

Draft
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**THE JUSTICE SECTOR
DEVELOPMENT STRATEGY
for the years 2019-2022**

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I. INTRODUCTION

*Justice must not only be done,
it must also be seen to be done*

To ensure independent and impartial justice, as well as develop institutions that are directed towards accomplishing the task of ensuring fair, efficient and quality justice, is a central postulate of the rule of law.

Improving the justice sector has been and remains a major priority for the Republic of Moldova that is of utmost importance for the entire society, and is an essential condition for truly developing a democratic society, where the rule of law and respect for human rights and freedoms are safeguarded supreme values. The task of the judiciary is to dispense efficient and accessible justice, performed in conditions of independence, integrity, legislative and institutional stability, respecting human rights and fundamental freedoms.

The judicial power is perceived by the general public as representing the appropriate forum for establishing legal rights and obligations. Being a component of state power, the judiciary directly influences the exercise of human rights and freedoms, which requires that its autonomy and independence are ensured. The principle of independence is the constitutional basis for maintaining this power as one with full rights in the state architecture and for ensuring a balance between the powers of the state.

Assurance of efficient, accessible and quality justice is a legitimate expectation of citizens of a society which is built on respect for the rule of law. A judicial system acquires legitimacy and respect from citizens through excellent functioning which results in impartial and well-reasoned judgments. Therefore, the increase in the level of public trust in justice, as a fundamental element of the legitimacy of any judicial system, and its efficient functioning at the service of citizens, are premised on the transparency and accountability of this system.

The way justice is delivered directly influences the fundamental indicators of the functioning of society such as the separation of powers, judicial security and economic development.

The quality of justice is a commitment undertaken by the Republic of Moldova in the process of European integration and becomes a leading factor in establishing, through justice dispensation, of a rule of law, order, equity and truth

in society. The success of achievements in the justice sector should be the main incentive that determines the affirmation of the Republic of Moldova as a democratic state and credible partner in relation to the international community.

Joined efforts to strengthen the justice sector through assumption of responsibilities by all stakeholders in the judicial system, public authorities, liberal professions and civil society, determine the further setting of objectives that will enable the development of an efficient, transparent and modern system, adjusted to social needs and responding to future challenges.

A strategic and systemic approach in a new policy document, setting the objectives related to the existing problems, and establishing (defining) resolution tools and the expected impact, will enable to determine in the medium run an overall vision of sustainable development of the justice sector.

II. DESCRIPTION OF THE STATE OF AFFAIRS

In order to build a justice sector which is accessible, efficient, independent, transparent, professional and accountable to society and which meets the European standards, ensures the rule of law and respect for human rights, and contributes to ensuring public trust in justice, the Justice Sector Reform Strategy for the years 2011-2016 (JSRS) was approved by the Law no. 231 of 25.11.2011, and the Action Plan for the Implementation of the Strategy was approved by the Parliament Decision no 6 of 16.02.2012. Subsequently, by the Parliament Decision no. 259 of 8 December 2016, the deadline for implementing the actions from the Action Plan for Implementation of the JSRS was extended until December 31, 2017.

The JSRS represented a new stage in building a modern justice sector, taking as premises: on the one hand, the quasi-general perception of the high level of corruption in the justice sector, the lack of trust in justice, and on the other hand, the need to realise our country's aspiration of integration into the European Union, as well as the crucial role that justice plays in developing the business environment, in attracting investments into the country. At that stage, the identification and description of problems started from the most relevant national and international surveys and measurements: the Barometer of Public Opinion (national survey), the Global Corruption Barometer (international survey), and sectoral sociological inquiries.

The data from these inquiries were one of the starting points in writing the JSRS, which was built on seven pillars, focused mainly on the institutions from the sector: the judicial system (pillar I), criminal justice - the prosecutor's office and criminal investigation bodies (pillar II), access to justice (lawyers, state guaranteed legal aid, bailiffs, notaries) (pillar III), integrity in the justice sector - NAC and NIA (pillar IV), economic development - mediation, arbitration and insolvency administrators (pillar V), human rights in the justice sector - the Constitutional Court, the Ombudsman, the penitentiary system and the probation system (pillar VI). Pillar VII was the cross-cutting pillar, the implementation of the actions from this pillar had to contribute to the synchronization and coordination of the reform actions. Most of the actions framed within the JSRS and the Action Plan for its implementation concerned measures of research, development of the regulatory framework and institutional restructuring.

After 6 years of reform under the umbrella of the JSRS, it can be concluded that many of the planned actions have achieved their expected result and many

reforms, even if delayed or protracted, have been put into practice. Among the most important achievements it is worth mentioning:

- legislative and institutional reforms that strengthened the self-governance capabilities of the judiciary: the Superior Council of Magistracy and its subordinate boards;
- launching the reform of the Judicial Map;
- creating new mechanisms for selection, performance evaluation and disciplinary liability of judges; strengthening the role and status of the Judicial Inspection;
- the reform of the National Institute of Justice;
- strengthening the state guaranteed legal aid system, extending the spectrum of assistance and the circle of subjects;
- revising the procedures for enforcing court judgments;
- rethinking and, where appropriate, strengthening the rules on the organization and functioning of justice sector related professions: notaries, lawyers, bailiffs, judicial experts, mediators, authorized administrators, translators/interpreters;
- the reform of the prosecutor's office, its governing bodies, the status of prosecutors, the development and strengthening of specialized prosecutor's offices;
- creating the legislative basis for the rehabilitation of the victims of crime and strengthening the child-friendly justice system;
- establishing new mechanisms for preventing corruption and guaranteeing integrity within the justice sector;
- revising the codes of ethics of justice sector actors and creating mechanisms for investigating/reacting to ethical breaches;
- the reform of the People's Advocate institution;
- launching the process of modernization and strengthening of legal and institutional frameworks of the penitentiary and probation systems;
- adopting new rules for drafting regulatory acts.

To ensure public trust in justice was the main target of the reform process. The researches regarding public trust in justice during the implementation of the JSRS reveal its evolution. Thus, according to the data provided by the Barometer of Public Opinion, the citizens' trust in justice is assessed at 18% in 2011,. In 2017, however, as a result of the reforms in this sector, 24% of citizens state they

have confidence in justice, thus, by 6% more than in 2011, when the sector reform was launched.¹

At the same time, according to the results of the national survey, conducted by the "CBS-AXA" the Center of Sociological Investigations and Marketing Research 48% of respondents (lawyers) think that the reform of the judiciary started in 2011 had a positive impact on the judiciary, whereas in 2015, the percentage was of 43%²

The implementation of the JSRS has helped to create a new regulatory basis for most institutions and professions in the justice sector, most of these provisions being put into practice, others, however, are to be capitalized on and implemented gradually over the next years, in order to produce the expected results of the JSRS. The last progress reports on the implementation of the JSRS, drawn up by the Ministry of Justice as the central coordinator of the justice sector reform, show that the measures provided in the Action Plan for the Implementation of the JSRS, adopted by the Parliaments Decision no6 of 16 February 2012, have been executed at 86%. The degree of implementation was calculated based on the JSRS Monitoring and Evaluation Methodology, approved by the Minister of Justice, taking into account mainly the indicators specified in the Action Plan. Several national, international evaluations as well as the promoters of the reform found that the indicators established to measure the implementation of the JSRS were predominantly quantitative and less qualitative, so that at the end of its implementation it was difficult to assess the impact that it had produced (data available in: JSRS implementation Assessment Reports developed by working groups for implementation coordination and monitoring, analysis of the implementation of the JSRS, conducted with support from the Council of Europe; report of the Court of Accounts on the performance of the JSRS implementation, as well as other reports made by several non-profit organizations).

In 2018, short-term justice sector priorities were outlined in the policy paper of the Ministry of Justice, entitled "*The Small-scale Justice Reform*". Consequently, taking into account the strategic orientations set for 2018, amendments were made to the regulatory framework which regulates the judiciary, namely:

- Review of selection, evaluation and promotion criteria for judges;

¹ Data of the Public Opinion Barometer are available online:
<<http://ipp.md/old/lib.php?l=ro&idc=156>>.

² The results of the survey can be found online:
<<http://crjm.org/wp-content/uploads/2019/01/2018-Sondaj-Perceptia-avocati-justitie.pdf>>.

- Ensure competitiveness in the process of judges' promotion and transfer;
- strengthen the role of the Superior Council of Magistracy, namely through limiting membership to a single mandate and the right to vote of the Prosecutor General, President of the Supreme Court and the Ministry of Justice in matters related to judge's career (judges' appointment, promotion, disciplinary sanctions and termination);
- ensure functional independence of the Judicial Inspection in relation to the Superior Council of Magistracy;
- review the mechanism for reviewing disciplinary violations.

The implementation of the law package (Law 136/2018 and Law no 137/2018) will contribute to increased efficiency of the judiciary, , promote a merit-based system in the process of selection and promotion of judges as well as improve the mechanism for holding judges accountable for the quality of justice delivery.

Despite the efforts made, currently the state of affairs in the justice sector has not reached the high quality standards set for it. The main reasons for the situation are:

- Maintaining corruptible factors and elements that affect the integrity of justice sector stakeholders;
- Insufficient performance and human resources management capacities;
- Underdeveloped legal culture;
- Inconsistent judicial practices;
- Deficient enforcement of the regulatory framework;
- Legislative instability;
- Excessive focus on short-term actions in the development of the legal framework and lack of a systemic medium- and long-term vision.

Given that the strategic planning must be a persistent, ongoing and coherent process, adoption of a new policy document for the next period is imminent, which would provide a clear vision and a set of principles and values that will govern the justice sector processes for the next four years - 2019-2022. Hence, the justice sector reform remains one of the major priorities of the Republic of Moldova; in this context it is necessary to continue the previous efforts to increase the independence, impartiality and quality of justice, to improve the competence of the professionals in the field, the integrity and efficiency of the entire sector.

The actions aimed at increasing the credibility and accountability of the justice sector actors towards litigants, remain as priority though.

This policy document represents a natural follow-up activities set out in the JSRS and its Action Plan, this is the very reason for the intent to move away from the reform concept and focus on development aspects, and if appropriate, on strengthening and capitalizing on the judiciary potential. When the implementation of the new reform phase is completed, a new stage will occur targeting improvement or "fine-tuning" of the already adopted regulatory framework, strengthening of the institutional and professional capabilities of the reformed institutions, and alignment of the justice reform processes with the commitments of the Republic of Moldova made to the development partners, as well as with the Council of Europe's recommendations and standards,.

The strategy aims to respond to the challenges related to the improvement of the justice sector and shows the state's commitment to ensure an independent, impartial, accountable and efficient justice sector.

The new strategic document is also in line with the Sustainable Development Goals (SDGs), adopted by the United Nations Member States at the Sustainable Development Summit held on 25th of September 2015 and included in the Sustainable Development Agenda - 2030, namely with Goal 16 which aims to *“promote just, peaceful and inclusive societies for sustainable development, ensure access to justice for all and develop effective, accountable and inclusive institutions at all levels”*.

At the same time, given the fact that substantial interventions with legislative changes and institutional restructuring have been made through the previous strategy, now the efforts will be mainly focused on the efficient implementation of legislative and institutional changes. Moreover, setting-up the regulatory framework represents an expression of the principle of judicial safeguards. Frequent legal amendments and lack of legislative predictability were reported by several stakeholders from the justice sector as being the shortfalls. The principle of legal certainty brought forth by the Venice Commission Report on the Rule of Law, March 25-26, 2011) as essential to guarantee trust in the Rule of Law. To gain trust, the state has the obligation to observe and enforce adopted rules in a predictable manner

III. DEFINITION OF PROBLEMS

The evaluations of the JSRS made by independent evaluators show that the JSRS, as a holistic policy tool, has set very ambitious objectives that were difficult to achieve. The document had a spectrum and scope of coverage too large to be successfully implemented. What seemed to be an accomplishment at the beginning, turned over time into a challenge that had to be confronted almost daily. The JSRS included interconnected actions, thus, the stagnation, delay of one action induced chain failure in the implementation of several actions.

As mentioned in the JSRS text but also in the annual reports³ the efficient implementation of the JSRS was likely to be affected by three risks: political instability, resistance from the authorities to be reformed and insufficient capacities to absorb the funds for reform implementation. After 6 years of implementation, we find that some of these risks seem to have disappeared, and some, even if they occurred, have acquired other connotations. Many of the risks, identified at the stage of launching the previous strategic document for justice sector reform, in particular have affected substantially and in the long-run the realisation and implementation of the planned actions.

The assessment of the JSRS has highlighted the need for a "slimmed-down" architecture for the new strategy. From this perspective, the new strategic document in the field of justice is devised in a much more focused manner that will target the most vulnerable components of the justice sector, which are not covered by other adopted sectoral policy papers such as the National Integrity and Anti-Corruption Strategy for 2017-2020, adopted by Parliament Decision no 56 of 30.03.2017; the National Action Plan on Human Rights for 2018-2022, adopted by Parliament Decision no 89 of 24.05.2018; the Strategy for the Development of the Probation System for 2016-2020, approved by the Government Decision no 1015 of 01.09.2016; the Strategy for the Development of the Penitentiary Administration System for 2016-2020, approved by the Government Decision no 1462 of 30.12.2016. Overlapping actions through various policy documents lead to confusions in implementation by the responsible authorities or to free of accountability for implementation.

³ See the Annual JSRS Progress Report for yy 2011-2016, available online: http://www.justice.gov.md/public/files/file/reforma_sectorul_justitiei/rapoarte/2016/Raport_SRSJ_Ro_2016_v9_fomat_electronic.pdf.

At the same time, the objectives and actions set in the abovementioned documents in the area of human rights, integrity and fight against corruption in the sector, are to be correlated with those established in the new document, or the latter intersect with the judiciary and cannot be directly decoupled from it.

IV. OVERALL OBJECTIVES, STRATEGIC ORIENTATIONS AND SPECIFIC OBJECTIVES

This Strategy will consolidate and continue the reform processes that have been launched and implemented so far, which represented a new step in building a modern justice sector and contributed to the creation of a new legislative and institutional infrastructure. Consolidation of the judiciary determines that several components of the reform process are addressed, all these objectives being subsumed under an overall and key objective of ensuring an accessible, transparent, efficient and accountable justice sector. A modern sector of justice, where its independence and efficiency would be ensured, is more than a desideratum.

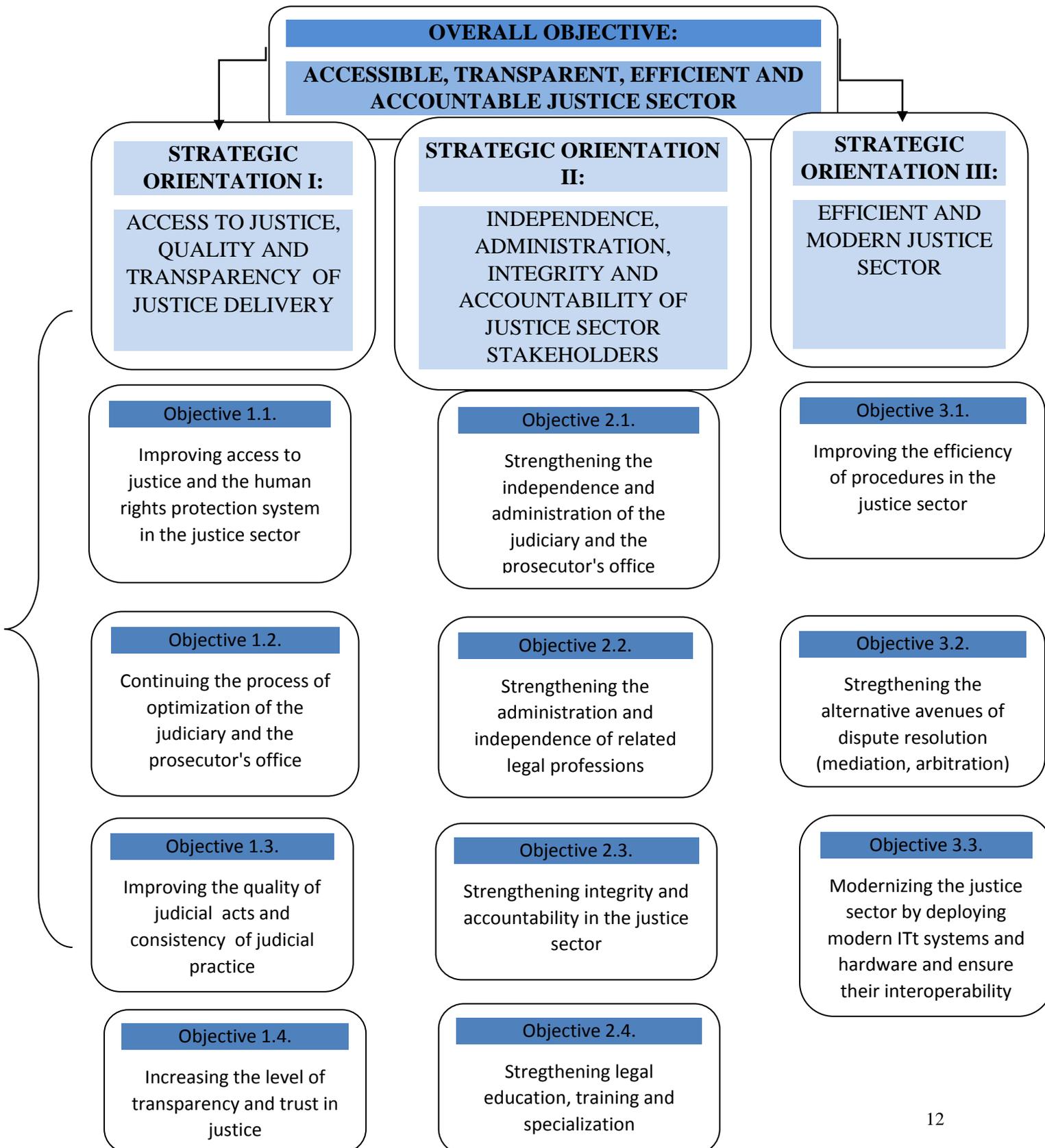
The overall objective, strategic orientations and specific objectives of the new document target the critical issues and vulnerabilities of the sector attested in the evaluation reports, and focus on ensuring consistency and continuity of the previous reforms, on further modernizing the sector, on increasing the efficiency, quality and access to the judiciary, as well as are directed towards the emerging modern trends, addressed in the field of justice by several European structures.

Every strategic orientation and objective contained in this strategy is subsumed under the following principles, the observance of which is essential for achieving a modern judicial system:

- respecting the rule of law and human rights;
- guaranteeing a real separation and balance of powers in the state, by strengthening the independence and integrity of the judiciary;
- ensuring the stability of the regulatory and institutional frameworks;
- strengthen institutional capabilities and loyal cooperation between institutions charged with administration of the judiciary and justice delivery;
- implement European best practices on the functioning of the judiciary;
- ensuring the transparency of justice delivery.

The identification and establishment of the overall objective, strategic orientations, specific objectives and areas of intervention largely meet the expectations of judicial service users and their needs to exercise their rights in the

justice sector in a fair manner. Therefore, it is proposed that the new strategic document is focused on **three strategic orientations**, and for each strategic orientation specific objectives have been identified, as illustrated in the figure below.



Strategic orientation I.

Access to justice, quality and transparency of justice delivery

Objective 1.1. - Improving access to justice and the human rights protection system in the justice sector

In view of the fact that free access to justice is a complex principle, involving several relations and fundamental rights, through which its full exercise can be guaranteed, it continues to be a priority objective. Not only is access to justice a right in itself, it represents a key tool which enables the protection of other rights.

To ensure effective protection of human rights, it is not sufficient to apply substantive laws and to determine the minimum requirements for fair justice; it is also necessary to establish procedural guarantees, which would strengthen the mechanisms for protection of these rights. In light of the above, access to justice cannot be fully achieved in the absence of guaranteeing the right for defense; the fact requires a review of procedural mechanisms to ensure a proper balance between prosecution and defense, taking into account “the equality of arms”.

Improving access to justice is to be regarded not only in the strict sense of access to a court, but as an integrated approach covering also the legal assistance services provided to citizens, in particular, through public outreach and awareness and by increasing the quality of services delivered to vulnerable and underrepresented groups.

Another aspect requiring intervention is the improvement of mechanisms for providing translation services to courts, prosecution offices, criminal investigation authorities, including by encouraging the use of IT capabilities for distance communication, thus avoiding delay in case review by courts. Currently, the delay in reviewing civil and criminal matters in courts is generated by the shortage of translators/interpreters or by their refusal to follow court or prosecution requests to provide services in other administrative-territorial units than Chisinau.

Similarly, access to justice means not only the actual legal possibility of applying to a fully jurisdictional body to settle a complaint and obtain satisfaction, but also the right to require the enforcement of the delivered judgment, which is the final stage of the judicial process. Because of liberalization of the profession of

bailiff, over nearly a decade, the systemic problem of non-execution of judgments, which led to multiple convictions of the Republic of Moldova in the European Court of Human Rights (ECtHR), virtually disappeared. At the same time, it is required to further strengthen and streamline the mechanisms for ensuring effective enforcement of judgments.

When it comes to the criminal justice system, some of the challenges are the establishment and implementation of a progressive punishment system, shift from a punitive to re-socialization policy and an increased safety in penitentiary facilities. Moreover, strengthening the probation system is required, in order to reduce relapses and increase social safety. Use of alternative detention measures contributes to re-integration into the society of those who violated the law by capitalizing on their potential.

Main areas of intervention:

Facilitating access to justice for vulnerable and underrepresented groups;

- Developing and implementing improved policies for provision of legal aid and evaluation of its quality;
- Improving the mechanism for rendering translation services in the activity of courts, prosecutor's offices, criminal investigation bodies;
- Ensuring effective observance of human rights and freedoms during the application of preventive measures, especially, custodial measures;
- Improving the efficiency of mechanisms for enforcing judgments and ensuring an adequate balance between the interests of creditors and those of debtors within the forced execution procedure;
- Improving the mechanisms for enforcing criminal sentences.

Expected result:

- Mechanisms that facilitate access to justice improved;
- Quality legal aid delivered;
- Reduced number of relapse;
- Judgments effectively enforced.

Objective 1.2. – Continuing the process of optimization of the judiciary and the prosecutor's office

To continue the process of streamlining the activity of the judiciary and the prosecutor's office is also a desideratum for the current strategy, which requires a complex, consistent and coherent approach targeting the structure, human resources and performance indicators.

The reform on court reorganization, initiated in 2017, which reduced the number of courts from 44 to 15, is to be continued, namely by merging of the courtroom' locations that will enable the creation of prerequisites for the specialization of judges, uniform distribution of the workload in courts, strengthening courts' institutional capacities of, assurance of the most efficient use of public funds available to courts and reduce the the system related maintenance costs .

Strengthening of the institutional capacities of courts is also to be ensured by developing the skills of judges and support staff in change management, court management and case flow. As a result of staff turnover, there is currently an inadequate ratio and a lack of balance between the number of judges, staff and workload in courts.

A modern administration of courts also determines the shift from bureaucratic statistics, focused more on the quantitative aspect and less on the qualitative aspect, to active management and leadership in the system, widely supported and promoted, including by court administration authorities, by implementing standards recommended by the Council of Europe European Commission for the Efficiency of Justice (CEPEJ) aimed at improving and developing the analytical tools and use of statistical data and the application of court performance indicators.

At the same time, the reform of the judicial map also determines the reform of the prosecutor's office map. At present, regional prosecutor's offices carry out their activity in all territorial-administrative units of level II, whereas Art.7 of the Law no 3/2016 on the Prosecutor's Office states that territorial prosecutor's offices usually operate in the circuit courts. Therefore, the optimization of the number of courts is to be preceded also by the optimization of the number of prosecutor's offices. This will allow for an effective synchronization of the activity of these authorities.

Main areas of intervention:

- Continuing the process of court optimization through merging court locations;
- Optimizing the system of the prosecutor's office;

- Increasing the efficiency of institutional management in courts and the prosecutor's office;

Expected result:

- The system of courts and the prosecutor's office optimized;
- The management system developed.

Objective 1.3. - Improving the quality of judicial acts and consistency of judicial practice

Effective justice requires quality throughout the whole chain of justice process. Although a number of legislative measures have been taken so far to improve the quality of justice, and although, according to the survey conducted between November-December 2018 by the "CBS-AXA" Center of Sociological Investigations and Marketing Research, in 2018, 44% of lawyers assess the quality of justice as being better than in 2011, in contrast to 2015, when 37% evaluated the quality of justice as being better in 2015 than in 2011⁴, its deficiencies, however, still persist, which ultimately directly affects the rights and freedoms of litigants.

In order to be of a high quality, a court judgment must be perceived by the parties and public in general, as the outcome of correct application of legal rules, fair proceedings and proper assessment of the merits of the case.

From the clarity point of view any court judgment shall be easy to understand, and shall be edited using clear and simple language, which is a key requirement in order to be understood by parties and by the public. Such intelligible language implies coherent judgment structure and reasoning made in a manner, which is clear and accessible to all.

Therefore, ensuring the quality of judgments, which covers both the reasoning and the editing in a clear manner, is still a major priority for this policy document.

The quality of justice is also determined by the existence of a judicial practice, which is a desideratum arising from the need to ensure legal certainty by avoiding the delivery of contrasting judgments on similar matters. Lack of consistency in jurisprudential solutions still persists in the judgments delivered by the courts; the attestation of this fact by the European Court of Human Rights in

⁴ Survey results can be found online:
<<http://crjm.org/wp-content/uploads/2019/01/2018-Sondaj-Perceptia-avocati-justitie.pdf>>.

its judgments rendered against the Republic of Moldova, is well-known in this respect. Inconsistent practice, determined by inconsistent application and interpretation of the legislation, is contrary to the principle of legal certainty which is one of the fundamental elements of the Rule of Law. The existence of contradictory judgments is the source of legal uncertainty and ultimately lack of public trust in the judiciary. Although in any legal system there is no absolute in the interpretation and application of laws and some deviations are admitted, however, they should not be of such a nature as to lead to the adoption of entirely different decisions in cases involving similar or nearly identical matters in issue.

In this regard, it is necessary to develop mechanisms that would ensure uniform judicial practice and correct implementation of the regulatory framework, by excluding any influence likely to generate abuses and which ultimately negatively affects the litigants.

Main areas of intervention:

- Establishing criteria for quality and clarity of judicial documents;
- improve and develop mechanism for ensuring uniform judicial practice.

Expected result: quality of judicial acts improved and unitary jurisprudence ensured .

Objective 1.4. - Increasing the level of transparency and trust in justice

Developing trust in the judiciary and increasing the level of transparency is an essential and complex task, but also a difficult one at the same time, when the general perception of the majority of public in relation to the independence of the judiciary still lies at a low level. Ensuring citizens' confidence in justice ultimately equates with trust in state authorities.

Over the last period, substantial results in ensuring transparency of justice have been achieved, namely through: (1) publication of all judgments on the courts' web pages; (2) audio recording of all court hearings (3) publication of court hearing location and date on courts' webpages This was possible following the implementation of the Integrated Case Management Software. At the same time, the objective of increasing the level of transparency and trust in justice, although closely linked with the degree of achievement of other objectives, determines the need for additional joint actions for developing the legal culture and breaking the chain of distrust.

In the absence of a legal culture among citizens, successful efforts in other areas are likely not to be fully reflected and capitalized on. Therefore, the aim is to develop and seek to raise awareness and enhance knowledge of legal standards.

Together with the measures aimed at developing the legal culture, the subject of the present Strategy is to improve mechanisms for communication with public, in order to increase its trust in the judiciary. In this regard, there is need for a set of actions targeted at promoting (vulgarizing) legal texts related to individuals' rights and procedural obligations, in order to ensure an easy understanding by the wide public, without diminishing legal connotations and by publishing the information on court webpages. In addition, a good practice promoted successfully by several courts, which have adopted and used international standards for judicial excellency, was the establishment of information centers, aimed at proper guiding of litigants and offering guiding or procedural answers.

At the same time, external monitoring and evaluation of the activity of courts is an instrument that helps to improve the predictability of their operation. Thus, it is required to define and strengthen the mechanism and the unified methodology for systematic surveys on the degree of satisfaction with the judiciary, following all stages of collecting, filtering, analysis, data publication, as well as development of an action plan to address the issues identified and reports on implementation monitoring. Systematic surveys conducted among professionals working in courts and/or among court users can provide relevant information for enhancing the quality of the judiciary.

The latest trends of international organizations (i.e.: CEPEJ⁵) recommend that states focus the efforts of the judiciary on a better communication with litigants, also systematically conduct surveys on the court users' satisfaction, analyze, publish data and inform them in a simple and accesible way about the procedural rights and obligations, procedural timeframes, specific procedures, steps taken or envisaged to resolve the reported issues.

These trends need to be undertaken by the prosecutorial bodies as well. In spite the fact that many activities of the prosecutor's office are censored in order to prevent any interference in its acitivity, nonetheless, the public needs to have access to general information. Open communication with all factors will contribute to affirmation of a modern, transparent, accountable and credible prosecutor's office.

⁵ See the report of the European Commission for the Efficiency of Justice "European judicial systems. Efficiency and quality of justice", 2018 edition available online:
<<https://rm.coe.int/rapport-avec-couv-18-09-2018-en/16808def9c>>.

Main areas of intervention:

- Developing mechanisms to inform the general public on the ways to access/use the functionalities of judicial and prosecutorial web portals;
- Improving the mechanisms used by courts for providing information to the general public;
- Developing citizens' information and education mechanisms/programs on access to justice and the competence of justice sector authorities;
- Developing partnerships and involving CSOs in citizens' information and legal education programs;
- Conducting systematic surveys on court users' satisfaction.

Expected result:

- The level of legal culture of the population improved;
- The public access to information on the state of justice increased;
- Public perception indicators on trust in justice improved.

**Strategic orientation II.
Independence, administration, accountability
and integrity of justice sector actors**

Objective 2.1. Strengthening the independence and administration of the judiciary and the prosecutor's office

The independence of justice is a basic requirement of the rule of law, deriving from the principle of separation of powers in the state. This requirement demands both structural independence of the justice system and individual independence of judges. The principle of judge's independence is the principle outside of which one cannot speak of a genuine activity of justice delivery, the judge must enjoy both an external independence and an internal independence, and irrespective of his/her position in the system, and the culture of hierarchical subordination should be eliminated.

Consolidation of an independent, impartial and functional judiciary that is supported by the entire society and all institutions committed to the supreme values is an imperative. The perception prevailing now in society that some verdicts are issued by judges under the pressure of some factors erodes overall the authority of the judiciary.

Thus, in order to increase the degree of independence of judges, to exclude the political factor determining their career, but also to strengthen the capacities of

the judicial administration authority, the areas that will constitute a priority for the current Strategy which involve constitutional amendments are: 1) the status, appointment, promotion and immunity of judges, 2) the financing of the judiciary, and 3) the composition, competences and mandate of the Superior Council of Magistracy.

At the same time, preservation of the independence and prestige of justice cannot be done only through legislative measures. This also requires an internal cohesion, by taking a stand. It is necessary that the body of judges, through firm actions, fight for their own independence. The role of independence guarantor of the judiciary must be achieved firstly by the SCM through public disclosure of threats against the system in general and against the independence of individual judges, by elucidating challenges the judiciary faces.

Strengthening the capacities of the Superior Council of Prosecutors and the activity of its boards, as well as the analysis of a similar approach used by the Superior Council of Magistracy in relation to members appointed ex-officio, remain as priorities. The Superior Council of Prosecutors as the guarantor of the independence and impartiality of prosecutors shall enjoy a large number of tools required to fulfill its duties. In this respect, the concept of functioning of some mechanisms needs to be revised; currently these mechanisms are not structural part of the Superior Council of Prosecutors (i.e. Prosecutor's Inspection, method case file drafting and storage)

A disputed issue is the means for assuming the office of judge and prosecutor. Establishing a single point of access for the office of judge or prosecutor, through the National Institute of Justice is considered as a good European practice and an innovative solution for shaping future stakeholders of the judiciary. At the same time, seniority in the legal field as an eligibility requirement for the respective offices satisfies the two inherent dimensions: professionalism and experience; this is the reason why professionals choose to further maintain it. Similarly, it is a subject of debates and one needs to eliminate the double standard used for the same requirement when applying for the judge's position based on seniority (5 or 7 years of experience in legal specialities), in order to ensure stability, consistency and predictability of the procedure established. An intrinsic element to ensure independence of the judiciary is the system administration by bodies responsible for the organization and functioning of the judicial authorities. The judiciary and prosecutorial administration also implies the prerogatives to appoint system exponents to management positions (leadership). Eliminating the political factors, involvement, when appropriate, in

the process of selecting court/prosecutor's office personnel and granting the Superior Council of Magistracy and the Superior Council of Prosecutors the authority to appoint persons to managing positions, will contribute to better system administration but also to the rotation of managing positions within the entities concerned.

Main areas of intervention:

- Amending the Constitution in the section referring to assurance of judges' independence and the activity of the Superior Council of Magistracy;
- Ensure courts with adequate number of judges and auxiliary staff;
- Consistent methods to access the judge's position;
- Increasing the procedural independence of prosecutors;
- Strengthening the capacities of the Superior Council of Prosecutors;
- Ensure appointment by the administrative bodies (SCM and SCP) of persons to court and prosecutor's office managing positions.

Expected result:

- The independence of judges and prosecutor's office ensured;
- Efficiency of court and prosecutor's office activities ensured;
- The capacities of judicial and prosecutorial administration bodies strengthened.

Objective 2.2. Strengthening the self-administration, independence and accountability of legal professions

Strengthening the self-administration, independence and accountability of legal professions is an essential element in achieving the overall objective of this policy document.

The activity of legal professions related to the justice system (lawyer, notary, mediator, bailiff, judicial expert, insolvency administrator and translator /interpreter) is regulated by special laws. At the same time, although their activity is to be largely guided by the same rules, currently there are several differences in the manner of organization and access to the profession, as well as in terms of accountability. In this regard, it is necessary to ensure a unification of the rules in this area.

Also, the tax regime, social security and health care applicable to the representatives of the justice system related professions remain a controversial issue. Although some legislative solutions have been adopted recently, partially

improving the situation of the recipients, they do not meet the needs and possibilities of the representatives of legal professions.

In addition, the lack of clear methodologies for setting up tariffs for the services provided by the representatives of legal professions, and sometimes the lack of quantification is a problem both for the beneficiaries of these services and for the providers. Therefore, it is necessary to establish rates in a transparent and justifiable way to exclude the discretionary element.

A vital element for strengthening justice related professions and their affirmation as professionals capable to provide quality legal services, which are essentially, public services delegated by the state, is strengthening the independence of their representatives. Recent intimidation trends and pressure put on lawyers and bailiffs or their association/identification with their clients are contrary to the requirement aimed at defending human dignity and the principle of professional independence, such trends must be eradicated. Representatives of professions related to justice must take the responsibility to leave up to the mission to provide services of public interest.

Main areas of intervention:

- Unifying aspects of organization of legal professions;
 - strengthening the independence of professions related to justice
- Improving the contributions/social security system;
- Establishing clear rules for setting up tariffs for service provision.

Expected result:

- The criteria of organization of legal professions unified;
- Mechanisms for ensuring independence of professions related to justice in place
- taxation and social security system improved;
- rates for provided services regulated/revised.

Objective 2.3. Strengthening legal education, training and specialization

Development of human resources involves development of a training process tailored to new requirements and expectations. The problems of professionalism are likely to affect justice from the perspective of its dimensions as public service; the coherence and quality of justice delivery may also be affected by the quality of contributions made by all actors of this system.

Therefore, the consolidation and development of the system of initial and continuous training of all justice sector actors remain a priority, with the National Institute of Justice having a key role in this entire process. In particular, the practical skills building level will be further increased, by reducing the theoretical academic content at the stage of initial training of candidates for the positions of judge and prosecutor.

The continuous training of justice sector actors is also a fundamental element in the context of legislative developments, but also of new approaches stemming from the jurisprudence of the European Court of Human Rights. Law is a living instrument, which in the context of socio-economic development cannot be interpreted as having a fixed and unchangeable content, thus the application of methods of "evolutionary interpretation" is needed. The specialized training of judges is also to be ensured both in new areas, where the need for information is felt, and in traditional areas, where an overview of the studied material is needed. Therefore, efforts will be focused on creating new tools and training opportunities that will promptly respond to the needs of the system.

An important place is also to be accorded to the involvement of judges, prosecutors, lawyers, bailiffs and other actors in opening an interprofessional dialogue, through comprehensive approach to common problems and identification of solutions that will generate unitary practice. Neither of them works in isolation. Therefore, only ensuring efficient and continuous cooperation in various ways could be a solid basis for common perception of legal phenomena in the spirit of democratic values, and will help to achieve a quality justice. The platform for inter-professional discussions will be ensured by the National Institute of Justice as well as other training facilities.

An important weight is also to be placed on the objective of building non-legal skills (professional ethics and deontology, mediation, combating discrimination, promoting knowledge of a foreign language (legal English, French), these are only some of the training areas that are aimed at achieving this goal).

An issue that is just as important is the professional training of court auxiliary staff. In the process of justice delivery, their work, especially of court clerks and judicial assistants, is to support the activity of magistrates, thus, the competence and the proper performance of their duties play an important role in the proper functioning of courts. The quality and outcome of justice are directly proportional not only to the professional competencies of the judge, but also to the skills of the staff assisting him/her. For these reasons, investment and proportional incentive

for the activity performed by court staff is required, resulting also from the duties assigned to them by law. The current provisions of the Law no 152/2006 on the National Institute of Justice establish only continuous training for court clerks, judicial assistants and heads of court secretariats. At the same time, the need for their complex training is also raised, since the existing practices with a fragmented approach to certain subject matters are insufficient.

Moreover, at present, the need for continuous training of other court staff was raised as these staff members are tasked to summarize judiciary practices, make dockets, manage case files, draft overviews, analyze judiciary statistics, but also ensure public relations, maintain IT systems, protect personal data, etc. Given the specifics of the activity the abovementioned categories are involve in, there is need to continuous development of a high level of knowledge, conduct and professionalism in order to contribute to improved quality of services provided and to the image of the judiciary.

In addition to professional training, another area related mostly to the training process is ensuring ongoing specialization of judges, prosecutors, and when appropriate, of lawyers providing state guaranteed legal aid. Legal specialization is regarded as a time related requirement, because litigants wish for their cases to be addressed with celerity and professionalism in order to limit, to the greatest degree possible, the risk of judicial errors.

Main areas of intervention:

- Strengthening and developing the system of initial and continuous training for judges and prosecutors;
- Building and developing non-legal skills;
- Improving the process of professional training of court staff;
- Ensuring specialization of judges, prosecutors and other stakeholders.

Expected result: The system of professional training developed and legal specialization ensured.

Objective 2.4. Strengthening integrity and accountability in the justice sector

Identification of efficient advantages to strengthen the independence of judges and prosecutors is to be correlated with increasing their accountability and integrity. Integrity is one of the main elements of ensuring citizens' trust in the

justice system and the guarantee for fair trial. The development and promotion of a culture of judicial integrity is an important element in preventing corruption, which is one of the main threats for the public and the Rule of Law.

It is therefore critical for stakeholders of the judicial system, to observe and honor, both individually and collectively, the office held as a public mandate and to make efforts to increase and maintain public trust in the system.

Ensuring the integrity of justice sector actors has been declared a national objective through various international commitments and national documents. A constant problem reported by internal actors and development partners of the Republic of Moldova is the focus of reform efforts and policies solely on actions to amend the legislation and on institutional restructuring, frequently leaving out of the effective implementation of legislative and institutional changes. Therefore, the effort should be focused on ensuring a proper implementation of the legal framework.

Despite several measures taken, until now, the integrity standards as well as moral and ethical standards have not become an important part of the work of professionals in the justice sector. The deficiencies detected in maintaining these standards have a deep impact on litigants' trust in the issued decisions. Judges and prosecutors cannot abuse the powers granted to them, thus, the safeguard of independence provided by law for the performance of their official duties is to be correlated with their accountability and not impunity.

In order to achieve this, it is necessary to ensure effective verification of the declarations of assets and interests of all judges and prosecutors by the National Integrity Authority, as well as to improve the practices of judicial and prosecutorial administration bodies to exclude situations where the signs of lack of integrity are not reported to competent authorities. Similarly, the tolerance to lack of integrity should be eradicated.

Main areas of intervention:

- Ensuring effective verification of the declarations of assets and interests of all judges and prosecutors by the National Integrity Authority;
- Improving the practices of SCM and SCP to exclude situations where seemingly signs of lack of integrity are not reported to competent authorities;
- Analyzing the practice in disciplinary cases against judges and prosecutors, and other justice sector actors to exclude situations where the lack of integrity is tolerated.

Expected result: Integrity in the justice sector ensured.

Strategic orientation III. Efficient and modern justice sector

Objective 3.1. Improving the efficiency of procedures in the justice sector

Streamlining the efficiency of court procedures is a complex task, which aims to improve the quality and access to justice, as well as exclude abuses both on the part of the litigants and on the part of the system's representatives.

Over the last period a number of amendments have been made to the civil procedure law, so as to simplify and make it more efficient, namely by introducing emergency procedures for settling certain categories of cases, excluding the possibilities to delay civil proceedings and optimizing the timeframe for civil cases' review, as well as by simplifying the procedural documents and justifying use of information systems by trial participants. Additionally, a series of legislative interventions aimed at simplifying the proceedings were also made in minor offense matters.

At the same time, enhancing the efficiency of court procedures and procedures for enforcement of judicial documents will also constitute intervention measures within the framework of this Strategy. In particular, the criminal procedure is to be streamlined both at pre-trial and trial stages, and some provisions of the minor offense law are to be reviewed to establish procedural guarantees.

As part of legal proceedings, a critical factor in revealing the truth on matter and circumstances in issue is the indictment, another evidentiary tool being the judicial expertise. As part of the indictment, the role of the judicial expertise is increasing, with the need to obtain, by means of science, data, which is important for establishing the truth. To ensure and objective and reasoned court resolution, judicial expertise capabilities must be enhanced.

Similarly, in order to ensure a balance between settlement of cases in reasonable time and the quality of judicial process, there is need to revise a number of deadlines set by the legislator to solve certain case categories.

In addition, for the purpose of relieving courts of an excessive caseload, in order to settle certain categories of cases, it is necessary to conduct an analysis on

the suitability for identifying non-contentious/ administrative procedures that do not necessarily call for mandatory judge's intervention.

Also, in order to ensure a stable legal framework and to avoid promoting conflicting concepts by different authorities, the following is required: (1) centralizing the task for amending the Codes (Civil, Criminal, Minor Offence Code, Administrative, Civil Proceedings, Criminal Proceedings and Enforcement Code) by formally authorizing the Ministry of Justice in this regard; (2) decrease the number of initiatives aimed at amending the Codes and provide a reasonable term for enforcement of new or revised amendments/procedures in order to allow both professionals and litigants to adapt and assimilate the new trends.

Main areas of intervention:

- Amending the procedural and enforcement legislation to simplify and improve the efficiency of procedures;
- Enhance the judicial expertise capabilities in order to gain an objective and reasoned court judgment;
- Identifying extrajudicial/administrative mechanisms for settling certain categories of cases;
- Preserve the stability of the regulatory framework and engage stakeholders for the justice sector in the assessment and drafting of recommendations for amendments

Expected result:

- Court procedures and enforcement procedures enhanced;
- Increased efficiency of judicial expertise and development of new types of judicial expertise
- Extrajudicial mechanisms for settling certain categories of cases identified/ established.
- Regulatory framework ensured.

In the spirit of the Constitution of the Republic of Moldova as well as of the conventional principles, the rights and freedoms must be protected and applied in an effective and concrete manner, in accordance with the values of a democratic society. To this end, the State has the obligation to make available to citizens the entire arsenal of judicial and extrajudicial tools meant to ensure effective protection. Mediation and arbitration are two key institutions for extrajudicial settlement of disputes.

Although consolidation and promotion of these alternative dispute resolution methods was one of the priorities of the Justice Sector Reform Strategy for 2011-2016 and several measures have been implemented in this area, their application is still insufficient. Moreover, according to the statistical data, neither the establishment through the Law no 31/2017 of compulsory judicial mediation for certain categories of cases, has led to tangible results (approximately 5% of the cases filed in courts have been settled).

Therefore, the measures to facilitate and encourage amicable conciliation of parties before the commencement of judicial proceedings or during an already initiated proceeding will be a priority for the current policy paper as well. The increasing caseload in courts, increasing costs of disputes, delays, wish to maintain confidentiality are indicators that prove that alternative dispute resolution techniques should be widely used by litigants.

In this regard, the imperatives of effectiveness and flexibility of mediation and arbitration, especially for the business environment, determine their efficient consolidation and promotion.

Main areas of intervention:

- Strengthening the institution of mediation (in civil, criminal, minor offense cases);
- Improving the mechanisms for enforcing settlements, through which the parties agree on amicable resolution of the dispute;
- Revising the institution of compulsory judicial mediation, in order to simplify the process of examination of civil cases in the court and exclude delays;
- Improving the regulatory framework in the field of arbitration;
- Promoting the benefits of alternative dispute resolution mechanisms within the business environment, legal community, academia and the judiciary; conducting awareness and information dissemination campaigns on these mechanisms.

Expected result: The number of disputes settled through alternative methods increased.

Objective 3.3. Modernizing the justice sector by deploying modern IT systems and hardware and ensure their interoperability

Within the framework of the institutional reform of the judiciary, computerization has been a priority. An essential support to the modernization of justice is ensured by developing the judicial IT system. Nevertheless, the implementation of IT solutions is a continuous process, which is to be adapted to the new requirements for process development. Increasing the level of IT systems and hardware for the judiciary is a tool for streamlining the activities carried out in the justice system.

The IT systems that facilitate communication between courts and parties (for example, online filing of applications and other documents), as well as between courts and other authorities can help reduce delays and costs incurred by litigants, by facilitating access to justice. Thus, swift communication between the units of the judiciary, standardization of procedures, faster access to information, its quality, and fast access to information are strong arguments for modernizing this sector, but also for developing and using mechanisms for systemic assessment of IT system implementation. Only the use of information and communication technologies in the judicial environment can increase the efficiency of the administration of justice.

The increasing amount of data made available to broad public and parties involved in trials by the judicial system using IT systems requires ongoing data management by responsible authorities, in strict compliance with data security requirements. This implies the implementation of an extensive number of measures aimed at reinforcing cyber security.

Main areas of intervention:

- Ensuring ongoing improvement of the E-Case Management System functionalities ;
- Facilitating people's access to justice through IT;
- Facilitating/developing electronic communication of lawyers and public authorities with courts, prosecutors, criminal investigation bodies and bailiffs;
- Implementing the videoconferencing system in criminal cases;
- Developing the E-Case/"E-Enforcement"/"E-Arrest" platforms;

- Ensuring IT system interoperability of law enforcement bodies.

Expected result:

- The new Integrated Case Management System with updated functionalities implemented in all courts;
- Development of electronic communications;
- The videoconferencing system implemented;
- The information systems developed and interconnected.
- Cyber security of data managed by the judiciary reinforced.

V. ESTIMATION OF THE PROGRESS, IMPACT AND COSTS OF IMPLEMENTATION

An essential element of the justice reform is to measure the efficiency of its implementation, which is not possible without establishing clear and measurable performance indicators. To achieve the objectives identified in this strategy, it is necessary to regularly assess the progress of their implementation, using quantitative and qualitative indicators. The method for measuring progress will be determined for each individual measure required to achieve a strategic goal. This will allow for unequivocal progressive assessment and helps to detect and identify problems.

In order to ensure adequate monitoring of the results, each specific objective will be divided into actions/measures reflected in the Action Plan. The Action Plan will also establish timeframes within which the conduct of each activity will be scheduled and the competent authorities, as well as the resources needed to implement the measures.

As progress indicators, for all areas of the Strategy, the following sources will be used, but not limited to:

- The court user satisfaction studies/surveys (conducted as part of the justice sector performance management system or by external observers) attest an increase in public trust in justice in general, and the independence, transparency, competence and accountability in particular;
- The trust of legal professionals in the judiciary and in other institutions of the justice sector;
- The monitoring reports of judicial processes done by independent observers;
- The reports of international organizations on human rights;

- The annual decrease in the number of systemic violations found by the European Court of Human Rights (ECtHR);
- The annual decrease in the number of cases filed at the ECtHR;
- The annual decline in the findings of the Committee of Ministers (CM) of the Council of Europe (CoE) regarding non-enforcement of individual measures in the ECtHR judgments concerning Moldova (baseline: 2017);
- The annual decrease in the number of cases in which Moldova is criticized by the CoE CM for failure to undertake general measures with a view to enforce country-specific judgment of ECtHR (baseline: 2017);
- Improved position of the Republic of Moldova in many relevant international indexes on the performance of the judiciary, including governance indexes and the Rule of Law Index (the World Bank), the Freedom House rankings, the World Justice Project (the Rule of Law Index), Transparency International (IPC etc.), WB Business Index (baseline: 2017);
- Recognition of the progress made by the Republic of Moldova in the administration of justice, mentioned in the EU reports and in various political dialogue documents;
- Recognition of the progress made in the area of independence, accountability and competence of the judiciary of the Republic of Moldova, mentioned in the interim and final activity reports of donors and reports of other informed observers, including CSOs, international organizations (baseline: 2017).

The efficient implementation of the Strategy in general, and in particular of the Action Plan, that will reflect all measures to be taken, is conditional on an objective financial planning, a correct estimation of the costs of actions and on identification of the sources of finance that will be covered from:

- a) the national public budget;
- b) the financial means of international organizations;
- c) the support provided by the development partners.

The costs of the measures covered by the national public budget will be adjusted annually, depending on the availability of funds provided within the medium-term budgetary framework for those periods.

Earmarking funding provided by international organizations will be made in a transparent manner, in line with priorities and needs of implementing agencies, based on a joint agreement of decision makers of the judiciary and with participation, when appropriate, of an expert in public finance.

The support of developing partners for the implementation of the Strategy and of the Action Plan is significant and crucial, given the scarce public budget, but also for other instances, developing partners could express interest in some specific areas, compatible with their funding policies. Only through joint effort, the implementation of the objectives and planned activities can be accelerated.

VI. PREREQUISITES FOR EFFICIENT IMPLEMENTATION

Considering the experience of implementation of the previous strategy, it is important for the implementation of the current Strategy to recognize and meet the following prerequisites:

- ***Political will.*** According to the Constitution, the Republic of Moldova is a democratic state, governed by the rule of law, in which the dignity of people, their rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values, which are guaranteed. These principles should guide all political decisions. The state's priority to ensure a modern, efficient and transparent justice system cannot be determined by the political factor and its color. To ensure an independent and impartial judiciary that produces legal and fair judicial acts is a common goal. Therefore, the implementation of this strategy implies unconditional support from the political power.

- ***Financial coverage.*** The implementation of policy documents involves certain expenses. The lack of financial support to cover the costs of the measures promoted by this Strategy may compromise its purpose, the achievement of the proposed objectives and the expected results. Therefore, it is important to provide sufficient financial means, identified and approved as part of the budget of each institution, and to attract financial support from other sources allowed by law.

- ***Assumption of responsibility by implementing institutions.*** With the adoption of the Strategy, the key actors are to assume their role of active

promoters of its purpose and objectives. It is important that the pillar institutions (the Parliament and the Government), in accordance with their functional competencies, put the necessary pressure on the implementing authorities, responsible for the implementation of the measures provided in the Strategy, so that all planned actions are carried out in full and within the set deadlines. The success in promotion and efficient implementation of the objectives under the Strategy shall be supported by the judicial stakeholders, which are interested in making quality progress and in “purging” the system of unworthy individuals, which compromise the system due to lack of professionalism and integrity.

- ***Public control, independent and impartial monitoring.*** The efficiency of implementation of the Strategy also depends on the contribution of the civil society. Thus, besides submission of official reports by the responsible institutions, it is important that the civil society pillar directly contributes to the monitoring of the implementation and presents alternative reports to the official reports of the authorities. Important prerequisites in this respect are the freedom, independence, transparency, integrity and credibility of non-governmental organizations and media institutions.

Only when all mentioned prerequisites exist, the implementation of the measures provided by the Strategy will produce the expected impact.

VII. THE DRAFTING PROCESS

The Strategy was drafted by the Ministry of Justice with the support of all justice sector actors interested in the natural further development of the sector. In order to ensure a participatory process, the Working Group on developing the new policy document in the justice sector was established, by Order of the Minister of Justice no 383 of 12 May 2017. In a representative composition, the Working Group brought together the representatives of the Parliament of the Republic of Moldova, the President's Office, the Prosecutor General's Office, the Supreme Court of Justice, the Superior Council of Magistracy, the National Anti-Corruption Center, other public authorities and institutions, as well as the representatives of the development partners and civil society organizations.

In 2017 the Ministry of Justice held two meetings on launching the process of drafting of the new policy document in the justice sector and on presenting the strategic directions, developed on the basis of the recommendations made in various reports, including on the implementation of the JSRS 2011-2016, as well as the proposals received from the Working Group members.

At the beginning of 2018, as it was the legislatures last year of mandate, the Prime Minister announced the priority directions and actions in the judicial reform, detailed by the Ministry of Justice in the strategic document entitled "*The Small-scale Justice Reform*". The strategic document represented an overall vision on a set of reforms in the judiciary, including with fast implementation, within a maximum of 12 months.

The drafting of the new policy paper in the justice sector was intensified at the end of 2018, by reviving the previously initiated activities and re-conceptualizing the strategic directions and specific objectives proposed in the new policy document in the justice sector.

During February-March 2019, in order to identify the reform needs and solutions to improve the justice sector directly from those to whom they are addressed, the Ministry of Justice held meetings with various actors in the justice sector. The meetings were focused on separate discussions with judges, prosecutors, representatives of judicial and prosecutorial administration bodies, representatives of justice sector related professions (*lawyers, notaries, bailiffs, judicial experts, mediators, authorized administrators, interpreters/translators*) business and academia representatives. The exercise also aimed for regional coverage, thus, meetings with professionals from the northern, central and southern regions of the Republic have been organized.

To ensure transparency in the decision-making process, the new policy document in the justice sector will be widely consulted on with all stakeholders, including the representatives of civil society and development partners.

VIII. REPORTING AND MONITORING PROCEDURES

The reporting on and monitoring of the Strategy's implementation is carried out within the institutional framework on the basis of the monitoring and evaluation methodology, applied within the set deadlines.

1. Institutional framework

The responsibility to report on and monitor the Strategy and the Action Plan lies with:

- the implementing institutions;
- the persons appointed as responsible within the implementing institutions (focal points);
- the Monitoring group;
- the Secretariat of the Monitoring group;
- the Forum of decision-makers of the justice sector institutions;
- The Parliament's Specialized Committee.

The implementing institutions will be identified in the Action Plan. The implementing institutions will ensure that objectives/measures set in the Strategy

and the Action Plan are reflected in their own annual action plans, with funding appropriation for action implementation

The responsible persons within the implementing institutions - "focal points" (hereinafter – responsible persons) will be appointed by internal orders of the heads of the implementing institutions. The appointment of responsible persons should enable easier communication between the Secretariat of the monitoring group and the implementing institutions. The responsible persons will provide all necessary/relevant data and will submit reports to the implementing institutions on the progress made in the implementation of the Strategy and the Action Plan.

The implementing institutions are tasked to ensure continuity of the responsible persons' activity and, if necessary, diminish their workload, so that they can focus more on the implementation of the Strategy and the Action Plan. communication with the Secretariat, of the monitoring group, preparation and submission of necessary information

The Monitoring group will be established based on a decree of the Minister of Justice from among representatives of the implementing institutions, but mainly from civil society representatives. The task of the group will be to conduct quarterly assessment of the progress made with the Strategy and the Action Plan implementation, based on the methodology for implementation monitoring and assessment. The monitoring group will signal risks related to delayed execution or failure to execute measures under the Action Plan. An important aspect of the group monitoring activity will be to assess the degree of achievement of the Strategy objectives and the assessment of their expected impact. The organization and the operation of the monitoring group will be regulated by a regulation approved by the Minister of Justice.

The Secretariat of the Monitoring group will be provided by the Ministry of Justice, with support from contracted technical consultants.

The Secretariat will provide support to the monitoring group in their operation and monitoring and:

a) will collect, store and summarize the information provided by the implementing institutions and prepare the quarterly and annual reports on the implementation of the Strategy and Action Plan;

b) will ensure interaction with the specialized Parliamentary Committee and will take part in the organization of annual meetings for evaluation and reporting on the level of implementation of the Strategy and Action Plan;

c) will provide methodological support to the responsible persons in order to build the skills required to ensure the implementation of the Strategy and Action Plan, and to better understand their duties and responsibilities;

d) will perform other complementary duties, according to the Regulation on the Organization and Functioning of the Monitoring Groups

The Forum of decision-makers of the justice sector institutions will be composed of: the Minister of Justice, the Chairperson of the Superior Council of Magistracy, the Chairperson of the Superior Council of Prosecutors, the President of the Supreme Court of Justice, the Prosecutor General, the Director of the National Institute of Justice, the Chairperson of the National Union of Bailiffs the Chairperson of the Mediation Council. If issues addressed by the vorum involve budgetary expenses, the Minister of Finance will be invited to take part in the discussion.

The forum has competence to ensure decision-making support in the implementation of the Justice Sector Reform Strategy, but it should also enable the smooth implementation of the objectives/activities within a specific implementing institution or to assist in overcoming difficulties in achieving certain objectives/actions involving several implementing institutions, which have conflicting viewpoints. To forum will meet and when appropriate, will provide strategic guidance during the implementation of the Strategy and the Action Plan and will react when some implementation problems are identified, or if delays in implementation occur.

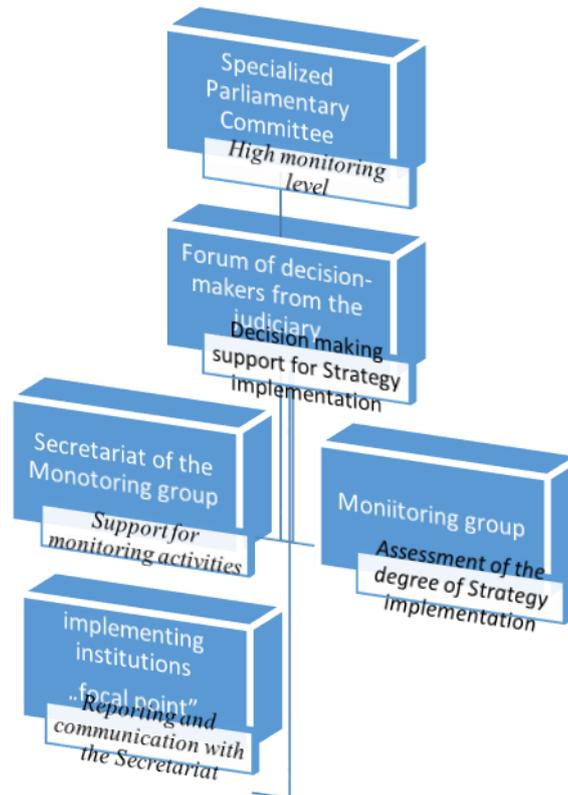
The Parliament's Specialized Committee (the Parliament's Legal Committee on Appointments and Immunities) will represent the highest level for the monitoring and reporting activity on the degree of implementation of the Strategy and the Action Plan.

The Parliament's Committee will hold annual hearings on the degree of implementation of the Strategy and the Action Plan. During the hearings, the reports on the implementation of the Strategy and the Action Plan will be submitted and if necessary, the alternative reports drafted by civil society organizaitons, identifying the progress made in implementing the Strategy and the Action Plan and deficiencies found during the the implementation.

Following the annual hearings, the Parliament's Committee will draw up its own report which is to identify the progress, failures and challenges in the implementation of the Strategy and the Action Plan. The report will contain

recommendations for the implementing institutions that have allowed for delays or failed to carry out the proposed actions. In case of major challenges related to the implementation of the Strategy, the Committee's report will be heard at the plenary session of the Parliament and subsequently a resolution will be approved, presenting solutions and recommendations to overcome and eliminate the detected shortcomings.

GRAPHIC REPRESENTATION OF THE STRATEGY MONITORING MECHANISM



2. Methodology for monitoring and evaluation of the Strategy and the Action Plan

The monitoring and evaluation of the Strategy is carried out in order to identify the progress made in the implementation of the Strategy and the Action Plan, to detect and remedy the shortcomings that emerged during the implementation of the Strategy and the Action Plan, as well as to increase the level of knowledge, understanding and implementation of actions

The Ministry of Justice will draw up the methodology for monitoring and evaluation of the Strategy and the Action Plan, after having consulted the stakeholders and the specialized Parliament's Committee. The methodology for

monitoring and evaluation of the implementation of the Strategy and the Action Plan will be posted on the website of the Ministry of Justice.

3. Deadlines for reporting and evaluation of the implementation of the Strategy and the Action Plan

The reports on the implementation of the Strategy and the Action shall be submitted to the Secretariat on a quarterly and annual basis, until the 15th of the month following the due date.

The evaluation of the Strategy analyzes the efficiency and the expected impact of the actions and priorities, as well as the way resources that have been allocated for the implementation of the Strategy are used.

The evaluation report lists the factors that contribute to the success or failure, the sustainability of the results and the impact of the Strategy. The assessment of the Strategy's impact is performed every two years, with regard to the actions to be carried out at least one year before, as well as one year after the deadline for the implementation of the Strategy and the Action Plan.

Alternative reporting by CSOs is encouraged. These alternative reports can provide quality assessment of objectives met and actions accomplished, deriving from the Strategy and the Action Plan, which are supported by surveys, conducted and undertaken, measuring quality, efficiency and access to legal services. Submission of alternative reports remains at the discretion of civil society representatives, these can be drafted with support from developing partners. The value of alternative reports is all the more important in the context of civil society being the one that ensures that citizen's interest is properly reflected and integrated into public policies developed by the state authorities and contributes to increasing their accountability to the citizen.