***1. How do you deal with corruption in your country? Do you have an anticorruption policy (specific areas and specific categories)?***

The political will to eradicate corruption in recent years in the Republic of Moldova has been increasingly assertive and visible, which is reflected in the implementation of comprehensive reforms, development of coherent policies in this regard and promotion of anticorruption public awareness raising campaigns.

At the same time, promotion and implementation of the principle of zero tolerance to corruption events in the justice sector is one of the specific objectives of the Justice Sector Reform Strategy for the period 2011-2016, approved by Law no. 231 of 25 November 2011. The fourth pillar of strategy refers to the integrity of actors of the justice sector. Thus, the actions, which will help strengthen the integrity of actors of the justice sector, are focused on the following strategic directions:

*4.1. Efficient and effective combating of corruption in the justice sector;*

*4.2. Strengthening of the mechanisms facilitating the implementation of the ethical standards of anti-corruption behavior at the level of all institutions of the justice sector;*

*4.3. Developing in the segment of justice of a culture of zero intolerance to corruption among self-administration bodies.*

Relevant key policy documents and legislation:

I.

* UN Convention against corruption adopted in New York on October 31, 2003 - ratified by Law no. 158 of 06.07.2007;
* Convention for the protection of human rights and fundamental freedoms of 04.11.1950 - ratified by Parliament Decision no. 1298 -XIII of 24.07.1997;
* International Convention on the elimination of all forms of racial discrimination of 21.12.1965 - ratified by Parliament Decision no. 707- XII of 10.09.1991;
* Convention against torture and other punishment or cruel, inhuman and degrading treatment of 10.12.1984 - ratified by Parliament Decision no. 473 -XIII of 31.05.1995;
* Civil Convention on corruption ( adopted in Strasbourg on 4 November 1999) , ratified by Law no. 542 of 19.12.2003

II.

* Supreme Law - the Constitution of the Republic of Moldova, adopted by the Parliament on 29.07.1994;
* Law on preventing and combating corruption no. 90 -XVI of 25.04.2008;
* Law on civilian control over the respect of human rights in detention institutions no. 235 -XVI of 13.11.2008;
* Law on petition no. 190- XIII of 19.07.1994;
* Law on personal data protection no.133 of 08.07.2011;
* Law on ombudsmen no.1349- XIII of 17.10.1997;
* Law on special investigation no. 59 of 29.03.2012;
* Law on equality no.121 of 25.05.2012;
* Law on the activity of the Council of preventing and eliminating discrimination and ensuring equality no. 298 of 21.12.2012;
* Criminal Code of the Republic of Moldova, approved by Law no. 985 of 18.04.2002;
* Criminal Procedure Code of the Republic of Moldova , approved by Law no. 122 -XV of 14.03.2003

III.

* National Anti-Corruption Strategy ( NAS ) for the years 2011-2015, approved by Parliament Decision no. 154 of 21.07.2011 and its Action Plan for 2012-2013, approved by Parliament Decision no. 12 of 17.02.2012;
* Justice Sector Reform Strategy for the years 2011-2016 ( pillar 6 ) approved by Law no. 231 of 25.11.2011 and its Action Plan, approved by the Parliament Decision no. 6 of 16.02.2012;
* National Action Plan on Human Rights for 2011-2014, approved by the Parliament Decision no. 90 of 15.05.2011

***2. a) Is there an anticorruption agency in Your country? If yes, to what extent does its activity point out the negative impact of corruption over human rights? Can you give some examples?***

I. Starting with June 6, 2002, a law enforcement agency, specialized in counteracting corruption, was created in the Republic of Moldova. Thereby, the National Anti-Corruption Centre, established by Law no. 1104 of 06.06.2002, is a body specialized in preventing and fighting corruption, corruption related offences and acts of corruptive behavior. The Centre has the following responsibilities: prevention, investigation and counteraction of corruption and corruption related offences and crimes, as well as acts of corruptive behavior; preventing and combating money laundering and terrorism financing, carrying out anticorruption expertise of drafts of normative acts and other legislative initiatives presented in the Parliament, ensuring the corruption risks assessment within public authorities through training and consultation, monitoring and analysis of data on corruption risks assessment and coordinating the development and implementation of integrity plans.

II. Corruption is a serious threat to the rule of law, democracy and human rights, equity and social justice. At the same time, it affects and hinders the full realization of human rights, rights that are guaranteed by law, which is one of the reasons why competent authorities in the field, including NAC, dedicate their efforts to preventing and combating corruption in Moldova. Thus, taking into account the negative impact of corruption on human rights, the Centre continuously takes measures to reduce and eradicate this phenomenon, which could harm: *the state* - the main guarantor of rights; *the citizen* - in case that a right that he is guaranteed and insured of can be violated by being forced to remunerate an individual, who has already been paid from public money; *morality* - citizens collide with situations when they are forced to illegally pay the kindergarten, school, university, hospitals – in order to get proper treatment; in order not to pay a traffic fine; to reduce penalties in case of infringement. Simultaneously, for the purpose of executing its mission, NAC is guided by a number of national and international documents that relate to human rights.

III. Moreover, the National Integrity Commission, established by Law no. 180 of 19 December 2011, in force since 1 March 2012, is an independent autonomous public authority and one of its core missions lies in promoting and implementing State’s strategic policies concerning suppression of corruption, using specific mechanisms to reduce this scourge.

***b) Are there any national institutions for the protection of human rights in your country? If yes, do they have the competence to counteract corruption?***

I. Yes, there is national human rights institution, the Center for Human Rights in Moldova (CHRM), created in April 1998, under the Law on Ombudsmen, nr.1349-XIII of October 17, 1997. In 2009 the CHRM was accredited with B status according to the Paris Principles. In order to reform the CHRM and to strengthen its independence and effectiveness a Working Group was set up with the representatives of the Ministry of Justice, line ministries, civil society, international experts, UN, UNDP, CoE. In this regard the draft law was renamed in to *people’s advocate* which was adopted by the Government on the 4th of September 2013.

The new bill is envisaging:

* to rename the institution from the "*Avocatul parlamentar*" into "*Avocatul poporului*" in order to avoid confusions among public on regard to institution’s role in protecting and promoting human rights;
* to amend the procedure of selection and appointment of AP, by establishing transparent and comprehensive rules on contest and appointment phases. Under the new regulations, the selection competition will be considered valid if there are at least three candidates on the list, and candidate elected by the Parliament shall acquire the majority of votes of Parliament members. In addition, the selection competition should meet exigent transparency requirements (the CV of candidates will be public on Parliament's web-site to ensure the access to civil society in monitoring the selection process);
* to extend the mandate of AP - from 5 to 7 years. In this context, an AP can be approved for a single term. Such an arrangement is essential to guarantee the independence of AP and to ensure that the manner to conduct the activities and recommendations is objective and efficient ;
* social guarantees for AP are provided. The draft law lists social guarantees which comply with those established for persons holding public dignity, supplemented by a judge offered guarantees. In addition, these items would increase the status of ombudsman institution among national institutions and government agencies;
* strengthen capacity building of AP Office, managed by the Head of the Secretary, responsible to ensure efficient management of the Office in terms of budget creation, staff policies development, disciplinary and administrative functions provided;
* new provisions are developed in respect to national mechanism for the prevention of torture - by defining the powers of the Council for the Prevention of Torture, determining the way of establishing the structure of the council, providing funding through a separate line item in the Office budget;
* important modifications concerning administrative organization of the institution, namely the establishment of a single AP, with two deputies: one specializing in child protection and the second one whom specialization are provided.

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II. Ombudsmen investigate the complaints of the citizens of Moldova, foreign citizens and stateless persons residing permanently or temporarily on its territory, hereinafter petitioners, whose rights and freedoms have been violated in Moldova. Complaints whose mode of examination is required by law on criminal procedure, civil procedure law, the law on administrative and labor law violations, are not to be dealt with by the ombudsmen. In this context, the institution concerned has no legal competence in fighting corruption. In this context, appropriate materials are submitted for review under the jurisdiction of the competent authorities, including NAC. Thus, in 2012 NAC has received for consideration from the CHRM 8 complaints, and 3 in 2013.

***c) Do the corruption combating institutions cooperate, on corruption issues, with the institutions for the protection of human rights? If yes, what are the mechanisms for promoting the cooperation between these institutions?***

The corruption combating institutions cooperates, on corruption issues, with the institutions for the protection of human rights. The existing mechanisms, which ensures the protection of human rights and take into account the negative impact of corruption on those rights, can be mentioned the following:

* the establishment of the Commission for the implementation of the National Human Rights Action Plan for 2011-2014 - an advisory body, set up to monitor, coordinate and evaluate the degree of implementation of the Plan. The Commission is composed of representatives of ministries and NGOs working in the field of human rights;
* the establishment of the National Committee for Combating Human Trafficking, which is a consultative body of the Government, whose membership includes representatives of public authorities, including law enforcement institutions and organizations engaged in preventing and combating human trafficking offences and human trafficking related offences;
* the establishment of anti-corruption hotlines in public authorities – where cases of corruption, different situations of conflict of interest and unworthy conduct are reported; the establishment of anti-corruption hotlines within NGO’s– where citizens are provided with free consultancy services regarding current legislation, means to judicially enforce rights, ways to denunciate corruption acts;
* the collaboration of the NAC and other authorities with the members of the Anticorruption Alliance, such as the Resource Center of the Nongovernmental Organizations for Human Rights (CReDO) – *which is also a member of the Monitoring Group for the National Anticorruption Strategy implementation*, the National Center for Transparency in Human Rights, the Institute for Democracy, the Center for the Protection of the Rights of Patients and Invalids, etc. – organizations which have the purpose to monitor the compliance with the commitments in the human rights field, monitor the transparency and access to information, implement the common action on corruption prevention. Also, they participate at advocating the respect, protection and promotion of human rights, supporting public interests, enhancing the degree of awareness among specific groups and the public as a whole, regarding the evolution and concerns in the human rights field.

***3. What measures that consider the negative impact of corruption with regard to respecting human rights have been adopted in your country? What are the best practices and what are the challenges regarding this issue?***

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

 In this regard, the following measures have been adopted:

- By Law no. 120 of 25 May 2012, the Parliament modified the Law regulating the activity of the Centre for Combating Economic Crimes and Corruption (CCECC). So, starting with the 1st of October 2012, CCECC was renamed in the National Anticorruption Center (NAC), an institution that reports to Parliament and investigates corruption offenses, offenses related to them, money laundering and terrorist financing. In addition, the Justice Sector Reform Strategy includes a specific area of intervention regarding the revision of the status of the CCECC, action accomplished through promotion and adoption of Parliament's decision no. 232 of 25 October 2012 on NAC’s institutional strengthening strategy.

- Law no. 181 of 19 December 2011 on amending and supplementing certain acts regulates the mechanism for checking declarations of income and property and personal statements, the mechanism for resolving conflicts of interest and control mechanisms on compliance with the legal regime of incompatibilities for dignitaries, judges, prosecutors, civil servants and persons in leadership positions.

- It was developed the draft law amending and supplementing certain acts, which toughens the penalties for corruption, including deprivation of the right to benefit from social guarantees for those convicted for corruption. The bill was submitted to the Government on October 4, 2013. At the same time, by Law no. 153 of 05 July 2012 have already been limited the social guarantees of judges dismissed on imputable grounds, also they will be deprived of the right to privileged pension and indemnity for dismissal.

- The draft law on professional integrity testing was elaborated by the Ministry of Justice and it was submitted to the Government on October 4, 2013.

- By the Government Decision no. 134 of 22 February 2013 (in force since 1 March 2013) has been set the permissible value of symbolic gifts, of those offered out of politeness, as a courtesy or during protocol actions and it was approved the Regulation on the registering, evaluation, storage, use and redemption of symbolic gifts.

- On 5 December 2012, the Ministry of Justice and the Civil Service Status launched e-civil status platform, according to which citizens can submit applications through the network of multi-media counters to obtain certain documents. Electronic E-civil status was launched in order to provide quality, operational, accessible, transparent and effective public services.

- On 12 August 2013, the Ministry of Justice launched the e-Apostille, as a step towards transparency, high quality services, fewer bureaucratic barriers, lower prices and aims to eliminate possible abuses of officials, therefore Moldova is the 5th country in the world and the 2nd country in Europe which has such a service.

***4. Which are the human rights that are most affected by corruption in your country? What is the negative impact that corruption can have over the human rights of specific vulnerable groups such as women, children, elderly, persons with disabilities, indigenous people and others?***

Following the statistical data obtained by the NAC for the first 9 months of 2013, the domains (institutions) that were most affected by corruption, which could have affected directly or indirectly the respect of human rights are:

* local public administration (city halls, local councils) – 60 acts of corruption and
* law enforcement agencies (Ministry of Internal Affairs) – 52;
* enterprises in the private sector – 29;
* justice (judges, legal executors, penitentiaries, probation offices, advocacy) – 27;
* health (Ministry of Health and subordinate institutions) – 20;
* education (Ministry of Education and subordinate institutions) – 20;
* municipal and state enterprises (under the State Chancellery, Ministries, City Hall of Chisinau etc.) – 16;
* Customs Service along with the Ministry of Finance – 10;
* State Fiscal Inspectorate bodies along with the Ministry of Finance – 7.

Corruption creates an excessive burden for the whole population. But, taking into consideration the specific roots of certain vulnerable groups, such as women – who have a distinct role for the social and cultural traditions, persons with disabilities – who have a disadvantage with regard to certain rights etc., we can specify that they are, in a way, limited in certain opportunities and are among those who can experience most profoundly the negative effects of corruption.

5. ***What measures can be undertaken by the Council for human rights and its subsidiaries, as well as the member states which combat corruption, taking into consideration the specific feature of the negative impact of corruption over human rights?***

Combating corruption cannot be carried out independently, even if there is a strong will dedicated to it. Not sharing the practical experience of other states, and also the lack of sufficient financial resources reduce this intention almost to zero. Therefore, taking into consideration the specific feature of the negative impact of corruption over human rights, it is necessary to intensify the collaboration among countries in transition and international organizations, including the Council for human rights. Thus, international organizations, having experienced staff, information, financial resources, can offer technical assistance, best practices in the domain; can contribute to the realization and analysis of studies that would establish and define the areas that are most affected by the corruption phenomenon, which could directly affect human rights and which should be paid more attention; assistance in elaborating anticorruption policy documents, participation at different cooperation and partnership programs for that purpose.

Another measure would be carrying out the exchange of information with similar institutions from other states regarding their experience in combating corruption in terms of protecting human rights; as well as by offering specialized consultancy, study visits, trainings etc.

The Republic of Moldova being a member of the UN Human Rights Council has supported and cosponsored the HRC initiative and resolution “The negative impact of corruption on the enjoyment of human rights” (A/HRC/23/L.19).

***6. How can the UN mechanisms for Human Rights be used in anticorruption efforts? What other institutional mechanisms can be used to integrate a human rights’ based approach in the process of combating corruption or vice-versa, at national and international level?***

I.The UN mechanisms for Human Rights can be used for the purpose of:

- initiating a number of programs in the field of protection of human rights through monitoring, evaluating aspects that relate to freedom of expression, the functioning of democratic institutions, establishing the negative impact of corruption over certain human rights, the efficiency of anticorruption measures regarding human rights protection.

- drafting and promoting educative programs, public lessons in schools, in collaboration with similar institutions in other states, oriented towards reducing public tolerance of corruption .

- promoting public education campaigns with the assistance of international organizations, regarding the rights of citizens and the impact of the corruption phenomenon over the ensuring of these rights.

II. The creation and implementation of an external system for monitoring and evaluating the level of implementation of anticorruption policies, practices of institutional policies implementation, with the purpose of respecting the assumed responsibilities for promoting and respecting human rights; establishing progresses in this sense, as well as understanding the problems that are specific for these domains.

***7. Other suggestions and objections regarding this topic, if there are any.***

Taking into consideration the fact that at the moment, the application of ECHR jurisprudence by a number of courts and collaborators of law enforcement institutions is criticized, as a result of lack of adequate knowledge, determined by an inefficient system of training, the following measures would be advisable:

* The training of these institutions’ staff, with the participation of foreign experts, regarding the ECHR judicial practice,– which would contribute to the decrease in the number of cases at ECHR.
* The issuing of a mechanism to immediately inform the courts and law enforcement institutions about certain recent approaches or decisions of the Court, modification or completion of laws and other rules regarding the deficiencies observed.