed (NIA, NAC, APO) perceive the CA being independent to a small extent, NIA based its opinion on the legal provisions that the Parliament has essential powers in the process of appointment to the positions of members, but also in the process of termination and suspension of mandates.*” Regarding inter-institutional cooperation, “*APO noted that it has little confidence in the CA, NIA mentioned that it has sufficient confidence in the authority*”, and NAC, “*an authority designed to prevent corruption, including by analyzing the phenomenon, did not answer the questions, the reason given*”

67 [https://www.ccrm.md/ro/despre-cum-se-pierd-banii-publici-sinteza-rapoartelor-curtii-83\\_92402.html](https://www.ccrm.md/ro/despre-cum-se-pierd-banii-publici-sinteza-rapoartelor-curtii-83_92402.html)  
[https://www.ccrm.md/ro/despre-cum-se-lose-public-money-monitoring-execution-of-decisions-83\\_92403.html](https://www.ccrm.md/ro/despre-cum-se-lose-public-money-monitoring-execution-of-decisions-83_92403.html)

68 [http://www.transparency.md/wp-content/uploads/2021/03/TI\\_Moldova\\_Chamber\\_of\\_Accounts\\_Alternative\\_Institutional\\_Evaluation.pdf](http://www.transparency.md/wp-content/uploads/2021/03/TI_Moldova_Chamber_of_Accounts_Alternative_Institutional_Evaluation.pdf)

*being confused – lack of competence in this sense”. Regarding transparency, “In the opinion of the anti-corruption agencies, CA ensures a lot and sufficient transparency. According to NIA, the CA’s official website is quite informative and friendly, CA Plenary meetings are public.”.*

**The findings of the study carried out by TI Moldova within the [survey of central public authorities \(PCA\) audited by the Court of Accounts](#) show that “86% of the public entities questioned confirmed that the Court found deviations in the administration of financial resources and public patrimony or in financial reporting... and 2/3 mentioned that deviations are rarely detected and 1/3 – often... no entity categorized (identified deviations) as many and serious. As a rule... they referred to insignificant/minor deviations... Although all public entities claim to have informed the public and employees about the results of audit missions, out of 9 entities that claim to post audit results on their website, 1/3 (Ministry of Defense, Ministry of Health and Ministry of Economy) did not do this“. In the same way, the entities mentioned that they implement measures to comply with the recommendations of the Court of Accounts and publish information on the web page, but TI found that only 2 entities out of the 14 surveyed have this information published on the web page. The TI report also noted that “None of the entities reported on any cases of sanctioning, by the management, of persons guilty of violating the legislation in the use of financial resources/public property“.**

**Referring to the professionalism and impartiality of the auditors of the Court of Accounts, the authors of the study concluded that “The representatives of public entities assessed quite positively the level of professionalism of the auditors of the Court of Accounts, about 1/3 of the responding entities considering it high and 2/3 – average. And in the case of the assessment of the Court’s auditors impartiality, the opinions were quite favorable: 57% of the responding entities categorizing it as high...“. Most of the questioned authorities (93%) denied the existence “of unethical behavior, conflicts of interest or abuses in the work of the auditors of the Court of Accounts“.**

## Priority V.2.

### The impact of the audit activity

In order to increase the impact of the activity of the Court of Accounts and ensure the integrity of public funds and those from external assistance, the NIAS Action Plan **established the need to create the certification system of public auditors and the training of public auditors in order to implement the certification system of public auditors**. The monitoring reports of NIAS AP record the annual progress of the Court of Accounts, which has reached the established indicators. Thus, at the end of 2020, it can be seen that over 70% of CA auditors were certified by the auditor certification commission, and the certification program included areas such as fraud and corruption risk assessment, code of ethics. The certification activity is cyclical, and new auditors are certified after meeting the length of service criterion – minimum 5 years.

***The Public Expenditure and Financial Accountability (PEFA) Performance Assessment Report*** of the Central Administration of the Republic of Moldova developed by the World Bank team and published in June 2022 in the context of the 2020 Financial Framework Partnership Agreement between the World Bank Group and the European Commission (EC) awarded scores between A and D (in descending order) for different areas of budget administration. On the activity of the Court of Accounts, the report records that “*External audit is an area of significant strength although there are limitations. The financial statements are audited using standards based on International Standards of Supreme Audit Institutions. The financial audits that are carried out provide for the evaluation of the timeliness and completeness of budget revenues and expenditures (Score A). During the last three completed fiscal years, audit reports have been submitted to Parliament within 45 days after receipt of the financial statements (Score A). The audit recommendations are included in the audit reports and there is an effective mechanism for follow up (Score A). The independence of the Court of Accounts is regulated by the law on the Court of Accounts with respect to appointment and removal of the head of the CoA as well as access to information. However while the Court of Accounts is able to execute its budget freely the budget is formulated as part of the State budget process which limits its independence (Score C). Legislative scrutiny of audit reports is reasonable (Score C+) particularly on the timing of audit report scrutiny (Score B). However, hearing of*

*audit findings, follow up of audit recommendations issued by Parliament, and transparency of the scrutiny process all score C.”*

In order to increase the compliance of the national authorities with the recommendations of the Court of Accounts following the audit missions, **the NIAS Action Plan prescribed the obligation for the CA to review the mechanism for sanctioning and motivating the audited public entities by making the institutional and corporate management responsible for complying with the Court of Accounts requirements**, and to enact it. A draft law<sup>69</sup> was promoted by the CA in 2020 and was adopted on February 12, 2021<sup>70</sup> to improve the mechanism of direct public finance management by establishing accountability mechanisms, exercising parliamentary control over the activity and serving the public interest.

In order to establish the achievement of the result indicator *“Sanctions for corruption acts found based on the information submitted by the Court of Accounts, applied”*, as a result of the CA, APO and GPO questioning, it was established that as a result of the information sent by the CA to the prosecution bodies, there were applied a total of 52 sanctions for corruption acts in the period 2017-2020 (2017 – 7, 2018 – 7, 2019 – 29, 2020 – 9). Regarding the achievement of the expected result of *recovering the damage caused to the state*, as a result of the information reported by the CA, according to the Court’s reports, a total of about 5 329.0 million lei were recovered from the damage caused to the state, real estate, assets, debts, etc. (2017 – 856 million, 2018 – 2 333.0 million, 2019 – 886 million, 2020 – 1 254.0 million).

## CONCLUSIONS

- All 3 result indicators established for *Pillar V. The Court of Accounts* were achieved, according to the data of the qualitative analysis of the information

from the questionnaires addressed to the authorities, the NIAS monitoring reports, the alternative reports of civil society and international organizations;

- The monitoring of the Court of Accounts’ activity by the civil society has improved, studies were conducted both at the national level and by the international and counterpart organizations;
- A number of 52 sanctions for acts of corruption found based on the information sent by the Court of Accounts were applied in the period of 2017-2020;
- A damage of over 5 billion lei caused to the state was recovered;
- During the interviews and focus groups, a discrepancy was found between the expectations regarding the activity of the Court of Accounts, which relies on the lack of punitive functions in its mandate and the achievement of results only in close cooperation with the law enforcement bodies, the Government and the Parliament, through their control powers and the right in the final instance to dismiss the head of the audited entity. A good cooperation of the CA with the authorities and civil society was noticed, a fact that can contribute to the sustainability of the results of its activity.
- It was found that the attempt to expressly stipulate in an anti-corruption policy document the long-term actions of some autonomous institutions whose mandate is to prevent corruption, can create inaccuracies during implementation, which do not necessarily have negative connotations, but represent an adapted way to the resources and opportunities available to achieve the objective set for the intervention sector.

The achievement of the expected results should have contributed to the achievement of the objective of **Pillar V and produce the impact measured based on 4 indicators:**

1. Improved trust in the Court of Accounts
2. Independence of the audit performed by the Court of Accounts ensured

69 Draft law no. 221 of 04.06.2020: <https://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/5077/language/ro-RO/Default.aspx>

70 Law No. 10 of 12-02-2021: [https://www.legis.md/cautare/getResults?doc\\_id=126144&lang=ro](https://www.legis.md/cautare/getResults?doc_id=126144&lang=ro)



**Impact indicator 1:**

**Improved trust in the Court of Accounts**

According to the NIAS impact follow-up survey carried out as part of the National Integrity and Anti-corruption NIAS impact assessment study, the share of respondents who have enough or a lot of trust in the Court of Accounts increased insignificantly from 13% to 14%. This indicator had no other reference data from alternative sources.

To complete the impact indicator established in the Strategy according to alternative data sources by national non-governmental organizations in cooperation with international ones, shall be note the Open Budget Survey (OBS) which offers 83 points for Budget Monitoring (by the supreme audit institution) out of 100.

**Impact indicator 2:**

**Independence of the audit performed by the Court of Accounts ensured**

The NIAS impact follow-up survey carried out within the NIAS Impact Assessment Study<sup>71</sup> establishes that the share of respondents who consider that the audit carried out by the Court of Accounts of public institutions is independent decreased insignificantly from 13% to 12% (a deterioration of 0.1 points, at the sampling error, compared to the results registered in 2017).

Within the World Justice Project, the “Control over Government Power” Factor, the Rule of Law Indicator registered for Index 1.3. Independent auditing the value of 0.46 points in 2020, the same as in 2017.

**CONCLUSIONS**

The analysis of the two impact indicators for Pillar V shows the following:

- **Impact indicator 1: Improved trust in the Court of Accounts**  
The results of the NIAS Impact Tracking Survey for this indicator showed an insignificant increase of 1%.
- **Impact indicator 2: Independence of the audit performed by the Court of Accounts ensured**  
The indicator did not register increases. The comparative impact of CA activity at the end of 2020 compared to 2017 increased insignificantly, although qualitatively there are several data that indicate some improvements.

**Evaluation grid for Pillar V Court of Accounts**

Pillar V impact indicators	Qualifying	Score
<b>Impact indicator 1:</b> <i>Confidence in the Court of Auditors improved</i>	Indicator value improved by less than 40%	1
<b>Impact indicator 2:</b> <i>Independence of the audit performed by the Court of Accounts ensured</i>	The value of the indicator decreased	0

71 Developed with the support of the UNDP project “Fighting corruption by strengthening integrity in the Republic of Moldova”

## II.2.6. Pillar VI. The Ombudsman

Pillar VI *The Ombudsman* represented an innovative approach for anti-corruption policy documents from the Republic of Moldova. Having included this pillar institution in NIAS, it was confirmed the fact that any corruption act/manifestation also involves the violation of human rights, and *the Ombudsman has a key role in ensuring respect for human rights (HR), his mission being the prevention of the HR violation by monitoring and reporting the fundamental human rights and freedoms observance at the national level, by improving the legislation in the field of human rights and freedoms, through international collaboration, as well as by promoting human rights and freedoms and their defense mechanisms.* In particular, NIAS noted the important role of the Ombudsman in the protection of whistleblowers.

The action plan for the implementation of NIAS provided for Pillar VI **8 actions**, 5 of which are permanent, and 3 with a specific deadline (2017-2018).

The assessment of the practical implementation of the 2 priorities of Pillar VI, based on the examination of the data and information collected, demonstrates the following:

### Priority VI.1.

#### Prevention of corruption to ensure respect for human rights

The monitoring reports of NIAS show that all 3 actions programmed for this priority are carried out.

From the perspective of the expected result for this priority – *the respect of human rights within public entities* and, respectively, the indicators for it: *the development partners’ reports on the human rights situation in the Republic of Moldova record improvements and the risks of affecting human rights through corruption found in*

#### NIAS objective for pillar VI::

*Developing the functions of the Ombudsman to prevent corruption by making public institutions responsible for respecting human rights and ensuring the protection of whistleblowers*

Within the objective of Pillar VI, 2 priorities, 2 expected results and 6 result indicators were established::

Priorities of pillar VI	Expected results	Outcome indicators
<b>VI.1. Prevention of corruption to ensure respect for human rights</b>	<ul style="list-style-type: none"> <li>● Respect for human rights within public entities</li> </ul>	<ul style="list-style-type: none"> <li>● Development partners’ reports on the human rights situation in the Republic of Moldova record improvements</li> <li>● The risks of affecting human rights through corruption found in the NAC reports on the evaluation of institutional integrity, removed by the evaluated entities</li> </ul>
<b>VI.2. Protecting the fundamental rights of whistleblowers</b>	<ul style="list-style-type: none"> <li>● Encouraging reporting of corruption and fraud by employees</li> </ul>	<ul style="list-style-type: none"> <li>● The normative framework regarding the whistleblower protection procedure, developed and adopted</li> <li>● Whistleblowers who requested protection and who were taken under the protection of the Ombudsman</li> <li>● The reports of the Ombudsman presented in Parliament</li> <li>● Improved monitoring of the Ombudsman’s activity by civil society</li> </ul>

the NAC reports on the institutional integrity assessment, removed by the evaluated entities, the following situation emerged.

The information contained in the reports of the development partners<sup>72</sup> show some improvements regarding the respect of human rights, in particular, on the part related to: the issuance of protection orders, the conditions for meetings with lawyers and the installation of video-conference systems in penitentiary institutions, the management procedures for cases of sexual harassment, etc.

On Corruption and Human Rights [The US State Department's 2020 Country Report on Human Rights](#) noted that *while authorities investigated reports of human rights abuses, they rarely prosecuted and punished officials accused of human rights abuses or corruption... Impunity remained a major problem. [...] Although the law provides criminal sanctions for officials' corruption, the authorities have not implemented the law effectively, and officials have frequently engaged in corrupt practices with impunity. Despite some improvements, corruption remained a serious problem. Corruption was widespread within the judiciary and other state structures [...].*

Regarding the result indicator the **risks of affecting human rights through corruption found in the NAC reports on the institutional integrity assessments, removed by the evaluated entities**, NAC was requested to provide information and mentioned that: *“all reports on the evaluation results are published on the NAC web page. In each report, the typical risks of corruption (active/passive corruption, exceeding the powers or abuse, etc.) are listed and described, but also specific to the vulnerable field/activity were analyzed. All corruption risks affect human rights (directly or indirectly), but depending on the specifics of the field analyzed, they can also have a serious impact on the business environment, the beneficiaries of*

*public services, the rights of employees, etc. The factors that generate corruption risks can be removed but not the risks. Thus, all evaluated entities carry out activities vulnerable to corruption risks. Through the implementation of integrity plans, we can only see a decrease in the probability of materializing the risks. In this context, according to Internal Control National Standard no. 9 and art. 27 of the Integrity Law, the public entities are obliged periodically to evaluate, map and permanently control the risks, including the risks of fraud and corruption.*

Based on the text quoted above, but also the fact that on the NAC website (including in the annual activity reports) there are no analyzes on the effects of the negative results of the integrity tests carried out as part of the institutional assessment and materialized risks, it can be deduced that NAC only keeps track of individually evaluated institutions, but does not keep a centralized and unified record of the institutional integrity assessment activity.

Deficiencies in ensuring the institutional integrity assessment activity were also found in [the Report of the Special Parliamentary Commission on the assessment of the NAC activity](#) in the period 2016-9 months of 2021, such as: *“the institutional integrity assessment was focused on quantitative indicators, not qualitative [...], when examining the reports of public entities on the institutional integrity assessment results, appreciating the lack of progress made by public entities in strengthening the institutional integrity climate of the public entity, NAC is limiting at calculating the percentage of the activities planned and carried out by the public entity, without exposing whether the integrity plan was implemented successfully or failed [...]. In the institutional integrity assessment processes NAC is limiting to the statistical record of planned and achieved actions, without having an active role to increase the responsibility of the managers of public entities and self-administration bodies [...]. There is no information about the submitted proposals of the NAC regarding the disciplinary sanction, the dismissal from office of the head of the assessed public entity that failed the implementation the integrity plan”.*

72 <https://md.usembassy.gov/wp-content/uploads/sites/210/2017-hrr-ro.pdf> ; <https://md.usembassy.gov/wp-content/uploads/sites/210/2018-Human-Rights-Report-Moldova-RO.pdf> ; <https://md.usembassy.gov/wp-content/uploads/sites/210/MOLDOVA-2019-HUMAN-RIGHTS-REPORT-RO.pdf> ; <https://md.usembassy.gov/wp-content/uploads/sites/210/2020-HHR-MOLDOVA-RO.pdf>

## Priority VI.2.

### Protecting the fundamental rights of whistleblowers

Out of the 5 actions established by NIAS, according to the MG Secretariat Reports, 3 have been completed, and 2 are in the process of being completed. The achievement of the expected results was to be demonstrated through the indicators: the normative framework regarding the whistleblower protection procedure, developed and adopted; whistleblowers who requested protection and who were taken under the protection of the Ombudsman; the reports of the Ombudsman presented in the Parliament.

The analysis of the reports and collected information shows that the normative framework has been adopted, but the application is still low and there is a lack of centralized and synthesized data, taking into account the fact that the protection of whistleblowers is also ensured by employers (information is missing) and by the Ombudsman.

According to the information provided by the Ombudsman's Office in the framework of this evaluation, "In the period of 2017-2020, the OO registered 3 requests for protection [...]. In the reference period, the institution of the whistleblowers just started to be known, so it is premature to give an objective assessment, according to the indicators. However, Law no. 122 on whistleblowers was adopted at the end of 2018. Accordingly, more requests for protection from whistleblowers began to be registered starting with 2021. We believe that the importance and effect of the Law on whistleblowers is not fully understood, which is why its provisions are rarely used".

The report on the observance of human rights and freedoms in the Republic of Moldova in 2021 mentions: "In 2019-2021, 11 requests were registered at the OO (7 requests in 2021) through which people who consider themselves whistleblowers requested protection from the Ombudsman. Out of all the applications examined, only in one case the solution was achieved by reinstating the rights of the person. Following the recommendations of the Ombudsman, the employer "realized the mistake" and ceased any form of retaliation against the whistleblower. From the primary examination of several requests through which the protection of whistleblowers was

*requested, based on the guarantees provided by Law no. 122/2018 on whistleblowers, it is found that there is insufficient knowledge of the specifics, the purpose of the whistleblower mechanism and the possibility of using this tool. [...] the reinstatement of whistleblowers is a complex and long-lasting process, so 6 such cases are under examination by the Ombudsman for more than a year. Employers were sent Notices with recommendations for the immediate reinstatement of whistleblowers in accordance with the guarantees provided by the whistleblower mechanism. The recommendations were not implemented by the employers and the whistleblowers challenged the sanction orders in court. In 6 cases, the Ombudsman intervened in the process, in order to submit conclusions for defending the rights, freedoms and legitimate interests of the individuals, and in one case the employer has not yet provided an answer regarding the implementation of the recommendations addressed to him. On the first whistleblower's case examined by the Ombudsman, the Supreme Court of Justice cancelled the decisions of the first two courts, which ruled in favor of the whistleblower and ordered the cancellation of the dismissal order and the reinstatement of the person in the previously held position. At the moment, the application submitted by this whistleblower is pending at the ECtHR".*

The understanding and implementation problems of the whistleblowers mechanism were also mentioned in [the assessments of some civil society organizations](#):

*The whistleblower mechanism is still little known and applied in the Republic of Moldova, even if several efforts have been undertaken by the authorities and civil society. Potential whistleblowers are still reluctant to use this mechanism, a reluctance that is fueled on the one hand by a lack of confidence in maintaining their confidentiality, on the other hand by uncertainty and distrust that whistleblowing disclosure will be effectively investigated. Moreover, it seems that the whistleblower protection mechanism is not sufficiently reliable, a fact also recognized by the OO whose recommendations are frequently ignored by employers.*

## CONCLUSIONS

- The actions implemented within Pillar VI, correlative to the area of competence of the Ombudsman for ensuring human rights within public entities, show insignificant improvements. Development partners' reports show that these improvements have only targeted narrow areas and only some aspects of the activity of public entities, and impunity is one of the main challenges in fighting corruption.
- Eliminating corruption risks from the activity of public entities was seen as an effective means of protecting citizens' rights. NAC, even if it regularly conducts the institutional integrity assessment of public entities, still does not undertake long-term analysis and monitoring actions to prevent the "recurrence" of corruption risks, one of the causes being the excessive workload and staff shortage.
- The institutional integrity assessment can be

an effective remedy for preventing corruption constantly, without the need to include the actions related to the implementation of the usual measures from the Integrity Law no. 82/2017 in policy documents such as NIAS. Such an approach relies, however, on the reassessment of the Institutional Integrity Assessment Law no. 325/2013 concept, as well as its subordinated normative acts.

- The protection of whistleblowers also aims to encourage the reporting of corruption and fraud by employees. However, the adoption of the normative framework, including the subordinate acts, as well as the first actions of the OO to protect whistleblowers are still not able to lead to the expected result in the conditions where the employees remain reluctant, the protection measures are not reliable, and the courts, apparently, still do not have a practice and a unified understanding of how to examine cases with the participation of whistleblowers.

Achieving the expected results would contribute to the achievement of the objective of **Pillar VI and produce the impact measured by 3 indicators:**

1. Improved confidence in the Ombudsman;
2. Respect for fundamental rights ensured;
3. The rate of people who fail to report corruption for fear of persecution, reduced.

### Impact indicator 1:

#### Improved confidence in the Ombudsman

At the time of the NIAS launch, there was no reference value (*baseline*) to measure the level of trust in the institution of the Ombudsman. The NIAS impact assessment grid established in Annex no. 3 PD 56/2017 did not establish an alternative indicator for measuring trust in the Ombudsman.

The evolution of the indicator was also measured during the NIAS implementation via 3 NIAS impact assessment studies. According to the results of the last Study, *the share of respondents who have Enough or Very much confidence in the Ombudsman increased from 12% to 16%.*

### Impact indicator 2:

#### Respect for fundamental rights ensured

The NIAS impact assessment study also captured the respondents' opinion regarding the respect of the rights of ordinary people in the Republic of Moldova, which was measured on a scale from 1 (*not respected at all*) to 10 (*fully respected*). The data show that the respondents' perception regarding the respect of the rights of ordinary people in the Republic of Moldova *improved insignificantly from 4.2 points to 4.7 points.*

At the same time, the share of respondents who are aware of the fact that any case of corruption automatically leads to the violation of human rights has also increased: from 76% in 2017 to 79% in 2021.

“Fundamental Rights” factor/Indicator Rule of Law/World Justice Project established as an alternative source for the impact indicator and measured on a scale from 0 to 1 shows a decrease from 0.58 in 2016 to 0.54 in 2020.

**Impact indicator 3:**

**The rate of people who fail to report corruption for fear of persecution, reduced**

The NIAS impact assessment study shows that

- The share of respondents who faced corruption acts in the last 12 months and did NOT report them *decreased* from 81% in 2017 to 74% in 2021;
- The share of respondents who faced corruption acts in the last 12 months and did NOT report them due to the fear of suffering later on personally or professionally remained at the 2017 level (33%);
- The share of respondents who would NOT report corruption acts, if faced with them (Probably not/ Definitely not) decreased from 32% to 28%;
- The share of respondents who would NOT report acts of corruption if faced with them because of the fear of suffering later on personally or professionally increased from 44% to 48%.

**CONCLUSIONS**

● **Impact indicator 1: Confidence in the Ombudsman improved**

The results of the NIAS impact follow-up survey for this indicator show the increase in trust in the Ombudsman, same opinion being also supported by the businesses and the population.

● **Impact indicator 2: Respect for fundamental rights ensured**

The respective indicator in the NIAS Impact Tracking Survey showed insignificant increases and partially correlates with the indicator of the alternative measurement source, which registers an insignificant decrease (within the sampling error).

● **Impact indicator 3: The rate of people who fail to report corruption for fear of persecution, reduced**

The data of the NIAS Impact Assessment Survey do not show significant increases or decreases, the average value of the indicators remaining practically unchanged (within the sampling error).

**The evaluation grid for the VI Pillar of the Ombudsman**

Pillar VI impact indicators	Qualifying	Score
<b>Impact indicator 1:</b> <i>Improved confidence in the Ombudsman</i>	Indicator value improved by less than 40%	1
<b>Impact indicator 2:</b> <i>Respect for fundamental rights ensured</i>	Indicator value improved by less than 40%	1
<b>Impact indicator 3:</b> <i>The rate of people who fail to report corruption for fear of persecution, reduced</i>	The value of the indicator has not changed	0

## II.2.7. Pillar VII. Private sector

The priorities for the private sector included in the Strategy were an innovation for the anti-corruption policy documents in the Republic of Moldova. Pillar VII *Private sector* has completed the National Integrity System, and the actions programmed by NIAS focused on the introduction of corruption risk management in state/municipal enterprises, the cooperation of the authorities with business associations, encouraging the promotion of

ethics in business, especially in the relationship with the state, as well as the prevention of money laundering. In the same way, the Strategy proposed directing the efforts of anti-corruption agencies towards the promotion of business ethics, discouraging corruption manifestations by carrying out criminal investigations and trials, and sanctioning representatives of the private sector for lack of integrity.

### NIAS objective for pillar VII:

*Promoting a competitive, fair business environment, based on the corporate integrity standards, transparency and professionalism in interaction with the public sector*

Within the objective of Pillar VII, 3 priorities, 5 expected results and 3 result indicators were established:

Priorities of pillar VII	Expected results	Outcome indicators
<b>VII.1. Transparency of private sector in relations with public sector</b>	<ul style="list-style-type: none"> <li>● Preventing the promotion of the interests of businesses affiliated to exponents of the public and political environment in commercial relations with the state: public-private partnerships, concessions, privatizations, public procurement, etc.</li> <li>● Prevention of money laundering of money originating from corruption</li> <li>● Facilitating the recovery of assets from corruption crimes</li> </ul>	<ul style="list-style-type: none"> <li>● Journalistic/criminal investigations regarding the actual beneficiaries from the public/political environment of public-private partnerships, concessions, privatizations, public procurements, etc., carried out and sanctions applied</li> </ul>
<b>VII.2. Increasing integrity in the activity of enterprises with a full or majority state/municipal share</b>	<ul style="list-style-type: none"> <li>● Preventing promotion of private interests of the public officials in the enterprises with full or majority state/municipal shares under the control of public entities they lead</li> </ul>	<ul style="list-style-type: none"> <li>● Profitability indicators of companies with a full or majority state/municipal share, improved</li> </ul>
<b>VII.3. Business ethics</b>	<ul style="list-style-type: none"> <li>● Ensuring a competitive, free, fair and honest environment for the private sector</li> </ul>	<ul style="list-style-type: none"> <li>● Sanctions applied to business environment representatives for active corruption, bribery, influence peddling and abuse</li> </ul>

The action plan for the implementation of NIAS established **14 actions** for Pillar VII, 4 of which are permanent, and 10 with specific or staggered deadlines, depending on the sub-actions preceding the implementation of the action.

The assessment of the practical implementation of the 3 priorities of Pillar VII, based on the examination of the data and collected information, shows the following:

### Priority VII.1.

#### Transparency of private sector in relations with public sector

The strategic document aimed to increase the level of transparency of the private sector in the relationship with the public sector by introducing mechanisms for preventing the promotion of interests of businesses affiliated to representatives of the public and political environment in commercial relations with the state, as well as in public-private partnerships, concessions, privatizations, public procurements, etc., to prevent money laundering of money originating from corruption and to facilitate the recovery of assets from corruption crimes. In this sense, a first step involved *ensuring public access to the State Register of Legal Entities, by permanently updating it with the fields of activity, the names of the founders, shareholders and beneficial owners of the commercial companies.* Although the Public Services Agency (PSA) responsible for implementing the action communicated about the implementation of the action, following a check of the web portal (<http://e-services.md/?q=ro/content/verifica-idno>) confirms the statement from the NIAS Monitoring Report which states that the platform does not allow access to information on shareholders and beneficial owners, these will only be provided upon official request from the specialized anti-corruption authorities (NAC, APO, Service for Prevention and Combatting Money Laundering) and the fiscal authority (SFS). Although the specialized authorities have access to information in this way, the delay, as well as the anonymity in cases of public interest, can represent a substantial obstacle to the achievement of the announced priority, including for the achievement of journalistic investigations.

A similar situation is showed regarding the action *Reviewing the legislation to regulate the mechanism for establishing the level of audience of media institutions.* The Broadcasting Coordinating Council reports on the approval of a Regulation and contracting an international company, but the qualitative impact of the action is not clear.

The AP set as a priority for the anti-corruption authorities “*Organization of periodic public consultations between representatives of the public sector and the business environment on the national anti-corruption policies and commitments with an impact on economic activity*”. NAC reports on holding 46 meetings with the participation of approximately 1000 representatives of the private sector and the launch of a communication platform. The progress of the activity had to be measured by the number of recommendations and solutions identified in the dialogue with representatives of small and medium businesses in order to promote the implementation of the authorities’ anti-corruption agenda and ease the burden on businesses.

The efficiency of criminal investigations regarding the actual beneficiaries among public/political officials of public-private partnerships, concessions, privatizations, public procurement, etc. carried out is a relatively small, considering that during this period investigative journalists published at least 15 cases in 2 editions of the publication *The Black Book of the Waste of Public Money* (2019 and 2020). The General Prosecutor’s Office informed about a total number of 5 criminal files for the period 2017-2020 (2017-2, 2018-2020 – 1 file each), and the Anti-Corruption Prosecutor’s Office about 87 cases, of which in 2017 – 19 cases, in 2018 – 9 cases, in 2019 – 54 cases and in 2020 – 4 cases of corruption regarding the actual beneficiaries among public/political officials of public-private partnerships, concessions, privatizations, public procurement, etc.

The NAC communicated only the total number of crimes detected on the components of active corruption crime, bribery, influence peddling and abuse<sup>73</sup>, with the argument that “currently the NAC does not hold the statistical data, according to the requested criteria”.

### Priority VII.2.

#### Increasing integrity in the activity of enterprises with a full or majority state/municipal share

In order to prevent the promotion of the private interests of public officials in enterprises with a full or majority state/municipal share, under the control of the public entities they lead, 5 actions were established in the NIAS Action Plan, which, according to the NIAS Monitoring

73 374 cases in 2017, 428 in 2018, 362 in 2019, 246 cases in 2020



Report are fully accomplished. In 2018, NAC presented the Assessment of the corruption risks in the legislation and activity of enterprises with a full or majority state/municipal share, and in 2020, with the purpose of monitoring the adoption and implementation of the measures provided by the corruption risk registers and/or the integrity plans, the Study on the Evaluation of the Implementation of Integrity Plans and/or Risk Registers by State and Municipal Enterprises<sup>74</sup> was launched in which the risks of fraud and corruption found in a representative sample of enterprises were reflected, as well as the measures taken by the management of the enterprises to remove them.

Although the NIAS AP provided for the *“Development and adoption of a draft law and/or Government decision regarding the amendment and completion of the legislation for the removal of vulnerabilities to corruption from the activity of enterprises with a full or majority state/municipal share of capital “*, and the Ministry of Economy informed on the implementation of the activity via Government Decision no. 484 of 18.10.2019 for the approval of normative acts for the implementation of Law no. 246/2017 on the state enterprise and the municipal enterprise, we conclude that the efforts of the central and anti-corruption authorities (MEC, PPA, NAC, NIA) have not led to a considerable increase in integrity in the activity of enterprises with a full or majority state/municipal share.

**The assessment of the risks of corruption in the legislation and the activity of companies with full or majority state/municipal capital shares** carried out based on the applied questionnaires to a representative sample of 516 companies, managers and 1500 employees shows a series of risks of fraud and corruption in the process of public property administration, public procurement, but also risks specific to financial management activities in the public sector that may affect the property of enterprises, the economic return on capital and their solvency (manipulation of financial reports, non-declaration of conflicts of interest, etc.). NAC has developed models for the corruption risk register, integrity plans and a model code of conduct for businesses. The Secretariat of the Monitoring Groups records in the annual report that the Ministry of

Economy and Infrastructure (MEI) included the recommendations of the reports mentioned in the documents of economic policies and for the business environment for 2018-2020, as well as in the Sectoral Anti-corruption Plan in the field of administration and privatization of public property for 2018-2020<sup>75</sup>, and as a result 46 state enterprises informed about the approval of integrity plans.

The TI report on the transparency of the activity of state-administered enterprises, published in January 2021, analyzed sensitive topics related to the integrity of public agents involved in the administration of enterprises, as well as the transparency of policies regarding the appointment, activity and remuneration of Boards of Directors, the treatment of conflicts of interest. The report revealed that in the case of the 38 enterprises and joint stock companies monitored, the web pages hardly and in an inconsistent manner ensure transparency and access to information of public interest regarding managers, board of directors, tariffs, procurement plans and procedures, reports of audit. The NAC report shows that approximately 30 managers of enterprises with a full or majority state/municipal share of capital have been trained on keeping records of corruption risks, but there are no requests from state/municipal enterprises regarding the development of integrity plans and monitoring their implementation.

The Evaluation of the implementation of Integrity Plans and/or risk registers by state and municipal enterprises developed by IDIS Viitorul following the analysis of 130 state/municipal enterprises found *“a low level of implementation of the actions for preventing and reducing the corruption risks, according to the integrity-related documents available within entities... Analysis of the responses received from the 59 state enterprises (active) reveals that about a third of them (35% or 21 state enterprises) do not have any of the mentioned documents at the enterprise level. Transparency and access to information of public interest are affected by the lack of web pages or failure to ensure the permanent updating of information, but also by the unfounded refusals of companies to provide the information requested by the petitioners. Therefore, 6 of the 31 enterprises (1 municipal*

74 developed by IDIS Viitorul with the support of UNDP Moldova

75 GD no. 554 of 18.06.2018

and 5 state enterprises) do not have web pages. And, only in the case of 7 enterprises (2 municipal and 5 state enterprises) the web pages contain permanently updated information... In the case of the 21 evaluated state enterprises, the total net assets in 2020 (as of 01.01.2020) amounted to 13.13 billion lei or by 0.73% less compared to 2019 (situation from 01.01.2019), when the total value of the net worth amounted to 13.23 billion lei. This represents a slight worsening of the situation, a fact that indicates on the existence of the risk of embezzlement of assets and/or suspicious increase of total debts.”

Relying on the aforementioned, we shall conclude that the obligation prescribed in the Strategy to publish on the web pages of state/municipal enterprises or of the public entities that control them the corruption risk registers and/or approved integrity plans of state/municipal enterprises is an action with a poor implementation in practice.

Another obligation of the authorities included in the NIAS AP is “Periodic performance audits and financial inspections at enterprises with full or majority state/municipal capital share “. And in this sense, during the Strategy period, such an audit was not carried out, the most recent being the Audit of the performance of financial monitoring of state-owned enterprises carried out by the Court of Accounts in 2016 which revealed several problems for the analysis of the performance of enterprises, such as “the non-correlation in the regulatory framework of the deadlines for the presentation to the Public Property Agency of the Analytical Note on the results of financial monitoring; failure to include in the informative notes to the draft law of the state budget and to its execution report the chapters on the results of financial monitoring and possible risks, with the specification, as the case may be, of some calculated/evaluated indicators, the lack of regulation on the obligation of central public authorities to implement the recommendations of the Ministry of Finance, with the implementation of specific actions, do not result in the efficient management of public property”. The analysis of the management of public investments, public assets and fiscal risks and the monitoring of public enterprises records that “There are deficiencies in asset management that prevent the Government from having a complete picture of its assets and increasing their value. Although fiscal monitoring of SOEs is carried out

regularly, it is based on unaudited information that is not reliable and together with weak governance may hide some potential risks and lead to an unexpected fiscal burden for the Government... Although the current legislation requires the mandatory audit of state-owned enterprises, it is not properly respected. Planning and execution of public investments is weak. The application of the public investment management framework is limited to certain investments ensuring insufficient coverage.”. For corporate monitoring, the evaluators gave a score of C (on a scale from D to A), reasoning that “While most public companies publish audited annual financial statements, evidence shows that this occurs between 6 and 9 months after the end of the financial year. The financial performance of state-owned enterprises is monitored in various reports prepared by the Public Property Agency or the Ministry of Finance.”

In the focus group with the participation of Public Property Agency representatives, it was mentioned that in the period 2017-2020 the Agency did not establish/monitor the improvement of profitability indicators of companies with a full or majority state/municipal share. Only in 2022, the Board of Directors established sets of profitability indicators, which are to be subsequently monitored and analyzed in a comparative aspect.

### Priority VII.3.

#### Business ethics

The strategy established the need to ensure a free, fair and honest competitive environment for the private sector, creating preconditions for the development of business ethics. A relevant document was provided by NAC, which promoted a model Code of Business Ethics and Corporate Governance for companies with the aim of ensuring the fairness of economic activities, preventing conflicts of interest and encouraging the application of good commercial practices by enterprises, both in the relations between them and in the relations with the state. In order to encourage the compliance of businesses with business ethics standards, the NIAS Action Plan established the need to identify legal incentives to promote the implementation of business ethics and corporate governance codes, to prevent corruption and ensure the integrity of employees. Although a study on the legal incentives of commercial companies was developed with the support of the CoE/EU Joint Project “Combating corruption through law enforcement and prevention (CLEP)”, its recommendations were not made

public and/or implemented in practice by the responsible authorities, and the progress indicator for this priority “At least 25% of joint-stock companies and at least 75% of enterprises with full or majority state/municipal capital share have adopted codes of ethics” was not achieved.

A similar situation was revealed in the field of philanthropy and sponsorships, treated as a source for risks of voter corruption, unfair practices in electoral campaigns. In order to ensure transparency in the charitable acts of commercial companies, to avoid conflicts of interest and to ensure the use of donations for the proposed purposes, the authorities responsible for the development and implementation of the fiscal policy were to undertake actions to improve the legislation in the field and remedy these risks, action which was not carried out due to disagreements between the MF and the SFS regarding their competences in this field, a fact repeatedly noted in the focus group. In 2019, the Parliament rejected the voting of a [draft law](#) that aimed to eliminate legislative loopholes and reduce the risks of using these foundations for political and electoral purposes.

The legislation on the real estate register was revised and the property registration procedure of the provisional ownership right was introduced, for the real estates that have not yet been put into operation, thus contributing to ensuring the citizens’ constitutional right to property.

*For the dissemination among the business community of the international standards for the prevention of corruption in the private sector (ISO 37001:2016 “Anti-bribery management systems. Implementation requirements and recommendations”) and the model Code of Business Ethics and Corporate Governance, the plan of actions of NIAS established the indicator of 200 people from the business environment trained annually, the development and distribution of training materials, but also Public awareness regarding the importance of integrity, preventing and fighting corruption in the private sector. Although in the period 2017-2020 only 267 persons were trained (the annual indicator from the AP is 200), with the support of the “Curbing corruption by strengthening sustainable integrity in the Republic of Moldova”<sup>76</sup> project, a campaign on business integrity was promoted and implemented in 2 editions (2019-2020) of the Trademark of the Year Contest under the*

nomination “Implementation of integrity standards in the private sector”.

In the activity reports and the responses to the requests for information presented by the Anticorruption Prosecutor’s Office, no sanctions applied to business representatives for active corruption were detected. The Ministry of Justice, likewise, did not provide an answer for this indicator. The APO showed a number of subjects from commercial companies who became subjects of crimes in the cases sent to court by the APO: in 2019 there were 24 administrators, accountants and other employees of commercial companies, in 2018 – 51, and in 2017 – 41 private sector employees.

In the process of analyzing the contribution of public entities to the progress measured based on the impact indicators, namely for the indicator *Low money laundering risk*, the evaluation analyzed the data of the Service for the Prevention and Combating of Money Laundering. In its reports, the Service for the Prevention and Combating of Money Laundering noted that in the context checking the compliance, both ex officio and during the notification of the supervisory bodies of the reporting entities, the Service identified cases of violations of the legislation on prevention of money laundering and combating terrorism, and for the violations detected during 2020, the Service prepared 17 notifications on the application of sanctions to reporting entities and responsible persons in a total amount of 766 thousand MDL: “The number of cash and limited transactions recorded insignificant deviations in 2020 (420/0.03%) compared to 2019 (21,003/1.1%), and the suspicious ones decreased by 50 times “Service for the Prevention and Combating of Money Laundering believes that this proves that “the reporting entities complied with the requests on the effective application of the risk-based approach and directed the reporting system from quantity to quality”. Service for Prevention and Combating of Money Laundering mentions that “A similar situation is in the financial-non-banking sector, where the number of suspicious transactions reported in 2020 (280/3%) decreased 12 times compared to 2019 (3,414/31%). During 2020, a total of 36,859 transactions from the self-employed sector were reported (86% by notaries), of which 349 were suspicious transactions, 9,764 – limited and 26,746 – in cash”.

76 Implemented by UNDP Moldova in collaboration with the National Anticorruption Center, financed by the Ministry of Foreign Affairs of Norway.

## CONCLUSIONS

- Anti-corruption agencies have undertaken several actions to promote business ethics through informational support and public awareness, but the central and local authorities have not adopted these good practices to contribute to the building genuine corruption risks management systems, dealing with conflicts of interest interests and non-admission of integrity incidents within state/municipal enterprises.
- The central specialized authorities (PPA) do not publish annually the dynamic analysis of the

profitability indicators of enterprises with full or majority state/municipal shares, a fact that indicates a lack of vision on the strategic development and profitability of enterprises.

- Investigative journalists continue to inform the public about cases of embezzlement of public funds and unjustified wealth of the heads of state/municipal enterprises, but in the absence of consistent sanctioning actions by the responsible authorities, they continue the perception of pandemic corruption in the relationship between the private sector and the state. Therefore, all 3 expected result indicators of Pillar VII are considered to be partially achieved.

Achieving the expected results was to contribute to the achievement of the objective of **Pillar VII and produce the impact measured on 3 indicators:**

1. Reduced corruption risks and the level of bribery offered in the private sector, diminished
2. Ensured business freedom from corruption
3. Reduced risk of money laundering.

### Impact indicator 1:

#### Reduced corruption risks and the level of bribery offered in the private sector, diminished

According to the NIAS impact follow-up survey carried out as part of the National Integrity and Anti-Corruption Strategy Impact Assessment Study, the share of businesses who state that they have not faced corruption situations in their interaction with public agents has increased from 53% to 58%. The volume of estimated bribes paid by business increased from 405 million in 2017 to 566 million in 2021. At the same time, the share of businesses who state that the phenomenon of corruption in the judicial system, fiscal, customs, control of the quality of products and in public procurement procedures is among the main obstacles in their activity remained at the level of 2017 (32%).

### Impact indicator 2:

#### Ensured business freedom from corruption

As part of the National Integrity and Anticorruption Strategy Impact Assessment Study, the share of

businesses who state that their activity is not at all affected by political interests decreased from 51% to 46%. And the share of businesses who have a code of ethics within the company decreased from 81% to 76%.

The impact indicators established in the Strategy according to alternative data sources made by international organizations indicate in the Global Index of Economic Freedom/Heritage Foundation, the Score “Freedom of business from corruption” – 68.1% (an increase of 2.2% compared to the 2017 value of 65.9%), on a scale of 0 to 100%. The same Source, the Global Index of Economic Freedom carried out by the Heritage Foundation indicates the same value as in 2017 for the “Investment Freedom” Score – 55% (2020).

### Impact indicator 3:

#### Reduced risk of money laundering

According to the NIAS impact follow-up survey carried out as part of the National Integrity and Anticorruption NIAS Impact Assessment Study, the share of businesses that use cash for payment in the company’s activity is 20% or more dropped from 48% to 28%. The share of businesses who consider that the use of cash as a

means of payment offers the possibility of tax evasion increased from 19% to 33%. These data, however, contradict the analysis of the Service for the Prevention and Combating of Money Laundering, which reveals that the number of suspicious transactions has decreased in all monitored areas and a better compliance with the rigors of money laundering risk prevention is showed.

*The impact indicator established in the Strategy according to alternative data sources produced by international organizations was the one calculated by the Basel Institute for Governance. The Basel Money Laundering and Terrorist Financing Risk Index<sup>77</sup> recorded 5.14 points in 2020 – an insignificant decrease of 0.23 points compared to the situation in 2017 (5.37), on a scale from 0 to 10. Another analysis carried out in the evaluated period by Moneyval reveals that Moldova has made progress that demonstrates effectiveness in analyzing the risks of money laundering and terrorist financing, but insufficient progress in sanctioning associated crimes.*

## CONCLUSIONS

The analysis of the four impact indicators for Pillar VII shows the following:

- **Impact indicator 1: Reduced corruption risks and the level of bribery offered in the private sector, diminished.** The NIAS impact indicators regarding the reduced corruption risks and reduced level of bribes offered in the private sector either remained at the same level or registered a slight increase.
- **Impact indicator 2: Ensured business freedom from corruption** decreased according to the results of the NIAS Survey, but registered stagnation and slight increases from the perspective of alternative sources.
- **Impact indicator 3: Reduced risk of money laundering** is the only one of this Pillar that registered a more significant increase, from the perspective of the frequency of using card transactions by citizens and businesses.

### Evaluation grid for Pillar VII Private Sector

Pillar VII impact indicators	Qualifying	Score
<b>Impact indicator 1:</b> <i>Reduced risks of corruption and the level of bribery offered in the private sector, diminished</i>	<b>Indicator value improved by less than 40%</b>	<b>1</b>
<b>Impact indicator 2:</b> <i>Ensured business freedom from corruption</i>	<b>The value of the indicators decreased</b>	<b>0</b>
<b>Impact indicator 3:</b> <i>Reduced risk of money laundering</i>	<b>Indicator value improved by less than 40%</b>	<b>1</b>

77 Source: <https://index.baselgovernance.org/>

## II. 2.8. The degree of achievement of the general purpose and objectives of NIAS

NIAS in chapter II established 6 general objectives which are “DREPTE (i.e. RIGHT)” and cover aspects related to: Deterrence, Recovery, Ethics, Protection; Transparency; Education. It should be noted that the general purpose and objectives of NIAS have a transcendental/transversal character and, broadly speaking, are not reported and do not derive from a single pillar of NIAS, i.e. no exact indicators (quantitative/qualitative) have been established to demonstrate the achievement of the overall goal and objectives.

In order to track the achievement of the NIAS general purpose and objectives, the indicators from alternative sources listed in the Evaluation Grid of NIAS from annex no. 3 of PD 56/2017 were used, as well as indicators that include part of the quantitative/qualitative indicators correlative to the objectives for NIAS AP priorities and related actions. The analysis of these indicators determined the achievement of the targets pursued by the general objectives of NIAS.

The present section describes the achievement of the purpose and the 6 general objectives (hereafter GO) of NIAS, based on the data and information mentioned above.

### Purpose of NIAS: Integrity instead of corruption

The purpose of NIAS was formulated in Chapter II, the achievement of which was to be demonstrated by the data collected based on the NIAS Impact Assessment Survey, as well as by a range of alternative data.

### Alternative impact indicators, according to the NIAS Evaluation Grid:

The evaluation grid established 3 alternative sources for measuring the NIAS impact. The evolution of these indicators is the following:

- The Corruption Perceptions Index (CPI) calculated by Transparency International on a scale from 1 to 100, shows an improvement in the score by 4 points: 30 points in 2016 versus 34 points in 2020;
- The “Absence of corruption” factor, Rule of Law Indicator calculated within the framework of the World Justice Project, calculated on a scale of 0 to 1, also shows improvements: from 0.28 in 2016 to 0.34 in 2020;
- The “Corruption” score, Nations in Transition calculated by Freedom House remained unchanged: 5.75.

### Evaluation grid for the NIAS Purpose

Impact indicators	Qualifying	Score
Alternative impact indicators	The value of the indicator improved by less than 40%	1
Sociological impact indicators	The value of the indicator improved by less than 40%	1

### Impact indicators, according to the NIAS Impact Study

The survey data shows the following trends:

- The share of respondents who consider that the phenomenon of corruption is not a problem in Moldova decreased in 2021 compared to 2017 from 5% to 4%, especially in the case of businesses (from 6% to 3%).
- From the perspective of the most important causes of corruption, in 2021 the importance of non-sanction (impunity) of corrupt persons increased (by 5%), lack of confiscations (by 7%) and mild sanctions (by 4%). The importance of these causes was more pronounced in the case of the answers of public agents, compared to 2017. At the same time, the influence of low salaries in the public sector and the mentality of paying/receiving unofficial payments was considered less important: a decrease of 7% (from 52% in 2017 to 45% in 2021).
- The share of respondents who consider that the level of corruption in Moldova has decreased from 25% to 19%, especially in the case of public officials (if in 2017, 39% of them considered that the phenomenon of corruption is decreasing, then in 2021 only 20% (19% less) considered that the level of corruption is decreasing).
- The average share of respondents who consider any corruption situations unacceptable increased from 53% to 57%, especially in the case of legal entities.

### CONCLUSIONS

- The NIAS impact assessment survey shows non-significant increases in the number of indicators for measuring impact, and for some there is even a decrease.
- Alternative impact indicators resulted from international research show improvements which are not of a scale that would demonstrate the change and impact expected by the NIAS.
- Neither the national nor the international indicators recorded increases that exceeded 40%, an increase that would have contributed to the achievement of the expected impact of NIAS.

## GO 1. Deterrence of involvement in corruption acts

### NIAS target for GO1. Deterrence:

The capacity of the anticorruption and justice agencies to react will be enhanced, and thus the risks for getting involved in corruption acts will also increase. The efficient investigation skills will be developed, as well as drastic sanctioning of corruption

### Alternative impact indicators, according to the NIAS Evaluation Grid:

For the World Governance Indicator “Control over corruption” calculated by the World Bank<sup>78</sup>, the methodology was changed in the period 2017-2020. Thus, in 2017 it indicated a value of 21.15 points (on a scale from 0 to 100), and in 2020 already 30.29 points, having a gradual increase every year (25.96 in 2017 and 28.85 in 2019).

### Impact indicators, according to the NIAS Impact Study

The perception and experiences of citizens and the businesses, assessed for the establishment of the NIAS impact, in order to discourage the involvement in acts of corruption, was calculated within the Sociological Impact Study of NIAS through 6 measurement indicators, as follows:

- The share of respondents who believe that the fight against corruption is effective in Moldova decreased from 18% in 2017 to 15% in 2021.
- The general perception of the survey participants is that public agents in the Republic of Moldova continue not to be, in general, sanctioned by their managers for lack of ethics and professional integrity. According to the opinions of 74% population and 71% business, they are rarely/very rarely/never sanctioned by their managers for corruption acts.
- 84% of the population and 74% of businesses declare that, currently, the fight against the phenomenon of corruption is *not at all/not very*

*effective*, values similar to those of 2017.

- The share of corruption experiences has been reduced following the interaction with public institutions. Thus, 9.9% of the general population (11.3% in 2017) and 2% of businesses (3.6% in 2017) offered informal payments during a year prior to the survey.
- The average frequency of bribes offered to public institutions with which the respondents interacted increased from 3.7 to 4.8 times for the general population and decreased from 6.1 to 2.5 times in the case of businesses.
- The estimated volume of bribes (in money and goods) offered within 12 months of the study period increased from 405 million lei in 2017 to 566 million lei in 2021.

## CONCLUSIONS

- Sociological data on experiences and perception of *GO1 Discouragement* indicates a minor improvement in the situation, calculated on a scale from 10 to 1, which shows the gradual decrease of the average value and indicates a decrease in the value from 3.2 points in the year 2017 to 3.1 points in the year 2021, a fact largely due to reducing the incidence of corruption experiences.
- At the same time, the alternative impact indicator also notes an improvement of about 9 percentage points. We will thus conclude that the efforts, although dispersed, of the authorities to discourage involvement in corruption acts had some impact, even if it did not reach the NIAS target values of improvement by more than 40%.

### Evaluation grid for GO 1. Deterrence

Impact indicators	Qualifying	Score
Alternative impact indicators	The value of the indicator improved by less than 40%	1
Sociological impact indicators	The value of the indicator improved by less than 40%	1

78 Sursa: <http://info.worldbank.org/governance/wgi/#home>

## GO 2. Recovery of the proceeds of corruption crimes

### NIAS target for GO2. Recovery:

NAC shall get specialized in tracking, seizure and confiscation of illegal assets originating from corruption crimes, including abroad, ensuring the compensation of the persons who have suffered. The collaboration between the Court of Accounts and law-enforcement bodies shall be improved to ensure the return of damages caused by frauds and corruption in public entities, established during the audit.

### Alternative impact indicators, according to the NIAS Evaluation Grid:

Alternative NIAS impact tracking data sources for this objective have not been established.

### Impact indicators, according to the NIAS Impact Study:

The impact of GO2 focuses on citizens' perceptions and experiences measured in the NIAS Sociological Impact Study.

- The share of respondents who faced corruption situations within 12 months and were compensated for the damage caused decreased from 14% to 13%. This indicator was calculated based on the frequency of corruption cases, which decreased compared to 2017: from 31% respondents to 24% in 2021 who reported that they had faced corruption acts within 12 months. For the population, the percentage decreased from 31% to 27%, and for business from 30% to 20%. The citizens of the Republic of Moldova who faced situations that damaged their physical or moral well-being as a result of the interaction with public agents

from different sectors, preferred not to request recovery of the damage. The main argument for this decision, mentioned by the majority of participants in the study, is the lack of confidence that the damage will be returned.

- The share of respondents who believe that public agents are required to return money and assets resulting from corruption acts (often/very often/always) decreased from 5% of respondents in 2017 to 2.6% in 2021. The survey notes that “the general perception of the participants in the survey is that, currently, in Moldova, there continues to be a lack of concern for the recovery of assets from corruption crimes, in which actors from the public sector were/are involved”.

## CONCLUSIONS

- In 2017, the general integrated indicator calculated within the NIAS Sociological Impact Study was 1.2 points, in 2021 this figure decreased to 1.0 points, which indicates the growing expectations and needs of the population to make the application of this tool more efficient by the national authorities.

### Evaluation grid for GO 2. Recovery

Impact indicators	Qualifying	Score
Alternative impact indicators	They were not established by NIAS	-
Sociological impact indicators	The value of the indicator did not change or decreased	0



### GO 3. Ethics and integrity in public, private and non-governmental sectors

NIAS target for **GO3. Ethics**:

MPs will implement ethical norms. An Ethics Officer will supervise the observance of such rules. The implementation of integrity standards in the public sector, including in the Government, central and local public authorities will be monitored and assessed by anticorruption agencies. Vulnerabilities to corruption in the activity of the state and municipal enterprises shall be reviewed, suggesting solutions and sanctioning violations. Models of Codes of Ethics in business environment will be developed, and companies will be fostered by the State to adopt them.

#### Alternative impact indicators, according to the NIAS Evaluation Grid:

Alternative sources for measuring the impact of NIAS within GO3 show the following trends:

- The “Government Integrity” score of the Global Index of Economic Freedom/Heritage Foundation calculated on a scale from 0 to 100% demonstrates an increase from 28.6% in 2017 to 37.2% in 2020;
- The Doing Business ranking of the World Bank also shows to an increase in the position of the Republic of Moldova from 44th in 2016 to 48th in 2020;
- Indices 1.5. Non-governmental control, the “Control over Government Power/Rule of Law Indicator/World Justice Project” factor shows an insignificant decrease from 0.55 in 2017 to 0.51 in 2020.

#### Impact indicators, according to the NIAS Impact Study

The NIAS impact assessment survey included 6 indicators to measure the achievement of GO3 Ethics. The analysis of these indicators during the NIAS implementation period shows the following trends:

- The share of respondents satisfied (*satisfied/very satisfied*) with the interaction with public agents did not show any changes, the same average value of 54% being valid both in 2017 and in 2021;
- The level of satisfaction of the respondents with the interaction with public agencies<sup>79</sup> remained

unchanged during the entire period of implementation of NIAS with the value of 3.4;

- Respondents’ perception of ethics and integrity in the activity of the public sector<sup>80</sup> registered an insignificant increase: from 4.6 in 2017 to 4.9 in 2021;
- Respondents’ perception of ethics and integrity in private sector activity improved from 5.1. to 6.1;
- Respondents’ perception of ethics and integrity in media activity shows an insignificant decrease from 5.2 to 5.0;
- Respondents’ perception of ethics and integrity of NGO activity also shows decreases from 5.9 to 5.5.

#### CONCLUSIONS

- The NIAS impact survey data show that out of the 6 indicators used to measure the achievement of GO3 “Ethics”, 4 indicators have decreased or remained unchanged and only 2 show an increase.
- The value of 2 of the 3 international alternative indicators increased during the implementation of the NIAS, and in the case of the third indicator (“non-governmental control over the Government”), a decrease is observed.
- The evolution of impact indicators from both sociological (national) and alternative (international) sources outline different perspectives: at the national level, it is considered that, broadly speaking, things have remained unchanged, while international estimates show insignificant improvements.

79 Measured on a scale of 1 to 5, where 1= Very dissatisfied... 5 = Very satisfied

80 Measured on a scale of 1 to 10, where 1= Corruption, lack of ethics and integrity... 10 = Total ethics and integrity and lack of corruption

#### Evaluation grid for GO3. Ethics

Impact indicators	Qualifying	Score
Alternative impact indicators	The value of the indicator improved by less than 40%	1
Sociological impact indicators	The value of the indicator has not changed	0

## GO 4. Protection of whistleblowers and victims of corruption

### NIAS target for **GO4: Protection**

The legal framework necessary for encouraging and protecting by the Ombudsman of the persons disclosing corruption acts and other on-job violations of the public interest shall be promoted. This will help to overcome the fear of whistleblowers to be persecuted by the employers. At the same time, the Ombudsman will collaborate with the NAC to reveal the cases of corruption and abuse in public entities, which induce violations of human rights, so as to ensure better protection for such rights.

### Alternative impact indicators, according to the NIAS Evaluation Grid:

As the alternative indicator for measuring the impact of **GO4** was indicated “*The share of people who did not turn to law enforcement bodies fearing that this would only create problems for them/ failure to report corruption cases, the percentage of those who faced this problem/ Sociological research “Corruption in the Republic of Moldova: perceptions and personal experiences of businessmen and households”/ Transparency International Moldova*. At the time of this evaluation, it is impossible to estimate the evolution of this indicator, taking into account the fact that this evaluation has not been carried out by TI Moldova.

### Impact indicators, according to the Study on the impact of NIAS

The NIAS impact assessment survey included 6 indicators for the assessment of the **GO4 Protection**, the evolution of these indicators during the NIAS implementation period was the following:

- The share of respondents who have *faced corruption acts within 12 months* **decreased** from 31% in 2017 to 24% in 2021, the decrease having positive meaning that shows, apparently, the decrease in the level of petty corruption;
- Share of respondents who *experienced corruption acts within 12 months and reported them* **is increasing**: from 9% (2017) to 13% (2021). The increase during this period was more prominent in the case of the population: from 10% to 16%;
- The share of respondents who *reported acts of corruption that they faced within 12 months and did not suffer, the guilty person being held accountable* is **in sharp decline**: from 32% in 2017 to 13%

in 2020, which shows that the corruption reporting was discouraged: either those who reported suffered, or the guilty persons were not sanctioned;

- The share of respondents who *did NOT report acts of corruption that they faced within 12 months, because they believe that there is no protection for those who report corruption acts*, **decreased** from 37% to 31%, which could be interpreted as a greater openness of people to report corruption acts;
- The share of respondents who *believe (to a large extent/ absolutely convinced) that they will be protected in the case of reporting an act of corruption from which they suffered* **grew by 2%** from 4% in 2017 to 6% in 2021, which is in line with the above-mentioned data which apparently indicates that the respondents expect to be protected if they report a corruption act;
- The perception of the respondents regarding *the protection in case of denouncing a corruption act as a result of which they suffered (measured on a scale from 1 = I do not believe at all to 5 = Absolutely convinced that I will be protected)* still **increased** non-significantly from 1.9 to 2.0.

## CONCLUSIONS

- The analysis of the NIAS impact survey data shows an uneven evolution of the indicators for this objective, with insignificant increases for some indicators (the expectation that they will be protected if they report acts of corruption), while other important indicators inferred from the respondents’ experience of reporting facts of corruption, reveals involutions that discourage them from reporting such practices: either they suffer from negative consequences, or the guilty person is not sanctioned.

### Evaluation grid for **GO4. Protection**

Impact indicators	Qualifying	Score
Alternative impact indicators	The indicator is no longer valid	-
Sociological impact indicators	The value of the indicator improved by less than 40%	1

## GO 5. Transparency of public institutions, party and media financing

### NIAS target for **GO5: Transparency**

Transparency of the decision-making process will be improved by ensuring access to the drafts sent to the Government and publication of draft laws before their adoption in the final reading by the Parliament. The interested stakeholders will be informed regarding the fate of the proposals they have submitted. A rigorous parliamentary control will be implemented over laws' implementation. Online access will be ensured for citizens to information about political parties' financing and electoral campaigns. As well, the information about founders, shareholders and effective beneficiaries of the companies will be published on-line.

### Alternative impact indicators, according to the NIAS Evaluation Grid:

In the NIAS impact assessment indicator grid for 2017–2020, for GO5: *Transparency of public institutions, party and media financing*, had the following **alternative sources** for impact indicators: “Electoral Process” score/ Nations in transition/ Freedom House<sup>81</sup>; Factor “Open Government”/Rule of Law Indicator/World Justice Project<sup>82</sup>; Global Press Freedom Index/ Reporters Without Borders<sup>83</sup>; Index of the situation of the mass media in the Republic of Moldova/ Center for Independent Journalism<sup>84</sup>.

- According to Freedom House, the reference value of the “Electoral Process” Score in 2020 is the **same** as in 2016 (4/2020 and 4/2016, Scale from 1 to 7).
- According to the World Justice Project, the reference value of the “Open Government” Factor in the Rule of Law Indicator, in 2020, is **decreasing by 0.03** compared to the reference value available at the beginning of the NIAS implementation (0.55/2020 compared to 0.58/2016, Scale: from 0 to 1)
- According to Reporters Without Borders, in 2020 the reference value of the Global Index of Press Freedom in Moldova is down **by 2.33** compared to the reference value at the beginning of the implementation of NIAS (68.84 /2020 compared to 71.17 /2016, Scale: from 0 to 1)
- According to the Center for Independent Journalism, the index of the situation of the mass

media in the Republic of Moldova has shown a **decrease of 3** points compared to the reference value at the beginning of the implementation of the NIAS (23.66/2020 compared to 26.66/2016, Scale: from 0 to 1).

### Impact indicators, according to the NIAS Impact Study

According to the NIAS-Moldova 2021 Impact Assessment Study<sup>85</sup>, the majority of survey participants continue to believe that the Presidency, the Parliament and the Government are not transparent in their activity, but compared to the 2017 study, there is a **decrease in the level of mistrust**. A net positive dynamic was registered by the Presidency: the level of trust in the transparency of the activity increased from 25% in 2017 to 34% in 2021 among the population and from 20% to 46% among businesses. For the Parliament and the Government, the positive perception of the population did not change, but the percentage of those with a negative perception decreased (from 77% to 70%) in favor of the percentage of undecideds (from 5% to 14%). In the case of businesses, the positive perception regarding the transparent activity of the Parliament and the Government increased by 9% on average (from 17% to 26%). At the same time, the percentage of those who believe that these 2 institutions are not transparent at all decreased by almost 2 times.

As for the perceptions about the level of transparency of the way in which political parties, mass media, NGOs and electoral campaigns are financed, the negative evaluations (“it is not transparent at all/ quite non-transparent”) are clearly superior to the positive evaluations. The highest level of non-transparency in financing continues

81 Sursa: <https://freedomhouse.org/reports>

82 Sursa: [www.worldjusticeproject.org/rule-of-law-index](http://www.worldjusticeproject.org/rule-of-law-index)

83 Sursa: <https://rsf.org/en/moldova>

84 Sursa: <http://media-azi.md/>

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to be attributed to political parties (79% population and 72% business) and electoral campaigns (77% population and 72% business). They are followed by mass media (67% population and 66% business) and NGOs (53% population and 54% business).

The integrated indicator on the transparency of the financing of political parties, election campaigns, mass media and NGOs practically **did not change compared to 2017**, with the exception of NGOs: election campaigns (8% in 2017 and 9% in 2021), political parties (7% versus 8%), mass media (14% versus 13%), NGOs (20% versus 16%). Although there is a decrease in the percentage of negative attitudes compared to 2017, this is due to the increase in the percentage of undecideds.

## CONCLUSIONS

- The analysis of alternative indicators used in the evaluation of GO5 transparency shows that the value of 3 indicators is decreasing compared to the value at the date of the release of the NIAS and only 1 has remained unchanged.
- Data from the NIAS Impact Assessment Survey shows decreases or the maintenance of the same value of the indicators used to measure the achievement of GO5.
- The involutions of international and national indicators show that the transparency of the functioning of public institutions, the financing of political parties and the mass media has not been ensured, and GO5 has not been achieved.

### Evaluation grid for GO 5. Transparency

Impact indicators	Qualifying	Score
Alternative impact indicators	The value of the indicator did not change or decreased	0
Sociological impact indicators	The value of the indicator did not change or decreased	0

## GO 6. Education of society and civil servants

NIAS target for GO6. **Education:**

NAC shall ensure the training of public agents so as to observe the integrity requirements. Businessmen will be trained about ethics in commercial relations and integrity in relations with the state. Anticorruption curricula will be implemented in schools and universities.

### Alternative impact indicators, according to the NIAS Evaluation Grid:

In the NIAS impact assessment indicator grid for 2017–2020, related to GO6: Education of society and civil servants, the following **alternative sources** for impact indicators were established in the Sociological Research “Corruption in the Republic of Moldova: the perceptions and personal experiences of business people and households”<sup>86</sup>, Transparency International Moldova: Share of households and businessmen who do not accept the justification of corruption cases and The share of households and business people who have faced the phenomenon of corruption.

The information regarding the reference value in 2020 of the number of households and businessmen who do not accept the justification of corruption cases and the share of households and businessmen who have faced the phenomenon of corruption, according to the Transparency International Moldova Methodology, could not be identified.

### Impact indicators, according to the NIAS Impact Study

According to the NIAS Impact Assessment Study Moldova 2021<sup>87</sup>, the independence of justice and ensuring protection in case of a possible denunciation of the corrupt official, continue to be the main factors in the decision to get involved in activities for reducing corruption.

- The percentage of survey participants who heard information about anti-corruption activities in 2021 **decreased** compared to 2017. Both the general population and representatives of the business sector heard more frequently about corruption from the news than from media campaigns.
- The integrated indicator of the incidence of exposure to information on anti-corruption activities **decreased** compared to 2017 from 39% to 30% respondents, in particular, from businesses (from 48% to 32%).
- 4 out of 5 businesses **have never benefited** from training on business ethics and integrity in relations with the state (83%), mainly from rural areas, from the South region. Only 17% (compared to 22% in 2017) received training on business ethics and integrity in relations with the state.
- The share of public agents who benefited in the last 2 years from training on ethics and integrity rules is decreasing from 63% in 2017 to 44% in 2021.

## CONCLUSIONS

- The data of the NIAS Impact Assessment Survey shows the decrease of most of the indicators used to measure the achievement of GO6, which means that the awareness and education activities of officials, representatives of the private environment and society have not generated the necessary impact, they are still reluctant to the potential of the authorities to fight corruption effectively and provide the necessary protection to whistleblowers.

### Evaluation grid for GO 6. Education

Impact indicators	Qualifying	Score
Alternative impact indicators	The indicator is no longer valid	-
Sociological impact indicators	The value of the indicator did not change or decreased	0

86 Sursa: www.transparency.md

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### II.3. Findings regarding the effectiveness of the NIAS reporting and monitoring mechanism

Chapter V of NIAS regulated in detail the reporting and monitoring procedures of NIAS. Thus, it was foreseen that NIAS is achieved by implementing the action plans provided for the integrity pillars. The implementation of the action plans is monitored by the monitoring **groups (MG)**, whose activity is facilitated by a Secretariat provided by the NAC. MG of NIAS is made up of managers of the implementing institutions of the pillars they monitor and [...] is organized into 3 groups.

The 3 MGs were as follows:

- **MG 1 – responsible for pillars I. Parliament and IV. CEC and political parties.** The composition of the MG was represented by the President and the Vice-Presidents of the Parliament; the presidents of the permanent parliamentary committees; one representative each from the fractions that do not hold the leadership of the permanent parliamentary committees; the President, members and secretary of the CEC; representatives of 5 extra-parliamentary parties; representatives of 4 public associations.
- **MG 2 – responsible for pillars II. Government, public sector and LPA and VII. Private sector.** MG 2 included: the Prime Minister, members of the Government, lInd level LPA presidents from at least one third of the administrative-territorial units in the central, northern and southern regions (participation by rotation), the mayors of the Chisinau, Bălți and Comrat municipalities, the President of the Chamber of Commerce and Industry, one representative of the National Confederation of Trade Unions and the National Confederation of Employers, representatives of 6 public associations.
- **MG 3 – responsible for pillars III. Justice and anti-corruption authorities, V. Court of Accounts and VI. The Ombudsman.** The composition of MG 3 included: the President and 3 appointed members of the SCM; The President and 3 designated members of the SCP; the anti-corruption prosecutor and the prosecutor's deputies; the Director and Deputy Director of the NAC; the president and vice-president of NIA; Director of SIS; the President and members of the Court of Accounts; The Ombudsman and the General

Secretary of the OO; representatives of 4 public associations.

The nominal list of MG members was published on the NAC website and constantly updated, taking into account political developments as well as changes in the structure and management of the implementing authorities. During the NIAS implementation f, the composition of the 3 MGs was very fluctuating, the only members who remained practically constant in the MG were the civil society representatives, but also with some exceptions. The frequent changes also influenced the activities of public reporting of the progress achieved in the NIAS implementation and the decision-making necessary to adjust some actions or optimize the implementation processes of the NIAS AP.

NIAS established that *MG meetings take place **twice a year** for each of the 3 monitoring groups, during which the progress and difficulties in the implementation of due actions planned according to NIAS are publicly heard.* According to the NIAS Monitoring Reports and the annual reports of NAC, it is confirmed that during the reference period have taken place:

- in 2018-2019 – one meeting of each of the 3 MGs;
- in 2020 – a meeting of MG 2.

Shall be noted that the periodicity of these meetings did not respect the timetable anticipated by NIAS. At the same time, we admit that this desynchronization is related to the political turbulence during the NIAS implementation (as described in section II.1 of this Report) and the pandemic constraints of 2020.

The activity of the MG was supported by a **Secretariat** provided by the NAC whose attributions included: keeping records of MG members; organization of MG meetings; drawing up the minutes of the meetings and the decisions of the MG; collecting, storing and synthesizing the information presented by the implementing institutions; drafting semi-annual and annual reports of the MG regarding the implementation of the planned actions for each of the NIAS pillars; drafting of annual reports on the NIAS implementation. However, if at the time of the adoption of NIAS, the Secretariat had 3 staff units, subsequently, for a substantial period, the secretariat activity

was ensured by only 1 person, who had to ensure the achievement of a large work-load.

On the reporting procedures, NIAS established that *“Public entities submit to the Secretariat, in writing and by e-mail, the necessary information for monitoring and evaluating the progress in the implementation of the planned actions for which they are responsible, within the deadlines established in the action plans. During the first year of NIAS implementation (2017), the Secretariat will develop an electronic progress reporting platform and will connect all public entities/responsible institutions. The government will facilitate the granting of additional electronic signatures, as the case may be, both to institutions that have them and to those that do not”*. According to the activity reports of the NAC, the platform became functional only in 2020, when the process of collecting the reports of the implementing institutions was launched through the *“e-Institutional Integrity”* electronic platform, which contains the “National Anti-corruption Strategy” Implementation Reporting module.

Despite the delay in the launch of the online reporting platform, the desynchronization in the organization and conducting the MG meetings, the Secretariat developed, as provided by the NIAS, the monitoring and evaluation reports of the NIAS and published them on the NAC web page. The half-yearly reports included information regarding: the progress of the institutions responsible for carrying out the due actions and achieving the progress indicators – according to the pillars of the report; the quantitative progress for achieving the expected results and the result indicators of the priorities – according to the pillars to which the report refers; the description of the risks from the activity of the responsible institutions, which may lead to delays in the implementation of actions that have not reached the deadline; conclusions and recommendations.

Also, during the NIAS implementation, several civil society organizations (as described in section II.2.2 of the Report) were encouraged and developed alternative monitoring and evaluation reports of some components of the NIAS (especially regarding the sectoral and local anti-corruption plans).

In the framework of this evaluation, the implementing authorities were asked to present their opinion on the

effectiveness of the reporting and monitoring process, as well as to provide a rating for the MG activity.

The summary of responses shows that 23% of the authorities have no opinion/don't know if the reporting process was effective, while 77% answered that this mechanism was effective. It is important to note that the turnover of the NIAS infrastructure managers occurred not only at the level of the MG, but also at the level of direct executors who developed the reports on the NIAS AP implementation. Accordingly, the share of those who do not have an opinion about the effectiveness of the reporting mechanism is explainable. In the FG with the representatives of the authorities, the majority welcomed the development of the online reporting platform, which optimized and facilitated the reporting process. At the same time, some participants pointed to the need for feedback on the reported information, as well as better communication between the persons responsible for reporting. Regarding MG's activity, the authorities had even more dispersed opinions:

- 54% gave the qualification *“good”*;
- 31% considered MG's activity *“excellent”*;
- 15% considered the activity *“satisfactory”*.

The synthesis of these qualifications, as well as the discussions within the FG, show that the monitoring and reporting mechanism at the level of persons with positions of public dignity/high officials has proven to be ineffective. Although the expectation of the NIAS authors that the presence of these categories of officials in the MG would push and make the authorities responsible for the NIAS implementation, however, this did not become a reality in the conditions in which the premises for the effective NIAS implementation were not met, in particular, the first premise – “stability and political will” (see the findings in section II.1.1. of this Report).

The changes produced at the political level (the existence of a parliamentary majority) and at the level of decision-makers in recent years, complemented by the adoption of the decision to extend NIAS until 2023, could to a certain extent streamline the procedures for monitoring and reporting of NIAS, implicitly in achieving the intended impact.

## II.4. Findings on the NIAS impact

This section combines the impact assessment criteria and conditions provided by NIAS and GD 386/2020. It is necessary to mention that at the NIAS development and adoption stage, the 5 criteria for evaluating policy documents currently established by GD 386/2020 did not yet exist, while Annex no. 3 of NIAS has set its own Evaluation Grid. The authors of this evaluation considered that the verification of the NIAS impact according to the criteria of GD 386/2020 is of interest in the idea of a new anti-corruption policy document development and the need to align it with the new conceptualization, development and implementation rules for policy documents.

In this context, the present section of the report is divided into 2 compartments and offers 2 perspectives on the NIAS impact:

- from the perspective of the indicators set in the

text of Annex 3 of NIAS (section II.4.1);

- from the perspective of the 5 criteria established by GD 386/2020 (section II.4.2).

It shall be noted that all the details, qualifications and arguments for assigning these qualifications and scores can be found in sections II.2.1-II.2.8 of this Report and will not be repeated in this section. This section compiles and analyzes the data/estimates derived from the descriptive parts above.

### II.4.1. Impact from the perspective of the Evaluation Grid established by NIAS

The NIAS evaluation methodology developed by the team of evaluators integrated the evaluation grid that is consistent with Annex No. 3 of the NIAS and was used in the text of the previous sections of this Report for the **impact assessment of the goal, the general objectives and the objectives of the NIAS pillars** namely:

Name of the impact indicator of the goal, GO, pillar objective	Qualification	Score
<b>The sociological indicator<sup>88</sup></b> <b>Alternative indicator of NIAS</b>	<b>The value of the indicator improved by 40% and more</b>	<b>2</b>
	<b>Indicator value improved by less than 40%</b>	<b>1</b>
	<b>The value of the indicator did not change or decreased</b>	<b>0</b>

The maximum score that could be achieved within the **objectives of the NIAS Pillars** was directly dependent on the number of indicators used. For example: for Pillar I *Parliament*, 4 indicators were used, respectively, the maximum score that could be obtained was 8 points.

The data in the table below provides the synthesis and the total scores calculated in the process of assessing the impact of the objectives set for the 7 pillars of the NIAS.

Pillar	#indicators	Maximum possible score	Score assigned (according to evaluation)	Weight (calculated from the maximum possible score)
<b>Pillar I</b> Parliament	<b>4</b>	<b>8</b>	<b>2</b>	<b>25%</b>
<b>Pillar II</b> Government, public sector and LPA	<b>5</b>	<b>10</b>	<b>3</b>	<b>30%</b>
<b>Pillar III</b> Justice and anti-corruption authorities	<b>4</b>	<b>8</b>	<b>2</b>	<b>25%</b>
<b>Pillar IV</b> CEC and political parties	<b>2</b>	<b>4</b>	<b>1</b>	<b>25%</b>
<b>Pillar V</b> Court of Auditors	<b>2</b>	<b>4</b>	<b>1</b>	<b>25%</b>
<b>Pillar VI</b> The Ombudsman	<b>3</b>	<b>6</b>	<b>2</b>	<b>33%</b>
<b>Pillar VII</b> Private sector	<b>2</b>	<b>4</b>	<b>2</b>	<b>50%</b>
<b>Total/averagea</b>	<b>22</b>	<b>44</b>	<b>13</b>	<b>30%</b>

88 The indicator according to the NIAS Impact Assessment Survey



As can be seen from the Table, none of the objectives of the pillars registered the score showing the achievement of the expected impact in full volume. The data shows that the best score 50% of the maximum possible score was recorded by Pillar VII *Private sector*, 2 pillars (Government, public sector and LPA and the Ombudsman) recorded a performance of 30% of the maximum possible score, and 3 pillars: Pillar III *Justice and anti-corruption authorities*, Pillar IV *CEC and political parties* and Pillar V *Court of Accounts* achieved a performance of only 25% of the maximum possible score.

To evaluate the impact of the general objectives (GO) and the purpose of the NIAS, 2 categories of indicators were used: sociological (those tracked in the NIAS Impact Assessment Study) and alternative (expressly indicated in Annex No. 3 of the NIAS). Therefore, the maximum score that could be recorded by the GO and the purpose of the NIAS was 4 points.

The table below reflects the total scores obtained in the process of evaluating the impact of the GO and the purpose of the NIAS.

Category	Assigned score/maximum score	share
<b>The Goal of NIAS</b>	<b>2/4</b>	<b>50%</b>
<b>GO 1. Deterrence</b>	<b>2/4</b>	<b>50%</b>
<b>GO 2. Recovery</b>	<b>0/4</b>	<b>-</b>
<b>GO 3. Ethics</b>	<b>1/4</b>	<b>25%</b>
<b>GO 4. Protection</b>	<b>1/4</b>	<b>25%</b>
<b>GO 5. Transparency</b>	<b>0/4</b>	<b>-</b>
<b>GO 6. Education</b>	<b>0/4</b>	<b>-</b>

The data shows that the GOs set by NIAS had a modest impact, and 3 GOs did not register progress: *Recovery, Transparency and Education*. However, despite the failures in achieving some objectives, the purpose of NIAS evaluated from the perspective of both categories of impact indicators used (sociological and alternative) shows that it would have reached 50% of the expected impact. We recall, in the context, that the achievement of the NIAS’s goal **of Integrity instead of corruption** was to be demonstrated by the evolution of the following indicators:

- The Corruption Perceptions Index (CPI) shows a **score improvement** of 4 points: 30 points in 2016 versus 34 points in 2020;

- The “Absence of corruption” factor, the Rule of Law Indicator calculated within the World Justice Project, calculated on a scale of 0 to 1, also **shows improvements**: from 0.28 in 2016 to 0.34 in 2020
- The score “Corruption”, Nations in Transition calculated by Freedom House remained **unchanged**: 5.75

The data of the international evaluations correspond, for the most part, with the data and perceptions at the national level, the most relevant indicator is the increase in the average share of respondents who consider any corruption situations unacceptable from 53% to 57%, especially in the case of legal entities.

## II.4.2. The impact from the perspective of 5 criteria established by GD 386/2020

The NIAS impact assessment methodology developed within this evaluation also included the assessment grid according to the 5 criteria established by GD 386/2020 with the scores assigned as per the table below.

Criterion	Qualification	Score
<b>Relevance</b>	The purpose and objectives of the NIAS were relevant	<b>2</b>
	The purpose and objectives of the NIAS were partially relevant	<b>1</b>
	The purpose and objectives of the NIAS were irrelevant	<b>0</b>
<b>Effectiveness</b>	There is evidence of an improvement in the value of the impact indicators of the NIAS's objectives and purpose by 40% and more	<b>2</b>
	There is an improvement in the value of the impact indicators of the objectives and purpose of the NIAS by less than 40%	<b>1</b>
	The value of the impact indicators of the NIAS's objectives and purpose has not changed or decreased	<b>0</b>
<b>Efficiency</b>	Budgetary funds have been allocated and used efficiently	<b>2</b>
	Budgetary funds have been allocated and used partly efficiently	<b>1</b>
	Budgetary means were not allocated and were not used efficiently	<b>0</b>
<b>Durability</b>	The degree of achievement of the NIAS objectives ensures the sustainability of the efforts	<b>2</b>
	The degree of achievement of NIAS objectives ensures partial sustainability	<b>1</b>
	The degree of achievement of NIAS objectives does not ensure sustainability	<b>0</b>
<b>Impact</b>	NIAS has generated systemic changes	<b>2</b>
	NIAS has generated partial changes	<b>1</b>
	NIAS did not generate systemic changes	<b>0</b>

The maximum score that can be assigned to the evaluation from the perspective of the 5 criteria is 10 points.

The data for this part of the evaluation was collected in the process of questioning the authorities, as well as in the FG and in-depth interviews (the issues addressed and the control questions are presented in the annexes of this Report). The synthesis of the results in this exercise projects the following table:

Criterion	Qualifying	Score
<b>Relevance</b>	The purpose and objectives of NIAS were partially relevant	<b>1</b>
<b>Effectiveness</b>	The value of the impact indicators of the NIAS's objectives and purpose has not changed or decreased	<b>0</b>
<b>Efficiency</b>	Budgetary funds have been allocated and used efficiently	<b>2</b>
<b>Sustainability</b>	The degree of achievement of NIAS objectives ensures partial sustainability	<b>1</b>
<b>Impact</b>	NIAS has generated partial changes	<b>1</b>

- In relation to the **“Relevance”** criterion:

The majority of the FG participants and interviewees considered that the NIAS was a necessary and relevant document, responded to the problems showed in vulnerable sectors and extended including to local public authorities. However, some representatives of the authorities, as well as some interviewed people, considered that the document was too complex and was ambitious to cover most sectors and fields, which affected its implementation. It was also mentioned that some objectives inserted in the narrative part of the NIAS did not correlate with the actions set in the AP: the actions included in the AP were not able to contribute to the achievement of the objective nor the purpose of the NIAS. At the same time, some entities (NIA and CA) mentioned divergent approaches between the provisions of the NIAS and the vision of the authorities regarding the activities that were to be carried out to achieve the purpose and objectives of the NIAS.

- In relation to the criterion **“Effectiveness”**:

For this criterion, the qualification/cumulative score obtained in the process of evaluating the impact of the GO and the purpose of the NIAS was used, as can be seen from section II.4.1. It showed that the value of the indicators did not improve over 40%, and in some cases it even decreased.

- In relation to the **“Efficiency”** criterion:

Most of the respondents (FG, interviews, authorities' responses to the questionnaires) mentioned that although no separate budget lines/articles dedicated to the implementation of the NIAS actions were provided, the actions were nevertheless carried out within the limits of the annual budget resources allocated to the authorities. It was stated that the financial means were sufficient and used efficiently. At the same time, some of the implementing entities also benefited from the support of development partners for conducting a series of activities that were established by NIAS. No implementing institution mentioned the lack of financial means as a reason for not carrying out some actions.

- In relation to the **“Sustainability”** criterion:

Regarding the sustainability over time of the effect of NIAS actions, most respondents noted that they will be maintained and further developed. At the same time, some of the respondents mentioned that there are some actions launched within the NIAS that should be reconsidered, because their implementation in practice has shown that they are not feasible, and other measures already implemented can be canceled in the event of political changes.

- In relation to the **“Impact”** criterion:

Only a small part of the respondents mentioned that NIAS produced systemic changes. A conclusion unanimously shared by the people questioned/interviewed is that NIAS has created the ground/infrastructure and some skills for compliance with the provisions of the Integrity Law, no. 82/2017 (the 14 anti-corruption policies), but which need to be maintained and continued under careful monitoring.

### III. CONCLUSIONS

The present chapter summarizes the basic findings and conclusions of the NIAS evaluation exercise, which are enumerated in the order of the basic findings of this Report's previous sections.

#### Regarding the *premises for the effective implementation of NIAS*

- Given the extensive executive reform of July 2017, social unrest, the recognition by Parliament and development partners of the captive nature of the state, general parliamentary, presidential and local elections, the change of four governments, as well as the lack of stability of the decision-making actors from the anti-corruption authorities, we conclude that ***the premise of stability and political will for the implementation of NIAS was not respected.***
- The monitoring results of the NIAS implementation (the official and alternative monitoring reports) show that most of the pillar institutions did not take the role of active promoters of the NIAS purpose and objectives, they did not put the necessary pressure on the implementing authorities, responsible for the execution of the measures in the Strategy. Consequently, ***the premise of responsibility by the pillar institutions was not fulfilled.***
- Considering the nature of the activities provided by the NIAS and the content of the answers of the questioned authorities regarding the financial assurance of the NIAS implementation, we conclude that the setting of the funding sources was carried out in a judicious manner and, consequently, ***the premise of the financial assurance of the NIAS implementation was fulfilled.***
- Civil society had an active role in monitoring the implementation of the actions provided for by NIAS and the monitoring results were the subject of media coverage in the public informational space, in this way, the ***premise of ensuring public control through independent and impartial monitoring of NIAS was met.***
- The content of the national policy documents, approved during the NIAS implementation, shows that they do not contain overlaps that would induce confusion during implementation

by the responsible authorities or relieve them of any responsibility for implementation. Thus, ***the premise of complementary approach and avoiding duplications has been fulfilled.***

- As a general finding and taking into account the conditions under which NIAS was implemented, we note that ***the implementing authorities focused more on fulfilling the NIAS AP, without permanently making the connection with the narrative text of the NIAS*** and periodically analyzing the impact of the efforts made in the sense in which they respond and contribute to the achievement of the results and impact of NIAS. At the same time, the authorities implemented the standard activity package (the 14 anti-corruption policies) and reported on the implementation of these policies, especially on the part of approving internal regulations.

#### Regarding Pillar I. Parliament

- The results of the NIAS Impact Monitoring Survey for this indicator partially match with the two alternative sources for measuring impact indicator 1: among the population, trust in the Parliament shows a 4% increase, and among businesses the level of trust has increased significantly, which ultimately influenced the increase of the average value of the trust level by about 2 times, but it cannot be considered a considerable increase.
- At the same time, the survey agrees with the alternative measurement source of the impact indicator, with insignificant improvements on corruption in the Parliament. However, the significant difference between the assessments of the business environment, which shows an increase of almost 18% in contrast to the opinion of the general population, which is decreasing, must be emphasized.
- There is a decrease in the general average of respondents who believe that the Parliament controls the way in which the adopted laws are implemented: from 14% in 2017 to 9% in 2021. These data are also consistent with the evolution of the international alternative indicator, which also recorded a decrease. In the same downward trend, the NIAS survey shows a

decrease in the share of respondents who believe that the laws work well, while the alternative indicator registered insignificant improvements.

### **Regarding Pillar II. Government, public sector and local public administration**

- According to the NIAS Monitoring Reports *for 2017-2020*, out of the total number of 37 actions listed in *Pillar II*, 12 actions were **carried out**, 23 **partially carried out** and 2 were **unqualified**. Actions have been established for the effective implementation of the Integrity Law no. 82/2017 and other legislative acts, which would strengthen the implementation of the anti-corruption tools. Most of the actions in Pillar II were service obligations of representatives of public authorities, which had to be respected in the ordinary exercise of public office.
- In general, most of the authorities had a formal attitude at all stages of the implementation of NIAS, and the alternative monitoring carried out by non-governmental organizations allowed to discover the way in which the public authorities execute the anti-corruption legislation and, consequently, understand how to ensure the climate of integrity in their own institution. At the same time, a significant finding of the evaluation is that law enforcement actions should not be part of strategies, because anti-corruption policies established by an organic law already constitute state policies. Thus, these actions are part of the management and development plan of the respective implementing institutions, being subject to periodic managerial control. The manner of carrying out these actions will be reported within the monitoring groups, in relation to the provisions of the Integrity Law no. 82/2017.
- Regarding the impact indicators, among the population, trust in the Government remained the same with an insignificant positive trend (sometimes, within the sampling error), and among businesses, the level of trust in the Government increased slightly.
- Among the population, the level of trust in LPA increased at the village/municipality level, but decreased at the district level; among businesses, the level of trust in LPA has increased both at the district level and, especially, at the village/municipality level. Among the population, the perception of the corruption level within the Government/ministries has increased. Amongst

businesses, the situation is relatively better, with a slight decrease recorded.

- According to the NIAS Impact Monitoring Survey, the share of respondents who believe that sanctions are applied to public agents for reprehensible behavior has decreased both among the population and among businesses. At the same time, the integrated indicator on the transparency of public institutions at the central and local level increased. The comparative analysis of the data shows that the respondents have better perceptions regarding the degree of transparency provided by local public institutions, than those at the central level.

### **Regarding Pillar III. Justice and anti-corruption authorities**

- The justice and anti-corruption authorities continued to conduct internal investigations and apply sanctions for lack of integrity, but the tools designed to streamline this process and contribute to increasing the integrity of prosecutors and judges were not fully applied. Lifestyle monitoring and entry-level polygraph testing tools remain under-applied. There were no cases of verification at the level of some entities of compliance with the Code of Ethics, in order to exclude cases of erroneous presentation of information regarding assets and personal interests.
- No other mechanisms for strengthening integrity within these authorities were revealed, and the 2 prescribed by the AP of NIAS, lifestyle monitoring and polygraph testing, did not show performance in application by the competent authorities, having at the end of 2020, the same progress indicators as in 2017.
- Although the authorities have demonstrated a relatively constant practice of investigation, the analysis of the sentences and sanctions applied demonstrates that they do not ensure the deterrent effect, due to their lack of dissuasiveness, speed, as well as due to the extremely rare application of complementary sanctions of deprivation of the right to hold a public office, as well as to recover damages.
- The anti-corruption authorities did not carry out an analysis of the impact of their own activity of preventing corruption, informing public agents and the population. There are no disaggregated statistical data on reports of active corruption

and undue influences filed by public agents, as well as *reports* of corruption in schools and universities, including during exams, filed by parents, pupils and students.

- The results of the evaluation demonstrates some progress in the application of confiscation through sentences in corruption cases. At the same time, it was found that the procedural measures for the recovery of assets resulting from corruption crimes take place without systematizing the data regarding the number of rogatory commissions on seizure of criminal assets, sent abroad and executed in the Republic of Moldova.
- The fact that the responsible authorities within Pillar III could not provide the exact information for 3 of the 6 expected results indicates that the ability to record information on files is still affected, both from the perspective of NIAS indicators and the uniformity of data and the applicable statistical system within the justice system and anti-corruption agencies.
- During the interviews and focus groups, some aspects that were not followed up by NIAS were revealed, but which affect the degree of achievement of the Pillar III objective: the lack (abandonment) of competition for the appointment of the NAC director and the NIA vice-president, the reduced independence of NIA inspectors, ensuring the finality of the criminal asset recovery activity, which will be conceptually addressed in a subsequent policy document.
- The sociological impact indicators for Pillar III of the NIAS note a worsening (by -15%, from 3.4 to 2.9) for the integrated general indicator, calculated based on the perceptions, attitudes and experiences of the general population, businesses and public agents. At the same time, the alternative indicators indicate either a stagnation (recovery) or a slight increase towards the year 2020, which may be due to the data of official statistics regarding the frequency of bribery experiences, but also the reaction capacity of the authorities.

#### **Regarding Pillar IV. Central Electoral Commission and political parties**

- From the perspective of the expected results of the NIAS priorities for Pillar IV and the evolution of the indicators, it can be seen that the public monitoring of the financing of political parties

is possible, with the CEC creating and maintaining the module on its web page. However, one of the basic conditions set by NIAS AP was not met – the *open data nature* of the published information;

- The reports of the national and international election monitoring missions did not record significant improvements in the electoral process in the Republic of Moldova, a series of problems being present in practically every election: the voter register is not updated, improper use of administrative resources, corruption of voters, etc. The investigation and sanctioning of violations of the rules of financing political parties and electoral campaigns, as well as cases of voter corruption, are not found in the statistics of law enforcement bodies, and civil society research confirms the lack of proactive actions by law enforcement bodies in detecting, investigating and their effective sanctioning.

#### **Regarding Pillar V. Court of Accounts**

- The monitoring by civil society of the Court of Accounts activity has improved, with studies and monitoring/evaluation reports being developed at the national level, as well as by international and similar organizations. 52 sanctions for corruption acts detected based on the information submitted by the Court of Accounts were applied in the period 2017-2020 and a damage of over 5 billion lei caused to the state was recovered, which demonstrates the impact of the activity of the Court of Accounts, but also an efficient cooperation with the authorities responsible for investigating and sanctioning corruption.
- During the interviews and focus groups, a divergence was found between the expectations regarding the activity of the Court of Accounts, which relies on the lack of punitive functions in its mandate and the achievement of results only in close cooperation with the law enforcement bodies, the Government and the Parliament, through their control powers and the right in the final instance to dismiss of the head of the audited entity.
- The impact of CA activity at the end of 2020 compared to 2017 increased insignificantly, although in qualitative terms there are several data that point to some improvements.

### Regarding *Pillar VI. The Ombudsman*

- The impact of the actions undertaken within this pillar shows insignificant improvements. Development partners' reports show that these improvements have only targeted narrow areas and only some aspects of the activity of public entities, and impunity is one of the main challenges in fighting corruption.
- The protection of whistleblowers also aims to encourage the reporting of corruption and fraud by employees. However, the first actions to protect whistleblowers are still not able to lead to the expected result as employees remain reluctant, protection measures are not reliable, and the courts, apparently, still do not have a unified practice and an understanding way of examining cases with the participation of whistleblowers.
- The results of the NIAS Impact Monitoring Survey show the increased trust in the Ombudsman, this opinion being supported by the businesses and the population.

### Regarding *Pillar VII. Private sector*

- Anti-corruption agencies have undertaken several actions to promote business ethics through informational support and public awareness, but the specialized central and local authorities have not taken over the good practices aimed at strengthening genuine systems for managing corruption risks, dealing with conflicts of interest and non-admission of integrity incidents within state/municipal enterprises.
- The lack of an annual public report analyzing the profitability indicators of companies with a full or majority state/municipal share shows a lack of transparency and creates difficulties for monitoring by civil society.

### Regarding the *NIAS impact*

- Considering the general objectives of NIAS: GO 1. Deterrence, GO 2. Recovery, GO3. Ethics, GO4. Protection, GO 5. Transparency, GO 6. Education, The NIAS impact assessment survey shows insignificant increases in some indicators for measuring impact, and for some even a decrease. The alternative impact indicators show improvements, but they are not of a scale that demonstrates the expected change and impact of the NIAS.
- However, neither the national nor the international indicators recorded increases that exceeded 40%, an increase that would have showed the achievement of the expected impact of NIAS.
- The evaluation of NIAS from the perspective of the 5 criteria set by GD 386/2020: relevance, effectiveness, efficiency, sustainability and impact shows that only the criterion of efficiency (sufficiency of budgetary means) would have been met, and the criterion of effectiveness (substantial change of impact indicators) was not met in the implementation process. At the same time, some positive developments are showed for the criteria of relevance, sustainability and impact.
- We can conclude that the impact of NIAS 2017-2022 was not **significant** in any indicated field, although some improvements were also noted, but not of a nature to be **considerable** or to lead to **systemic changes**.
- The socio-political-economic conditions for the NIAS implementation were not adequate and sufficient, but this does not justify the lack of constant and interested monitoring of the implementation of the action plan, the lack of clear statistics at the level of the implementing institutions, the lack of an intermediate evaluation of the NIAS and, essentially, too little involvement of the decision-making staff in the NIAS implementation. All this led to formalism and the perpetuation of the negative image of state institutions in relation to integrity, things correctly highlighted by the NIAS impact assessment survey.

## V. RECOMMENDATIONS

The recommendations contained in this chapter resulted of the evaluation carried out, the findings and opinions collected in the process of synthesizing the responses of the public authorities, conducting interviews and focus groups. The recommendations are organized into several blocks, as follows: systemic, implementation and sectoral.

### At the SYSTEMIC/GENERAL level

- Quitting the detailed approach to multiple fields and institutions of the new anti-corruption policy document, a recommendation that was also approved by the public authorities and the experts in the field interviewed in the NIAS evaluation process. It is recommended to focus the new document on the areas of justice, integrity, internal affairs and the public procurement system, areas that largely define the importance of anti-corruption efforts both in principle and at material/practical level and can lead to a real social impact.
- Drafting the future anti-corruption policy document with realistic objectives and agreed by the implementing entities with an estimated/specific budget per objective or action, in order to facilitate the involvement of development partners in the achievement of the anti-corruption agenda.
- Clearer definition of specific objectives and quantification of the degree of achievement of specific, quantifiable and verifiable results.
- Examining the opportunity to set specific goals that target areas that can bring feasible impact and that will be felt by society. Public authorities and experts in the field of integrity opted for areas related to: effective investigation, effective sanctioning of corruption crimes, confiscation and recovery of assets resulted from crimes, especially corruption and related to corruption. The listed areas can lead to a real and practical deterrence of corruption, something that society insistently

demands wherever this scourge manifests itself and not only in the Republic of Moldova. In parallel, there is the need to continue preventive/educational activities with a permanent character, but the available human and material resources must be focused on combating the corruption phenomenon, which is present and generates significant frustration and damage in society.

- Development of an agenda of the government's anti-corruption commitments, which should include measures to legislate/reform anti-corruption instruments and agencies (in the medium-long term), as well as parliamentary control over their execution, to strengthen integrity in the public sector and state-owned enterprises/municipal, to make the activity of the authorities that have a role in the integrity system more efficient.

### At the IMPLEMENTATION/MONITORING level

- Rethinking the implementation monitoring and control system and a new composition of the monitoring groups. Nominating high-ranking government officials as members of these monitoring groups has not proven to be effective. In the same vein, and possibly with the support of development partners, the creation of an inter-group Agenda to produce annual sector reviews and organize relevant interim survey(s).
- Facilitating inter-institutional dialogue at the operational level on the component of the implementation of anti-corruption policy documents.
- Developing impact studies for public policy decisions that may affect the business sector and engaging in open dialogue with the private sector.



- Allocating adequate resources and nominating/evaluating them, anti-corruption policy document listing concrete main actions, defining a deadline and providing/setting an estimated budget. If the concrete objectives and actions come from specific reports, for example a UN/EU report, this will also be detailed for transparency reasons.
- Absorbing best international anti-corruption practices agreed by the EU, the extended digitization on the Estonian model that limits direct contact with the employees of the institutions.
- Conducting anti-corruption events, including the annual anti-corruption conference in which the status of the implementation of the policy document and measures to ensure progress will be presented. The organization of permanent anti-corruption media campaigns presenting examples found in the sectors with major social impact – justice, internal affairs, health, procurement.
- Based on the information and research collected, clear and measurable effects should be expected, for example, the establishment of the forecast indicator of the impact of the Strategy at the level of the EU average in terms of the perception of corruption.

### At SECTORAL/INSTITUTIONAL level

- Clear indication of the necessary framework for the implementation of the anti-corruption policy document: legislative and institutional stability; effective parliamentary control.
- Comprehensive *cost-efficiency analysis* of the activity of anti-corruption institutions in the Republic of Moldova and their competences in order to analyze budget allocations. Analysis of the competence and judicial organization of the anti-corruption authorities through the lens of investigation and prosecution and ensuring the unified record of criminal files (E-DOSAR) on corruption acts and related to corruption.
- Taking into account the findings of this Report, as well as national and international

studies and reports on the application and impact of anti-corruption instruments/policies, to provide normative and institutional measures for their efficiency and rethinking. Greater attention is to be given to gift, conflict of interest, undue influence and anti-bribery policies; the institutional integrity assessment mechanism and, implicitly, the professional integrity testing, as well as the whistleblower mechanism.

- The investigation of low-level corruption (so-called small/petty corruption) must be given to the competence of criminal investigation bodies other than NAC and APO. This ensures the judicious application of the human and material resources of the NAC and APO in combating medium/high level corruption according to a new material competence and according to the quality of the person.
- In order to achieve various objectives, the new anti-corruption policy document must further indicate in concrete terms the main normative acts that must be amended or the new acts that must be adopted in direct relation to the intended objectives/actions. The example of the competence of the investigation of low-level corruption (small/petty corruption) that requires normative changes. In this sense, the value of the respective legislative changes should also be mentioned.
- Permanent training and counseling of public institutions in matters of integrity and the dissemination of best practices carried out by the function of the advisor/integrity officer. In this sense, it is recommended to create the distinct function of anti-corruption advisor directly under the institutional management to promote and ensure the integrity climate. Presentation during the training of distinct cases solved by anti-corruption institutions.
- Creation and maintenance of multiple audit mechanisms (independent external audit, internal audit, *peer review missions*) with a half-yearly and annual deadline. The purpose of these mechanisms is to reveal timely the needs for action and to improve the application of the action plan in order to achieve the necessary impact.

- Ensuring the finality of the activity of criminal assets recovery by capitalizing of the confiscated assets.
- Building a dialogue platform with the representatives of the judiciary to discuss the

annual analysis of the NAC on the sentences applied in corruption cases, to ensure their dissuasive character and the application of complementary sanctions of deprivation of the right to hold a public office, but also recovery of damages.

## VI. ANNEXES

### Annex no. 1.

#### Questionnaire regarding the degree of achievement of the expected results of the NIAS Pillars

##### Pillar I. Parliament

Pillar I priorities	Expected results	Result indicators	The respondent authority
<b>I.1. Promoting MPs' ethics</b>	<ul style="list-style-type: none"> <li>● Violations of ethnical and conduct rules by MPs, sanctioned</li> </ul>	<ul style="list-style-type: none"> <li>● # duty inquiries and reports of the responsible structure/person in charge of ethics conducted in the period 2017-2020</li> <li>● # sanctions applied</li> </ul>	<b>Parliament</b>
<b>I.2. Enhancing parliamentary oversight</b>	<ul style="list-style-type: none"> <li>● Streamlined enforcement of laws and functionality of public institutions subject to parliamentary oversight</li> </ul>	<ul style="list-style-type: none"> <li>● # laws subject to parliamentary control</li> <li>● # public institutions subject to parliamentary control and their list</li> </ul>	<b>Parliament</b>
<b>I.3 Transparency of legislative process and corruption proofing</b>	<ul style="list-style-type: none"> <li>● Ensured transparency of the legislative process at all the stages;</li> <li>● Facilitated public monitoring of Parliament's activity</li> <li>● Decreased/excluded corruption risks identified in the draft laws</li> </ul>	<ul style="list-style-type: none"> <li>● # meetings, activities and monitoring reports conducted by the civil society on the work of Parliament (list, including links)</li> <li>● # laws that present risks of corruption, not adopted or adopted after the removal of those risks</li> </ul>	<b>Parliament, NAC</b>

##### Pillar II: Government, public sector and local public administration

Pillar priorities II	Expected results	Result indicators	The respondent authority
<b>II.1. Promoting integrity within public entities</b>	<ul style="list-style-type: none"> <li>● Institutional integrity climate developed within public entities</li> <li>● Violations of integrity rules by public agents, including by Government members and locally elected officials sanctioned</li> </ul>	<ul style="list-style-type: none"> <li>● # Institutional integrity assessments conducted by the NAC (and the Intelligence and Security Service), list of published assessments</li> <li>● # sanctions applied for lack of institutional integrity, identified within the NAC and ISS evaluations</li> </ul>	<b>NAC, ISS, SC, etc.</b>
<b>II.2. Sectoral approach to corruption</b>	<ul style="list-style-type: none"> <li>● Corruption in the sectors of police, customs, fiscal, environmental, public procurement, administration and privatization of public property, health protection and health insurance, education, and local public administration reduced</li> </ul>	<ul style="list-style-type: none"> <li>● Surveys / indicators on satisfaction, perception and/or experiences of citizens and businessmen with regard to corruption in the sectors of police, customs, fiscal, public procurement, administration and privatization of public property, health protection and health insurance, education and local public administration (links)</li> </ul>	<b>SC, the Authorities responsible for the implementation of the sectoral anti-corruption plans, according to GD no. 676 of 29.08.2017, etc.</b>

Pillar priorities II	Expected results	Result indicators	The respondent authority
<b>II.3. Transparency and responsibility, including towards citizens</b>	<ul style="list-style-type: none"> <li>● Transparency in promotion through the Government of the draft normative acts ensured;</li> <li>● Quality of public services increased</li> <li>● Corruption risks identified in draft laws and draft Government decisions decreased</li> </ul>	<ul style="list-style-type: none"> <li>● # Draft normative acts posted on the Government's website</li> <li>● # Public services provided through electronic platforms launched in 2017-2020 (from submission to payment)</li> <li>● # Recourse proceedings related to damages induced to the State and society</li> <li>● # Laws and Government Decisions implying corruption risks not adopted or adopted after eliminating the risks</li> </ul>	<b>SC, Electronic Government Agency, GPO, NAC, etc.</b>

**Pillar III: Justice and anti-corruption authorities**

Pillar priorities III	Expected results	Result indicators	The respondent authority
<b>III.1. Integrity of anti-corruption authorities and law enforcement bodies</b>	<ul style="list-style-type: none"> <li>● Tools for ensuring integrity in justice and anticorruption authorities enhanced and effectively applied</li> </ul>	<ul style="list-style-type: none"> <li>● # Duty inquiries carried out, sanctions applied to judges, prosecutors, NAC and NIA employees</li> </ul>	<b>NAC, NIA, SCM, SCP, etc.</b>
<b>III.2. Efficiency of justice and anti-corruption authorities</b>	<ul style="list-style-type: none"> <li>● Enhanced operation of anticorruption institutions;</li> <li>● Applying deterring sanctions for corruption</li> </ul>	<ul style="list-style-type: none"> <li>● Improved statistics on convictions for corruption and acts related to corruption</li> </ul>	<b>SCM, APO, NAC, MIA, etc.</b>
<b>III.3. Enhancing educational and corruption prevention measures</b>	<ul style="list-style-type: none"> <li>● Institutional and professional integrity standards are known and applied in public entities</li> <li>● Cultivated intolerance to corruption among pupils and students</li> </ul>	<ul style="list-style-type: none"> <li>● # Complaints regarding active corruption and inappropriate influences, submitted by public agencies</li> <li>● # Complaints regarding corruption manifestations in schools and universities, including during exams, submitted by parents, pupils and students</li> </ul>	<b>NAC, Ministry of Education, etc.</b>
<b>III.4. Recovery of criminal assets</b>	<ul style="list-style-type: none"> <li>● Assets originating from corruption offenses, acts related to corruption and other criminal activities, seized and confiscated</li> </ul>	<ul style="list-style-type: none"> <li>● # Sentences for corruption cases ordering the application of confiscation</li> <li>● # Rogatory requests / letters on the unavailability of criminal assets, sent abroad and addressed in the Republic of Moldova</li> </ul>	<b>NAC (ARBI), APO, etc</b>
<b>III.5. Compensating the victims of corruption</b>	<ul style="list-style-type: none"> <li>● Damages suffered by the state and people as a result of acts of corruption, repaired</li> </ul>	<ul style="list-style-type: none"> <li>● Statistics on the voluntary reparation of damages caused by acts of corruption and acts related to corruption, increased</li> <li>● Damages caused by acts of corruption and acts related to corruption, recovered on the basis of civil actions filed by prosecutors in the interest of the state</li> </ul>	<b>APO</b>

### Pillar IV: Central Electoral Commission and political parties

Pillar priorities IV	Expected results	Result indicators	The respondent authority
<b>IV.1. Transparency of financing the political parties and electoral campaigns</b>	<ul style="list-style-type: none"> <li>Informed society about the sources of funding for political parties and election campaigns</li> </ul>	<ul style="list-style-type: none"> <li># reports/studies public analysis and monitoring on the financing of electoral campaigns and political parties (list and links)</li> <li># reports of political parties on the financing of election campaigns, available on the public portal</li> </ul>	<b>CEC, Promo-Lex, etc.</b>
<b>IV.2. Effective control of the financing of political parties and electoral campaigns</b>	<ul style="list-style-type: none"> <li>Ensuring access to government for honest parties and honest politicians</li> </ul>	<ul style="list-style-type: none"> <li># of reports / monitoring missions by civil society and international election observation missions that record improvements (list and links)</li> <li># investigations, criminal cases and sentences regarding the violation of the rules for financing political parties and electoral campaigns and regarding the corruption of voters</li> <li># Administrative, contravention and criminal sanctions applied</li> </ul>	<b>CEC, Promo-Lex, GPO, MIA, etc.</b>

### Pillar V: Court of Accounts

Pillar V priorities	Expected results	Result indicators	The respondent authority
<b>V.1. Transparency of the Court of Accounts' activity</b>	<ul style="list-style-type: none"> <li>Increasing the quality of the Court of Accounts' activity</li> </ul>	<ul style="list-style-type: none"> <li># reports / studies, analyses and monitoring on the activity of the Court of Accounts by the civil society, improved (list and links)</li> </ul>	<b>CoA</b>
<b>V.2. Impact of audit work</b>	<ul style="list-style-type: none"> <li>Ensuring integrity of public funds and foreign assistance</li> </ul>	<ul style="list-style-type: none"> <li># Sanctions for acts of corruption found based on the information provided by the Court of Accounts, applied</li> <li>The damage caused to the state, recovered</li> </ul>	<b>APO, NAC, etc.</b>

**Pillar VI: Ombudsman**

Pillar VI priorities	Expected results	Result indicators	The respondent authority
<b>VI.1. Prevention of corruption to ensure respect for human rights</b>	<ul style="list-style-type: none"> <li>● Respect of human rights within public entities</li> </ul>	<ul style="list-style-type: none"> <li>● #reports of development partners on the situation of human rights in the Republic of Moldova recording improvements (list and links)</li> <li>● # Risks of human rights violations through corruption found in NAC reports on institutional integrity assessment, removed by assessed entities</li> </ul>	<b>OO NAC, etc.</b>
<b>VI.2. Protecting the fundamental rights of whistleblowers</b>	<ul style="list-style-type: none"> <li>● Encouraging the employees to denounce corruption and frauds</li> </ul>	<ul style="list-style-type: none"> <li>● The normative framework regarding the procedure for the protection of whistleblowers, drafted and adopted</li> <li>● # whistleblowers who have requested protection and who have been taken under the protection of the Ombudsman</li> <li>● # Reports of the Ombudsman presented in Parliament</li> <li>● # reports/studies analysis and public monitoring on the activity of the Ombudsman from the civil society, improved</li> </ul>	<b>OOP, NAC, etc.</b>

**Pillar VII: Private sector**

Pillar priorities VII	Expected results	Result indicators	The respondent authority
<b>VII.1. Transparency of the private sector in its relations with the public sector</b>	<ul style="list-style-type: none"> <li>● Preventing the promotion of interests of the economic units affiliated with the exponents of the public and political environment which have commercial relations with the state: public-private partnerships, concessions, privatizations, public procurements, etc.;</li> <li>● Preventing money laundry for money originating from corruption;</li> <li>● Facilitating recovery of proceeds originating from corruption offenses</li> </ul>	<ul style="list-style-type: none"> <li>● Journalist/criminal investigations / regarding the effective beneficiaries from the public/ political environment of the public-private partnerships, concessions, privatizations, public procurements, etc., carried out and sanctions applied</li> </ul>	<b>NAC, APP, etc.</b>

Pillar priorities VII	Expected results	Result indicators	The respondent authority
<p><b>VII.2. Increasing integrity in the activity of enterprises with full or majority state / municipal shares</b></p>	<ul style="list-style-type: none"> <li>● Preventing promotion of private interests of the public officials in the enterprises with full or majority state/municipal shares under the control of public entities they lead</li> </ul>	<ul style="list-style-type: none"> <li>● Indicators of profitability of enterprises with full or majority state / municipal share, improved</li> </ul>	<p><b>PPA, Ministry of Economy, etc.</b></p>
<p><b>VII.3. Business ethics</b></p>	<ul style="list-style-type: none"> <li>● Ensuring a competitive, free, fair and honest environment for the private sector</li> </ul>	<ul style="list-style-type: none"> <li>● # Sanctions applied to business people for active corruption, giving and taking bribes, trafficking in influence, and abuses</li> </ul>	<p><b>NAC, APO, etc..</b></p>

## Annex no. 2.

### Questionnaire regarding the evaluation of the general objectives of NIAS

General objective	The respondent authority	Indicator (fill in the information provided)	Verification sources	Appreciate the Effectiveness (check the statement)	Appreciate Efficiency (check the statement)	Appreciate Durability (check the statement)
1. <b>Discouraging involvement in corruption acts</b>	NAC, SCM, SCP, APO	# sentences in corruption cases	(Indicate the link to the source for the information provided)  • NIAS monitoring and evaluation reports  GIZ MD Instrument „Corruption Radar”	<input type="checkbox"/> The indicator led to the FULL achievement of the objective <input type="checkbox"/> The indicator led to the PARTIAL achievement of the objective <input type="checkbox"/> The indicator did NOT lead to the achievement of the objective	<input type="checkbox"/> Budgetary funds have been allocated and used efficiently <input type="checkbox"/> Budgetary funds were allocated and used partially efficiently <input type="checkbox"/> Budgetary means were not allocated and were not used efficiently	<input type="checkbox"/> The degree of achievement of the indicator ensures the durability of the efforts <input type="checkbox"/> The degree of achievement of the indicator ensures partial durability <input type="checkbox"/> The degree of achievement of the NIAS indicator does not ensure durability
2. <b>Recovery of proceeds from corruption crimes</b>	NAC (ARBI), CoA, SCM, SCP, APO	# volume of assets seized by the Criminal Assets Recovery Agency # sentences containing the clause of confiscation of assets originating from corruption offenses; # criminal files filed as a result of the audits of the Court of Accounts; # volume of damage recovered as a result of the Court of Accounts' reports	(Indicate the link to the source for the information provided)	<input type="checkbox"/> The indicator led to the FULL achievement of the objective <input type="checkbox"/> The indicator led to the PARTIAL achievement of the objective <input type="checkbox"/> The indicator did NOT lead to the achievement of the objective	<input type="checkbox"/> Budgetary funds have been allocated and used efficiently <input type="checkbox"/> Budgetary funds were allocated and used partially efficiently <input type="checkbox"/> Budgetary means were not allocated and were not used efficiently	<input type="checkbox"/> The degree of achievement of the indicator ensures the durability of the efforts <input type="checkbox"/> The degree of achievement of the indicator ensures partial durability <input type="checkbox"/> The degree of achievement of the NIAS indicator does not ensure durability



General objective	The respondent authority	Indicator (fill in the information provided)	Verification sources	Appreciate the Effectiveness (check the statement)	Appreciate Efficiency (check the statement)	Appreciate Durability (check the statement)
<b>3.</b> <b>Ethics and integrity in the public, private and non-governmental sectors</b>	NAC, Parliament, NIA, State Chancellery, SCM, SCP, Ministry of Economy	# applicable regulatory framework # the position of ethics commissioner established # monitoring and evaluation reports on the institutional integrity of the CPA and LPA # civil servants/managers of public entities/ subdivisions sanctioned for non-compliance with integrity policies (based on the Integrity Law) # public agents from municipal/ state enterprises sanctioned # codes of ethics adopted	(Indicate the link to the source for the information provided)	<input type="checkbox"/> The indicator led to the FULL achievement of the objective <input type="checkbox"/> The indicator led to the PARTIAL achievement of the objective <input type="checkbox"/> The indicator did NOT lead to the achievement of the objective	<input type="checkbox"/> Budgetary funds have been allocated and used efficiently <input type="checkbox"/> Budgetary funds were allocated and used partially efficiently <input type="checkbox"/> Budgetary means were not allocated and were not used efficiently	<input type="checkbox"/> The degree of achievement of the indicator ensures the durability of the efforts <input type="checkbox"/> The degree of achievement of the indicator ensures partial durability <input type="checkbox"/> The degree of achievement of the NIAS indicator does not ensure durability
<b>4.</b> <b>Protection of whistleblowers and victims of corruption</b>	Ombudsman, NAC, SCM	# number of whistleblowers seeking protection from the Ombudsman; # persons with the status of whistleblowers provided by NAC; # whistleblowers statute acknowledged/rejected by the court; # cases of compensation for material and moral damages suffered as a result of retaliation;	(Indicate the link to the source for the information provided)	<input type="checkbox"/> The indicator led to the FULL achievement of the objective <input type="checkbox"/> The indicator led to the PARTIAL achievement of the objective	<input type="checkbox"/> Budgetary funds have been allocated and used efficiently <input type="checkbox"/> Budgetary funds were allocated and used partially efficiently	<input type="checkbox"/> The degree of achievement of the indicator ensures the durability of the efforts <input type="checkbox"/> The degree of achievement of the indicator ensures partial durability

General objective	The respondent authority	Indicator (fill in the information provided)	Verification sources	Appreciate the Effectiveness (check the statement)	Appreciate Efficiency (check the statement)	Appreciate Durability (check the statement)
		# whistleblowers addressed by the NAC to the Ombudsman and vice versa; # employers/institutions reported by the whistleblowers' to the Ombudsman		<input type="checkbox"/> The indicator did NOT lead to the achievement of the objective	<input type="checkbox"/> Budgetary means were not allocated and were not used efficiently	<input type="checkbox"/> The degree of achievement of the NIAS indicator does not ensure durability
<b>5. Transparency of public institutions, party funding and the media</b>	SC, NAC, Parliament, CEC	# recommendations of stakeholders accepted by the authorities; # information and summaries of proposals and objections posted on the CPA and Parliament websites # documents (including their importance/character) that eluded the decision-making transparency procedures; # parliamentary controls on law enforcement # reports on party financing and public election campaigns	(Indicate the link to the source for the information provided)	<input type="checkbox"/> The indicator led to the FULL achievement of the objective <input type="checkbox"/> The indicator led to the PARTIAL achievement of the objective <input type="checkbox"/> The indicator did NOT lead to the achievement of the objective	<input type="checkbox"/> Budgetary funds have been allocated and used efficiently <input type="checkbox"/> Budgetary funds were allocated and used partially efficiently <input type="checkbox"/> Budgetary means were not allocated and were not used efficiently	<input type="checkbox"/> The degree of achievement of the indicator ensures the durability of the efforts <input type="checkbox"/> The degree of achievement of the indicator ensures partial durability <input type="checkbox"/> The degree of achievement of the NIAS indicator does not ensure durability

General objective	The respondent authority	Indicator (fill in the information provided)	Verification sources	Appreciate the Effectiveness (check the statement)	Appreciate Efficiency (check the statement)	Appreciate Durability (check the statement)
<p><b>6.</b></p> <p><b>Education of society and civil servants</b></p>	<p><b>NAC, CCI, Ministry of Education</b></p>	<p>#public agents prone to bribery</p> <p># public agents who took bribes</p> <p>#trained business people</p> <p>#businessmen prone to bribery</p> <p>#businessmen who bribed</p> <p># schools/universities that apply anti-corruption curriculum</p>	<p>(Indicate the link to the source for the information provided)</p>	<p><input type="checkbox"/> The indicator led to the FULL achievement of the objective</p> <p><input type="checkbox"/> The indicator led to the PARTIAL achievement of the objective</p> <p><input type="checkbox"/> The indicator did NOT lead to the achievement of the objective</p>	<p><input type="checkbox"/> Budgetary funds have been allocated and used efficiently</p> <p><input type="checkbox"/> Budgetary funds were allocated and used partially efficiently</p> <p><input type="checkbox"/> Budgetary means were not allocated and were not used efficiently</p>	<p><input type="checkbox"/> The degree of achievement of the indicator ensures the durability of the efforts</p> <p><input type="checkbox"/> The degree of achievement of the indicator ensures partial durability</p> <p><input type="checkbox"/> The degree of achievement of the NIAS indicator does not ensure durability</p>

## Annex no. 3.

### Control questions for 5 NIAS assessment criteria

Control question	Verification source
<b>Criterion 1: NIAS RELEVANCE</b>	
Was the NIAS drafting necessary?	FG, interviews
Were NIAS' objectives clear?	FG, interviews
Were the activities programmed by NIAS correlated with the expected/obtained results?	FG, interviews
Were the NIAS impact and results well defined?	FG, interviews
Are the NIAS objectives still valid?	FG, interviews
<b>Criterion 2: NIAS EFFECTIVENESS</b>	
Have NIAS objectives and results been achieved?	FG, interviews; NIAS evaluation grid
Can the degree of achievement or non-achievement of NIAS objectives be quantified and evaluated?	FG, interviews; NIAS evaluation grid
<b>Criterion 3: NIAS EFFICIENCY</b>	
Were the costs of implementing the NIAS estimated?	FG, interviews, requests for information (NAC, MF)
Were budget funds allocated?	FG, interviews, requests for information (NAC, MF)
Were the budget funds sufficient?	FG, interviews, requests for information (NAC, MF)
Were the budget funds used effectively?	FG, interviews, requests for information (NAC, MF)
<b>Criterion 4: SUSTAINABILITY</b>	
Does the degree of achievement of NIAS's objectives ensure its sustainability?	FG, interviews; NIAS evaluation grid
What is the probability that the results and the NIAS will persist after its completion?	FG, interviews; NIAS evaluation grid
Are there resources (including external assistance) sufficient and institutional capacity to ensure the continuity of the results and benefits generated by NIAS?	FG, interviews; NIAS evaluation grid; requests for information (NAC, MF)
<b>Criterion 5: IMPACT</b>	
Has NIAS generated systemic change?	FG, interviews; NIAS evaluation grid
Did NIAS generate unplanned effects following the implementation?	FG, interviews; NIAS evaluation grid