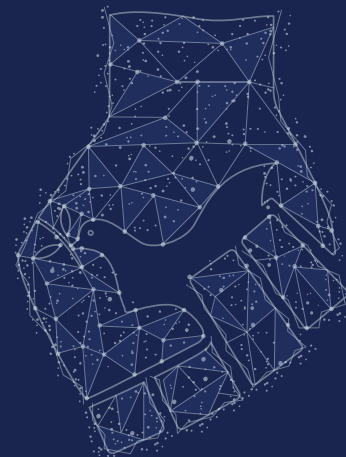




Justice and Anticorruption  
FORUM

18-19 November 2021



# SYNTHESIS

## CONTEXT

An independent judiciary and the existence of effective mechanisms for preventing and combating corruption are the cornerstones of the rule of law, indispensable for the sustainable development of the country, for a well-functioning democracy, and for the respect and fulfilment of human rights.

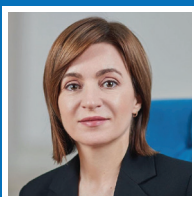
After declaring its independence in 1991, Moldova started a process of transition towards a governance system based on democracy and the rule of law. One of the main elements of this transition was the establishment of an independent, socially accountable and non-corrupt judiciary. Over the last decade, considerable efforts have been made to achieve this goal, but they have not produced the effects desired by the society. The Moldovan judiciary is generally perceived as politically dependent, severely affected by corruption and serving primarily corporate interests. According to the February 2021 [Public Opinion Barometer](#), 75% of the country's population does not trust the judiciary. In 2020, Moldova also ranked 115 out of 180 countries according to the [Corruption Perception Index](#).

In order to improve the state of the judiciary, the Ministry of Justice is coming with a new Justice Strategy. Its main objectives include ensuring the integrity and accountability of justice actors, increasing the independence of the judiciary, improving the mechanism for disciplinary accountability of judges and prosecutors, reviewing the composition and role of the Supreme Court of Justice and modernizing the appeal system.

The [LRCM](#) considers that it is crucial for everyone of us that the justice reform is real and effective. For this reason, the [Justice and Anticorruption Forum](#) was organized as a fora for transparent and professional debates between key players in the justice sector, politicians, civil society and development partners, to jointly identify feasible and effective directions towards reforming justice and fighting corruption in Moldova. The Forum built a framework for an international exchange of experience, welcoming local experts representing state institutions, legal professions, civil society, and international experts and officials.

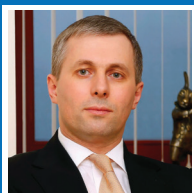
The Forum addressed the most important issues that the judicial reform and fighting corruption need to take into account to be truly effective and to deliver results for the benefit of the people, such as: **The justice reform in transitional democracies; the judicial vetting; the vision on combating corruption in the Republic of Moldova; investigation and sanctioning grand corruption.**

## GENERAL ASPECTS



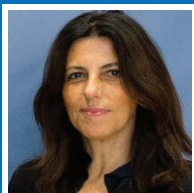
"Today, the Republic of Moldova has a real chance to make profound and systemic changes in the justice sector. Reforming this sector is the number one priority of the government, we have all the prerequisites for this and we will act decisively, efficiently and quickly. Changes in the judiciary and the fight against corruption will continue without hesitation and I come with a message to the judiciary and other legal institutions – if you seek to hamper our effort, I want to tell you that things will move ahead anyway."

**Maia SANDU, President of the Republic of Moldova**



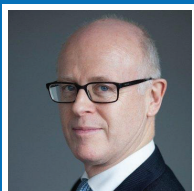
"We cannot achieve it all at once, we need time. The vision, the knowledge of how the current system works, the ability to understand what is most important and what can be left aside, coupled with good communication, transparency, organization and planning of the reform can turn out to be just as important as the political will."

**Vladislav GRIBINCEA, President, Legal Resources Centre from Moldova**



"Without an independent judiciary, the fundamental rights of Moldovans remain only on paper. Without an independent judiciary, there may not be a fair trial, reforms, genuine change and the consecration of everyone's dignity."

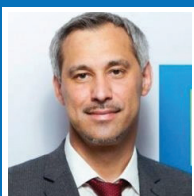
**Simona GRANATA-MENGHINI, Director/Secretary, Venice Commission**



"Vetting is not the only solution. You need to have a holistic approach. The asset declaration system needs to be strengthened; you need a good school to instruct future judges. It must also explain to the general public that the results will not happen overnight. It will take several years to see them."

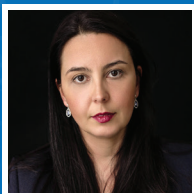
"Please do not rush. Choose quality over speed."

**Jeroen HOOIJER, Head of Unit, DG JUST, European Commission**



"The citizens are waiting for reforms and results; this was also the case in Ukraine when Zelinski was elected President. They had huge expectations. I think there is a similar expectation in Moldova, and you have to meet that expectation, you have to move fast. [...] You have to find at least 300 Spartans, strong soldiers who are ready to fight and sacrifice their goods, their lives, in the name of reform and the country, which is the most complicated thing to achieve. Even in Ukraine, it has not been easy to find such people where the population is much larger."

**Ruslan RYABOSHAPKA, former Prosecutor General of Ukraine**



"It's important to take the opportunity to speak to the public, so they understand that judicial reforms take time."

**Laura ȘTEFAN, Anti-Corruption Expert, Romania Forum Expert**

# JUSTICE SECTOR REFORM

## MAIN ISSUES

### ■ Low level of public confidence in the judiciary



“Without trusting the judiciary, there is a risk that the population will look for alternative ways to solve their problems.”

**Simona GRANATA-MENGHINI,**  
Director/Secretary,  
Venice Commission

### ■ Lack of staff with integrity in the justice sector



“We have a big problem with the human factor in the country and this is probably the main reason why all the reforms that were announced, although well-intentioned, did not succeed.”

**Nadejda HRIPTIEVSCHI,**  
Program Director,  
Legal Resources Centre  
from Moldova

### ■ Lack of independent and accountable judiciary

### ■ Corruption in the judiciary

### ■ Deficient implementation of the law

### ■ Poor cooperation between justice sector institutions

### ■ Technical deficiencies in the judiciary



“There are shortcomings in the judicial field: exceeding reasonable time for the examination of cases, insufficient funding, insufficient technical equipment, insufficient space for the solemn dispensation of justice, significant number of unenforced judgments, insufficient professional training and remuneration, etc.”

**Dorel MUSTEAȚĂ,** Ad-interim Chairman, Superior Council of Magistracy

### ■ Lack of transparency of the National Institute of Justice (NIJ)

### ■ Poor communication with the public about reforms





# JUSTICE SECTOR REFORM

## PROPOSED SOLUTIONS

### ■ Carrying out the reform in accordance with the Constitution, in a transparent and inclusive manner



“The reform can only be sustainable if it is interpreted and implemented according to the Constitution and based on democratic principles, the rule of law and respect for human rights. If these principles are not respected, including the principle of inclusion, transparency, accountability – the purpose of the reform is called into question.”

Simona GRANATA-MENGHINI, Director/Secretary, Venice Commission

### ■ The judicial vetting



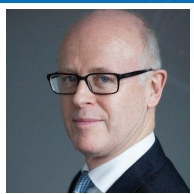
“We are welcoming the draft amendment proposed by the Ministry of Justice. The Superior Council of Magistracy is aware that the proposed reform is inevitable”

Dorel MUSTEAȚĂ, Interim President,  
Superior Council of Magistracy



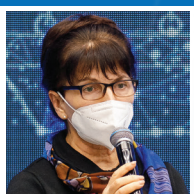
“I strongly believe that, if the current government continues in the direction of vetting, which unfortunately has become inevitable for us, we have a chance to get out of this crisis.”

Nadejda HRIPTIEVSCHI, Program Director,  
Legal Resource Centre from Moldova



“EVetting is the ultimate measure. Even so, it is not a panacea and we are concerned about the enthusiasm with which this assessment is viewed. We need to understand that vetting is a very complex process, which could take 5-6 years in Moldova. The involvement of international experts and civil society is important. The evaluators must also be assisted by numerous staff, to have their headquarters, to ensure their safety.”

Jeroen HOOIJER, Head of Unit, DG JUST, European Commission



“The vetting committee must be a tribunal that is independent of the legislative and executive powers. It is also necessary to align the composition of the vetting Committee with the international standards and recommendations applicable to the work of the Judicial Council. Otherwise, the whole process will be affected and compromised.”

Nina CERNAT, Member, Superior Council of Magistracy



“Do not delegate the vetting to the same judiciary you are trying to vet.”

Mykhailo ZHERNACOV, President,  
DEJURE Foundation, Ukraine

# JUSTICE SECTOR REFORM

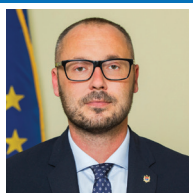
## PROPOSED SOLUTIONS

### ■ Development partners to support the judicial vetting



“It is important to involve international partners to provide advice and be a strong mechanism in the implementation of the vetting.”

Julinda BEQIRAJ, Senior Researcher,  
Bingham Centre for the Rule of Law



“This reform cannot take place without the involvement of our international partners. This is why it is important to make sure that our partners support this reform when we initiate it. But they cannot support if the reform does not meet the standards.”

Sergiu LITVINENCO, Minister of Justice

### ■ Streamlining the self-administration bodies of the judiciary, the National Institute of Justice, the Supreme Court of Justice, the Anti-Corruption Prosecutor's Office and the National Integrity Authority

### ■ Reforming the National Institute of Justice

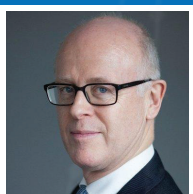


“We cannot have changes in the system if the National Institute of Justice is not reformed. This institution has become a closed institution, focused on teaching obedience rather than critical thinking.”

Nadejda HRIPTIEVSCHI, Program Director,  
Legal Resources Centre from Moldova

### ■ Finalizing the optimization of the courts and prosecution offices' map

### ■ Transparency of the judiciary and effective communication with the public



“Communicate to the public that the reform is a long-term process so as not to lose the public's trust and support.”

Jeroen HOOIJER, Head of Unit, DG JUST, European Commission



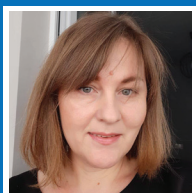
“It is important to digitalize and make justice more transparent, to reduce the human factor and facilitate its monitoring. It is also very important to communicate with the society, but also with the people from the system so that there is more predictability and involvement.”

Nadejda HRIPTIEVSCHI, Program Director,  
Legal Resources Centre from Moldova

# FIGHTING CORRUPTION

## MAIN ISSUES

- Low trust in the institutions responsible for fighting corruption
- Applying lenient punishments



“The value of the fines that are imposed on perpetrators in cases of corruption is lower than the bribe. Thus, it is much more convenient to take a bribe and pay the fine. Do not forget that in the penal code we have another provision that allows one to pay only half of the fine if it is paid within 72 hours.”

Lilia IONIȚĂ, Centre for Analysis and Prevention of Corruption, Moldova

- Focus of the NAC and the Anti-Corruption Prosecutor's Office on petty corruption



“The two institutions focused more on petty corruption.”

Interim Prosecutor General of the Republic of Moldova

- Lack of inter-institutional cooperation in the fight against corruption



“The law allows us to have a well-functioning Anti-Corruption Prosecutor's Office, but if the latter does not cooperate with the National Integrity Authority, with the Fiscal Service that would provide information, it will not have access to data, its effect will be very limited.”

Vladislav GRIBINCEA, President, Legal Resources Centre from Moldova

- Lack of integrity and independence of those in charge for fighting corruption
- Inefficiency of the National Anticorruption Centre
- Insufficient staffing and equipment of the Anti-Corruption Prosecutor's Office
- Non-implementation of anti-corruption legislation



“Adopting the law is the first step. The second step is its enforcement. We have seen many strategies and laws that have not been enforced or have only been partially enforced.”

Davor DUBRAVICA, former President, Regional Anticorruption Initiative

# FIGHTING CORRUPTION

## PROPOSED SOLUTIONS

### ■ Holistic approach



“The digitalization of public services is an effective tool to fight corruption, along with improving governance transparency and involving civil society, independent and professional media, as well as improving education, which is the best remedy against tolerating corruption.”

Davor DUBRAVICA, former President, Regional Anticorruption Initiative



“The fight against corruption must be complex, concomitant and lasting. Transparency of the governing process, limiting the discretion of civil servants, discouraging sanctions for corruption, institutions that effectively enforce anti-corruption legislation and their cooperation, promptness and fairness of court proceedings, coupled with a vibrant civil society, an independent media and external assistance, these are the directions that should be followed.”

Vladislav GRIBINCEA, President, Legal Resources Centre from Moldova

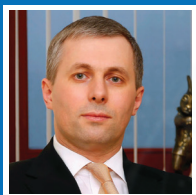
### ■ Ensuring the coherence of anti-corruption legislation and its effective enforcement



“Moldova has come a long way in establishing a broad legal and institutional framework for fighting corruption and promoting integrity, which, at least in theory, is good. However, the results have not always been satisfactory. Anti-corruption legislation has not been rigorously enforced. Moldova needs to focus on enforcing legislation, with concrete actions, and not with further reforms of the anti-corruption laws and agencies.”

Kevin LANIGAN, Senior Justice Advisor, International Bureau of Criminal Justice and Law Enforcement (INL), US Embassy

### ■ Applying harsh enough sanctions to deter corruption



“People need to understand that if they are involved in corruption, they will lose everything. It is important to feel this personally and financially, so that it is more inconvenient to lose your public office than to get involved in corruption. Incarceration is important here, at least for the beginning of the fight, but the confiscation of assets and loss of privileges can be as effective.”

Vladislav GRIBINCEA, President, Legal Resources Centre from Moldova



“The lives of those who are corrupt must become very difficult, and they must not be given any chance to hide their activities.”

Kevin LANIGAN, Senior Justice Advisor, International Bureau of Criminal Justice and Law Enforcement (INL), US Embassy



# FIGHTING CORRUPTION

## PROPOSED SOLUTIONS

- **Creating a specialized body to investigate grand corruption, with increased autonomy, well-equipped, with narrow competence and honest people**



“When the President of NABU was elected, many institutions were poisoned by corruption and lacked professionalism. Sometimes we didn't even know how and where to start. One solution was to recreate all institutions from scratch.”

Artem SYTNYK, National Anti-Corruption Bureau of Ukraine



“We want to have a single structure with the necessary independence, with the necessary human resources and all the appropriate tools to fight corruption. It must be expressly stated in the law that this institution is to deal with high-ranking officials and dignitaries and/or those who have ties to politics.”

Sergiu LITVINENCO, Minister of Justice



“Grand corruption can be combated effectively when we have well-functioning institutions. We choose the best prosecutors, who work hard, are honest, love their job and who are stationed in territorial prosecutor's offices, not only in Chisinau.”

Iulian RUSU, Secretary of State, Ministry of Justice

- **Involvement of development partners**



“When this office was set up, the situation was quite worrying; we had external partners who helped us. It was very important for us because in Ukraine there were many complex schemes that were difficult to fight.”

Artem SYTNYK, Director, National Anti-Corruption Bureau of Ukraine

- **Professional training of those involved in the investigation of corruption**



“Professional training of prosecutors and staff is needed.”

Ion MUNTEANU, Ad-interim Deputy Chief, Anticorruption Prosecutor's Office