

# STRATEGY 2018 – 2021

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# A presentation of the legal resources center from Moldova

## Who we are

The Legal Resources Center from Moldova (LRCM) is a nonprofit organization that contributes to strengthening democracy and the rule of law in the Republic of Moldova with emphasis on justice and human rights. Our work includes research and advocacy. We are independent and politically non-affiliated.

## Our vision

We envision a prosperous, democratic state where people are free and accountable, live in safety, enjoy equal opportunities, are protected by law, trust the justice and are confident in their future.

## Our mission

The LRCM **promotes** an independent, efficient, and accountable judiciary, respect of human rights, an enabling environment for civil society and democracy. For that end, we identify problems with systemic impact, bring them into the public agenda, propose solutions, react to abuses and mobilize partners for changes in good.

## Our values

The LRCM **believes** in democracy, rule of law, human rights and values of an open society.

## Our principles

The LRCM is guided by the following principles:

- a) Professionalism and respect for professional ethics,
- b) Integrity and transparency,
- c) Human rights approach,
- d) Gender balance,
- e) Proactive and constructive attitude to changing things for better,
- f) Team spirit and participatory approach in strategic decision making,
- g) Political non-affiliation.

## Our beneficiaries

The LRCM **acts** in public benefit. The direct beneficiaries of the LRCM include actors of the justice sector, particularly judges, prosecutors, lawyers, law students and young legal professionals, litigants in strategic litigation, non-commercial organizations and media.

## Our partners

The main partners of the LRCM include non-governmental organizations, development partners, media and universities that share our values.

The LRCM cooperates with all public agencies that can contribute in achieving our mission, particularly with:

- a) the Ministry of Justice (MoJ),
- b) the Parliament,
- c) the Superior Council of Magistracy (SCM),
- d) the Prosecutor General's Office and the Superior Council of Prosecutors (SCP),
- e) the Council for Preventing and Eliminating Discrimination and Ensuring Equality (CPEDAE).

## How we act

To achieve our strategic goals, we mainly engage via:

- a) policy research, analysis and promotion,
- b) monitoring of the justice sector,
- c) response to dangerous decisions with systemic impact,
- d) information and raising awareness of the society and development partners,
- e) training and other empowering activities,
- f) strategic litigation.

## The internal structure and personnel of the Lrcm

The LRCM was registered with the Justice Ministry of the Republic of Moldova on November 15, 2010. The General Assembly is the Association's highest management body, formed of all members of the Association (12 as of the end of 2017, of whom 4 work in the LRCM). The General Assembly appoints, for a 4-year term, [the 5 members of the Board](#) and the Association's Censor. The Bard appoints, for a 4-year term, [the Association's Executive Director](#), who is responsible for the ongoing management of the LRCM. [The Association has three programs](#): Justice, Human Rights and Civil Society and Democracy, each led by a program director appointed by the Executive Director of the Association. As of December 2017, the LRCM had [11 permanent employees](#), of whom 7 were lawyers.

## Our main accomplishments

- a) The LRCM has prepared studies on the [optimization of the courts map](#) and on the [specialization of judges](#). These studies were at the foundation of the Parliament's decision to merge the former 44 district courts into 15 in 2016, to improve the quality of justice and the efficiency of the courts system. That merger was one of the most important reforms of the courts system from the declaration of the independence of the Republic of Moldova in 1991.
- b) Between 2013 and 2016, the Executive Director of the LRCM led the expert team in charge of development of the new legislation on the prosecution service. In 2016, the Parliament passed the Law on the prosecution service developed by this team. The Law provided for the most important reform of the Moldovan prosecution service.
- c) In [2012](#) and [2015](#), the LRCM published two reports on the enforcement of the judgments of the ECtHR by the Republic of Moldova. The findings from the first report led to the adoption of the new Law on the Government Agent in 2015.
- d) The LRCM's recommendations contributed to improving, in 2012, of the provisions regarding the criminalization of ill-treatment from the Criminal Code of the Republic of Moldova.

## The development and updating of the strategy

The Strategy was developed in the second half of 2017, after the assessment of the impact of the 2013 – 2017 LRCM's Strategy. The Strategy is intended to guide the work of the LRCM. It was developed in parallel with the Results-Based Management Matrix. The Matrix was approved together with the Strategy. The provisions of the Strategy must be interpreted and analyzed in light of the Matrix.

The LRCM's Board and personnel will review on yearly basis the progress in the implementation of the Strategy, and, based on the results, the Board will approve a detailed annual action plan for the LRCM. Without the Board's consent, the Association may not engage in the activities that are not included in the action plan, except for those that require little effort from the LRCM.

The Strategy at the Results-based Management Matrix may be changed depending on the results of the annual assessment and the juridical and political context in the Republic of Moldova. The LRCM's strategic goals may not be changed.

## Background

Corruption and serious flaws in judiciary represent two main obstacles for the development of the Republic of Moldova. The public does not believe that judges and prosecutors are politically independent. A number of criminal cases initiated against judges over the past years, corroborated with the lack of transparency at the Superior Council of Magistracy, judicial appointments and promotions based on confusing criteria, and endemic corruption in the society, weakened the fragile independence of the judicial system. Judges often act as if they were a closed group guided by its own interests rather than by the needs of the society. Moreover, the management of the judicial system is not the most efficient and court procedures are complicated and inefficient, which artificially overloads judges and negatively impacts the quality of justice. As a result, the observance of human rights is rather low and there are no genuine balances against possible abuses by the executive or the legislative powers.

In 2011, Moldovan authorities passed an ambitious document to reform the judicial system. This led to numerous amendments to the legislation, which, however, did not lead to tangible changes for the society. On the contrary, scandals related to corruption among judges, the laundering of USD 16 billion through the judicial system, and the initiatives from the years 2016 and 2017 to limit transparency in the judicial system further reduced the public's trust and confidence in the justice sector. At the end of 2017, it was hardly at [14%](#).

Despite numerous convictions at the European Court of Human Rights, judges in the Republic of Moldova keep applying pretrial arrest excessively. Courts authorize wiretapping almost every time this measure is requested. In 2016, Moldovan judges authorized wiretapping 38 times more often than their colleagues from the United Kingdom. Even the recently established CPEDAE does not have sufficient powers to adequately sanction discrimination. Over the past two years, public authorities have increasingly refused to offer information of public interest without due justification. On the other hand, investigative journalists from the country cannot obtain access to information of public interest and are harassed via endless judicial proceedings.

In 2017, the Republic of Moldova had over 11,000 nongovernmental organizations (NGOs), many inactive. In the years 2009 - 2016, the situation of civil society organizations in the country did not raise serious concerns, even though NGO registration and the obtainment of the status of public service were cumbersome. That period was marked by efficient cooperation between public agencies and NGOs. In 2016, the Parliament passed a law that allowed individuals to redirect 2% of their income tax to an NGO. The situation changed in 2017, however, after numerous NGOs from the country opposed the government's initiatives to legalize undeclared or illegally obtained fortune and to change the system for electing members of the Parliament. The relationship between public agencies and NGOs that criticized those initiatives chilled, with high ranking figures making defamatory statements against NGOs. In July 2017, the Justice Minister proposed to limit the foreign financing for NGOs – the initiative that was set aside afterward. Critical NGOs were subjected to

defamation campaigns in social media and in the government affiliated media. In the end of year 2017, the prime minister announced the establishment of a public fund for the NGOs that monitor public policies, which was perceived by NGOs critical about the government's initiatives as a step toward creating an alternative civil society.

Over the years, NGOs, independent media and development partners, not public agencies, proved to be the main supporters of the justice sector reform and respect of human rights. The exerted pressure on the government to reform the justice system.

## Strategic goals

Our strategic goals are:

- a) independent, accountable, non-corrupt and efficient justice system.
- b) effective observance of human rights.
- c) A stronger civil society able to engage freely and efficiently in public policy and help citizens
- d) efficient, strong and sustainable LRCM

The Association may deviate from these goals if democracy in the Republic of Moldova gets significantly worse. If so, the Association may make major adjustments to its Strategy or develop a new one. Until the amendment/development of a new strategy, the Association may take actions to restore/strengthen democracy in the Republic of Moldova.

### **Strategic goal 1: Independent, accountable, non-corrupt and efficient justice system**

A functional democracy may not exist without justice that is accessible to everyone and is capable of oppose to eventual abuses from the executive or legislature. For that end, judges and prosecutors must be independent in their decisions and act with responsibility, while the administration of the judicial system must be efficient and transparent. Despite all the legal guarantees in place, justice in the Republic of Moldova is not perceived as independent from politics and its transparency has decreased over the last years. Moreover, court procedures are cumbersome and excessively bureaucratic, both in law and in practice. Although, to some extent, deficient legislation accounts for the current situation in the justice sector, most problems come from the practical application of the law.

Our immediate outcomes in this field are as follows:

- a) judges selected and promoted based on their merits,
- b) a more efficient judicial discipline mechanism,
- c) ensured judges' independence and impartiality in laws and practice,
- d) increase courts' transparency,
- e) increase public pressure for irreversible changes in the justice sector,
- f) ensure consistency of the Supreme Court of Justice practice,
- g) efficient implementation of the optimization of the judicial map,
- h) facilitate efficient court procedures through the law.

### **Strategic goal 2: Effective observance of human rights**

The European Court of Human Rights has convicted the Republic of Moldova in more than 300 judgments. Most of these cases referred to repetitive violations of human rights. The persistence of violations is mainly caused by dysfunctions in the judicial and prosecution systems, poor knowledge and weak will of those responsible for safeguarding human rights, as well as by the lack of an efficient human rights monitoring system. The lack of empirical data is another reason why public cannot exert increased pressure to improve the human rights situation in the country.



Our immediate outcomes in this field are as follows:

- a) achieve a better observance of the European Convention on Human Rights by specialists,
- b) improve national human rights monitoring mechanisms,
- c) improve laws and practice in the field of human rights,
- d) increase public awareness about human rights and rule of law,
- e) ensure easy access to information of public interest for journalists and oppose to authorities' abuses against them.

### **Strategic goal 3: A stronger civil society able to engage freely and efficiently in public policy and help citizens**

Setting up a nongovernmental organization in the Republic of Moldova is often a difficult task, particularly due to confusing legislation. The NGOs' capacity to influence public policies is limited because of the non-transparent parliamentary lawmaking procedures. Not all nonprofit organizations know the percentage allocation mechanism (the 2% mechanism) introduced in 2017 sufficiently well and use it extensively. In addition, the NGOs that are critical of the government were subjected to numerous media attacks in 2017.

Our immediate outcomes in this field are as follows:

- a) a better legislation on nongovernmental organizations,
- b) encourage NGOs to benefit of the percentage allocation mechanism,
- c) NGOs are not subject to pressure.

### **Strategic goal 4: Efficient, strong and sustainable LRCM**

The LRCM was founded 7 years ago. Although its institutional development has constantly improved over the years, one cannot say that it has achieved a fully consolidated and sustainable level. The Association needs to improve its internal regulatory framework, internal planning and employees' workload, as well as to increase the impact of its work, its financial sustainability, cybersecurity, etc. Additionally, the LRCM needs to increase its public visibility and capacity to trigger sustainable public policy changes that benefit the public.

Our immediate outcomes in this field are as follows:

- a) improve internal regulations of the LRCM,
- b) ensure efficient functioning of the managing bodies of the Association,
- c) reduce the employees' workload to an acceptable level,
- d) improve the visibility and advocacy capacities of the LRCM,
- e) increase employees' professionalism and engagement,
- f) strengthen the Association's financial sustainability.
- g) increase the LRCM's cybersecurity.

## Gender equality, environmental sustainability and conflict prevention

When implementing the Strategy, the LRCM will pay particular attention to gender equality, environment and conflict prevention or settlement. These aspects will be considered both in its management and in achieving the Association's goals.

In regard to gender equality, the LRCM will promote policies ensuring that gender equality in judicial appointment and promotion procedures is fully respected. It will also raise the specialists' awareness about the importance of gender equality. The LRCM will also change its policies to fully ensure gender equality in its own work. The LRCM may change its internal policies to foster a more favorable environment, particularly concerning procurements, organization of events and office management. The Association will also act to prevent conflicts among its employees and to reduce tensions within the judicial system. Concrete measures targeting environment and conflict prevention/mitigation will be identified based on the internal assessment of the Association.

## Risk analysis

The main risks for the implementation of the Strategy are as follows:

- a) Resistance of the legislature and the executive to developing/adopting public policies or legal provisions promoted by the Association,
- b) Limited openness from the judiciary to cooperation or reduced transparency in the judiciary,
- c) Overall worsening of the political climate, which will limit or will make irrelevant the actions proposed in the Strategy,
- d) Insufficient financial coverage for the implementation of the Strategy,
- e) Worsening of the working environment for the civil society and escalation of attacks against the Association.

The risk a) is moderate, with high chances to materialize. This risk will be mitigated by direct communication with the management of public authorities, partnership activities with these agencies, the introduction of the strategic outcomes in top policy documents of these agencies, mobilization and alliances with civil society representatives and independent media, as well as cooperation with the development partners of the Republic of Moldova.

The risk b) is moderate, with high chances to materialize. This risk will be mitigated by direct communication with the self-management bodies of the judiciary and prosecutors, as well as with the Supreme Court of Justice and the Prosecutor General's Office, consultation with relevant authorities on draft documents proposed by the LRCM prior to their publication, study visits, mobilization and alliances with civil society representatives and independent media and cooperation with the development partners of the Republic of Moldova. If judges and prosecutors remain reserved, we will redirect our efforts toward the lawyers' community.

The risk c) is low, likely for the pre-electoral period. If the worsening of the political climate persists after the 2018 parliamentary elections, we will adjust the Strategy or will develop a new one.

The risk d) is low. Most of the activities already have a budgetary coverage. The Association will seek funds in advance to cover the budgetary gap. We will diversify funding sources, giving priority to long-term financing.

The risk e) is moderate, with high chances to materialize. This risk will be mitigated mainly by public denouncement of the attacks, mobilization and alliances with civil society representatives and independent media, information of international organizations and of the development partners of the Republic of Moldova.

The Results-Based Management Matrix sets out concrete actions to reduce the risks for each intermediate outcome. The Association may prepare special documents to mitigate the strategic risks.

## Monitoring and assessment of the strategy

The LRCM monitors the implementation of the Strategy on a continuous basis, based on the annual action plan. The task of monitoring the implementation rests with the Executive Director of the Association, the director of the Administration Service, and the directors of programs.

The LRCM reviews the implementation of the Strategy every year. The annual assessment takes place in autumn, as part of the planning of activities for the next year. Depending on the assessment results, the Association will develop a detailed annual action plan and may amend the Strategy and the Results-based Management Matrix.

The LRCM will prepare an annual activity report covering mainly the actions taken to implement the Strategy. The annual report will be subject to the approval of the Board, brought to the attention of the General Assembly, and published on the website of the Association.

In 2021, an independent expert will review the implementation of the Strategy, both in quantitative and in qualitative terms, based on the indicators included in the Results-based Management Matrix.

An independent auditor reviews of the financial activity of the LRCM is conducted every year. The auditor presents his/her conclusions to the Board. The information on the financial standing of the LRCM is included in the LRCM annual activity report.

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