

Summit for Democracy Commitments
Update: 20 March 2023

The following provides brief updates on the status of planning, development, partnering, and implementation of commitments under the Summit for Democracy.

Government/Authority:

Which government/authority has made this commitment?

Republic of Moldova

Summit Pillar Addressed:

*Which one of the following Summit pillars does this commitment fall under – (1) strengthening democracy and defending against authoritarianism; (2) **fighting corruption**; or (3) promoting respect for human rights?*

Commitment and Goals:

What are the objectives of this commitment? What will be the outcome when this commitment is fulfilled? When will this commitment be fulfilled by?

The Republic of Moldova is committed to leading efforts in three fields: 1) reforming the justice sector, 2) strengthening anti-corruption bodies and cleaning up institutions and 3) strengthening democratic processes by fighting illegal financing of political parties.

- To fight corruption effectively, Moldova must ensure that its judicial system, and particularly its judges and prosecutors, are competent, independent, impartial, and abide by the law.
- The government also works towards strengthening existing anti-corruption institutions. This shall be done by appointing transparent and honest public figures in leadership positions, and by discouraging corruption practices in these institutions. This will require the strengthening of accountability and enforcement mechanisms, making the public service more attractive financially, as well as increasing the image of a public officer.
- Moldova continues to make efforts to strengthen its democratic processes by enforcing strong mechanisms of oversight and sanctions for infringements that might be identified and for the illegal financing of political parties.

Progress to Date:

What steps have been taken to fulfill this commitment since it was made? Who has taken these steps and when?

1. Throughout 2022 and the beginning of 2023, despite all external challenges caused by Russia's war against Ukraine, Moldova continues to take the necessary steps domestically to reform the justice system and to vet its judges and prosecutors. We have started the process of evaluation of the ethical and financial integrity of judges and prosecutors, and of their self-governing bodies. One year ago the legal framework for the pre-vetting process was adopted. It allowed to launch the evaluation of candidates for membership in the self-governing bodies of judges and prosecutors (SCM – Superior Council of Magistracy, and SCP – Superior Council of Prosecutors) and their specialized colleges. An independent Evaluation Commission has already completed the evaluation of 28 judge candidates. Only 5 judges passed the evaluation and will be able to stand in the elections for the SCM by the assembly of judges this year. The Commission is currently completing evaluating the 12 non-judge candidates for membership in the SCM.

The Ministry of Justice has also initiated the process of developing the legal framework for the vetting process – the extraordinary (external) evaluation of judges and prosecutors. This process will be carried out in stages and will start with the highest court in national hierarchy – the Supreme Court of Justice (SCJ). The vetting process will help clean the system of corrupt individuals and promote those judges and prosecutors that prove and practice high integrity standards. Importantly, it will help reset the public image of the judges and prosecutors and allow them to regain public trust.

2. In the field of anticorruption: Amendments have been made to the Law No. 3/2016 on the Public Prosecutor's Office, in particular concerning the criteria, conditions and procedures for the appointment of chief prosecutors of specialized prosecution offices. Additionally, the recommendations of the Venice Commission (Opinion No. 1058/2021) regarding the composition of the Superior Council of Prosecutors (SCP), the disciplinary liability of the Prosecutor General, the termination of mandates of Deputy Prosecutors General, and other, have also been implemented. The legal framework on extended confiscation and recovery of criminal assets has been improved. The draft law amending the Code of Criminal Procedure has been adopted. This allows for the indictment of a person in absentia, as well as the sending of criminal cases to court, in cases where the person evades prosecution or avoids participation in the trial process. It creates the legal basis for final court rulings on a number of important cases related to corruption, money laundering and other serious crimes that have hijacked society's trust in public institutions. The first National program for the recovery of criminal assets has been adopted in December 2022, for the years 2023-2027.

3. In 2022, the Directorate for Supervision and Control of the Financing of Political Parties and Electoral Campaigns was set up within the Central Electoral Commission (CEC). Its creation will allow the implementation of comprehensive verification mechanisms of both financial reports and financial activities of political parties and electoral contestants. Also, the new Electoral Code was adopted on 1 December 2022 and entered into force on 1 January, 2023. Among the main changes that it brings are those linked to the transparency of campaign financing and the strengthening of the CEC's control over political financing. The new provisions give the CEC more leverage to check the income of the parties and set rules and specific limits for donations, including from persons holding public office. It will reduce the possibility of making donations on behalf of third parties, anonymously or by foreign citizens and foreign legal entities.

Next Steps:

What are the planned next steps to fulfill this commitment? When will these next steps be taken and who will they be taken by?

1. The next stage of vetting will involve judges and prosecutors in key positions, higher courts and specialized prosecution offices. It will start with the highest court in national hierarchy – the Supreme Court of Justice (SCJ). A broader reform of the SCJ is planned, with key changes related to changing the role of the SCJ to that of unifying judicial practice and related to the reduced number of judges (20 from 33), as well their new composition of career judges (11) and other professional lawyers (9).
2. On 29 December 2022, the Parliament adopted in first reading the draft Law amending the Criminal Code and Criminal Procedure Code of the Republic of Moldova. The project, planned to be adopted in 2023, is based on 3 reforms: simplifying the plea agreement; introducing a judicial agreement in the public interest. Also, in 2023, a draft law on the clarification of the delimitation of powers between the National Anti-Corruption Center and the Anti-Corruption Prosecutor's Office is planned to be adopted. The law provisions will focus the competences of the Anti-Corruption Prosecutor's Office to the investigation of high-level corruption cases, and will restructure the National Anti-Corruption Centre.
3. The effective enforcement of the provisions of the new Electoral Code, together with the effective controls done by the new Directorate for Supervision and Control of the Financing of Political Parties and Electoral Campaigns, will be a priority, prior to the upcoming elections of 2023 and 2024.