



Strategy for 2022-2025

Adopted by the General Assembly on
21 February 2022

IDENTITY.. 3

VISION 3

MISSION 3

VALUES. 3

PRINCIPLES 3

BENEFICIARIES 3

PARTNERS 3

HOW DO WE OPERATE? 4

THE INTERNAL STRUCTURE AND PERSONNEL OF THE LRCM.. 4

ELABORATION AND UPDATING OF THE STRATEGY 4

CONTEXT 4

STRATEGIC GOALS.. 6

STRATEGIC GOAL 1:
Independent, accountable and efficient justice system 6

STRATEGIC GOAL 2:
Combating corruption 7

STRATEGIC GOAL 3:
Effective observance of human rights 7

STRATEGIC GOAL 4:
A stronger civil society able to promote democracy 8

STRATEGIC GOAL 5:
Efficient, strong, and sustainable LCRM 9

MONITORING AND EVALUATION OF THE STRATEGY 9

IDENTITY



The Centre for Legal Resources from Moldova (LRCM) is a non-governmental, non-profit, independent, politically unaffiliated organization that contributes to the consolidation of democracy and the rule of law in the Republic of Moldova through research, monitoring and advocacy activities.

VISION



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

MISSION



The LRCM promotes an independent, efficient, and accountable judiciary, efficient anti-corruption mechanisms, observance of human rights, an enabling environment for civil society and democracy. To that end, we identify problems with systemic impact, propose solutions, bring them onto the public agenda, propose solutions, address abuses, and mobilize partners to bring changes.

VALUES



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

PRINCIPLES



LRCM is guided by the following principles:

- Professionalism and respect for professional ethics,
- Integrity and transparency,
- Human rights approach,
- Gender balance,
- Proactive and constructive attitude to changing things for the better,
- Team spirit and participatory approach in strategic decision making,
- Political non-affiliation,
- Complying with regulations to ensure a sustainable environment.

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.

PARTNERS



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

The LRCM cooperates with all public institutions that can contribute to achieving our mission, particularly with:

- the Ministry of Justice (MoJ),
- the Parliament,
- the Superior Council of Magistracy (SCM),
- the Prosecutor General's Office, Anti-Corruption Prosecutor's Office, and the Superior Council of Prosecutors (SCP),
- National Integrity Authority,
- the Council for Preventing and Eliminating Discrimination and Ensuring Equality (CPEDA),
- the Ombudsman,
- the Ministry of Finance, State Fiscal Service, Public Services Agency.

HOW DO WE OPERATE?



To achieve our strategic goals, we mainly operate via:

- Policy research, analysis, and promotion,
- Monitoring of the justice sector,
- Responding to dangerous decisions with systemic impact,
- Informing and raising awareness of the society and development partners,
- Training and other empowering activities,
- Strategic litigation.

THE INTERNAL STRUCTURE AND PERSONNEL OF THE LRCM



The LRCM was registered by the Ministry of Justice of the Republic of Moldova on 15 November 2010. The General Assembly is the supreme governing body of the LRCM and it is composed of all members of the association (11 persons at the end of 2021). The General Assembly appoints the five members of the Board for a four-year term. The Board of the Association appoints for a four-year term the Association's Executive Director, who is responsible for the management of the LRCM. As of December 2021, the LRCM employed 12 people, seven of whom were lawyers.

ELABORATION AND UPDATING OF THE STRATEGY



The strategy was developed at the end of 2021 after the LRCM Strategy for 2018-2021 was evaluated. The strategy is intended to guide the activities of the Association and was developed together with the Results Based Management Matrix. It was approved at the same time as the Strategy was adopted.

The Board of the Association and the staff of the LRCM will evaluate each year the progress of the implementation of the Strategy and, based on this evaluation, the Board will annually approve the detailed action plan of the LRCM. The Strategy and the Results Based Management Matrix may be adjusted depending on the results of the annual evaluation and the legal and political context in the Republic of Moldova. The strategic objectives of the LRCM cannot be changed during the implementation of this Strategy.

CONTEXT



Corruption and serious flaws in the judiciary are some of the main obstacles in the development of the Republic of Moldova. Judges and prosecutors often act as a closed group guided by their interests, not by the needs of society. The public does not believe that judges and prosecutors are politically independent, and the obscure manner in which judges and prosecutors' self-governing bodies work and the appointment and promotion of judges and prosecutors based on unclear criteria, as well as the endemic corruption in society have further eroded public confidence in the judiciary. At the same time, judicial procedures are complicated and inefficient, and the administration of the judiciary is confusing, which artificially overloads judges and negatively affects the quality of justice. These result in a low level of observance for human rights and a lack of genuine counterbalances against possible abuse by the Government or the Parliament. In 2011, the Moldovan authorities adopted an ambitious document reforming the judiciary. Numerous changes to the legislation have been adopted, but they have not led to any tangible changes. On the contrary, corruption scandals, money laundering through the judiciary, the numerous politically motivated cases from 2016-2019 have further reduced society's trust in justice. Thus, in 2021 the trust in justice was the same as in 2011 – 18%.

In 2016, the Anti-Corruption Prosecutor's Office was created, which was to be an autonomous entity endowed with staff, resources, and technical possibilities to investigate cases of grand corruption effectively and independently. A detailed system for declaring

and verifying the assets of civil servants, as well as harsh criminal penalties for corruption, has also been introduced. Five years later, this legislation has not yet produced the expected effect. The Anti-Corruption Prosecutor's Office acts as a subdivision of the General Prosecutor's Office, without any budgetary or functional autonomy and without the necessary human and technical resources to act independently. Most of its efforts are directed at cases of petty corruption initiated by the National Anticorruption Centre. Until 2021, the verification of the assets of civil servants was mimicked, the controls were delayed over the years, and the documents regarding the assets of important civil servants were usually annulled by the judges, for reasons that are difficult to explain. And criminal sanctions for corruption by judges were often very lenient, or furthermore, not enforced due to statutory limitations.

Despite numerous convictions at the European Court of Human Rights, Moldovan judges excessively enforced pre-trial detention. Judges grant interceptions of telephone conversations virtually every time these are requested. In fact, there is no effective mechanism for ensuring that human rights are observed in the criminal investigation phase, and criminal proceedings do not provide the defence or the victim with sufficient opportunities for the fairness of criminal proceedings in the case of inaction or abuse by an investigative officer or prosecutors. The Equality Council, although recently established, does not have enough leverage to adequately sanction discrimination.

There are over 11,000 non-profit organizations in the Republic of Moldova, many of which are not active. In 2020, the Parliament adopted new legislation on non-profit organizations, simplifying the way they register and operate. However, the cost of the services provided by the Public Services Agency in this regard is very high. In 2016, Parliament passed a law allowing individual taxpayers to redirect 2% of their income tax to non-profit organizations, but much of these funds go to organizations established by state employees or political actors. On the other hand, the legislation is confusing and discourages philanthropy and sponsorship, an important source of resources for non-commercial organizations in other states. Parliament's adoption of legislation is less transparent, which limits the ability of civil society to monitor effectively or make a significant contribution to the legislative process. Since 2016, active non-commercial organizations have been subjected to smear campaigns by some politicians and their affiliated media outlets.

Over the years, the main promoters of judicial reform, supporters of the fight against corruption and the observance of human rights have not been public institutions, but non-commercial organizations, the independent press, and the community of development partners who have put pressure on the Government.

The Government, formed in the summer of 2021, has announced an ambitious program of justice and anti-corruption reforms. The LRCM will monitor the implementation of the respective reforms and will collaborate with the Government to achieve the strategic objectives of the Association.

STRATEGIC GOALS



Our strategic goals are:

1. Independent, accountable and efficient justice system,
2. Combating corruption,
3. Effective observance of human rights,
4. A stronger civil society able to promote democracy,
5. Efficient, strong, and sustainable LCRM.

The LRCM will constantly strive to implement innovative, exploratory projects in areas of intersection of the above priorities with major global themes.

The Association may deviate from these goals if democracy in the Republic of Moldova gets significantly worse. If so, the Association may adjust this Strategy or develop a new one. Until then, the Association may take actions to restore/strengthen democracy in the Republic of Moldova.



STRATEGIC GOAL 1: Independent, accountable and efficient justice system

A functioning democracy cannot exist without a justice system that does justice to all and opposes possible abuse of executive and legislative powers. Judges and prosecutors must be professional, make decisions independently and act responsibly, 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. 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. Selective justice, both on the part of judges and prosecutors, greatly affects trust in the judiciary. At the same time, the examination of cases is cumbersome and overly bureaucratic, both in law and in practice. Ensuring the integrity of judges and prosecutors, raising the professionalism of the legal staff, and improving the legal framework to ensure the efficiency of judicial proceedings and the work of prosecutors was announced by the Government as one of top priorities for the next four years.

Our specific objectives in this area are:

1. Ensuring a system of selection and promotion of honest and merit-based judges and prosecutors,
2. Streamlining the mechanism of disciplinary accountability of judges,
3. Increasing the transparency of the judiciary,
4. Increasing the quality and efficiency of judicial acts..

Expected results:

- The mechanism for selecting and promoting judges and prosecutors shall draw due attention, de jure and de facto, to the integrity and professionalism of candidates,
- The disciplinary liability mechanism is effective for holding judges accountable,
- The constitutional amendments of 2021 aimed at ensuring the independence of the judiciary are appropriately reflected into secondary legislation,
- The activity of the Superior Council of Magistracy and the Superior Council of Prosecutors is transparent and promotes the independence, integrity and efficiency of the judiciary and the Prosecutor's Office,
- Court judgments are published on the Internet, and their depersonalization takes place exceptionally, only in limited cases provided by law,
- Legislation and practices in the judiciary facilitate the proper judicial reasoning of court decisions,

- Procedural legislation ensures timeliness and fairness of judicial proceedings,
- Contribution to the efficient implementation of the consolidation of the courts according to the optimization plan of the courts' map until 2026, and to the optimization extension to the Prosecutor's Office.



STRATEGIC GOAL 2: Combating corruption

Endemic corruption and the lack of effective mechanisms that would enhance public sector integrity erode trust in the state and democracy and affect the well-being of citizens. Despite the adoption of necessary legislation in this area in recent years, its implementation is deficient. Corruption is widespread among civil servants at all levels, and the sanctions for corruption are usually lenient and late. The new Government has announced numerous reforms to fight corruption, such as vetting of judges and prosecutors, strengthening the Anti-Corruption Prosecutor's Office, tightening sanctions for corruption, and streamlining the work of the National Integrity Authority (NIA). The LRCM aims not only to contribute to the announced legislative reform but also to monitor the anti-corruption institutions, to ensure that the fight against grand corruption truly takes places.

Our specific goals in this field are:

1. Limiting the competence of the Anti-Corruption Prosecutor's Office to grand corruption,
2. NIA effectively verifies the assets of the officials,
3. The legislation ensures adequate sanctions and confiscation of property for corruption,
4. The vetting system effectively combats corruption and ensures the independence of the judiciary.

Expected results:

- The Anti-Corruption Prosecutor's Office does not investigate cases of petty corruption and unrelated cases of corruption;
- NIA has a clear and efficient assets verification methodology, which is applied in practice;
- The key functions in the areas of integrity and anti-corruption are held by honest and highly qualified people;
- The public supports the need for anti-corruption and integrity reforms and calls for them to be implemented;
- Vetting legislation shall contain clear vetting criteria, guarantees of the independence of the vetting committee and a fair evaluation procedure;
- The vetting committee shall be fully informed in details about the evaluated judges and prosecutors.



STRATEGIC GOAL 3: Effective observance of human rights

The European Court of Human Rights has convicted the Republic of Moldova in more than 500 judgments. Despite these, pre-trial detention is excessively enforced in the Republic of Moldova, interceptions of telephone conversations are authorized by judges almost every time they are requested, torture and ill-treatment are poorly investigated, and discrimination and hate speech are not adequately sanctioned. These violations are perpetually committed largely due to the judiciary and the prosecutor's office being dysfunctional, poor knowledge and the unwillingness of those called to ensure observance of human rights, but also due to the lack of an effective national system for monitoring human rights.

Our specific goals in this area are:

1. Better knowledge and observance of the European Convention on Human Rights in the Republic of Moldova;
2. Better human rights law and practice in the criminal justice system;
3. Discrimination shall be discouraged by appropriate sanctions.

Expected results:

- Specialists are better acquainted with the European Convention on Human Rights (ECHR);
- Civil and political rights legislation is in line with international standards and best practices;
- National mechanisms can effectively address systemic issues affecting civil and political rights;
- The Equality Council has sufficient legal leverage to combat discrimination, and the courts comply with anti-discrimination and equality standards.



STRATEGIC GOAL 4. A stronger civil society able to promote democracy

Between 2016-2021, the legislation of the Republic of Moldova on non-commercial organizations has improved. In 2016, Parliament passed a law allowing individuals to direct 2% of income tax to non-commercial organizations (Law of 2%). In 2020, the Parliament adopted new legislation on non-commercial organizations, simplifying their registration and operations. However, the way Parliament adopts the legislation is less transparent, and the legislation on philanthropy and sponsorship is confusing and needs major adjustments. Even if the 2% Law is successfully applied, almost 40% of the amounts directed by individuals by 2020 have reached organizations established by state employees or politically-affiliated people. Moreover, in recent years, politicians and their affiliated media have harshly attacked non-commercial organizations, especially during election campaigns, seeking to discredit them. The Government formed in the summer of 2021 has expressed its readiness to cooperate to strengthen the civil society and increase decision-making transparency. Similarly, the Central Electoral Commission announced its intention to improve the electoral legislation.

Our specific goals in this area are:

1. The legislation provides for clear rules to ensure the decision-making transparency of Parliament;
2. CSOs and human rights defenders and their work is not attacked;
3. The legislative framework facilitates the activity and financial sustainability of non-commercial organizations.

Expected results in this area:

- Parliament's Regulation shall be supplemented by clear rules on transparency in decision-making when adopting draft laws;
- Legislation is amended to facilitate philanthropy and sponsorship;
- Critical issues regarding the application of the 2% mechanism are removed;
- Attacks on CSOs are publicly denounced;
- Human rights defenders are trained and assisted to operate in a safe and supportive environment;
- Electoral legislation is reviewed according to the best standards and practices.



STRATEGIC GOAL 5: Efficient, strong, and sustainable LCRM

The LRCM has been active for 11 years, and the Association progressively improved its institutional development. The Association will continue to strive to be even more consolidated and sustainable, with a focus on internal mechanisms for monitoring and evaluating activities, optimized workload, and automate internal processes, strengthening team capacity, financial sustainability and increasing the Association's visibility. The Association will also continue to increase its capacity to bring about changes in public policies and sustainable practices in the public's interest.

Our specific goals in this area are:

1. Efficient processes and information security in the activity of the Association;
2. A professional team consolidated and guided by the values of the LRCM;
3. Visible, credible, and notorious LRCM;
4. Financially sustainable LRCM.

Expected results:

- The internal processes regarding the activities and human resources management of the Association are digitalized, ensure a fair distribution of the tasks and a balance between the professional and private life of the team members,
- The level of informational security of the Association corresponds to the security standards of the non-commercial sector;
- The Association's staff participates in continuous professional training programs;
- The Association becomes more visible by updating its website and doubling the number of followers on social media networks and subscribers to LCRM products;
- Increase the self-financing fund of the Association by at least 50%.

By June 2021, the Board of the Association will debate and adopt a Communication Strategy to achieve its strategic objectives.

MONITORING AND EVALUATION OF THE STRATEGY



The LRCM monitors the implementation of the Strategy continuously, based on the annual action plan. Monitoring the implementation is the responsibility of the Executive Director of the Association, the Director of the Administrative Service, and the Program Directors.

The LRCM annually evaluates the progress of the implementation of the Strategy. The annual evaluation takes place in November-December, as part of the planning of activities for next year. Depending on the results of the evaluation, the annual action plan will be developed, and the Results Based Management Matrix and Strategy may be adjusted. The LRCM will write an annual activity report, which will mainly refer to the measures taken to implement the Strategy. The annual report will be approved by the Board, brought to the attention of the General Assembly, and published on the website of the Association.

In 2025, the implementation of the Strategy will be assessed by an independent evaluator, both quantitatively and qualitatively, based on the indicators from the Result Based Management Matrix.

The financial activity of the LRCM is evaluated every year by an independent auditor who presents their conclusions to the Board. The information on the financial situation of the LRCM is included in the annual activity report.



A. Sciusev 33 Street, MD-2001, Chisinau, Republic of Moldova

+373 22 84 36 01; +373 22 84 36 02

contact@crjm.org

www.crjm.org