

The role of public service as an essential component of good governance in the promotion and protection of human rights

1. The central public administration reform from 2006 to 2012 in the Republic of Moldova was focused on restructuring the central public administration; ensuring a transparent and efficient decision-making process; improving the performance of the public administration including by use and application of information and communication technologies (ICT's); and developing a meritocratic civil service defined by skills- and performance- based recruitment and advancement. Consequently, the number of government agencies was reduced, policy coordination units were created in ministries and government agencies, and a new civil service legal framework has been developed (Law on public administration, Civil Service Law, Law on the single classification of civil service positions; Law on the payment system for civil service) and is currently in process of implementation. Efforts for the training of civil servants were consolidated, resulting in training delivered to 62 % of civil servants, half of which attended at least 40 hours of training.
2. The *Civil Service Law* and the *Regulation on competition-based employment for civil service*, both in force since 2009, provide for mandatory standards in ensuring equal opportunities to candidates for employment in civil service regardless of nationality, gender, age, religion, affiliation or non-affiliation with a party or other social-political organization. The principles that underpin the competition are transparency, competitiveness, professional merit and competence. The current legal framework provides rights and freedoms to civil servants in performing their job-related duties, including the right to challenge in court the manager's directions or administrative acts that they consider illegal.
3. The Government of the Republic of Moldova adopted on 10 October 2012 the *Program of reformation of public services for 2012-2015*, as a result of a thorough assessment conducted in 2011 regarding all public services delivered to individuals and/or businesses. The services were reviewed according to the following criteria: accessibility, diversity of delivery channels, IT in service delivery, methodology for setting the tariffs for paid services, including the emergency services etc. Over 580 public services will be subjected to modernization so as to ensure that more people can benefit from quality, quick, accessible, transparent and cost-efficient services. The above-mentioned Program also supports E-transformation, the portal servicii.gov.md offering the platform for sharing detailed information regarding public services. As a result of the Program, the *Methodology for setting minimal quality standards for public services and tariffs for paid public services* was developed and provides useful guidance to national authorities.
7. As a result of enforcement of the civil service regulatory framework, most cases of access to public service positions are merit-based (72 %). Competition-based employment prevails, being applied to 55 % of employment for civil service positions. The candidate to a public position must meet certain criteria among which: to hold the citizenship of the Republic of Moldova, to possess the state language and official languages of interethnic communication, to possess full legal capacity, not to have previous criminal records, to hold the necessary studies for the respective public position etc. The access to public positions takes place through competition, promotion or transfer. The competition is organized with the purpose of recruitment of the most suitable candidate, while the promotion process takes place as a result of assessing professional performance, both processes involving merit-based criteria.
8. A positive practice is the adoption of the *Law on equality no. 121 of 25 May 2012*, which provides the framework for implementing the principles of equal treatment, including in employment and occupation. It bans all forms of discrimination, provides the possibility of affirmative actions and sets up a mechanism to sanction discriminatory behavior. The adoption of this law provides for further gradual steps, including a road map for implementing the Law that is included in the revised version of the *National Human Rights Action Plan for 2011-2014*.