

Strengthening the integrity and development of anti-corruption policies in the Republic of Moldova

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Abstract

The phenomenon of corruption is increasingly invoked in the public agenda of the Republic of Moldova, as a major factor, which distorts the transformation and the democratic course of the state. Respectively, the negative dynamics of the tendencies of manifesting corruption facts is a sad reality of the functioning of different institutions in the Republic of Moldova. Corruption in the Republic of Moldova remains a strident problem, highlighted by the prism of different researches, reports and surveys as the main factor that undermines the economic growth, compromises the development of democratic values and the tendency to integrate the country into the European community. This paper will treat the state public policy in anti-corruption fight and the effect of that policies on democratization of political process and system.

Keywords: Anti-corruption, Democratization, Integrity, Public agenda, Reform

The fight against the scourge of corruption is a permanent concern in the Republic of Moldova, which has forced the central and local public authorities, various active social groups to promote processes and mechanisms to prevent and combat the phenomenon of corruption. The anti-corruption theme was

on the permanent agenda of the external relations of the Republic of Moldova, being addressed separately in the processes of promotion and evaluation of reforms. The national anti-corruption system of the Republic of Moldova is focused on policies centered on the normative and institutional framework. The anti-corruption normative framework can be divided into the segment of international normative acts to which the Republic of Moldova adhered and in the national normative acts. The institutional framework consists of multiple institutions that are directly or indirectly involved in combating and preventing corruption.

Creation and consolidation of the normative framework in the field of fighting corruption in the Republic of Moldova

The civil and criminal conventions on corruption to which the Republic of Moldova is a party require the connection of its normative framework to the requirements of the Community legislation in order to ensure the conditions of prevention and control of corruption in accordance with international standards.

In the field of international cooperation, the Republic of Moldova continues to participate in actions, initiatives and projects aimed at preventing and combating corruption, including:

- *The criminal convention on corruption*, adopted in Strasbourg on January 27, 1999 and signed by the Republic of Moldova on June 24, 1999 by Law no. 428 of 30.10.2003;

- *The UN Convention against Corruption*, adopted in New York on October 31, 2003 and signed by the Republic of Moldova on September 28, 2004 by Law no. 158 of 06.07.2007, which obliges each State Party to elaborate and implement, in accordance with the fundamental principles of its legal system, policies for the prevention of efficient and coordinated corruption, favoring the participation of the company and reflecting the principles of the rule of law;

- The *Declaration on 10 anti-corruption measures* in South-East Europe that has committed the Republic of Moldova to sufficient allocation through financial and human resources, as well as to perfect the investigation instruments for the public sector institutions responsible for preventing and combating corruption, including governmental, judicial, audit and other supervisory institutions. Although some progress has been made, the quality of the implementation of the reforms of the communist government (2001-2009) in the field of prevention and control of the scourge was very low, and this under the conditions of a very good anti-corruption legislation. However, the strong initial commitments to fight corruption were made by the pro-European governments during the years 2009-2010. The achievements in strengthening the anti-corruption legal and institutional framework were mainly due to external pressure in the form of technical assistance, grants, donations and conditionality.

In this context, the national anti-corruption legislative framework contains both prevention and sanctioning provisions, including the implementation of sanctions.

The *Penal Code of the Republic of Moldova*, entered into force on June 12, 2003, establishes the existence of three categories of criminal norms aimed at counteracting the phenomenon of corruption, namely: norms that incriminate acts of corruption, norms that incriminate facts related to corruption, norms that incriminate facts that can be manifested as acts corruption. The 2016 additions also included offenses of fraudulent obtaining of funds from external funds and misappropriation of means from external funds (*The Official Monitor of the Republic of Moldova*, 14. 04. 2009).

The *Law on combating corruption and protectionism, no. 900-XIV of 27.06.1996* (repealed) aimed at defending the rights and freedoms of citizens, public interests, ensuring the security of the state, by preventing, detecting and terminating corruption-related offenses, by removing their consequences and punishing the guilty, as well as by preventing, detecting and suppressing. Chapter II of this law provides for the measures to prevent corruption and protectionism, and the third determines the responsibility for the acts of

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corruption and protectionism (*The Official Monitor of the Republic of Moldova*, 22.08.1996).

The *Law on conflict of interests no.16 of 15.02.2008*, which regulates incompatibilities and restrictions imposed on persons exercising public dignity, public functions or other functions, the resolution of conflicts of interest, as well as the presentation of the declaration regarding the conflict of interests (*The Official Monitor of the Republic of Moldova*, 30.05.2008). This law formed the normative infrastructure for the institution of the conflict of interests, establishing the main notions applicable to this institution, the categories of the subjects of the declaration of personal interests, the general principles of treatment and resolution of the conflict of interests, the procedure for declaring the personal interests, the regime of incompatibilities and restrictions, but also for the first time after its adoption, in the Republic of Moldova began to be published the declarations regarding the incomes and properties of the civil servants, but also the declarations of interest (*National Integrity Commission, Guide on documentation and solution of declared conflict of interest, 2015*).

The *Law on the prevention and combating of corruption no.90-XVI from 25.04.2008* establishes actions to prevent and combat corruption, ensuring the defense of the rights and freedoms of the person, public interests, national security and removing the consequences of corruption acts. The persons with public status who use their status contrary to the general interests of the company fall under the scope of this law. The guarantees of the prevention of corruption are the policies and practices in the respective field that represent a complex of legislative, institutional, economic, social and moral measures (*The Official Monitor of the Republic of Moldova*, 13.06.2008).

The *Law on transparency in the decision-making process no.239 of 13.11.2008*, the elaboration of which was determined by the need to make the decision-making process more efficient within the public authorities, to increase the transparency of the activity of the public authorities, but also to ensure the direct participation of the citizens, of the associations established in accordance with the law, of other stakeholders in the decision-making process (*The Official Monitor of the Republic of Moldova*, 05.12.2008).

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The *Law on institutional integrity assessment no. 325 of 23.12.2013 2013*, which involves testing the professional integrity of authorized employees of the National Anticorruption Center or of the Security and Information Service of the employees of the selected public institutions by simulating virtual situations and establishing the behavior of the public agent tested. In case of appreciation of the behavior of the public agent as a negative result of the professional integrity test, the public agents tested carry only disciplinary responsibility, according to the gravity of the deviations found and in accordance with the legislation regulating the activity of the respective public entities (The Official Monitor of the Republic of Moldova, 14.02.2014).

The *Law on institutional integrity testing* was substantially amended and supplemented in November 2016, after the Venice Commission critically endorsed this law, and the Constitutional Court, in its turn, declared several provisions of that law unconstitutional. However, the modification and completion of the law for the assessment of institutional integrity has generated a wave of criticism from civil society. For example, the Center for Legal Resources of Moldova, the Association for Efficient and Responsible Governance, the Association for Participatory Democracy, Transparency International - Moldova, the Institute of European Policies and Reforms sent a letter to the Parliament (Legal Commission, Appointments and Immunities) expresses its worrying opinion regarding the draft Law no. 434 regarding the modification and completion of some legislative acts, in this case, the draft law regarding the modification of Law no. 325 regarding the testing of professional integrity, renamed in “evaluation of institutional integrity”. The letter sets out three main issues that he considers essential for the recommendation not to adopt such a bill and to renounce it. Thus, the draft law does not solve some essential problems addressed by both the Venice Commission and the Constitutional Court, namely:

1. Lack of genuine judicial control over integrity tests,
2. Failure to meet the conditions of soundness and reasonableness for initiating the test,
3. The risk that testing is essentially the challenge of public agents.

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A relevant concern also concerns the fact that the current project does not include MPs. If Parliament adopts such a mechanism, MPs should first demonstrate the highest standards of professional integrity. Failure to do so in order to test professional integrity means, in fact, favoring public agents who have extremely important responsibilities in the state and who are, first and foremost, at risk of corruption. The newly approved institutional integrity testing procedure has started to be implemented in 2017 (*Center for Legal Resources of Moldova, Opinion on the draft law no. 434, 2016*).

The *Integrity Law no. 82 of 25.05.2017* regulating the field of integrity in the public sector at political, institutional and professional level, the responsibilities of public entities, anti-corruption authorities and other competent authorities for cultivating, strengthening and controlling integrity in the public sector, the important areas for cultivating integrity in the private sector in the process of interaction with the public sector and for sanctioning the lack of integrity in the public and private sectors. Regarding the private sector, the law sets out prohibitions on the employment of persons who have been involved in the public sector in the last year of activity and transparency in the commercial relations with public authorities. The law regulates the 14 obligatory measures to ensure institutional integrity, the observance of which leads to increasing the confidence of the company in the activity of public entities and agents, including in the activity of the private sector (*The Official Monitor of the Republic of Moldova, 07.07.2017*).

The *Law on the declaration of wealth and personal interests no. 133 of 17.06.2017* provides for the extension of requirements regarding the declaration of assets and interests, including extending the circle of persons who are required to make statements of wealth and interests (*The Official Monitor of the Republic of Moldova, 30.07.2016*).

The *Law on integrity warnings no. 122 of 12.07.2018* regulating the disclosures of illegal practices within public and private entities, the procedure for examining such disclosures, the rights of integrity warnings and their protection measures, the obligations of employers, the powers of the authorities responsible for examining such disclosures, and of the authorities for the protection of

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integrity warnings. According to the law, the protection of integrity warnings against revenge is ensured in the context of examining the disclosures of public interest of illegal practices (*The Official Monitor of the Republic of Moldova*, 12.07.2018).

The main strategic policy document in the field of corruption prevention is the National Anticorruption Strategy. The Republic of Moldova has a succession of documents regarding the Anti-Corruption Strategy and the action plan, starting with 2004.

The *National Strategy for the Prevention and Combating of Corruption*, voted in December 2004, it was the first anti-corruption strategy of the Republic of Moldova and was applied during the period 2005-2010. The strategy aimed at reducing corruption in the Republic of Moldova so as not to endanger the rule of law and democracy, so as not to impede economic and social development of the country. The measures to prevent and combat corruption were to be implemented by improving the legislative framework and ensuring the application of the legislation, by modifying the anti-corruption legislation in accordance with the provisions of international acts, but also strengthening the capacities of the institutions responsible for ensuring compliance with the criminal law; preventing corruption in public institutions and in the political process; intensifying the cooperation of public institutions with civil society, as well as extending international collaboration. Although the results of the first anti-corruption strategy were modest, it certainly represented a starting point and inspiration for future strategies adopted (*The Official Monitor of the Republic of Moldova*, 21.01.2005).

The second National Anticorruption Strategy, initially planned for a period of 5 years: 2011-2015, it was subsequently extended to 2016. The basic aim of the Strategy was to reduce the level of corruption in the public and private sectors, by pursuing two general objectives: transforming corruption. from advantageous activity and little risky activity to disadvantageous and very risky activity; contributing to the creation of a “zero tolerance” climate towards corruption (*The Official Monitor of the Republic of Moldova*, 07.10.2011). The analysis of the premises of the efficient implementation of the Strategy

showed that none of the established premises were assured. The political will did not materialize in concrete actions to support the implementation of the National Anticorruption Strategy, a wide spectrum of normative acts were not approved / adopted, the parliamentary control was not exercised. Financial coverage was one of the flaws in the implementation of the Strategy, which also affected the process of planning, forecasting actions in both Action Plans. In total, in both Action Plans, 156 actions were included, distributed on the priorities of action and the basic components of the Strategy. The actions covered the SNA priorities only partially, the final score awarded for the sufficiency of covering the priorities on a scale from 0 to 10 being 7,8 (*National Anti-corruption Center, Evaluation of the implementation of the National Anticorruption Strategy for 2011-2015, 2016*)

The *National Strategy for Integrity and Anti-corruption for the years 2017-2020* is the third nationally implemented strategy in the field of anti-corruption. The National Strategy for Integrity and Anticorruption 2017-2020, with the declared purpose “Integrity instead of corruption”, focuses on the effective implementation of the normative framework in force, as well as the institutional consolidation of the mechanisms for preventing and combating corruption. The strategy has six objectives:

1. Discouraging involvement in acts of corruption,
2. Recovery of the proceeds of corruption offenses,
3. Ethics and integrity in the public, private and non-governmental sectors,
4. Protecting integrity warnings and victims of corruption,
5. Transparency of public institutions, party financing and the media,
6. Educating society and civil servants.

The evaluation of the National Anticorruption Strategy 2011-2016 outlined the need for a more flexible architecture for the new anticorruption strategy, suggesting the structure based on the integrity pillars in the evaluation of the “National Integrity System”, carried out by Transparency International - Moldova, respectively, the objectives of the new policy document following

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to be formulated in a more focused manner and to target vulnerable areas in the face of corruption. In this regard, the current Strategy was built on the following pillars of integrity:

1. Parliament;
2. Government, public sector and local public administration;
3. Justice and anti-corruption authorities;
4. Central Election Commission and political parties;
5. The Court of Accounts;
6. The People's Advocate;
7. The private sector;
8. Civil society and the media.

For the first seven pillars of the Strategy are described the problems, the specific targets of the 16th of the UN sustainable development, relevant to the respective strategy pillars, as well as the impact indicators, priorities for overcoming problems, expected results and outcome indicators. Civil society and the media (pillar VIII) have an important role in the national integrity system and can contribute to the effective implementation of the Strategy through independent and impartial monitoring, but also through equidistant information of society on the deficiencies in the system. Civil society and the media (pillar VIII) play an important role in the national integrity system and can contribute to the effective implementation of the Strategy through independent and impartial monitoring, but also by equidistantly informing the society about the deficiencies in the system. The problems described for the pillar institutions highlight their vulnerability to corruption, its scale in certain areas / sectors but also the low confidence of the citizens in the activity of these institutions. The dysfunctions of institutions and sectors compromise the national system of integrity and the rule of law in general, considerably affect the social welfare.

A new element in the present Strategy is the sectorial and local plans of anti-corruption actions. The elaboration and implementation of sectorial anti-corruption action plans is the responsibility of certain designated authorities.

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The established sectors are: the customs sector, the fiscal sector, the public procurement sector, the public property administration and de-etatization sector, the health and medical insurance sector, the education sector, the agro-food sector, the public order and the environment sector. The second-level administrative-territorial units elaborated and approved, after coordination with the National Anticorruption Center, local anti-corruption plans (*The Official Monitor of the Republic of Moldova*, 01.09.2017).

The aim and objectives of the Strategy are to be achieved by implementing the action plans foreseen for the integrity pillars. The action plan for the period 2017-2020, is mainly focused on the implementation of the laws adopted until 2017, avoiding the modification of the legislation and institutional restructuring. The implementation of the action plans is monitored through the monitoring groups, whose activity is facilitated by a secretariat provided by the CNA. The monitoring groups of the Strategy are made up of leaders of the implementing institutions of the pillars they monitor, as well as representatives of civil society. The activity of monitoring the Strategy is organized in 3 groups. The first monitoring group is responsible for the pillars: I. Parliament and IV. Central Election Commission and political parties. The second monitoring group is responsible for the pillars: II. Government, public sector and local public administration and VII. The private sector, and the group responsible for pillars III. Justice and anti-corruption authorities, V. Court of Accounts and VI. People's Advocate.

The evolution of the impact indicators of the Strategy is measured by means of an annual survey. The reports for monitoring and evaluating the implementation of the Strategy are public, and the final evaluation report is discussed annually in the Parliament's National Security, Defense and Public Order Commission, after which it is heard in the legislative plenary, which adopts a decision on it (*The Official Monitor of the Republic of Moldova*, 30.06.2017).

The most recent monitoring report on the implementation of the National Integrity and Anticorruption Strategy for the years 2017-2020 performs the analysis of the progress of the actions planned for the first semester of 2018.

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The report establishes that in the evaluation process of the implementation of the National Integrity and Anticorruption Strategy, they have progress and deficiencies were detected, which influence the development of the process of consolidation of the national integrity system, through the point of view of the pillar institutions, individually responsible for the application of the internal monitoring and control mechanisms. Among the successes we note the adoption of 7 sectoral plans in the customs, fiscal, public procurement, administration and de-etatization of public property, health and medical insurance, education, public order assurance. The local public authorities of level II approved the local anti-corruption plans with a rate of 89%, and another 2 plans will be approved in the near term. Of the actions reported, 23 - 20.35% were fully realized, 44 - 38.93% were found to be in the process of being realized; 33 - 29.20% were partially realized, and 13 - 11.5% actions were not realized. Although most of the actions are qualified as being partially realized or in the process of being realized, it is worth mentioning that half of them are measures with a permanent term of implementation (*ANC, Monitoring report on the implementation of the NSIA for 2017-2020*).

The National Institutional Framework involves a diverse spectrum of public institutions, whose objective is to ensure the climate of integrity, to promote and apply effective anti-corruption measures. In principle, all national public authorities, both central and local, are required, under the Integrity Law, to respect and apply in their activity the measures to ensure integrity. However, the central role in the field of promoting and applying preventive anti-corruption measures is played by 3 institutions: The National Anticorruption Center, the National Integrity Authority and the Anticorruption Prosecutor's Office. (*Freedom House, Alternative report on measures to prevent corruption and recovery of goods in Moldova, 2016*).

The *National Anticorruption Center (CNA)* is a body specialized in preventing and combating corruption, acts related to corruption and acts of corruption. The Center operates on the basis of Law no. 1104 of 06.06.2002 regarding the National Anticorruption Center. Since 2002, since its inception, the Center has undergone essential changes, from changing the name, from the

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Center for Combating Economic Crimes and Corruption in the National Anticorruption Center, to changing the fields of activity.

The Center's tasks include: preventing, detecting, investigating and ending corruption offenses and offenses related to corruption, as well as acts of corruption; preventing and combating money laundering and terrorist financing; carrying out the anti-corruption expertise of the draft normative acts of the Parliament and the Government; conducting institutional integrity assessment; carrying out the operational and strategic analysis of corruption acts; recovery of criminal assets.

In 2017, the Center was created *Criminal Property Recovery Agency (ARBI)* with management status. The main tasks of the Agency are to carry out parallel financial investigations and to prepare the minutes to record their results, as well as the unavailability of the criminal assets under the conditions of the Criminal Procedure Code; the evaluation, administration and capitalization of the unavailable criminal assets. Just two years after the creation of ARBI, it has achieved remarkable success. During 2018, as a result of the parallel financial investigations undertaken, during the reference period, they were unavailable by applying the seizure on 1435 tangible assets and 103 477 securities of 153 subjects, in a total amount of 182 122 120 lei.

The *National Integrity Authority (ANI)* it is the institution that ensures integrity in the exercise of the public function or the function of public dignity and the prevention of corruption by carrying out the control of wealth and personal interests and respecting the legal regime of conflicts of interests, incompatibilities and restrictions. ANI was created on the basis of Law no. 132 of 17.06.2016 regarding the National Integrity Authority following the reform of the National Integrity Commission (CNI). Although the law came into force on August 1, 2017, its application has been delayed (*The Official Monitor of the Republic of Moldova*, 30.07.2016). Only in February 2018 was the Decision of the Parliament of the Republic of Moldova approved, approving the structure and the effective force of the Authority, ANI personnel status and many other internal regulations. A success in the activity of the institution, noted during the year of activity 2018, is that the authority has

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made available to the citizens of the Republic of Moldova the information system “e-Integrity”, a system that allows the filing of the declaration of personal wealth and interests in electronic format, as well as of the facilitating the electronic access of interested citizens and institutions to information of public interest. Through this system, ANI aims to be as transparent as possible in terms of filing declarations of wealth and interests, one of the most important tool for preventing corruption. Analyzing the statistics of filing declarations in 2018, compared to filing declarations on paper in 2017, we find an increase in filing declarations from 61 298 in 2017 on paper, to 69 107 in 2018 through the information system.

According to the activity report for the year 2018, the Authority registered 263 notifications, and as a result of these notifications, ANI initiated registered 179 minutes, 38 findings and 3 notifications for lifting the mandate. In the 38 control procedures, finalized with the issuance of the finding document, were targeted largely persons holding public dignity functions, but also civil servants, including special status (*ANC, Activity report of the National Integrity Authority for the year 2018*).

The *Anticorruption Prosecutor's Office* is one of the two specialized prosecutor's offices provided by law. The Anticorruption Prosecutor's Office of Moldova is specialized in combating corruption offenses, of acts related to corruption acts and has the following specific attributions: exerts the criminal prosecution in the cases given in its competence, according to the procedural-criminal law; conducts criminal prosecution in cases instrumented by the National Anticorruption Center (petty corruption); represents the accusation in the court of merits, appeal and appeal. Although the Prosecutor's Office reform of 2016 shows that the Anti-Corruption Prosecutor's Office will focus on investigating major corruption cases, this did not happen, because the conduct of the criminal prosecution of the cases in the jurisdiction of the CNA was maintained at the Anti-Corruption Prosecutor's Office, and the CNA's competence was not reduced. sentient. Thus, the Anti-Corruption Prosecutor's Office has a broad mandate, which does not allow it to focus adequately on the causes of high corruption. The causes of great corruption

require special instrumentation due to their complexity. In a position note the Center for Legal Resources of Moldova and Expert Forum of Romania “*recommends assigning the function of conducting the criminal investigation carried out by the CNA to the prosecutors from the territorial prosecutors and limiting the competence of the Anticorruption Prosecutor’s Office only to the cases in which the criminal prosecution is directly exercised. It is not logical to create specialized prosecutors to investigate the causes of petty corruption. These can be easily investigated by prosecutors from territorial prosecutor’s offices, as they do not imply an increased risk for the prosecutors’ career and do not justify the use of expensive means of investigating them*” (Legal Resources Center of Moldova, Position Note, 2019).

Evaluation of the phenomenon of corruption and the fight and prevention policies

The evolution in the process of preventing and combating corruption in the Republic of Moldova must be viewed in the light of the influence and results of the mechanisms established at the level of the national state, which goes through a period of economic and political reconstruction in order to be received among the European democracies. At the international level, the Republic of Moldova is considered a state with strong legislation in the field of combating the scourge of corruption, but its application in practice and the results obtained are weakly felt in society.

In order to evaluate the efficiency of the policies for preventing and combating corruption, it is necessary to analyze the activity of the National Anticorruption Center and of the indicators in the fight against corruption, on the one hand, as well as of the actions of the civil society that, through its activity, contribute to reducing the level of corruption in country by raising public opinion and the authorities to be actively involved in combating this scourge, on the other hand. It is also important to analyze the level of perception of the population vis-à-vis the effectiveness of anti-corruption policies / actions in the Republic of Moldova, based on opinion polls.

The role of the associative environment in preventing and combating corruption is very high in the Moldovan society. Non-governmental

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organizations are actively involved in preventing and combating corruption by formulating, promoting and implementing various anti-corruption activities, carrying out concrete organizational and practical measures aimed at developing cooperation with government bodies. In parallel with the law enforcement bodies, they can provide the necessary consultancy and specialized assistance. The Anticorruption Alliance (AAFC), established 10 years ago, brings together 10 non-governmental associations. The association is made up of several associations of journalists, expert groups and academic environment. Some of these organizations provide expertise and prepare alternative monitoring reports on the activity of anti-corruption institutions. The advantage of civil society consists in the critical approach it manifests in relation to the activity of law enforcement and anti-corruption bodies. Experts from the Center for Analysis and Prevention of Corruption and Transparency International Moldova (ACC members) have carried out a series of sociological studies and researches, which highlight the importance of corruption in certain fields of activity, the causes of corruption, the efficiency of anti-corruption actions, the impediments of enforcement anti-corruption instruments, implementation of the National Integrity and Anti-Corruption Strategy for the years 2017-2020.

According to the experts of the Center for Corruption Analysis and Prevention, the most severely affected by corruption are the political institutions, followed by the public structures (which most often interact with the population) in the field of education, medicine, the customs and fiscal sectors. Those at Transparency International believe that the most vulnerable areas in the face of corruption are those where the incidence of contact with the population is more frequent. There is also high-level corruption, referring to corruption in the legislative and judicial system.

In the experts' view, the phenomenon of corruption in our society is fueled by the mentality and atavism of the generations raised during the Soviet period and formed during the transition period (90s), where bribery and influence trafficking were the indispensable object of any transactions, understandings, promotions, etc. Currently, corruption is fueled by mimicking the process

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of criminally responsible persons found guilty of corruption and influence trafficking, the company witnessing the settlement of accounts between different political camps, where the filing of criminal files on corruption acts and its derivatives represents an instrument of political pressure. Often, these file cases do not find purpose in the courts, the suspected persons being paid in the courtroom or even in the investigation phase.

Thus, experts believe that the effectiveness of anti-corruption policies is highly dependent on the institutions that supervise and monitor the application of these instruments. A relevant example is the activity of the National Integrity Commission. On the basis of the Commission's finding documents, no sanction was applied to public officials, who did not properly declare their assets or conflicts of interest were detected, because the deed was not committed intentionally. Thus, as long as there is no inevitable sanction for the acts that were committed, our society will not have an effective anti-corruption policy.

Experts from Transparency International note that it is very difficult to assess the effectiveness of anti-corruption policies in a state declared captured (summer 2019, during the Democratic Party of Moldova's governance). Anti-corruption policies were compromised; in particular the policy of declaring assets and personal interests and dealing with conflicts of interest, and the activity of anti-corruption entities was limited to local elected officials, advisers, avoiding the implementation of large corruption files.

The difficulties of applying anti-corruption instruments in practice refer to the fact that the circle of officials to which they apply is a very large circle, the officials change and not every time I manage to take over these whole behaviors. The position of Transparency International is that the biggest impediment to the implementation of anti-corruption policies in practice is that they do not apply, whereas the instruments that were proposed and introduced in the legal framework were used as a stick against political opponents, against uncomfortable people, against integrity warnings.

On the other hand, opinion polls and questionnaires highlight the most effective measures to strengthen professional integrity in the public sector,

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among which can be mentioned the declaration of personal assets and interests, ensuring transparency in the decision-making process, access to public functions on meritocracy, professionalism. Truly applying these measures would generate a body of well-trained, integrated officials with a spirit of responsibility and integrity.

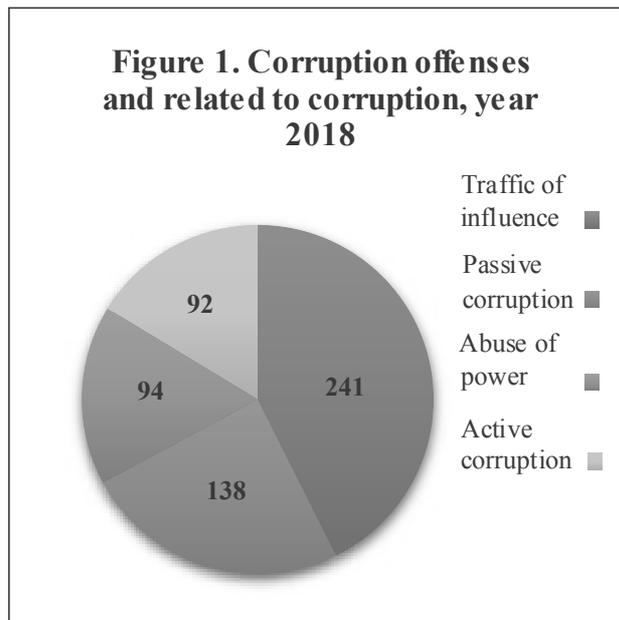
Regarding the efficiency of the activity of the National Anticorruption Center, the experts from the Center of Analysis and Prevention of Corruption think that, from its formation to the present time, the CNA is constantly reforming. “The impression is created that the Center operates under the „sword of Damocles”, because immediately every four years as the government changes or certain political games are started in the alliance, the National Anticorruption Center becomes the ping-pong ball, which tries to transmit it from - one land in another “, are the statements of the experts, who invoke the example of passing the CNA from the Government to the subordination of the Parliament and back to the Government. However, the civil society appreciates the activities related to the prevention of corruption, the training courses for civil servants, various information and awareness campaigns. Also, it is appreciated the CNA’s effort of qualitative expertise of the draft normative acts, but the absence of the resonance processes, including the delay in attracting criminal beneficiaries to the real beneficiaries in the case of “theft of the billion”, generates distrust in the state institutions and the fight against corruption.

As for implementation *National Strategy for Integrity and Anti-corruption 2017-2020*, the monitoring but also the weaknesses of the document, the experts’ finding reduces to administrative impediments and even to the level of political factors, and the delayed publication of the action plan negatively affected the implementation. The strategy has tried to intervene in all vulnerable areas in the face of corruption, welcoming the sectoral approach to corruption, but again there is the problem that these sectoral plans were approved by the Government with quite dramatic delays, the last one being published at the beginning of this year. Experts argue that it is premature to discuss certain achievements because only two years have passed since adoption, and

some actions have a permanent deadline for implementation. An important moment, in their opinion, is that civil society must always pay attention to the implementation of the Strategy, because the reports of the authorities tend to present more positively the achievements than the failures.

Asked what successful practices in the international community to mitigate the corruption phenomenon could be applied effectively in the case of the Republic of Moldova, the experts mentioned that the Republic of Moldova has already taken over all the good international practices on prevention and combating, and their efficiency has will feel with the real democratization of the Moldovan society. The biggest problem of the Republic of Moldova is political corruption, that is, big corruption. Therefore, the message of the leaders of the law institutions, as well as of the President of the country, should be focused on zero tolerance towards those high-ranking civil servants, politicians, deputies suspected of corruption acts and related to corruption.

Relevant in the analysis of the efficiency of the anti-corruption policy are the activities carried out by the National Anticorruption Center carried out with the purpose of fortifying the anti-corruption fight and promoting integrity, the results of which are presented in the institution’s activity reports. In the annual activity report for the year 2018, the Center focused on preventing and combating corruption in the following priority areas: health care, education and the management of external funds. During the reference period, the statistical data of the CNA indicate 779 detected offenses, of which 659 are corruption offenses and related to corruption, and the remaining 120 - other categories. Graphically, corruption offenses and related to corruption are reflected in Figure 1.



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Also, 100 actions were taken to arrest the flagrant crime, and the most frequent cases of corruption were found in institutions and organizations within:

- Ministry of Health, Labor and Social Protection - 61 cases;
- Ministry of Education, Culture and Research - 25 cases;
- Public Services Agency - 20 cases;
- National Agency for Food Safety - 6 cases

In 2018, for the commission of corruption offenses and related to corruption, the CNA identified and criminally investigated officials from:

- the field of education - 71;
- the field of health - 40;
- police inspectors - 29;
- chiefs, deputies from departments within the authorities-18;
- heads of autonomous institutions within the authorities - 11;
- fiscal inspectors - 6;
- heads of departments within the Chisinau City Hall - 2;
- other subjects - 126

One of the activity principles of the Center is the priority application of the methods of preventing corruption against those of combating. In this respect, the preventive measures implemented by the institution are reduced to awareness and anti-corruption education, anti-corruption expertise of normative acts, assessment of institutional integrity, professional integrity testing, strategic and operational analysis of corruption; monitoring and evaluation of anti-corruption policies, international cooperation.

A specific and particularly important preventive action, which falls within the competence of the Center, is the analysis of the level of corruption of the draft normative acts. Thus, in the course of 2018, 1368 draft normative acts were submitted to the Center for examination compared to 2017, when 1065 were examined. Following the expertise of the submitted projects, 4328 factors and risks of corruption were identified. namely: ambiguous formulations,

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which admit abusive interpretations; lack / ambiguity of administrative procedures; loopholes in law; attributions that admit derogations and abusive interpretations, as well as the risks related to conflicts of interest and / or favoritism, exceeding the duties of service, improper influences, influence traffic, active corruption, passive corruption, etc. From the total of the recommendations submitted in the anticorruption expert reports and accepted by the authors of the projects, for the year 2018, an efficiency of the anticorruption expertise was established of about 70% compared to the year 2017 - 59.56%.

Another pro-active tool for preventing corruption in the activity of a public entity is the assessment of institutional integrity, by identifying the risks of corruption and analyzing the factors that generate them, as well as offering recommendations for their removal. In 2018, the institutional integrity assessment was initiated within 6 public entities, of which at three the process was completed with the approval of the integrity plans by the leaders of the evaluated entities (Center for Legal Medicine, the Agency for Energy Efficiency / the Fund for Energy Efficiency and IMSP Institute of Neurology and Neurosurgery), and in the other three the evaluation process is in progress (IMSP Oncological Institute, National Car Transport Agency and National Public Health Agency).

During 2018, the Center monitored the implementation of the National Security and Anti-Corruption Strategy. In this regard, the Monitoring and Evaluation Reports of the Strategy for 2017 and the first semester of 2018 were elaborated and published on the website of the Center, which includes the analysis of the progress reported by the implementing institutions, based on the qualitative and quantitative indicators, including description of risks for carrying out actions.

Analyzing the activity report of the National Anticorruption Center for 2018, we can see that essential efforts have been made in the field of preventing and combating corruption, but the real efficiency of these efforts can be measured or observed in the opinion polls conducted among the population regarding the efficiency anti-corruption policies (*Activity report of the National Anti-Corruption Center for 2018*).

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In 2017, a study was carried out within the project “Strengthening the function of prevention and analysis of corruption of the National Anticorruption Center (CNA)”, implemented by UNDP Moldova in order to provide a comprehensive evaluation of the efficiency and impact of the implementation of the National Integrity Strategy and Anticorruption 2017-2020, based on the impact and progress indicators stipulated in the strategy, as well as to better understand the public’s experience and perception about corruption. The study included 3 types of national surveys representative at the level of 3 target groups: the general population, the active economic agents and the public agents within the central public administration in the municipality of Chisinau. The analysis of this study reflects the fact that the population registers a low level of trust in public institutions, including in specialized institutions in the fight against corruption, and as regards the current activity of the various authorities with anti-corruption attributions, the highest weights in answers obtained the qualification “medium” (Sinǎov and Cojocaru, 2018, pp. 35-38).

The survey of public opinion among the population of Moldova, conducted by the International Republican Institute (IRI) in spring 2017, reveals that 89% of the respondents consider that the country is governed in the interest of some groups to the detriment of the majority. The respondents also pointed out that corruption is most often present in the activity of civil servants, in the proportion of 25%, but also in the activity of the parliament - 20% (*IRI, Analysis of the public opinion of the inhabitants of the Republic of Moldova, 2017*).

According to the latest edition of the Public Opinion Barometer (January 2019), corruption continues to be among the tops of people’s concerns, with 11.3% of respondents stating this fact. In the survey of the Barometer of Public Opinion for the period, 2018 - 29.5% of the respondents who were consulted the opinion with regard to the anti-corruption actions taken in the last months in the Republic of Moldova stated that these actions are carried out especially in the electoral campaign to raise the rating of a party or a political candidate, and 20% of the respondents stated that these actions represent settlement of accounts between the oligarchic groups. Also in the same survey to the question “What are the 3 most important issues

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to be solved in the Republic of Moldova?”, 25% of those interviewed say that the problem of fighting corruption is to be solved first, and 63% of the respondents they are not satisfied with the efforts to fight corruption (*Barometer of Public Opinion April-May 2018*). The survey shows a relatively low confidence of the population in institutions empowered to prevent and combat corruption, so in January 2019, only 16.2% of respondents say they have some confidence in the National Anticorruption Center, and 47.8% declare total distrust in this institution.

The series of national surveys that clearly show that corruption continues to be one of the most serious problems facing the Republic of Moldova, but also its population, and the effectiveness of anti-corruption policies is poorly felt, it can continue. It is certain, however, that in most international studies and reports, the Republic of Moldova appears in the list of countries with the highest level of corruption in all state institutions.

The anti-corruption policy and legal framework in the Republic of Moldova were monitored, first of all by the Group of States against Corruption of the Council of Europe (GRECO). The GRECO recommendations for the Republic of Moldova have been implemented at a slow pace. The recommendations of the second evaluation round are still applicable. It is true that more effort is needed to be considered in all areas of the fight against corruption, its links with organized crime and money laundering, including by strengthening the capacities of institutions and professions to detect and report corruption acts. The report corresponding to the fourth round of evaluation GRECO emphasized the need for better compliance of members of Parliament, judges and prosecutors with the rules on conflict of interest, incompatibilities, declarations of interest and declarations of income and wealth. The compliance report for the fourth GRECO evaluation round is being prepared (Initial report on “Fighting corruption through law enforcement and prevention in Republic of Moldova”, CLEP, 2019)

In the Report on the implementation of the Association Agreement Moldova - European Union of 2017, the EU stressed that “*more reform efforts are needed to improve the rule of law and the business environment, which are still affected by endemic corruption*”.

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In conclusion, corruption remains one of the main challenges for development and investments, affecting all areas of society, despite the successive progress of anti-corruption policies. The Republic of Moldova holds most of the formal components of a solid anti-corruption architecture, including institutions charged with anti-corruption policies and legislation, as well as institutions responsible for preventing and combating corruption. Civil society experts demonstrate that combating corruption can only be effective in conjunction with a multitude of anti-corruption prevention and education measures, when it is necessary not to admit formalities in order to prevent them being repulsed by society. These measures must cover all areas of social life, including economic, political, legislative, and social. GRECO evaluation reports claim that corruption is one of the major issues in the Republic of Moldova, the effective implementation of the legislative and political framework for the fight against corruption remains problematic, and the major institutions responsible for combating corruption suffer from weak capacities and lack of independence. The activity reports of the anti-corruption institutions in the Republic of Moldova present important activities and achievements in this regard. However, it is found that the fight against corruption is a long and complex process, the results of which can be observed over time.

In this regard, civil society plays an important role in diminishing the phenomenon of corruption, which through the reports of monitoring the practical application of anti-corruption mechanisms; highlight the deficiencies and failures of the state institutions to reduce the adverse manifestations of this phenomenon both in the public sector as well as the private one. The latest trends demonstrate the openness of state institutions to dialogue and cooperation with civil society. Thus, the dialogue and cooperation between state institutions with responsibilities in the fight against corruption and civil society is reaffirmed as one of the priorities of the National Strategy for Integrity and Anticorruption 2017-2020. According to the strategy, civil society is part of the monitoring groups and carries out independent supervision.

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