



**Promo - LEX**

*Advancing democracy and human rights*



Project funded by  
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# REPORT no. 1

## CIVIC MONITORING OF POLICE REFORM IN THE REPUBLIC OF MOLDOVA

Monitoring Period: 2016 – 2018

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Project funded by the European Union

*The initiative to monitor the implementation of police reform in the Republic of Moldova is carried out as part of the “Civic monitoring of the police reform in the Republic of Moldova” project implemented with the financial support of the European Union.*

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## INTRODUCTION

The Promo-LEX Association is a non-governmental, non-profit and apolitical organization, which pursues public benefit and operates in accordance with the laws of the Republic of Moldova. The mission of the Promo-LEX Association is to contribute to the development of democracy in the Republic of Moldova by promoting and defending human rights, monitoring democratic processes and strengthening civil society.

The Republic of Moldova needs profound reforms in many areas. One of these areas is the activity of internal affairs bodies and the police - institutions empowered to protect the rights of citizens. Historically, institutions in this field are undergoing a continuous process of restructuring and modernization. In this context, on May 12, 2016, the Government of the Republic of Moldova adopted the 2016-2020 Police Development Strategy. In the same year, the EU Delegation and the Government of the RM signed the Support for Police Reform Financing Agreement, providing for complementary support for monitoring the police reform.

In order to fulfill the statutory provisions, the Promo-LEX Association is implementing the "Civic Monitoring of Police Reform in the Republic of Moldova" project, funded by the European Union in the period of December 14, 2018 - December 13, 2021.

The "Civic Monitoring of Police Reform in the Republic of Moldova" highlights the role of civic oversight by non-governmental organizations during the implementation of reforms, as well as the right of citizens to participate in the decision-making process. The overall objective of the project is to consolidate the responsibility, efficiency and transparency of the police reform in the Republic of Moldova.

Report no. 1 of civic monitoring of police reform in the Republic of Moldova has been developed for the period of 2016 - 2018. This is a post-factum synthesis of the conformity of the reform, established by comparing the content of official reports submitted by the police with the observations made by the experts of the Promo-LEX Association based on the analysis of official documents, interviews with decision-makers and other relevant information obtained from open sources.

The conclusions of the Promo-LEX Association on the fulfilment of operational objectives of the reform have been developed by referring to the performance indicators and the deadlines stipulated in the relevant program documents. The ratings used to assess the achievement of the objectives are: *fulfilled*, *partially fulfilled* and *unfulfilled*. According to the existing methodology, the rating of *fulfilled* is attributed to actions / activities that were considered sufficient and relevant for the achievement of the proposed objective; *the unfulfilled* is attributed to the actions / activities that did not generate the intended objective; and *partially fulfilled* is attributed to the actions / activities that did not fully contribute to the achievement of performance indicators.

Actions that were to be completed in 2018 or, in certain special cases, were fulfilled before the deadline set in 2018 were rated. Also, the authors emphasized the objectives the achievement of which is difficult to assess due to too general or unclear formulation of indicators. In the case of continuous actions, which, according to the Strategy, are still in progress, the authors came up with an assessment of current situation, and in case of necessity, they also made recommendations.

The following monitoring reports will be prepared every six months based on a methodology prepared by an international expert, which will include methods of document analysis and interviews with mid-level decision makers, used by the central team of the Association. At the same time, the following reports will be based on direct observation and interviewing of relevant subjects of monitoring at regional and local levels.

## SUMMARY

**General framework of police reform.** Police reform is a long-term process, which has been initiated in the Republic of Moldova prior to the approval of the 2016-2010 Police Development Strategy (PDS). At the same time, the Strategy not only ensures continuity of the reform process, it also represents the alignment of the actions planned with the provisions of the Association Agreement signed by the European Union and the Republic of Moldova. Respectively, the European Commission is actively involved in the financial support of the PDS through the “Support for Police Reform” Agreement, whose general objective is to assist the Government of the Republic of Moldova in developing a transparent, efficient, responsible and accessible police institution. The importance of the police reform for the Republic of Moldova is highlighted by the presence of reform objectives in the activity programs of the governments. Non-approval of the Regulation on the organization and operation of the General Inspectorate of Police by the Ministry of Internal Affairs is officially recognized as one of the most significant delays in the implementation of the reform.

**Achievement of the objectives of the police reform.** *Objective 1* has the mission to ensure access to more qualitative police services by enhancing the professionalism, transparency and efficiency of the Police. Quantitatively, it is the objective with the most commitments. In this regard, objective 1 of the PDS comprises the largest number of actions (7) and sub-actions (36). According to Promo-LEX, most of sub-actions (58.3%) were expected to be implemented at the beginning of the reform, up to 2018, inclusively.

Promo-LEX identified 21 sub-actions that could be evaluated using the ratings described in the *Introduction*, of which, according to the Association, 5 (23.8%) are fulfilled actions, 7 (33.3%) are partially fulfilled, 7 (33, 3%) are unfulfilled, and in the case of two sub-actions (9.6%), the Association could not express its opinion due to too general formulations, or unmeasurable indicators.

*Objective 2* also aims at increasing citizens’ access to more qualitative police services; the emphasis being laid on respecting human rights in the activity of the Police. Quantitatively, the objective contains practically the fewest actions (2) and sub-actions (8). According to the findings of Promo-LEX, half of the sub-actions (4) were expected to be implemented in the period between 2016 and 2018. Of these, only two (50%) were fulfilled, the other two were not.

*Objective 3* aims at increasing the capacity of the Police in combating crime and ensuring public security. It contains two actions and 12 sub-actions. According to Promo-LEX observations, most of the sub-actions (66.7%) were planned for the period of 2016 - 2018.

Regarding the degree of achievement of the activities planned, Promo-LEX notes that out of 8 sub-actions subject to assessment, only 3 (37.5%) can be considered as fulfilled, 2 (25%) are unfulfilled, two (25%) - partially fulfilled, and a sub-action (12.5%) is difficult to assess.

*Objective 4* contains sub-actions oriented towards bringing the police service in line with European and international standards. It is a general objective, which contains 3 actions and 20 sub-actions. According to the observations of Promo-LEX, about half of the sub-actions were to be implemented between 2016 and 2018. Out of 9 sub-actions, only 2 (22.2%) were fulfilled, and 4 (44.4%) - unfulfilled. Two other sub-actions were qualified as partially fulfilled, and in the case of one action, Promo-LEX could not assign any rating due to the uncertainties found.

At the same time, we emphasize that two other sub-actions (4.1.1 and 4.1.2) were fulfilled before the expiry of the term set.

*Objective 5* has been developed with the purpose of promoting and ensuring transparency of the activity and professional integrity of the Police. It contains 2 actions and 8 sub-actions. Only 3 sub-

actions out of 8 were intended for the period of 2016 - 2018. Of these, the Promo-LEX Association qualifies a sub-action as being fulfilled, and two as partially fulfilled.

**General conclusions.** Out of the total number of activities planned, 45 sub-actions (54%) were to be implemented by the end of 2018. Referring to the degree of their fulfilment, the Promo-LEX Association gave the following ratings:

- 13 sub-actions - fulfilled (29%);
- 13 sub-actions - partially fulfilled (29%);
- 15 sub-actions - unfulfilled (33%), of which 4 are considered by the implementing institutions as outdated, inopportune or they have been formally renounced;
- 4 sub-actions (9%) have too general formulations and their indicators are not measurable. The Promo-LEX Association could not comment on the degree of their fulfilment.

## GENERAL FRAMEWORK OF POLICE REFORM

*Police reform is a long-term process, which has been initiated in the Republic of Moldova prior to the approval of the 2016-2010 Police Development Strategy (PDS). At the same time, the Strategy not only ensures the continuity of the reform process, it also represents an alignment of the actions planned with the provisions of the Association Agreement signed by the European Union and the Republic of Moldova. Respectively, the European Commission is actively involved in the financial support of the PDS through the "Support for Police Reform" agreement, whose general objective is to assist the Government of the Republic of Moldova in developing a transparent, efficient, responsible and accessible police institution. The importance of the police reform for the Republic of Moldova is highlighted by the presence of reform objectives in the activity programs of the governments. Non-approval of the Regulation on the organization and functioning of the General Inspectorate of Police by the Ministry of Internal Affairs is officially recognized as one of the most significant delays in the implementation of the reform.*

The reform of the internal affairs system began in 2010, with the Government Decision no. 1109 of December 6, 2010, which provided for the approval of the Concept for the Reform of the Ministry of Internal Affairs and its Subordinated and Deconcentrated Structures<sup>1</sup>.

The Concept for the Reform of the Ministry of Internal Affairs and its Subordinated and Decentralized Structures highlighted the main problems of the internal affairs system, including:

- the ways the police, the carabinieri and other subdivisions of the Ministry of Internal Affairs deal with the population are obsolete and generate the necessity of both revising the forms of collaboration with the civil society and modifying the criteria for evaluating the activity of MIA sub-divisions;
- initially, the Ministry of Internal Affairs represented an institution with dispersed structures, without a single administration and management center, many positions being overlapped, which consequently, generated conflicts of powers. In this respect, a conceptual, institutional and functional reform was required, so that the police represent a separate structure, with special competences, distinct from those of the criminal investigation bodies, the carabinieri and the Service for Civil Protection and Exceptional Situations. The initiated reform was to ensure the delimitation of structures in charge of the elaboration of policy documents (the central apparatus of the MIA) from those responsible for their implementation;
- the existing mechanisms to prevent the politicization of police structures are inefficient, which requires the development and implementation of methods that would effectively guarantee the prevention of any interference in the activity of the MIA and its institutions.

Subsequently, a new institution of police was established by Law no. 320 of December 27, 2012, which is a distinct entity, centrally coordinated by the General Inspectorate of Police, its mission being the defense of fundamental rights and freedoms of the person by maintaining, ensuring and restoring public order and security, prevention, investigation and detection of offenses and contraventions.

The 2016-2020 Police Development Strategy (PDS) and the Action Plan on its implementation were approved by Government Decision no. 587 on 12.05.2016. The Strategy ensures the continuity of the reform process initiated by the Concept for the Reform of the Ministry of Internal Affairs and its Subordinated and Decentralized Structures and represents an alignment of the actions planned with the provisions of the European Union - Republic of Moldova Association Agreement<sup>2</sup>.

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<sup>1</sup> <https://bit.ly/31Ulwuk>

<sup>2</sup> Title II: "Political Dialogue and Reform, Cooperation in the Field of Foreign and Security Policy" and Title III "Justice,

The general objectives of the Strategy are:

1. Strengthening the responsibility, efficiency, transparency and professionalism of the Police.
2. Fair, efficient and effective application of human rights legislation in the activity of the Police.
3. Consolidating the capacities of the Police to fight organized crime, trafficking in human beings, cybercrime, violence, including gender offenses, drugs and weapons smuggling, counterfeiting and money laundering.
4. Creating a modern police service, in accordance with the best international standards and practices of the European Union, able to respond proactively and equally to the needs of citizens and society as a whole.
5. Promoting and implementing the principle of zero tolerance for corruption, discrimination and ill-treatment in the activity of the Police.

According to the PDS, objectives 1 and 2 ensure access to qualitative police services. Objectives 3 and 4 aim at ensuring better capabilities of the Police in combating crime and ensuring public safety, and Objective 5 aims at transparency and integrity.

Subsequently, in December 2016, the Government of the Republic of Moldova and the European Commission signed the "Support for Police Reform" Financing Agreement worth 57 million euros.

*The general objective of the "Support for the Police Reform" Agreement (Budget Support Program) is to assist the Government of the Republic of Moldova in ensuring the rule of law, consolidating public order and security, combating organized crime and protecting human rights by developing a transparent, efficient, responsible and accessible police. The indicator of the implementation of the general objective is an improved and maintained level of confidence in the Police (share of people who trust the police gradually increases), the reference value of confidence being that of April 2014 -31%. The target set for the implementation of the general objective is to increase the level of population's confidence in the police and reach at least 41% by 2019.*

The specific objectives of the Budget Support Program are similar to the general objectives of the Police Development Strategy with the express mention of alignment with the best EU and international standards and practices. The description of the specific conditions and annual indicators for the disbursement of installments is provided in the Policy Matrix.

**Table no. 1.** General objectives and the number of actions and sub-actions foreseen to achieve the objectives<sup>3</sup>

No.	General objectives according to the PDS	Number of actions to achieve the objective according to the PDS Action Plan	Number of sub-actions to achieve the objective according to the PDS Action Plan	Number of actions according to the Policy Matrix
1.	Consolidating the responsibility, efficiency, transparency and professionalism of the Police	7	36	3
2.	Fair, efficient and effective application of human rights legislation in the activity of the Police	2	8	1
3.	Consolidating the capacities of the Police to	2	12	1

Freedom and Security".

<sup>3</sup> In compliance with the Action Plan for the implementation of the 2016-2019 Police Development Strategy and the Policy Matrix for the implementation of the Budget Support for the Police Reform for 2017 - 2020.



	fight organized crime, trafficking in human beings, cybercrime, violence, including gender offenses, drugs and weapons smuggling, counterfeiting and money laundering			
4.	Creating a modern police service, in accordance with the best international standards and practices of the European Union, to able to respond proactively and equally to the needs of citizens and society as a whole	3	20	3
5.	Promoting and implementing the principle of zero tolerance for corruption, discrimination and ill-treatment in the activity of the Police	2	8	1
	<b>Total:</b>	<b>16</b>	<b>84</b>	<b>9</b>

Having comparing the Action Plan for the implementation of the PDS and the Policy Matrix for the implementation of the Budget Support Program, we found the following:

- 1) The actions provided by the Policy Matrix, respectively, the funding granted by the European Union, cover only part of the actions provided by the Action Plan for the implementation of the Police Development Strategy.
- 2) Different fulfilment terms are provided for some activities (for example, the average reaction time to emergency calls being reduced to 15 minutes, elaboration of the Guide to a Police Career).
- 3) The progress indicators provided in the Policy Matrix are much more specific and measurable than those in the Action Plan for PDS implementation.

The logic behind the intervention of the European Union was explained by the fact that the police reform continued to be a priority of the Government of the Republic of Moldova, being stipulated in the Government Activity Program for 2015 - 2018<sup>4</sup>. It should be mentioned that the new activity program, approved for 2016 - 2018<sup>5</sup>, contained the same objectives with regard to the reform of police and the Ministry of Internal Affairs, which coincide with the objectives and main actions of 2016 – 2020 PDS.

According to the Report on the implementation of 2016-2018 Activity Program<sup>6</sup>, the Government of the Republic of Moldova presents the following result indicators:

- increasing the level of citizens' confidence in the Police: in 2016 by 25% (5th place), and in 2017 - by 46% (4th place) and
- decreasing the number of offenses: 2016 – 38,856; 2017 – 32,956; 2018 (11 months) – 27,145.

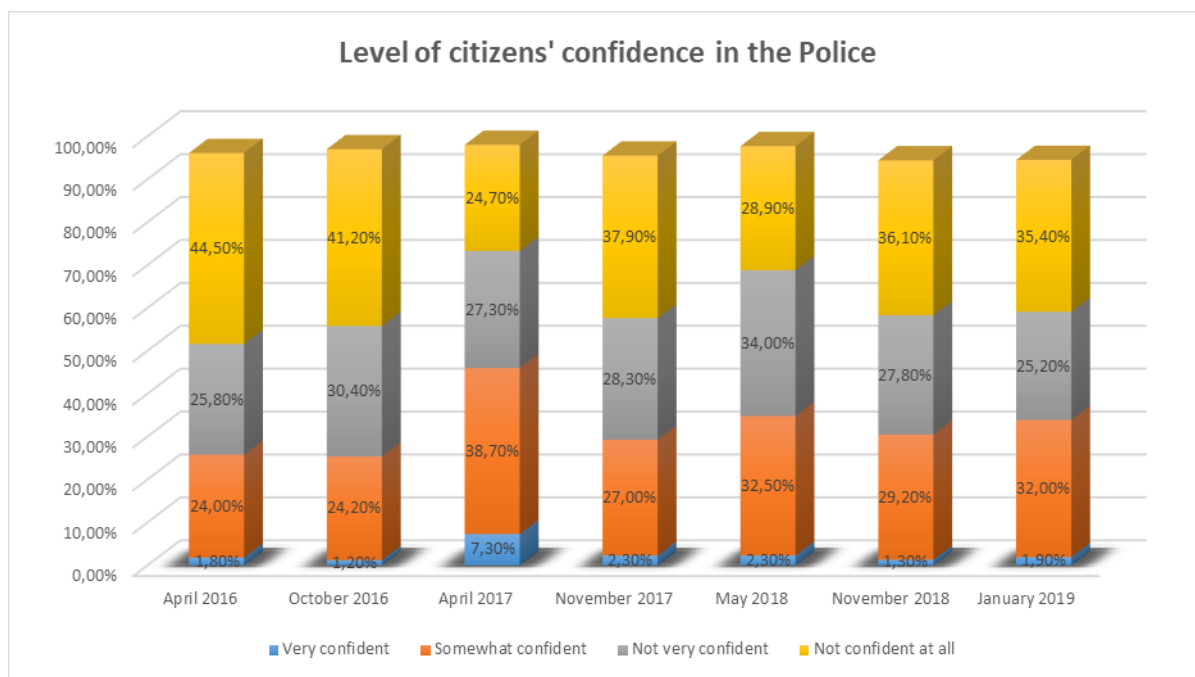
In chart no. 1, we can see the tendency to increase the confidence of citizens in the Police (the share of citizens who are very confident and those who are somewhat confident increased), however, this indicator is not constant, and there is little probability that it will reach 41% by the end of 2019.

<sup>4</sup> <https://bit.ly/2Jq5HFr>

<sup>5</sup> <https://bit.ly/2Jq5vGi>

<sup>6</sup> <https://bit.ly/2G0l31e>

*Chart no. 1. The level of citizens' confidence in the Police, according to the Barometer of Public Opinion*



The Activity Program of the new government, voted on June 8, 2019, includes the following objectives:

- depoliticizing the Ministry of Internal Affairs by delimiting the functions of the police from the other functions performed by the system. The reform of the Ministry of Internal Affairs will focus on the creation of tools and mechanisms to exclude harmful practices of police involvement in the persecution of people;
- implementation of the “Community Policing” principle, so that, at the local level, the police would not be only a “sanctioning” entity, but rather one that proactively collaborates with the local public authorities and the citizens of the community;
- ensuring the exclusion of unjustified arrests and interception of telephone calls;
- introducing an electronic system of records for the cases investigated by the police and the prosecutor’s office to exclude their abuses;
- eliminating torture and improving the conditions of detention in the respective institutions<sup>7</sup>.

**According to the Report on the implementation of the National Action Plan for the implementation of the EU-Moldova Association Agreement (2017-2019)<sup>8</sup>, the following results were obtained in the police reform in 2018:**

- the Concept for the community policing activity was approved;
- the network of mobile centers for prevention and information of population was expanded with two more units (in Chisinau and Comrat);
- the center of forensic and judicial expertise of the GIP was accredited in six areas of expertise: ballistics, trace evidence, digital forensics, graphology, cybercrime investigations and technical examination of documents;
- Anti-Corruption Section was set up within the Directorate for the Effective Inspection of the GIP (Order of the Ministry of Internal Affairs no. 403 of 29.12.2017);

<sup>7</sup> <https://bit.ly/2YRTIJO>

<sup>8</sup> <https://bit.ly/2Y9zKu8> Report on the implementation of the National Action Plan for the Implementation of the EU-Moldova Association Agreement (2017-2019)

- the TWINNING project aiming at the reformation of initial and continuous professional training of the police employees was launched;
- The GIP, in partnership with the OSCE, held three workshops, which resulted in the certification of 30 trainers, who consequently would prepare district officers to deal with cases of domestic violence.

At the same time, the Report on the implementation of the National Action Plan for the implementation of the 2017-2019 Association Agreement, emphasizes the following **significant arrears**:

1. delayed modification of the GD no. 986 of 24.12.2012 with regard to the structure and staff of the General Inspectorate of Police and GD no. 283 of 24.04.2013 for the approval of the Regulation on the organization and operation of the General Inspectorate of Police under the Ministry of Internal Affairs;
2. amending the GD no. 1206 of 2.11.2016 with regard to the National Center for Integrated Coordination of Actions to Ensure Public Order;
3. development of the National Center for Integrated Coordination of Actions to Ensure Public Order.

# IMPLEMENTATION OF POLICE REFORM: CIVIC MONITORING PERSPECTIVE

## ***Objective 1: Consolidating the responsibility, efficiency, transparency and professionalism of the Police***

*Objective 1 has the mission to ensure access to more qualitative police services by enhancing the professionalism, transparency and efficiency of the Police. Quantitatively, it is the objective with the most commitments. In this regard, objective 1 of the PDS comprises the largest number of actions (7) and sub-actions (36). According to Promo-LEX, most of sub-actions (58.3%) were expected to be implemented at the beginning of the reform, up to 2018, inclusively.*

*Promo-LEX identified 21 sub-actions that could be evaluated using the ratings described in the Introduction, of which, according to the Association, 5 (23.8%) are fulfilled actions, 7 (33.3%) are partially fulfilled, 7 (33, 3%) are unfulfilled, and in the case of two sub-actions (9.6%), the Association could not express its opinion due to too general formulations, or the indicators are not measurable.*

### **1.1. A transparent and merit-based system for recruiting and promoting staff based on clear selection, assessment and promotion criteria**

In order to implement this specific objective, 5 sub-actions were planned.

#### **1.1.1. Development of procedures for recruitment (selection) of staff for the Police**

*Performance indicator: staff recruitment (selection) procedures established therein*

*Timescale for completion: second half of 2016*

According to the progress report on the implementation of 2016-2010 Police Development Strategy (2016), procedures for recruitment (selection) of staff within the Police were updated, developed and approved by the GIP Order no. 450 of 9.12.2016 "On the completion of the GIP Order no. 225 of 15.07.2016 "On the approval of standard operational procedures within the Police".

It should be mentioned that the Government Decision no. 460 of 22.06.2017 for the implementation of the provisions of Law no. 288 of 16.12.2016 with regard to civil servants holding a special status within the Ministry of Internal Affairs (MIA) approved the Regulation on the occupation of public offices with a special status within the MIA. Subsequently, the GIP Order no. 451 of 13.11.2017<sup>9</sup>, repealed the GIP Order no. 225 of 15.07.2016 and approved some standard operating procedures within the Human Resources Department, including, **the recruitment procedure within the Police.**

It provides for the recruitment and selection procedures both from internal<sup>10</sup>, and external sources, establishes the persons responsible for the recruitment and the obligations of the Police employees involved in the recruitment procedure, the manner of making public information about the vacancies, recruitment through local public administrations/educational institutions and other public authorities, recruitment of candidates for the Stefan cel Mare Academy under the MIA and the structure of the webpage of the GIP, specifically, the *Career* rubric.

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<sup>9</sup> <https://bit.ly/315jd7f>

<sup>10</sup> Recruitment from the internal sources - the recruitment of candidates employed by the Police or other subdivision of the Ministry of Internal Affairs that can be promoted or transferred.

The Promo-LEX Association rates this sub-action **as fulfilled**. However, it is necessary to specify that the activity and the indicators formulated are not characterized by predictability, since with the exception of recruitment procedures that have been instituted, no other criteria regarding the content of recruitment procedures have been foreseen.

### **1.1.2. Elaboration of a guide to assess collective performances, development of a system to assess individual performances and career promotion**

*Performance indicators: a developed and approved Guide for the assessment of collective performances, an established System for assessment of collective performances and career promotion*

*Timescale for completion: second half of 2016 – first half of 2017*

It should be mentioned that the 2017-2019 Police Strategic Development Program (PSDP), mentions the following verification instruments / methods/ measures: 1) a system of collective performance assessment approved and published on the website of the Police and 2) an established system of individual performance and career promotion assessment.

According to the 2016 Progress Report on the implementation of 2016-2020 Police Development Strategy, amendments to the Order of the Ministry of Internal Affairs no. 138 of 18.04.2013 on the approval of the *Regulation for the assessment of professional performances of the employees with special status within the sub-divisions of the Ministry of Internal Affairs*<sup>11</sup>, were approved by the Orders of the Ministry of Internal Affairs no. 85 of March 24, 2017 and no. 270 of September 15, 2017, while the **process of developing the Guide for the assessment of collective performances was stopped** with the repeal of the Government Decision no. 94 of 1.02.2013 for the approval of the Regulation for the assessment of collective performances<sup>12</sup>, which had been approved in order to execute art. 8 of Law no. 48 of March 22, 2012 on the remuneration of civil servants.

Law no. 153 of 14.07.2017 repealed art. 8 of Law no. 48 of 22.03.2012, which initially provided for a salary increase for collective performance of the subdivision or public authority, and subsequently, an increase for work intensity. Law no. 270 of 23.11.2018, which entered into force on 1.12.2018, totally repealed Law no. 48 of March 22, 2012. Measuring collective performance represented a process, which assessed the degree of fulfillment of the objectives and activities / actions set out in the Annual Action Plan at the level of public authority and in the Annual Action Plan at the level of structural subdivision.

We mention that, considering the elaboration of the Guide for the assessment of collective performances and development of a system to assess collective performances, the authorities responsible for carrying out this action **consider it obsolete** in nature.

At the same time, the orders of MIA no. 85 of March 24, 2017 and no. 270 of September 15, 2017, approved modifications to the MIA Order no. 138 of 18.04.2013 regarding the approval of the Regulation for the assessment of professional performances of employees with a special status within the subdivisions of the Ministry of Internal Affairs.

**The Promo-LEX Association rates this sub-action as unfulfilled**, because by amending the Regulation for the assessment of professional performances of the employees with a special status, the MIA did not establish a system for the assessment of individual performances and career promotion, the other indicators remaining unattained, as they are considered obsolete.

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<sup>11</sup> <https://bit.ly/334eYuL>

<sup>12</sup> Repealed by Government Decision no. 145 of 15.03.2017.

### 1.1.3. Preparation of the Guide to a Police Career

*Performance indicator: a developed and approved Guide to the career of civil servant with a special status*

*Timescale for completion: second half of 2016*

According to the Policy Matrix on the implementation of the Budget Support for Police Reform in 2017 - 2020, the *Guide to a Police Career*, published on the website of the GIP, was one of the performance indicators to be achieved until 31.12.2017. Thus, one can notice that the term designed by the Action Plan for the implementation of the PDS, in the case of this sub-action, is different from the term indicated in the Policy Matrix.

*The Guide to a Police Career* was approved by the MIA Order no. 201 of 30.06.2017<sup>13</sup> and establishes a system of uniform rules of career evolution applicable to police employees.

Thus, we find that this **sub-action was carried out** with delay in relation to the deadline set by the Action Plan for the implementation of the PDS, but it met the deadline set by the Policy Matrix.

It should be mentioned that both Law no. 288 of 16.12.2016 with regard to the civil servant with a special status within the MIA, as well as the Government Decision no. 460 of 22.06.2017 for the implementation of Law 288/2016 have been modified following the approval of *the Guide to a Police Career*. In this regard, we **recommend** considering the necessity and opportunity of adjusting the Guide to the legal framework in force, in particular, the requirements for employment in public positions with special status provided by art. 13, let. (f<sup>1</sup>), (l) of the said law:

“f<sup>1</sup>) the record of professional integrity does not have, in the last 5 years, entries regarding a failed professional integrity test due to the violation of the obligation stipulated in art. 7, para. (2), let. a) of Law no. 325/2013 regarding the assessment of institutional integrity”;

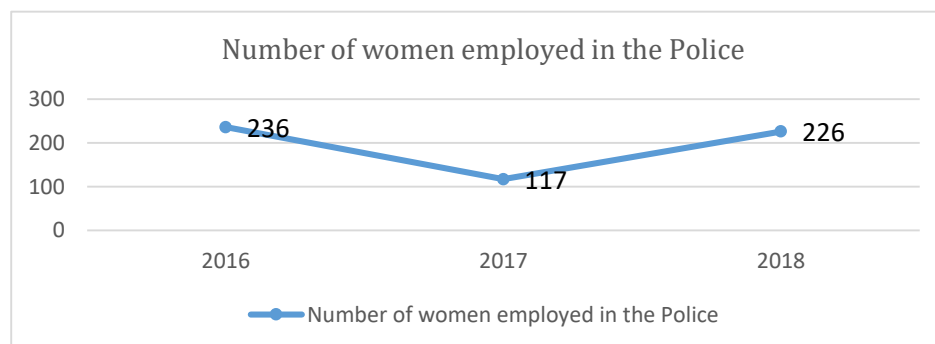
“l) does not have the prohibition to hold a public office or an office of public dignity, which derives from a finding of facts issued by the National Integrity Authority”.

### 1.1.4. Compliance with gender equality principle in the process of employment and promotion in the Police

*Performance indicator: positive dynamics in the number of women employed in the police, including in management positions*

*Timescale for completion: 2016–2020*

*Chart no. 2. Number of women employed in the Police, including in management positions, according to the PDS progress reports*

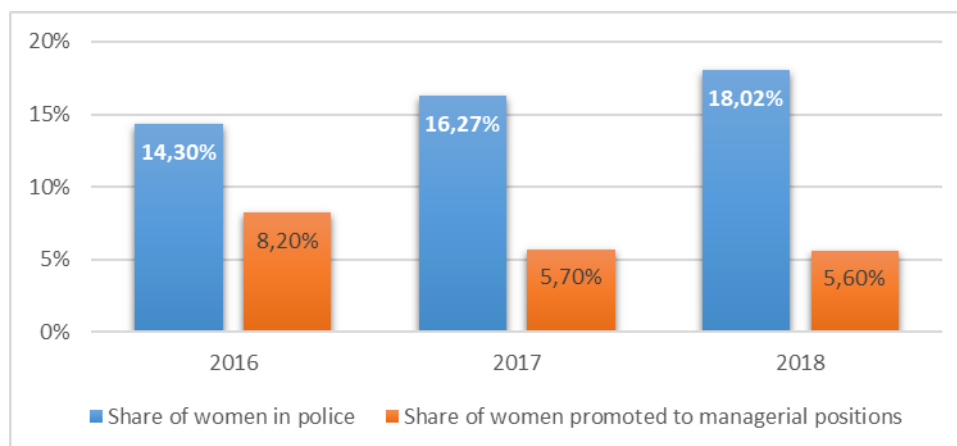


<sup>13</sup> <https://bit.ly/2yuEcEy>

According to the chart no. 2, there is a negative dynamic in the number of women employed in the Police in 2017 in comparison with that of 2016, while in 2018, the number of women employed increased. We mention that, according to the 2016 Progress Report, the share of women employed in the Police constituted about 2% annually.

The performance indicators set out in the Policy Matrix establishes that the share of at least 20% of police staff and at least 15% of officers must be women, a criterion that is to be met by 31.12.2020. As of 31.12.2018, the overall share of women in the Police, according to the Policy Matrix, must be 16%.

*Chart no. 3. The share of women in the Police, according to the progress reports for the implementation of PDS<sup>14</sup>*



Although the number of women promoted in 2018 (94) is not different from the number of women promoted in 2016 (95), in proportion to the total number of women, which is increasing, the share of women promoted to managerial positions is decreasing.

To ensure the implementation of gender policies in the Police, as well as the provisions of Law no. 5 of 9.02.2006 “On ensuring equal opportunities for women and men”, GIP Order no. 270 of 21.06.2017 provided for the creation of **Gender Coordination Group** in the Police, and Order no. 474 of 31.10.2018 approved the Regulations for the organization and functioning of the Group and its nominal composition.

On September 13, 2017, the GIP signed a Cooperation Agreement with the Association of Women in Police to carry out activities stipulated in the Police Development Strategy to increase the number and professional weight of women in the Police, as well as agreed upon the Joint Action Plan of the Association of Women in Police for 2018.

At the same time, in order to reach the performance criteria established in the Policy Matrix, GIP by its Order no. 521 of 21.12.2017<sup>15</sup> approved **the Action Plan on increasing the share and role of women in the Police for the period of 2018 - 2020**, which contains the following objectives: consolidating the capabilities of police employees (both male and female) in gender equality, consolidating institutional capacities in ensuring gender equality, adjusting and developing the normative framework from a gender perspective, promoting the profession of police officer among women and men, hiring and promoting women in the police by ensuring equal opportunities for women and men. The Action Plan was developed in consultation with the Association of Women in Police (AWP), which made proposals and recommendations and issued an opinion<sup>16</sup> on the

<sup>14</sup> According to the Report on the implementation of the budget support program, the proportion of women in the Police is 17.6%. Go to the link: <https://bit.ly/2Kfop1L>

<sup>15</sup> <https://bit.ly/2SXPZEQ>

<sup>16</sup> <https://bit.ly/2yqmOke>



approved Action Plan. The implementation of the Action Plan is entrusted to the managers of GIP subdivisions and specialized police subdivisions.

Additionally, the Report on the implementation of the mentioned 2018 Action Plan<sup>17</sup> and the Opinion of the Association of Women in Police on the implementation of this plan<sup>18</sup> have been published.

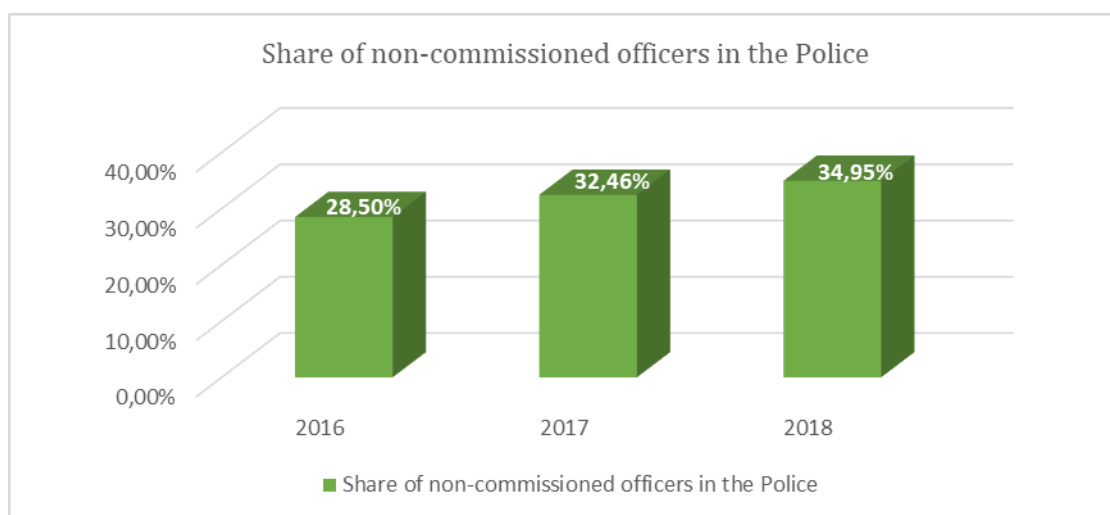
Taking into account the above, starting from the progress indicator established by the Action Plan for the implementation of the PDS and the Policy Matrix, as well as the implementation deadline, the Promo-LEX Association has come to the conclusion that *the number of women in the police is increasing and the measures taken by the implementing institutions are oriented towards stimulation, support and increase of the number of women in the Police.*

#### **1.1.5. Progressive increase of the share of non-commissioned officers in the Police. Revision of recruitment conditions and procedures for recruitment of officers and positions that can be filled by them**

*Performance indicator: Positive dynamics in the official statistical data on the share of non-commissioned officers in the Police*

*Timescale for completion: 2017–2020*

*Chart no. 4. Share of non-commissioned officers in the Police according to the progress reports for PDS implementation*



According to the performance criteria established in the Policy Matrix, by 2020, the ratio of officers / non-commissioned officers in the Police should be around **40% to 60%**. At the same time, the Strategic Vision for reversing the position pyramid within the MIA and the Methodology of the position pyramid reversal within the Police, approved by the MIA Provision no. 10/441 of 17.03.2017, pointed out that modification of the ratio of officers / non-commissioned officers by 40% / 60% implies that annually, **675 employees should be transferred from officers to non-commissioned officers.**

Thus, given that in 2018, the number of positions of non-commissioned officers increased by only 224 units, to meet the established ratio, it is required that **in 2019 – 2020, 1504 units of officers**

<sup>17</sup> <https://bit.ly/3332jbo>

<sup>18</sup> <https://bit.ly/2YvXYtO>



**be transferred to non-commissioned officers**, assuming that the total number of Police employees will remain the same.

Also, the Provision of the Ministry of Internal Affairs no. 10/441 of 17.03.2017 established it as a transitional measure that the General Inspectorate of Police should suspend the hiring of employees from external sources for the positions of officers eligible for reorganization.

On November 1, 2018, amendments to Law no. 288/2016 regarding the civil servants with special status within the Ministry of Internal Affairs were approved, introducing provisions on the occupation of office due to the change of position category, namely that of transition from the category of officer to that of non-commissioned officer. Although the government had to regulate the transfer of civil servants with special status in compliance with art. 12<sup>1</sup>, para. (4) of Law 288/2016, until August 2, 2019, no government decision was approved in this regard, only its draft being submitted for public consultations<sup>19</sup>.

At the same time, the performance criteria established by the Policy Matrix provide for the assurance of a career path to grant access of non-commissioned officers to the officers staff through an **annual recruitment of at least 25% of new officers from among non-commissioned officers**, by requiring the MIA to adopt a regulatory framework for the selection, assessment and promotion based on principles of transparency and merit. In 2018, **42%** of non-commissioned officers were promoted to officers.

Regarding the regionalization of Human Resources Management Units, the Policy Matrix for 2018 provides for the development and approval of the Concept Vision for the regionalization of the police activity, which provides for five regional police departments with regional human resources units functioning within them<sup>20</sup>. We mention that this indicator cannot be rated as fulfilled, as long as the regionalization has not been approved by appropriate normative acts, and all the regional human resources units must be functional, especially considering that the Concept Vision for the regionalization of some structures of the Police was approved in 2017.

At the same time, the GIP tested the organization and operation of human resources units within the subdivisions of the Police Directorate of the municipality of Chisinau and of the Police Directorate of Gagauz ATU. Also, the above-mentioned human resources units were equipped with the necessary equipment, a Human Resources Management Information System was developed and put in application by the human resources units of the Police Directorate of Chisinau and the Police Directorate of Gagauz ATU, providing training of the employees engaged in the respective units with regard to the operation in regionalized system and the use of hardware and software components.

In conclusion, the Promo-LEX Association appreciates the efforts of the implementing institutions to reverse the pyramid of positions, especially considering the large employee turnover. At the same time, we recommend carrying out the reorganization of the GIP and planning in detail the number of employees required for each subordinated entity, taking into account the ratio of 40% / 60% and the need to capitalize on the existing personnel capabilities.

## **1.2. Development of initial and continuous professional training for police officers**

### **1.2.1. Adjustment of the curriculum and development of the system for initial training of police officers, focusing on practical aspect**

*Performance indicators: Adjusted curriculum, system for initial training developed in compliance with the European standards*

*Timescale for completion: second half of 2016*

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<sup>19</sup> <https://bit.ly/2SZWNle>

<sup>20</sup> 2018 Report of the Human Resources Management project team. Go to the link: <https://bit.ly/2KhDlwg>

To fulfill the requirements of this action, according to 2016 Progress Report, a new Study Plan for the initial training of non-commissioned officers was approved in May 2016, the initial training curriculum focused mainly on practical aspects. In total, the courses prepared by the Stefan cel Mare Academy under MIA provided for the training of 237 officers and 236 non-commissioned officers, 60% of the contents being practical hours.

It is worth mentioning that in 2019, the initial training course for non-commissioned officers is to be carried out by the Integrated Training Center for Law Enforcement (ITCLE), respectively, the Center will develop an initial training system for officers and non-commissioned officers. We consider it necessary that the assessment of the practical training impact and its conformity with European standards be made in the final stage of the implementation of the Police Development Strategy, because the modification of the Study Plan in a single academic year only within the Stefan cel Mare Academy under the MIA, without ensuring the transmission of the curriculum and the initial training system to the Integrated Training Center for Law Enforcement is a short-term measure, that does not ensure the sustainability of the action taken.

At the same time, we specify that the assessment of the initial training system compliance with certain standards (including the European ones) can be carried out only by the institutions having this competence, if there are unique European standards in this regard. Currently, the TWINNING project, aimed at reforming the police system for initial and continuous professional training, supports the institutional establishment and development of ITCLE, as well as the modernization of the Police Academy in accordance with international standards and best practices of the European Union.

According to the 2018 Report on the areas of legal intervention to ensure the functionality of Integrated Training Center for Law Enforcement, when the first trainees graduate the courses, the training programs and the ITCLE as an educational institution will be accredited by the National Agency for Quality Assurance in Education and Research.

In conclusion, the Promo-LEX Association rates this sub-action as partially fulfilled, because the initial training system developed in accordance with European standards is to exist within the ITCLE, as for the deadline set, this indicator has not been respected.

#### **1.2.2. Development of an indicator-based curriculum for continuous professional development oriented to improving practical law enforcement skills**

*Performance indicators: Report on the assessment of continuous professional development. Improved process of continuous professional development, focusing on practical skills*

*Timescale for completion: second half of 2016*

According to the 2016 Progress Report for the implementation of the PDS, the curriculum for continuous professional development elaborated by the Stefan cel Mare Academy under the MIA was approved by the Minister of Internal Affairs in July 2016. The curriculum focused on concrete indicators, oriented to improving practical law enforcement skills. The number of practical classes increased from 40% to 60%, and some disciplines provided for 100% of practical classes (criminal prosecution, forensic investigation, tactical training, etc.).

In conclusion, the Promo-LEX Association assesses this **sub-action as being fulfilled**.

Normative framework that regulates the professional training of civil servants with special status is represented by Law no. 288 of 16.11.2016, section 4. According to art. 25, the Ministry of Internal Affairs, administrative authorities and their subordinate institutions organize, through specialized structures, **the initial and continuous training** of civil servants with special status.

At the same time, according to points 1 and 6 of Annex no. 1 to the Government Decision no. 53 of January 17, 2018, **the Integrated Training Center for Law Enforcement** is a public institution of continuous professional development, whose mission is to ensure, organize and carry out integrated and specialized programs for continuous training and career development, as well as other training activities at the departmental, ministerial levels, and, as the case may be, at national and international level, for the benefit of law enforcement institutions and structures and the MIA.

According to point 13 of the Charter of **the Stefan cel Mare Academy** under the Ministry of Internal Affairs, Annex to the Order of MIA no. 93 of 22.02.2019, the Academy has among its main missions the initial and continuous training of officers and non-commissioned officers of the Ministry of Internal Affairs.

As both the ITCLE and Stefan cel Mare Academy have similar competences in the field of initial and continuous training of officers and non-commissioned officers, we consider that these competences should be regulated either by a normative act of the MIA or by an agreement of collaboration signed by these entities, which foresees a joint activity plan or transition of the activities carried out, and the process of continuous professional development should be evaluated in the final stage of Police Development Strategy implementation.

### **1.2.3. Creation of a Joint Training Center for the Ministry of Internal Affairs in accordance with EU standards**

*Performance indicator: Creation of an operational training center*

*Timescale for completion: 2017–2019*

The Government Decision no. 53 of 17.01.2018 approved the creation of the Integrated Training Center for Law Enforcement of the MIA, with the legal address at 30 Nicolae Dimo St., Chisinau, approving its statute, structure, the organizational chart of the Center, and the Action Plan for 2018 - 2021 for the establishment of the Center, although according to the Policy Matrix, the approval of the Action Plan was planned for 2017.

According to the Action Plan, the Center should be fully operational by the II-III quarters of 2021, both in terms of carrying out construction work, its technical and financial equipment, as well as in terms of organization and conduct of staff training.

Although the Policy Matrix provided that an official decision on the location of the ITCLE was to be submitted to the MIA in 2017, according to the progress reports for the PDS implementation, the process of identifying the land where the ITCLE is to be built lasted for about three years and in 2018, it was decided on the location of the ITCLE. In 2018, the report on legal intervention for ensuring the functionality of the Center was approved (6.08.2018), the management was selected and hired, the documentation of organization, planning, conduct and record of professional development training was prepared (stage I), the programs for professional training of police under-commissioned officers and officers of C-03 level were elaborated and approved by the MIA on 18.12.2018.

Regarding the construction of the objective, on December 22, 2017, the MIA obtained the certificate of urbanism for the design and construction work, the project documentation and the financial estimates for the construction of the Center were delayed, being elaborated, verified and received in December 2018 (the deadline set being June 2018).

According to the Policy Matrix, the progress indicator for 2020 is a fully operational ITCLE, with two 16-week courses of initial training (minimum 200 participants) and at least fifteen courses of continuous professional development trainings (minimum 400 participants).

### **1.3. Promoting the transparency principle in the decision-making process**

#### **1.3.1. Improving the efficiency of the Coordinating Council of the GIP in the decision-making process**

*Performance indicators: Organized meetings, Transparent decision-making process*

*Timescale for completion: second half of 2016*

According to 2016 Progress Report on the implementation of the PDS, the Coordinating Council of the GIP leadership was constituted by GIP Order no. 62 of April 10, 2015, the regulation of its organization and operation being approved. In 2016, the Council held two planned meetings, which were attended by representatives of the civil society and academia.

However, GIP Order no. 470 of December 22, 2016 repealed the order by which the Coordinating Council of the GIP leadership was established and created the GIP Strategic Council with its support structures: 1. GIP Strategic Council; 2. Executive Committee of the GIP Strategic Council 3. Advisory Group of the GIP Strategic Council.

Thus, although in 2016, the Coordinating Council of the GIP carried out its activity, we cannot consider that the action was sustainable, because it stopped its activity and, respectively, the efficiency of the activity of the Coordinating Council was not improved. The Promo-LEX Association considers this **sub-action to be unfulfilled**.

#### **1.3.2. Creation of an Advisory Council for strategic issues at the level of General Inspectorate of Police, involving civil society and academia**

*Performance Indicators: Established and functional Council, number of meetings organized and held, strategic decisions adopted*

*Timescale for completion: second half of 2016*

GIP Order no. 470 of December 22, 2016 repealed the order by which the Coordinating Council of the GIP leadership was established and created the GIP Strategic Council with its support structures: 1. GIP Strategic Council; 2. Executive Committee of the GIP Strategic Council 3. Advisory Group of the GIP Strategic Council.

In 2016, the GIP organized 8 meetings with the participation of civil society and strategic development partners, discussing issues related to Police Development Strategy, implementation of principles of framework partnership agreements of the Republic of Moldova, Police performance and the attractiveness of the position, implementation of volunteering in the Republic of Moldova, etc. At the same time, GIP representatives organized 79 meetings with the partner NGOs, during which they discussed ways of ensuring continuity of joint activities and organizing actions to inform the public and raise their awareness.

Thus, comparing the planned activity to the term of fulfilment and to the performance indicator, the Promo-LEX Association appreciates this **sub-action as being fulfilled**.

Although according to the Regulation on the organization and operation of the Strategic Council of the GIP, the Council is to be convened in the last month of each quarter, the last meeting of the Strategic Council was held on February 13, 2018, where the 2017 Report on the implementation of 2016-2020 Police Development Strategy was presented<sup>21</sup>, noting that the Strategic Council of the GIP is to be further developed as "a platform for ensuring transparency in the decision-making

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<sup>21</sup> <https://bit.ly/2KlvT3e>

process, as well as for involving civil society in the process of police reforming, as a guarantor of implementing organizational models that meet the needs and expectations of the citizens". However, this Council has not been convened in meetings until the summer of 2019.

Taking into account the above and in order to ensure sustainability and continuity of the measure provided by point 1.3.2, we recommend the GIP to examine the opportunity of **resuming the activity of the Strategic Council in a form that will consolidate the institution's activity and ensure a transparent decision-making process.**

### **1.3.3. Development of mechanism to interact with civil society and identify a mechanism enabling the civil society to control the actions of the Police**

*Performance indicators: Partnerships created, Transparency in the activity of the Police*

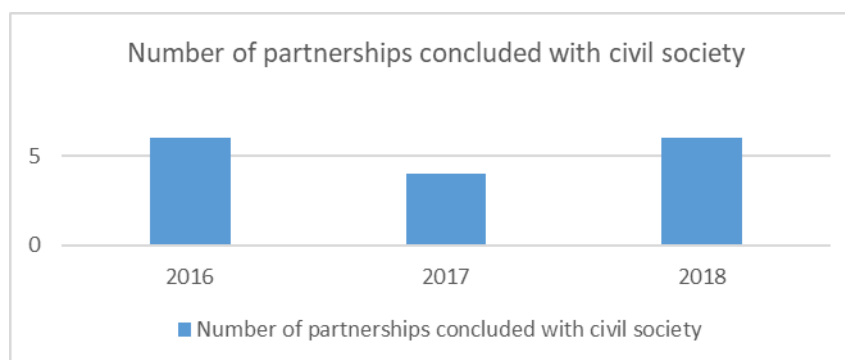
*Timescale for completion: 2016–2020*

According to the Progress Report for the implementation of the PDS in 2016, the involvement of the civil society and academia in the processes of management and consultation in decision-making is achieved by including representatives of associate sectors in the Consultative Group of the Strategic Council of the GIP, set up to obtain the support of the civil society for the development of the capacities of the Police. The approved normative acts established the mechanism of interaction between all structures within the Strategic Council of the GIP, which allows for making decisions based on the interests of the society.

At the same time, in **2016**, the GIP concluded partnership agreements with the Promo-LEX Association, Helmut Wolf Social Center, the Institute for Human Rights of Moldova, INVENTO Public Association, the Federation of Universal Fight of the Republic of Moldova (UNIFIGHT), the National Youth and Student Union of Moldova. In **2017**, the GIP signed cooperation agreements with the following public associations: Public Policy Institute, Soros-Moldova Foundation, Causeni Law Center, Association of Women in Police, and in **2018**, cooperation agreements were signed with National Association of Experts and Social Assistants of Moldova, Soros-Moldova Foundation, "Bunicii Grijulii" Public Association, Institute for Public Policy, Terra Valahia Motor Sports Public Association, La Strada, NGO.

Taking into account the above, the Promo -LEX Association appreciates the efforts and the openness of the GIP for cooperation with the civil society. At the same time, we highlight the fact that at present, there are no mechanisms of civil society control over the Police. Thus, we recommend the implementing institution to direct its efforts towards identifying and establishing such a control mechanism.

*Chart no. 5. Number of partnerships concluded by the GIP with representatives of civil society*



In addition, we highlight the fact that the initiative to elaborate a draft Government Decision on the creation of a Civil Council for monitoring the activity of the GIP is welcomed. It aims at carrying out

the implementation measure provided by the National Action Plan for the implementation of the EU -Moldova Association Agreement in the period of 2017–2019. Although the draft government decision was published for public consultations on June 11, 2018<sup>22</sup>, so far, it has not been approved by the Government.

#### **1.3.4. Development and approval of the Concept for external communication of the Police**

*Performance indicator: Concept developed, approved and implemented*

*Timescale for completion: 2017–2019*

According to the Progress Report for the implementation of the PDS in 2017, on October 3, 2017, the GIP Order no. 396 provided for the approval of the 2017- 2020 Police Development Communication Plan, which also includes a draft Plan on external communication for 2017, the latter is to be updated every three months. GIP Order no. 397 of October 3, 2017 also approved the "External communication" standard operational procedure.

We mention that the 2018 Progress Report failed to report on the fulfilment of this action, although its deadline is a continuous one - until 2019. Likewise, in order to ensure full implementation of this sub-action, namely the implementation of the Concept for external communication, the Promo-LEX Association *recommends the publication of both the plan that is updated every three months, as well as the progress reports on the development of Communication Development Plan within the Police.*

#### **1.3.5. Creation of the Council for coordination and monitoring of external assistance within GIP in order to consolidate the capacity to absorb external financial assistance**

*Performance indicators: Council created, Capacities to absorb external financial assistance in a positive dynamic, Training of personnel involved in the process*

*Timescale for completion: second half of 2016*

In 2016, the development of the Regulation for coordination and monitoring of external assistance granted to the Police by the development partners and the creation of the Council for the coordination and monitoring of external assistance was initiated.

At the same time, according to the GIP reply no. P-II / 143 of August 12, 2019 that followed the request for information submitted by the Promo-LEX Association, "due to some differences with regard to the operational and management processes, when the establishment of the Council for the coordination and monitoring of external assistance was promoted by the MIA as a uniform record of all external assistance granted for the MIA and its subordinate subdivisions, **this sub-action was considered obsolete**".

Starting from the fact that the deadline for this activity was set for the second semester of 2016 and the efforts to fulfil this sub-action did not continue, we ascertain that the Council for the Coordination and Monitoring of External Assistance was not created within the GIP. Moreover, the capacities to absorb external financial assistance were not consolidated and the employees involved in the process were not trained. In conclusion, **we rate sub-action no. 1.3.5 as unfulfilled.**

Taking into account the fact that this initiative has not been implemented so far, we recommend the MIA and the GIP to examine the **opportunity of resuming the creation of this council and consolidating the capacities to absorb external financial assistance.**

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<sup>22</sup> <https://bit.ly/2Kffi2s>

#### 1.4. Reorganization of the system of maintaining, ensuring and restoring public order

##### 1.4.1. Elaboration and approval of the Strategy for public order and security

*Performance indicator: Policy document developed and approved therein*

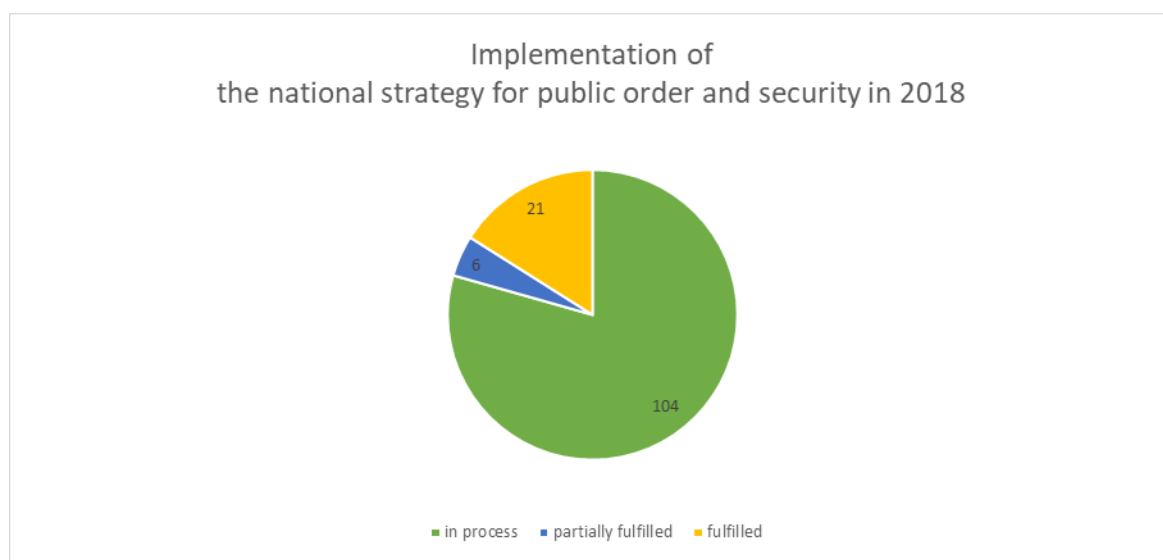
*Timescale for completion: 2016–2017*

The National Strategy for Public Order and Security for 2017-2020 was developed and finalized in 2016. Subsequently, it was approved by the Government Decision no. 354 of May 31, 2017 together with the Action Plan on its implementation.

Thus, the Promo-LEX Association assesses this **activity as fulfilled**.

According to the Progress Report for the implementation of the National Strategy for Public Order and Security, 6 sub-actions have been partially implemented, 104 sub-actions are in progress and 21 actions have been finalized.

*Chart no. 6. Implementation of the national strategy for public order and security in 2018*



Taking into account the above, the Promo-LEX Association appreciates this **sub-action as fulfilled** and recommends to the implementing authorities to continue the implementation of the National Strategy for Public Order and Security, especially considering the reorganizations to be carried out.

##### 1.4.2. Clear delimitation of competences for maintaining, ensuring and restoring public order between the General Inspectorate of Police and the Carabinieri Troops Department

*Performance indicator: Regulatory framework in the field elaborated and approved therein*

*Timescale for completion: second half of 2016*

On November 8, 2018, Law no. 219 regarding the General Inspectorate of Carabinieri (GIC) was approved, it entered into force on 12.12.2018. According to art. 2, para. (1) of the law, the General Inspectorate of Carabinieri is a specialized authority of the state, with a military status, subordinated to the Ministry of Internal Affairs, which has the mission to defend the fundamental rights and freedoms of the person by **maintaining, ensuring and restoring public order**, preventing and detecting offenses and contraventions (...).

According to art. 2 of Law no. 320/2012 regarding the activity of the Police and the status of the police officer, the police is a specialized public institution of the state, subordinated to the Ministry



of Internal Affairs, which has the mission to defend the fundamental rights and freedoms of the person through activities of **maintaining, ensuring and restoring public order and security**, preventing, investigating and detecting offenses and contraventions.

Thus, the basic operational competences in the field of public order and security are divided between the Police and the Carabinieri according to the three types of missions carried out:

- maintaining public order and security;
- ensuring public order and security;
- restoring public order and security.

Law no. 219/2018 included provisions that aim at the delimitation of operational competences. However, until 2021, that is, in the initial stage, the tasks of **ensuring and restoring** public order are assigned to both the Police and the Carabinieri and are performed independently or through mutual operational support.

**The restoration of public order** is to become the main mission of the **General Inspectorate of Carabinieri** from 2021, this being outlined in the final provisions of Law no. 219/2018, art. 37, para. (3) according to which “the tasks related to the restoration of public order provided for in art. 21, para. (1), let. b) of Law no. 320/2012 regarding the activity of the Police and the status of police officer, as subsequently amended, **are repealed on January 1, 2021**”. It provides for the duty of the Police to ensure public order during meetings, cultural and sporting events and other similar activities, as well as to restore the public order in the situations provided by the legislation in force.

**Maintaining public order** is to become the main mission of the **Police**.

Taking into account the fact that from the entry into force of the Law on the General Inspectorate of Carabinieri and until 2021, when the competences of the GIC will be clearly delimited, the tasks of ensuring and restoring public order are the responsibility of both the Police and the Carabinieri, we consider it is necessary that their activity or the process of transfer of competences be carried out according to a joint plan of actions or a roadmap, which will provide for the gradual and efficient transmission of the capacities for restoring public order.

It is welcomed that the GIP and the GIC have signed a cooperation agreement, which is valid until 1.01.2021, its objectives include ensuring the quality and efficiency of maintaining, ensuring and restoring public order under the conditions of a dual system of public order and security that establishes the competences of each institution and the manner of cooperation.

Promo-LEX concludes that in relation to the deadline set out in the Activity Plan for the implementation of the PDS, **the legal framework was elaborated and approved with delay**. Until the full force of Law no. 219/2018 and the modification of the related normative framework, we cannot claim that the competences for maintaining, ensuring and restoring public order are clearly delimited. In this regard, we appreciate **sub-action 1.4.2 as partially fulfilled**.

#### **1.4.3. Deconcentration of activities for maintaining and ensuring public order at the level of territorial subdivisions of Police**

*Performance indicators: adjusted regulatory framework for maintaining and ensuring public order, Enhanced capacities of the territorial subdivisions for maintaining and ensuring public order*

*Timescale for completion: 2016–2017*

According to the progress reports for the implementation of the PDS, the regulatory framework regarding the structure and staff of the central and decentralized services of the GIP will be approved together with the reorganization of the central structures of the MIA. Although the



draft Government Decision approving the Regulation on the organization and operation of the GIP and its staff was published for public consultations on November 6, 2017<sup>23</sup>, it was not included on the agenda of the Government meeting neither in 2017 nor in 2018.

The draft concerned provided for specialized institutions with the possibility to create regionally decentralized public services or administrative-territorial distribution, established according to the specific sectors and directions of activity. In this context, the Methodology for the regionalization of police structures was developed and approved.

Thus, the Promo-LEX Association regards this **sub-action as unfulfilled**. In connection with the delay in the approval of the Regulation on the organization and functioning of the GIP, and consequently, the delay in the implementation of the activities foreseen by the Police Development Strategy, the Financing Agreement for the Police Reform, the EU – Moldova Association Agreement, we recommend resuming the public consultation on the draft Regulation and its approval in the nearest term.

#### **1.4.4. Improvement of the legal framework for the organization of public gatherings**

*Performance indicator: Legal framework in the field developed and approved therein*

*Timescale for completion: second half of 2016 – first half of 2017*

The draft law on public gatherings was submitted for public consultation on 4.02.2016<sup>24</sup>. According to the informative note, this draft law aimed at solving some problematic aspects that concern the application of Law no. 26 of February 22, 2008 on public gatherings by the Police. The draft law cumulated the provisions of a similar draft law promoted by the Ministry of Internal Affairs in 2013, which had been coordinated with the institutions concerned and the civil society, whose proposals and objections were partially included in the draft law, as well as new amendments proposed for articles 3, 10, 12, 18.

According to the Progress Report on the implementation of the PDS, in the approval stage of the above draft law, the Ministry of Justice made some conceptual objections and proposals, which generated the inability to promote the draft law. At the end of 2017, the National Patrol Inspectorate (NPI) and the General Inspectorate of Police were still working on the draft law with no official position being taken on its rejection.

According to the GIP reply no. P-II / 143 of 12.08.2019 to the request for information submitted by the Promo-LEX Association, on 12.02.2018, the NPI submitted a report to the head of the GIP, requesting the directive either to examine the opportunity to further promote the draft law or to reject the draft law for the reasons stated in the opinion of the Ministry of Justice. By the resolution of the GIP, **the promotion of the draft law in question was abandoned**.

We mention that until now, the Law on public gatherings has been amended by Law no. 220 of November 8, 2018, which introduced the phrase “General Inspectorate of Carabinieri” assigning it duties similar to those of the General Inspectorate of Police, and by Law no. 238 of November 8, 2018, which amended the provision on the right to organize meetings by minors under 14, as well as by persons with respect to whom a measure of judicial protection has been instituted.

Starting from the fact that the promotion of the draft law for amending the Law on public gatherings was abandoned and taking into account the deadline for carrying out this activity, Promo-LEX notes that **sub-action no. 1.4.4 was not fulfilled**.

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<sup>23</sup> <https://bit.ly/2YHo7po>

<sup>24</sup> <https://bit.ly/2KfAYLB>

#### **1.4.5. Examination and adjustment of the legal framework for the use of physical force and special means by the Police, as well as ensuring the protection of the staff**

*Performance indicator: Examination report developed therein*

*Timescale for completion: second half of 2016 – first half of 2017*

According to the Progress Report for the implementation of the PDS, on December 21, 2016, the Government approved the Decision no. 1377 regarding the modification and completion of GD no. 474 of 19.06.2014 "On the approval of the Nomenclature of special means, types of firearms and related ammunition, as well as of the rules for their use". It aimed to supplement the Nomenclature with new special means of active and passive defense, adapt to current needs, and establish the modalities of their use.

Additionally, the Interdepartmental Order of MIA / MJ / MF / NAC / ISS / SPPS no. 4/44 / 17-0 / 6/1/4 of 11.01.2018 approved the *Guide on intervention in the exercise of professional duties*<sup>25</sup>, which entered into force on April 1, 2018. The Guide aims at standardizing the correct practices and techniques for preparing, organizing and executing measures and the use of physical force, special means and firearms. It is plausible that the *Guide on intervention in the exercise of professional duties* was approved by an interdepartmental order, thus having a common legal framework and a common understanding on the principles and conditions of professional intervention in the exercise of duties within the ISS, MAI, NAC, SPPS, Ministry of Finance, the Customs Service, the State Service of Special Couriers, the National Administration of Penitentiaries, the State Ecological Inspectorate and the Fisheries Service. We consider that, in the initial stage, the application of the Guide must be monitored to ensure its uniform application.

It should be mentioned that the Guide was developed for the implementation of the action "Approval of the Guide with detailed, clear and precise instructions on managing the use of physical force in the exercise of professional duties", provided by the National Action Plan for implementing the EU- Republic of Moldova Association Agreement.

The Promo-LEX Association assesses the **sub-action no. 1.4.5** as **partially fulfilled**, because no expert report of the legal framework for the use of physical force and special means by the police and ensuring the protection of the staff was developed. Therefore, it **is difficult to assess the approved legal framework in terms of the fullness of the measures performed**.

#### **1.4.6. Development of standard operating procedures for the regulation of intervention tactics**

*Performance indicators: Operational procedures developed and approved therein*

*Timescale for completion: 2017–2018*

According to the Progress Report on the implementation of the PDS, in 2016, *the Stefan cel Mare Academy under the Ministry of Internal Affairs* elaborated the projects of three standard operational procedures (SOP) for police intervention with the application of coercive measures.

At the same time, in 2017, the GIP subdivisions approved 25 SOPs for the Police intervention. In 2018, three SOPs for intervention tactics were approved, targeting: 1) detention; 2) detention of the person in flagrante delicto and 3) application of electric shock devices.

According to the GIP reply no. P-II / 143 of 12.08.2019 provided at the request for information submitted by the Promo-LEX Association, 12 standard operational procedures for professional intervention of the Police had been developed until 2018. After the approval of the

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<sup>25</sup> <https://bit.ly/2TkJC2t>

*interdepartmental Guide on intervention in the exercise of professional duties*, the GIP considers that **it is not necessary to elaborate other standard operating procedures for intervention tactics**, since the Guide stipulates in detail the professional intervention of the employees.

However, Promo-LEX points out that, according to point 3 of the *Guide on intervention in the exercise of professional duties*, the Guide does not provide a comprehensive description of all the foreseeable situations that may occur in professional intervention. The provisions of the Guide are **guidelines** to ensure a mode of action that will allow an effective resolution of professional intervention. Thus, Promo-LEX considers that the approval of the Guide does not exclude the need to approve standard operating procedures for intervention tactics.

We also emphasize that the approval of procedures for intervention / reaction is provided as a progress indicator in the Police Action Plan for 2019, approved by the GIP Order no. 35 of 28.01.2019, the activity having as deadline December 2019.

As for the carabinieri, the CTD Order no. 218 of 25.09.2018 approved the *Instructions on the development and application of operational procedures within the CTD of the Ministry of Internal Affairs*. In line with the existing timeline, the CTD initiated the elaboration of 32 procedures for different areas of competence, which were to be approved after the approval of the *Regulation of the General Inspectorate of Carabinieri*.

*Starting from the fact that the indicator provided by the action plan for the implementation of this sub-action is a general one and does not foresee the number of standard operating procedures to be elaborated by each implementing institution within the Ministry of Internal Affairs (GIP, Department of Carabinieri Troops, Stefan cel Mare Academy), the Promo-LEX Association cannot comment on the degree of fulfilment of this sub-action.*

*Considering that the Police Development Strategy provides for the development and approval of standard operating procedures, we believe that the management of GIP subdivisions should provide for the training of its subordinate personnel, monitor the application of the SOPs and the efficiency of the Police activity following the application of the standard operational procedures.*

#### **1.4.7. Creation of appropriate conditions for continuous training of units specialized in maintaining public order**

*Performance indicators: Developed infrastructure, Suitable conditions for continuous professional training*

*Timescale for completion: 2017–2020*

According to the progress reports for the implementation of the Police Development Strategy, with the establishment and development of ITCLE (2019 - 2020), adequate conditions will be created for the continuous training of the units specialized in maintaining public order. At the same time, in 2017, a weight room for “Fulger” SPPB was opened, repaired and equipped with modern sports inventory<sup>26</sup>. The gym was used for practical trainings on intervention tactics organized and held for the specialized and territorial subdivisions of the Police to improve the fighting skills of the staff and to implement procedures and tactics to control the crowds.

In 2018, the multifunctional training ground (12A Lermontov St.) was updated being made suitable for practical exercises and simulation of different situations of police intervention. The place has working spaces, where workshops and training modules can be organized. The training ground allows for the simulation of more than 500 standard situations encountered by police officers and other employees of the law enforcement agencies on a daily basis. At the same time, the Ministry of Internal Affairs transmitted to the management of Stefan cel Mare Academy new training equipment worth more than 150,000 lei, intended for the multifunctional training ground.

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<sup>26</sup> Support from the Government of Turkey and the Turkish Agency for Project Cooperation and Coordination (TIKA).

The Carabinieri Troops Department renovated the building of the training center, including three study rooms, the canteen and other premises. Additionally, a psychological rehabilitation room was set up, identifying financial sources for equipping the room. The gym of the Center is being renovated and arranged, creating conditions for physical training and professional intervention.

The Promo-LEX Association notes that *the formulation of both sub-action and the performance indicator are too general and unmeasurable, which makes it difficult to assess the degree of fulfillment of sub-action no. 1.4.7.*

#### **1.4.8. Consolidating intervention capacities by providing special equipment and technique to the police subdivisions responsible for maintaining and ensuring public order**

*Performance indicators: Needs assessment report; Special equipment and technique purchased*

*Timescale for completion: 2017–2020*

In the period of 2016 - 2018, the following equipment, special means and goods were purchased:

2016	2017	2018
<ul style="list-style-type: none"> <li>• <b>2 special intervention vehicles</b> for restoring public order</li> <li>• <b>49 specialized vehicles</b> for maintaining public order</li> <li>• <b>10 specialized mobile laboratories</b> for intervention and reaction to disturbance of public order</li> <li>• <b>3 mobile forensic laboratories</b> equipped with modern equipment for investigating serious or resonant offenses</li> <li>• <b>5 vehicles</b> for investigating relatively serious offenses</li> <li>• <b>service uniform</b> for specialized units: summer - autumn - 100% and winter – 85%</li> <li>• <b>1680 pcs. personal protective jackets</b>, including 90 bulletproof vests; 1257 shockproof vests for men; 334 shockproof vests for women</li> </ul>	<ul style="list-style-type: none"> <li>• <b>276 emergency response vehicles</b> for transportation of persons that are in the custody of Police, on-site investigation, road accident documentation, transmitted to Police subdivisions</li> <li>• <b>2053 computers</b></li> <li>• <b>73463 units of equipment and special means</b> <sup>27</sup></li> <li>• <b>179 bulletproof vests</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>14,282 units of equipment and special means</b> <sup>28</sup></li> <li>• <b>189 vehicles</b>, including 107 for patrolling and emergency response to citizens' requests, 5 for transporting the persons in the custody of the Police, 16 for on-site investigation</li> <li>• <b>303 radio terminals</b> for communication, TETRA standard for "Fulger" SPPB:</li> <li>• <b>53 anti-terror equipment</b></li> <li>• <b>350 intervention and 300 training uniforms</b>; winter footwear (100% of the staff)</li> <li>• <b>52 "Motorola" portable stations and 3 car stations</b>, compatible with TETRA communication system, used by MIA</li> <li>• <b>3 Dacia-Duster automobiles and 3 buses</b></li> </ul>

According to the reply provided by the GIP no. P-II / 143 of 12.08.2019 at the request for information submitted by the Promo-LEX Association, the intervention capacity of the National Patrol Inspectorate has been considerably modified due to its endowment with special equipment and means, which makes it possible to react, ensure and intervene in public gatherings, according to the data presented in the table below.

<sup>27</sup> Ammunition, tactical belts with handcuffs, gas launchers, gun holsters, lanterns, handcuffs, tactical gloves, bulletproof vests, etc., offered to officers of specialized units, police personnel involved in transporting police custodians, temporary detention isolators, patrol officers and units of emergency response.

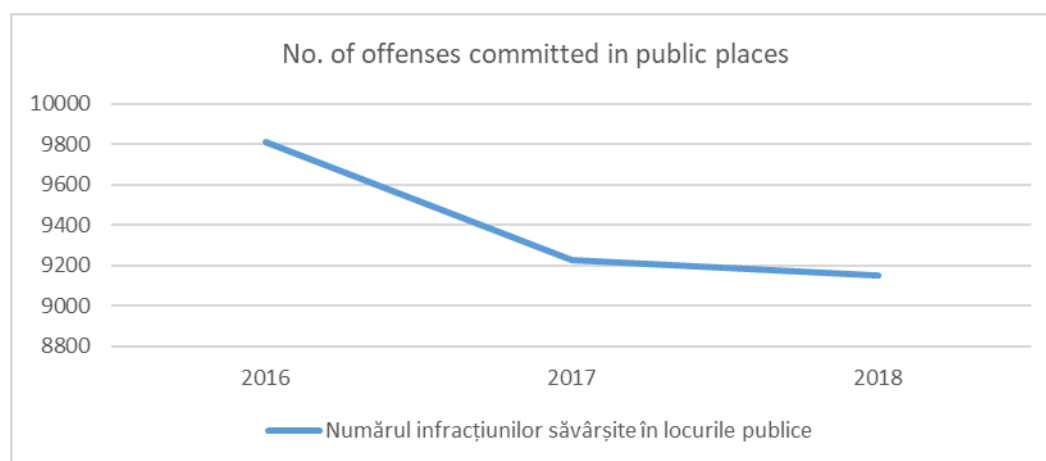
<sup>28</sup> Multifunctional belts, tactical belts with handcuffs, gas launchers, gun holsters, lanterns, handcuffs, tactical gloves, bulletproof vests, anti-terror equipment, etc.

Table no. 2. Number of public gatherings and number of participants in these meetings, in which public order was provided by the police, according to the data provided by the NPI of the GIP

	Number of public gatherings	Number of participants
<b>2016</b>	19,061	7,294,810
<b>2017</b>	13,350	4,280,808
<b>2018</b>	14,825	5,058,438

Also, according to the response of the GIP, due to the fact that the means of transport are equipped with radio stations of different models, with sound signaling systems, video monitoring systems and Auto Hurricane system, there was attested a **decrease in the number of offenses committed in public places.**

Chart no. 7. Number of offenses committed in public places according to the data provided by NPI of the JEEP



At the same time, Promo-LEX points out that *although the purchase of special equipment started in 2016, it seems that so far, no needs assessment report has been elaborated. In absence of such a report, it becomes difficult to evaluate the level of endowment with equipment and special technique of police subdivisions responsible for maintaining and ensuring public order. In addition, we recommend the GIP to present a report on its intervention capacity due to its endowment with special equipment and technique, at least in the last stage of implementation of this action.*

## 1.5. Consolidating the capacities of the Police to ensure road safety

### 1.5.1. Development of the capacities to prevent road accidents

Performance indicators: Improved road accident prevention capacities

Timescale for completion: 2017–2018

According to the progress reports for the PDS implementation, the GIP, by its Order no. 380 of December 2, 2016, established within the specialized direction of the National Patrol Inspectorate (NPI) the **Road Traffic Monitoring Center** with the purpose of fluidizing road traffic, preventing traffic jams on public roads and road accidents. It ensures the collection of information on road

traffic, events that take place on the roads and informs the public about the situation on national roads.

In order to develop capacities to prevent road accidents, the *Study on the development of the capacities of the Police to ensure road safety* was carried out in 2017. The author of the study drew a general conclusion: "The Republic of Moldova can achieve the objective of reducing by 50% the number of dead and seriously injured persons in road accidents for the period of 2010 - 2020, provided **it develops the capacities of prevention and combating road indiscipline** to maintain the downward trend recorded in the last two years". The recommendations made in the study were used for the purchase of equipment and goods in 2017 (laser equipment for measuring and recording the speed of vehicles in traffic, laser equipment for documenting serious accidents, ethylometers, electric portable lighting systems, automobiles, van-type vehicles, means of transport to increase the mobility of patrol crews), as well as to implement other road safety activities (training courses for the use of equipment, launching the "Info-traffic" Service, including through the, Telegram app).

At the same time, the Order of the MIA no. 376 of December 14, 2017 approved the Concept for risk analysis of road sections characterized by a high number of accidents due to heavy traffic. In 2018, special equipment and means for improving the documentation of road accidents were purchased (computers, a special vehicle, alcohol-testing devices of "Drager 6820" type).

According to the Strategic Development Program, one of the expected results is the accomplishment of at least four information campaigns and two social spots aimed at improving the drivers' behavior in traffic. In this regard, we recommend including the information on road accident prevention campaigns in this subsection.

The Promo-LEX Association notes that *the formulation of both sub-action and the performance indicator are too general and unmeasurable, which makes it impossible to assess the degree of fulfilment of sub-action no. 1.5.1.*

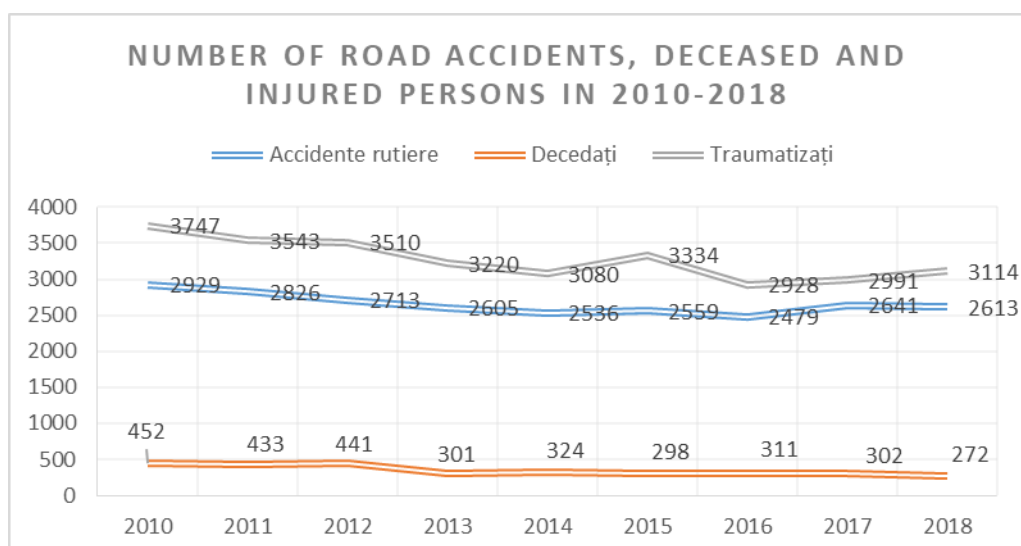
Considering the multitude of activities that are ongoing in order to consolidate the capacities of the police to ensure road safety with the support of different partners, we recommend to the institutions implementing the Police Development Strategy focusing and, respectively, reporting on the activities oriented towards the development **of road accident prevention capabilities.**

#### **1.5.2. Improving the quality of documentation of road accidents resulting in victims**

*Performance indicators: Statistical data on the quality of road accident documentation in positive dynamics, Equipment purchased*

*Timescale for completion: 2017–2020*

Chart no. 8. Number of road accidents, deceased and injured persons in 2010-2018<sup>29</sup>



Road accidents, deceased, injured

According to the progress reports for the implementation of the PDS, equipment necessary for a better documentation of accidents in road traffic, especially of those that resulted in victims was purchased in 2017 (2 sets of laser equipment for documenting serious accidents, 10 ethylometers, electric portable lighting systems, ethyl-test kits) and, respectively, 84 employees were trained to use the device for measuring the concentration of alcohol in the expired air.

According to the Strategic Development Program, one of the expected results of this sub-action is 100% provision of structures involved in road accident documentation with the necessary vehicles and equipment. In this regard, we recommend to the implementing institutions to highlight in the annual report the level of endowment of the structures involved in road accident documentation.

In addition, according to the 2018 Progress Report for the implementation of the PDS, the traffic officers of the Unified Monitoring and Coordination Center under the NPI issued **37251** reports on road offenses, of which **106** (0.28%) were challenged and 18 were rejected by the court, in line with art. 36, para. (2) of the Contravention Code.

Table no. 3. Number of contraventions registered under art. 242 of the Contravention Code, reports challenged in court and, respectively, number of cancelled reports, according to the data provided by the GIP

Year	Number of contraventions recorded	Number of reports - challenged in the court	Number of reports cancelled
<b>2017</b>	18 934	789 (4.16%)	128 (16.22%)
<b>2018</b>	18 446	755 (4.08%)	52 (6.88%)

Analyzing the data presented in the table above, the Promo-LEX Association finds that there is a decrease in the number of reports cancelled by the courts, involving violation of traffic rules that resulted in deterioration of material goods or in slight bodily injuries, under art. 242 of the Contravention Code. However, we will note that these data do not fully reflect the quality of

<sup>29</sup> Source: statistica.gov.md, NPI report on road accidents for the period of 1.01.2018 - 31.12.2018.



documentation of road accidents resulting in victims. Art. 264 of the Criminal Code stipulates cases of violation of traffic rules or exploitation of means of transport by the person who runs the means of transport and, respectively, causes average damages to bodily integrity or health. In this regard, no statistical data have been presented on the quality of documentation of road accidents that resulted in average injuries of bodily integrity or health or resulted in deaths.

*Taking into account the above, the Promo-LEX Association draws the attention of the implementing institutions to the need to include statistical data on the quality of road accident documentation in the progress report for the implementation of this sub-section, as provided by its performance indicator.*

### **1.5.3. Development and implementation of the concept for amicable settlement of road accidents that did not result in victims**

*Performance indicator: Concept developed, approved and implemented therein*

*Timescale for completion: second half of 2017*

Law no. 16 of 15.02.2019 modified the *Law on the compulsory civil liability insurance for damages caused by vehicles* - art. 2, 8, 14 et al.; the *Contravention Code* - art. 26, 31<sup>1</sup>, 242, 446, where provisions were introduced regarding the procedure for amicable settlement of road accidents (art. 18<sup>1</sup>). Although Law no. 16 of 15.02.2019 entered into force on 08.03.2019, for procedures of amicable settlement in case of domestic civil liability insurance plan availability, the provisions of the law apply upon the expiry of **6 months** from the date of its entry into force - 08.09.2019, and for the "Green Card" insurance certificate (if the vehicle is owned or used by a person insured abroad) - upon the expiry of **24 months** - 08.03.2021. Thus, we find that the definitive implementation of this concept will begin in March 2021.

**The purpose of amicable settlement** is to simplify the process in the event of a road accident with no victims, resulting only in insignificant material damage, as well as to settle the case without the intervention of the Police. The procedure for amicable settlement of road accident is a solution applicable for finding the facts, circumstances and the person guilty of the accident, it is an alternative to the procedure applied by the law enforcers, employees of firefighting units and prosecutor's office, applicable only on condition of free will to resort to it expressed by the parties.

Taking into account the above, the deadline set for the implementation of this activity, and the performance indicator established, **the Promo-LEX Association concludes that the sub-action is partially fulfilled**, because the full implementation of the amendments to the Law on compulsory civil liability insurance for motor vehicle damage will begin in 2021.

### **1.5.4. Development of the concept of risk analysis on road sections with high frequency of accidents due to traffic conditions**

*Performance Indicators: Concept of risk analysis developed, Risk analysis reports developed and published*

*Timescale for completion: first half of 2017*

According to the 2017 Progress Report for the implementation of the PDS, the Order of the MIA no. 376 of 14.12.2017 approved *the Methodological Guide for risk analysis on road sections with high frequency of accidents due to traffic conditions*. The guide establishes the procedure and manner of conducting the risk analysis on the road sections with a high frequency of accidents due to traffic conditions and the use of the results obtained.



According to the reply no. P-II / 143 of 12.08.2019 provided by the GIP at the request for information submitted by the Promo-LEX Association, the National Patrol Inspectorate of the GIP, in conjunction with the Information Analysis Center of the National Inspectorate of Investigation (NII), drafted **three reports on the analysis of road accidents registered on the territory of the country**. At the beginning of 2019, the NPI collected and systematized the information on road sections with high-frequency of accidents, identified in the period of 2014 - 2018, in order to identify them and mark them as "Black Spots"<sup>30</sup>. According to the above analysis, there have been identified 30 road sections with increased frequency of road accidents in 10 districts<sup>31</sup>.

Considering the information available to the general public and the second performance indicator, the Promo-LEX Association finds that the **mentioned sub-action was partially fulfilled**, because the publication of the reports on risk analysis for road sections with a high frequency of accidents due to traffic conditions was omitted. In this regard, we recommend the GIP to elaborate and publish the risk analysis reports.

#### **1.5.5. Increasing the mobility of road safety crews**

*Performance indicator: equipment purchased therein*

*Timescale for completion: 2018–2019*

According to the progress reports on the implementation of the PDS, in order to ensure the mobility of road safety crews, 10 means of transport - Skoda Octavia - and 7 laser units of LTI 20-20 TruCAM type, the latter ones being subject to the approval / standardization procedure, were purchased for specialized subdivisions in 2017.

Starting with August 2018, following the approval of **the legal measurement procedure** by the **Order of the MIA no. 266 of 01.08.2018** of, LTI 20-20 TruCAM speed measurement laser equipment is used by NPI employees in the activities aimed at accident prevention and ensuring road traffic safety.

In March and July 2018, two training sessions, one practical and one theoretical, were organized for 72 employees of the territorial subdivisions of NPI to ensure the correct use of laser equipment for measuring and recording the speed of vehicles in traffic (TruCAM LTI 20- 20) involving Romanian experts.

The Promo-LEX Association finds that *in the absence of a report on the entity's need for equipment to increase the mobility of the road safety crews, it is difficult to assess the degree of accomplishment of this sub-action. Additionally, the performance indicator is not a measurable one.* In this regard, we recommend the implementing institutions to report the fulfilment of this sub-action in a percentage value comparing the equipment endowment level to the real needs.

#### **1.5.6. Improving the management of road accident documentation through the use of information technologies**

*Performance indicator: Management of road accident documentation provided by the use of information technologies*

*Timescale for completion: 2018–2020*

According to the progress reports on the implementation of the PDS, **QuickMap 3D** software was purchased in 2017 to improve the quality of road traffic accident documentation. QuickMap 3D – a Field Data Collection (QM3D) software provides traffic officers with the flexibility to map

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<sup>30</sup> Road section with a maximum length of one kilometer, which in a period of 5 years registered at least 5 serious accidents, resulting in 5 victims.

<sup>31</sup> Anenii Noi, Basarabasca, Cahul, Ceadar-Lunga, Drochia, Ialoveni, Nisporeni, Orhei, Sangerei, Soroca, Stefan Voda, Telenesti, Ungheni.

the scene of accident and its location. This instrument was to be used upon the completion of the purchased instrumentation approval.

At the same time, in 2018, the legal procedure for measuring the concentration of alcohol in the expired air through the Drager 7510 device was developed, which was to be approved by the end of January 2019.

According to the Strategic Development Program, the expected result is a system for documenting road accidents through operationalized information technologies and training of 100% of employees of the traffic safety subdivisions in applying the new operational model.

## **1.6. Increasing the efficiency of the Police by applying the concept of equal performance**

### **1.6.1. Improving the infrastructure and logistical capabilities of the Police to fulfil the tasks established by law**

*Performance indicator: Developed infrastructure*

*Timescale for completion: 2017–2020*

According to the progress reports for the implementation of the PDS, the following achievements were made in 2017-2018:

<b>Achievements: 2017</b>	<b>Achievements: 2018</b>
<ul style="list-style-type: none"> <li>- project documentation and estimated expenditure for the renovation of 10 police departments (village of Cetireni, Ungheni dist., vil. Costesti, Rascani dist., vil. Fetești, Hincauti and Zabricei, Edinet dist., vil. Bujor, Hancesti dist.; PD. no. 1, vil. Sarata Noua and Sarateni, Leova dist.; vil. Zarnesti, Cahul dist.);</li> <li>- project documentation and estimated expenditure for the renovation of 20 offices of police departments within the territorial police inspectorates, 10 provisional detention isolators within police subdivisions, as well as of the headquarters of the NIPS;</li> <li>- continuation of construction work in the new headquarters of the Criuleni Police Inspectorate<sup>32</sup>;</li> <li>- work to improve the infrastructure of the premises within the "Fulger" SPPB, Bender PI.</li> </ul>	<ul style="list-style-type: none"> <li>- continuation of capital repair work in the new headquarters of Criuleni PI, and to ensure full operationalization of the Provisional Detention Isolator (PDI), financial resources were allocated to purchase the necessary furniture and equipment;</li> <li>- continuation of repair work in the buildings located in the municipality of Chisinau on 61 Sf. Andrei St, 14 Bucuriei St., 33 O. Goga St., 10 Putna St., 11/1 Tiraspol St., 130 Column St., 10 Mateevici St., Messenger St.;</li> <li>- continuation of capital repair work started in 2017 in the PD no. 1 of Sangerei PI;</li> <li>- capital modernization of Telenesti IP and repair of the roof of Anenii Noi IP;</li> <li>- the repair work of 14 headquarters of the PDs began: PD no. 1 in Causeni IP, PD no. 4 in Rascani IP, Chisinau (modular construction), as well as the headquarters of the police departments in Basarabasca IP, Cimislia IP, Donduseni IP, Floresti IP, Soroca IP, Anenii Noi IP, Ceadar-Lunga IP, Telenesti IP, Drochia IP, Soldanesti IP, Comrat IP and Falesti IP;</li> <li>- 17 projects were received for the modernization of police departments (contracted in 2017);</li> <li>- project documentation for 39 offices in 29 districts of the country was elaborated, verified and expertized;</li> <li>- 10 contracts for work in 10 PDIs were signed (<i>Anenii Noi, Cahul, Causeni, Cimislia, Edinet, Hancesti, Orhei, Rascani, Sangerei, Ungheni</i>) and work on all the objectives started;</li> <li>- services for the elaboration of project documentation and estimated expenditure for the reconstruction of the PDIs in Soroca and Comrat and the construction of the PDI in Balti were paid, as well as for the elaboration of estimated expenditure for the modernization of the PDI in Chisinau.</li> </ul>

The Promo-LEX Association notes that *the formulation of both sub-action and the performance indicator are too general and unmeasurable, which makes it difficult to assess the degree of fulfilment*

<sup>32</sup> Financed from budgetary sources.

of sub-action no. 1.6.1. Moreover, sub-action no. 5.1.5 - *Development of the infrastructure of police department headquarters and of the police inspectorates according to the standards in the field* - also aims at developing the infrastructure, with the same activities being reported. In this sense, it is *incomprehensible why should one include two similar activities, with the same deadline, in different objectives of the Action Plan.*

### **1.6.2. Development of standard operating procedures for the activity of the Police**

*Performance indicators: Standard operating procedures elaborated, approved and applied*

*Timescale for completion: 2017–2020*

According to the activity reports for the implementation of Police Development Strategy, up to 2019, **89 standard operating procedures** have been approved in the forensic, rapid response (intervention with some categories of persons / situations), operational management (including PDIs), human resources, investigation, legal, internal audit, Security Zone and other fields.

According to the reply no. P-II / 143 of 12.08.2019 provided by the GIP at the request for information submitted by the Promo-LEX Association, the employees are informed of the standard operating procedures through professional training sessions or specialized operational sessions. The training of the employees is carried out within the subdivision in various modes, be it in the form of tests or by simulating situations or practical learning. At the end of the year, the standard operating procedures are included in the assessment tests of professional training, where each Police employee is evaluated according to the assessment criteria.

Thus, the Promo-LEX Association *concludes that in addition to the development and approval, the standard operating procedures need to be applied, and the monitoring of their uniform application must be ensured by the heads of subdivisions.* In order to streamline and stimulate the application of standard operating procedures, it *would be appropriate and advisable to establish a mechanism to verify the application and knowledge of standard operating procedures by the persons in charge of this.*

### **1.6.3. Consolidating the operational management by clearly establishing the domain and creating a complex system to ensure decision support based on an integrated operations management system**

*Performance indicators: Developed competences, implemented complex system for ensuring decision support*

*Timescale for completion: 2017–2020*

According to the Progress Report for the implementation of the PDS, the following activities were achieved in 2017:

1) MIA Order no. 80 of March 23, 2017 with regard to the Regulation on the interoperability of operational management components of the Ministry of Internal Affairs was approved;  
2) a contract for the provision of consulting services was concluded in order to produce the “Needs Analysis Report and elaborate recommendations for the modernization of the integrated operational management framework in the MIA, functional and organizational aspects, as well as adjust the normative framework”, including the following deliverables:

- Needs analysis report in order to elaborate recommendations for the modernization of the integrated operational management framework at the level of MIA;
- Action plan for the implementation of the recommendations formulated in the Report;
- The draft Regulation for the organization and operation of the Operational Management Inspectorate;
- The draft Framework Methodology for Risk Analysis;
- The draft Guide to the planning of intervention actions.

It should be mentioned that the Operational Management Inspectorate was constituted by the Government Decision no. 120 of 27.02.2019, as an administrative authority under the Ministry of Internal Affairs, with the legal organizational form of inspectorate, on the basis of the Service for operational management and inspection (structure without a legal person) subordinated to the Ministry of Internal Affairs. According to the Regulation for the organization and operation of the Operational Management Inspectorate, the authority exercises the coordination, monitoring and control of the operational and organizational management in the areas of competence of the Ministry of Internal Affairs. According to point 10 of the Regulation, the Inspectorate also has the decision support function - by ensuring the substantiation of decisions made by the MIA management in the process of achieving integrated management of the forces and means of the subdivisions within the Ministry of Internal Affairs.

At the same time, according to the information provided during the interview, at present, part of deliverables provided by the "Action Plan for the implementation of the recommendations made in the Needs Analysis Report regarding the modernization of the integrated operations management framework at the level of MIA" have been fulfilled, including:

- Government Decision no. 120 of 27.02.2019 regarding the Operational Management Inspectorate;
- MIA Order no. 80 of March 23, 2017 regarding the approval of the Regulation on interoperability of the operational management components of the Ministry of Internal Affairs;
- MIA Order no. 14 of January 18, 2018 "On the approval of the Instruction on the preparation and conduct of trainings for the subdivisions of MIA staff";
- MIA Order no. 16 of January 19, 2018 "On the approval of the Instruction on increasing the responsiveness of the subdivisions of the Ministry of Internal Affairs";
- MIA Order no. 318 of October 9, 2018 "On the management of information flow within the competence of the Ministry of Internal Affairs";
- Government Decision no. 119 of 27.02.2019 amending the Government Decision no. 1206/2016 regarding the National Center for Integrated Coordination of Actions to Ensure Public Order;
- MIA Order no. 396 of June 28, 2019 "On consolidating the activity of information analysis and risk assessment in the Ministry of Internal Affairs";
- operationalization of the National Center for Integrated Coordination of Actions to Ensure Public Order, located at 75 Stefan cel Mare, Chisinau;
- development of a mechanism for the operation of the analytical Joint Group constituted by GD no. 1206 of 02.11.2016 regarding the National Center for Integrated Coordination of Actions to Ensure Public Order.

We specify that although the activity analyzed is a continuous one, the implementing institutions have failed to report on the implementation of this action in 2018.

#### **1.6.4. Reorganization of rapid support structures within the General Inspectorate of Police**

*Performance indicators: Reorganized rapid support structures*

*Timescale for completion: second half of 2016*

According to the progress reports for the implementation of the PDS, on 22.07.2016, the Coordinating Council of the GIP discussed the **Concept Vision for the reorganization of rapid support structures within the GIP**, the regulatory framework for the structure and the staff, as well as the reorganization of rapid support structures together with that of the central structures of the Ministry of Internal Affairs.

In 2018, the following entities **were established and / or optimized**:

- press and public relations services within the police inspectorates were reorganized;
- the "Center" regional control room was created;
- the department for prevention and combating money laundering was established within the NII;
- police departments within the territorial police inspectorates were optimized, reducing their number from 203 to 173 PDs;
- cynological services within the police inspectorates and the North, Center, South and Chisinau control rooms were regionalized;
- there was created a contravention surveillance section within the NPI and a contravention surveillance service within the Southern patrol battalion;
- battalion no. 4 of the patrol brigade of the NPI and the railway platoon under the battalion no. 1 of the NPI were liquidated;
- the contravention surveillance section of the NPI patrol brigade was liquidated.

*The Promo-LEX Association notes that, like other activities that require the reorganization of the GIP, the realization of this sub-action is conditional on the approval of the Regulation on the organization and operation of the GIP. Although some structures of the Police have been reorganized, created or optimized, the reform of the General Inspectorate of Police can only be carried out through the reorganization of the Inspectorate, which has been delayed for three years already. In this regard, the Promo-LEX Association assesses **sub-section 1.6.4 as partially fulfilled**.*

*In connection with the delay in approving the Regulation on the organization and operation of the GIP and, consequently, delaying the implementation of activities undertaken through the Police Development Strategy, the Agreement for the Financing of the Police Reform, the Moldova-EU Association Agreement, we recommend resuming the public consultation on the draft Regulation, its approval in the nearest term and reorganization of the rapid support structures.*

#### **1.6.5. Regionalization of some police structures in order to ensure operational and administrative support of police inspectorates**

*Performance indicators: operational regional structures*

*Timescale for completion: 2016–2017*

According to the Progress Report for the PDS implementation, in 2017, the **Concept Vision for regionalization of Police activity** was approved, which includes the Methodology of regionalization of police structures, as well as an analytical study.

In 2017, the support structures within the Police Directorate of the municipality of Chisinau and the Gagauz Police Directorate were regionalized, the Regulation for the organization and operation of the Police Directorate of Chisinau was approved, which had to serve as a model for the development of regulations for the remaining regional directorates.

In 2018, the press services and the cynological service within the police inspectorates and the regional control rooms were reorganized, providing for the following structure:

- Northern Regional Dispatcher Room - 20 positions;
- Center Regional Dispatcher Room - 20 positions;
- Chisinau Regional Dispatcher Room - 24 positions;
- Southern Regional Dispatcher Room - 12 positions.

Additionally, at the end of 2018, the Framework Regulation for the organization and operation of investigation subdivisions of the National Investigation Inspectorate and the police directorates was developed and approved, regulating the organization and operation of five republican investigation units, as well as their territorial competence.

*The Promo-LEX Association notes that, like other activities that require the reorganization of the GIP, the realization of this sub-action is conditional on the approval of the Regulation on the organization and operation of the GIP. Although some structures of the Police have been reorganized, created or optimized, the reform of the General Inspectorate of Police can only be carried out through the reorganization of the Inspectorate, which has been delayed for three years already. In this regard, the Promo-LEX Association assesses sub-section 1.6.5 as **partially fulfilled**.*

*In connection with the delay in approving the Regulation on the organization and operation of the GIP and, consequently, delaying the implementation of activities undertaken through the Police Development Strategy, the Agreement for the Financing of the Police Reform, the Moldova-EU Association Agreement, we recommend resuming the public consultation on the draft Regulation, its approval in the nearest term and reorganization of the rapid support structures.*

#### **1.6.6. Periodic adjustment of police structures considering the evolution of European standards and criminal trends**

*Performance indicators: Analytical reports on crime phenomenon; Structure that is periodically adjusted*

*Timescale for completion: 2016–2019*

According to the progress reports for the implementation of the PDS, a specialized service has been created and is operational within the HRD. The capacities of the service will be consolidated together with the modification of the regulatory framework on the structure and staff of the central and decentralized services of the GIP.

51 tactical analysis reports and 139 operational analyzes were prepared in 2018. Following the assessment carried out, the following entities were established and / or optimized:

- **Section for Prevention and Combating Money Laundering** was set up within the NII, GIP;
- the number of police departments within the territorial police inspectorates was optimized (from 203 to **173 PDs**);
- the cynological services within the police inspectorates and the North, Center, South and Chisinau control rooms were regionalized;
- the **Detention and Escorting Section** was created within the Judicial Police Service of the GIP, which is to ensure a unified institutional policy for the implementation of human rights recommendations at the level of the established structures;
- **Section for Coordination of Community Policing was created** within the General Directorate of Public Security of the GIP, which will have the general purpose to ensure the implementation of community policing, monitoring and training of Police staff in the targeted area.

*The Promo-LEX Association considers that the chronology of the planned activities must be respected, since in the absence of reorganization of the General Inspectorate of Police, its operational structures and the regionalization of structures within the police inspectorates, the periodic adjustment of the structure will not give the expected result and will not correspond to the evolution of European standards.*

*At the same time, we mention that the performance indicators are too general and unmeasurable, which will make it difficult to objectively assess the achievement of this sub-action.*

**1.7. Consolidating the capacities of the Police to participate in international missions and EU crisis management operations**

**1.7.1. Elaborating a departmental framework to regulate the participation of the Police in international missions and EU crisis management operations**

*Performance indicator: Developed and approved departmental regulatory framework*

*Timescale for completion: 2017–2020*

According to the progress reports on the implementation of the PDS, the Provision of the Ministry of Internal Affairs no. P-II / 8-103 regarding the establishment of the Working Group for the development of the normative framework was approved on 20.06.2017, and on 16.02.2018, the Order of the Ministry of Internal Affairs no. 233, approved the **Regulation for recruitment, selection, preparation, designation and participation of the MIA staff in international missions and operations.**

It should be mentioned that the Regulation for recruitment, selection, preparation, designation and participation of MIA staff in international missions and operations refers to all MIA personnel (employees of the central apparatus, administrative authorities or institutions subordinated to the MIA). At the same time, it is necessary to specify that, according to the information provided by the GIP, until the summer of 2019, no police employee has participated in any international mission or EU crisis management operation.

*Considering the above and the fact that no report of the Working Group for the development of the normative framework on documents to be elaborated and approved for the participation of Police employees in international missions and EU operations has been published, it will be difficult to evaluate the degree of fulfilment of this sub-action. In this regard, we recommend evaluating the fullness of the existing regulatory departmental framework for the participation of Police employees in EU missions and operations and publishing or including in the Annual Progress Report the results of this evaluation.*

**1.7.2. Development of the mechanism to ensure participation in international missions and EU crisis management operations**

*Performance indicator: Mechanism developed and implemented*

*Timescale for completion: 2016–2017*

According to the 2017 Report for the implementation of the PDS, the MIA Vision of participation in international missions and operations was elaborated and approved by the Order of the MIA no. 233 of August 3, 2017, which includes clear and concrete activities for the four years of implementation of this objective. We mention that the MIA Vision of participation in international missions and operations is not available in the public space.

In order to establish cooperative relationships, a meeting was held with the representatives of the Ministry of Defense to provide the MIA employees with the possibility to be trained in the Training Center of peacekeeping missions subordinated to the Ministry of Defense. In parallel, discussions with Romanian counterparts were initiated, submitting requests for assistance in international missions / operations (MA, OSCE in the Republic of Moldova, DCAF).

*Promo-LEX Association notes that no mechanism for ensuring participation in international missions and EU crisis management operations has been developed and implemented so far, and the existence of a Vision for a period of four years is not similar to the existence of an established and implemented mechanism. Thus, the Promo-LEX Association appreciates **sub-section 1.7.2 as unfulfilled** and recommends its implementation, even if the deadline has expired.*

### **1.7.3. Development and approval of a curriculum to train the staff selected for participation in international missions**

*Performance indicators: Curriculum approved; Organized and conducted training*

*Timescale for completion: 2016–2017*

In the period of 2 September - 24 November 2018, a **representative of Carabineer Troops Department (CTD)** participated in the International Course of Applied Training for Military Officers held in Rosu village, Chiajna commune, Ilfov county, Romania. In the period of 19- 23 November 2018, 33 military **carabinieri** were trained in the course and prepared for participation in international missions.

At the same time, the **Curriculum for basic training of carabinieri** preparing them for participation in international missions was approved. We also mention that the 2017-2019 Strategic Development Program of the MIA provides as an objective the consolidation of carabinieri's capacities for participation in international missions and EU crisis management operations, and does not foresee any activity to support the participation of the Police in international missions and EU operations.

The Promo-LEX Association points out that *the carabinieri's participation in international missions is welcomed, but so far, no measures have been taken with regard to the Police participation in international missions and EU crisis management operations*. Also, no training curriculum for the Police's participation in EU operations was developed. Thus, we consider that **sub-action 1.7.3 has not been fulfilled**. We recommend the implementation of all planned actions, even if the deadline for performing some sub - actions has expired.



## ***Objective 2: Fair efficient and effective application of human rights legislation in the activity of the Police***

*Objective 2 also aims at increasing citizens' access to more qualitative police services; the emphasis being laid on respecting human rights in the activity of the Police. Quantitatively, the objective contains practically the fewest actions (2) and sub-actions (8). According to the findings of Promo-LEX, half of the sub-actions (4) were expected to be implemented in the period between 2016 and 2018. Of these, only two (50%) were fulfilled, the other two were not.*

### **2.1. Elimination of all forms of ill-treatment, abuse and discrimination in the activity of the Police**

#### **2.1.1. Creating conditions for conducting criminal prosecution procedures in accordance with the legal provisions**

*Performance indicators: Conditions created*

*Timescale for completion: 2017–2020*

According to the progress reports for the implementation of the PDS, to ensure the necessary conditions for the procedures provided by the procedural criminal law of the criminal investigation bodies that are part of the territorial subdivisions of the Police, the following activities were carried out in 2017:

- 46 units of transportation were purchased and transmitted to the subordinated structures;
- a video projector, computers, printers were purchased and transmitted to employees of the criminal investigation bodies;
- the **Joint Standards for the organization, operation and endowment of the Police criminal investigation subdivisions** were approved.

In 2018, the MIA managed to install electronic recording systems (audio and / or video) in four PDIs (Edinet, Hancesti, Ungheni and Causeni), which, according to the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) is an important additional guarantee against ill-treatment.

In addition, the PDI modernization projects provided for the arrangement of spaces for confidential meetings of detainees, arrested, convicted persons with lawyers, as well as for medical examination.

At the same time, it should be mentioned that the National Council for the Prevention of Torture, in its annual report for 2018<sup>33</sup>, identified the problems and impediments encountered by representatives of police inspectorates, highlighting the following:

- limited access or even lack of a mechanism that can be used by the representatives of inspectorates to document the detained persons who do not have identity documents or are stateless, foreign citizens without identity documents or those who claim another identity;
- non-admission of detained persons to the Penitentiary no. 13 and no. 5 after 17.00 and during rest days or holidays, which results in their continued placement in provisional detention isolators and, respectively, generates situations when the persons detained spend more than 72 hours in the PDI;
- large number of vacant positions;

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<sup>33</sup> Annual activity report. The situation regarding the prevention of torture, 2018. Council for the Prevention of Torture (National preventive Mechanisms), p .47. Go to the link: <https://bit.ly/2OCbIn5>

- transferring the responsibility for the activity of the isolators to the heads or the operational management service with multiple responsibilities, which respectively, leads to the lack of a distinct manager responsible for the activity of the PDI and impedes the effective control of the direct activity of the isolators;
- lack of promptness on the part of lawyers of the National Council of Legal Guaranteed State Assistance and, at times, an insufficient number of lawyers;
- failure to provide detainees with food and potable water while being escorted from penitentiaries to courts;
- insufficient provision of fuel and supervisory staff for transporting / escorting detainees / convicts to penitentiaries, which also leads to exceeding the 72/24-hour detention period;
- lack of medical staff within the isolator, which substantially impedes ensuring medical examination both at the arrival and exit of detainees / convicts from the isolator.

In conclusion, the Promo-LEX Association notes that, *in the absence of a study on the needs or conditions to be created, it is difficult to assess the efforts of the implementing institutions, namely those related to the purchase of goods, determining if they are sufficient to fulfil the existing indicators.*

### **2.1.2. Improving conditions in the provisional detention facilities in accordance with European Union standards**

*Performance indicators: Evaluation report elaborated; Improved conditions*

*Timescale for completion: 2017–2020*

An institutional report on the conditions of detention was prepared in 2017, following the approval of the GIP Provision no. 34 / 1-62 of 3.03.2017, by which a working group was established. In the period of 6-24 March 2017, the institutional working group visited and evaluated all the provisional detention isolators within the Police structural units, including those whose activity had been wholly or partially discontinued.

According to the information presented in the report, 31 PDIs operate within the police subdivisions, of which 18 are located entirely on the surface, 10 - in the semi-basement and 3 - in the basement. According to architectural plans of the PDIs, there are 285 cells which can accommodate 703 people. The visits to the PDIs made by the GIP employees revealed that **50% of all the existing cells, according to the documentation, are not used**, the doors of the cells being sealed, because they no longer meet the minimum conditions stipulated by the international and European norms in the field.

At the same time, the Institutional Report on the conditions of detention proposes several solutions to improve the conditions of detention, and to adjust the operational algorithm of the PDIs, **by establishing 15 regional PDIs**. The new optimized map of PDIs is to be established based on several determinants: the state of the buildings; location (*on the surface, in the semi-basement, in the basement*); the area of the premises; accommodation capacity; geographical positioning; demographic factor etc.

In this context, in order to establish a uniform set of rules applicable in the process of modernization of the provisional detention isolators, the Order of the GIP no. 527 of 28.12.2017 approved the **Minimum Mandatory Norms for detention facilities and specialized vehicles intended for the transportation of persons in the custody of the Police**, which are necessary in the elaboration of the documentation for capital repair, modernization, modification, transformation and extension of spaces to accommodate persons in the custody of the Police. They are applicable only to the PDIs undergoing a capital repair process and not to the current situation of the PDIs.

During 2017, preparatory activities aimed at improving the conditions of detention were initiated, the draft documentation and the estimate expenses for the renovation of **10 PDIs** being elaborated. In 2018, **video monitoring** systems were installed in **4 PDIs** (Edinet, Causeni, Ungheni and Hancești).

At the same time, according to the *Special Report on the situation of the persons in the custody of the Police*<sup>34</sup>, during the monitoring visits made in 2018 by the Office of People's Advocate to the PDIs in the country, it was found that the **conditions of detention in most cases do not correspond to national and international standards**. For the most part, the premises of provisional detention isolators are still located in the basements of the buildings of police inspectorates. However, comparing the detention conditions in the PDIs in 2010-2018, the Office of People's Advocate **found a significant improvement**, even so, they still do not meet the international standards.

The Council for the Prevention of Torture, in its Annual Activity Report<sup>35</sup>, also highlighted the conditions in places of detention within the institutions subordinated to the GIP, MIA in 2018, referring to the living conditions, hygiene and access to the bathrooms, to water and food, daily activities, access to services and the medical care offered to detainees, which do not meet international standards in the field.

The Promo-LEX Association *welcomes the efforts aimed at improving the conditions in the provisional detention facilities of the Police and recommends to continue the activities in this regard, ensuring compliance with European standards, as well as the access to the PDIs of entities monitoring the conditions of detention*.

### **2.1.3. Improving the conditions of transportation of individuals who are detained/arrested in the process of criminal prosecution**

*Performance Indicators: both transportation units and equipment needed were purchased therein*

*Timescale for completion: 2018–2020*

Standard Minimum Rules for equipping and endowing the special vehicles intended for the transportation of individuals detained and in custody of the police establishing all the minimum requirements applicable in the process of drafting the tender documentation for purchasing and/or retrofitting the vehicles intended for the transportation of detained individuals have been approved at policing level by the order issued by the GIP under the no. 527 of 28.12.2017.

Thus during 2017, 20 vehicles, while in 2018 – other 5 vehicles intended for the transportation of detained individuals were successfully purchased. In 2017, 20 vehicles while in 2018 other 5 vehicles were retrofitted under the rules approved therein. These were equipped with modern air-conditioning and ventilation systems, artificial lighting adapted to the surface of the speakers, safety belts, and for the prevention of torture, ill-treatment and abuse by the Police staff towards the escorted individuals, as well as for ensuring a secure environment for the police officials participating in escort missions, the aforementioned vehicles have been also equipped with video surveillance systems.

On the same lines, according to the *Special report on the situation of individuals detained and in custody of the Police*<sup>36</sup>, during the preventive visits made in 24 PDIs, the representatives of the People's Advocate Office have established that vehicles used to escort the detained individuals in 10 districts/municipalities are in a deplorable condition and ought to be replaced with new ones,

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<sup>34</sup> Special report on the situation of individuals detained and in custody of the police, p. 44. Go to the link: <https://bit.ly/2YIlyvQ>

<sup>35</sup> Annual activity report. Situation regarding the prevention of torture, 2018, the Council for the Prevention of Torture (The National Preventive Mechanism Against Torture), p. 56-61. Go to the link: <https://bit.ly/2OCbIn5>

<sup>36</sup> Special report on the situation of individuals detained and in custody of the police, p. 60-61. Go to the link: <https://bit.ly/2YIlyvQ>

corresponding to both technical and standard requirements applicable therein, while in four districts such vehicles are missing, and for this reason PDIs should call on the guard unit in order to transport the detainees. Thus, although some territorial PIs have been provided with vehicles (minibus type), these are not large enough and have no space for personal goods. Also, the reports on preventive visits show the shortage of seats in the vehicles, the fact that there is no separation between the seats intended for detainees and those foreseen for the escort thereof, as well as the way of separating the detainees by age group (minors and adults) and gender (females and males) during the transport is lacking in clarity.

According to the Annual Activity Report of the Council for the Prevention of Torture for 2018<sup>37</sup>, during the reference period, the Council for the Prevention of Torture established that a uniform practice for transporting detainees in compliance with the minimum transportation standards does not yet exist. Although new vehicles have been purchased for some PDIs, the others continue to use the old ones, which do not meet a minimum transportation standard. The majority of detainees have complained about the fact that during escorting they have no access to the bathroom, and transportation can take several hours; they are not provided with water and food during an escorting, which can last a full day (departure being at 06:00 am, before breakfast, and return after dinner in certain cases). For reasons of poor planning of the resources at the institutional level (fuel saving, lack of escort staff), the transportation of detainees is sometimes carried out according to certain schedules, which often requires keeping the individuals in temporary detention exceeding 72 hours.

*The Promo-LEX Association appreciates the efforts in improving the conditions of transportation of detained individuals and recommends continuing to implement the sub-action thereof, taking into account the conclusions of both the Council for the Prevention of Torture and People's Advocate Office.*

#### **2.1.4. Ensuring compliance with International Human Rights Standards when performing a citizen's arrest and any other operative measures**

*Performance Indicators: number of complaints on abuse involving police officers should decline by 20% until 2020*

*Timescale for completion: 2017–2020*

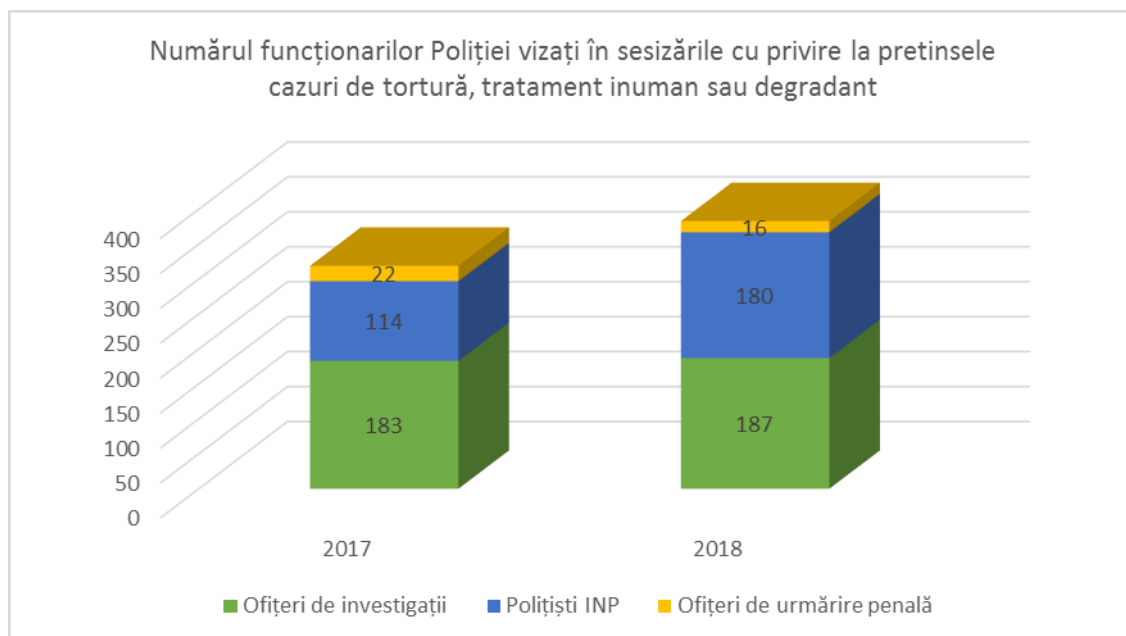
According to progress indicators laid down in the Strategic Development Program, the number of complaints on abuse involving police officers should decline by 15% until 2019 while the number of convictions at ECHR regarding cases of ill-treatment, abuse and discrimination in temporary detention facilities should decrease, as well.

As described in the progress reports for the implementation of the SDP thereof, in 2017 **the Action Plan on reducing ill-treatment, abuse and discrimination towards individuals in custody of the Police for the 2017 – 2020** has been developed and approved by Government Decision no. 748 of 20.09.2017.

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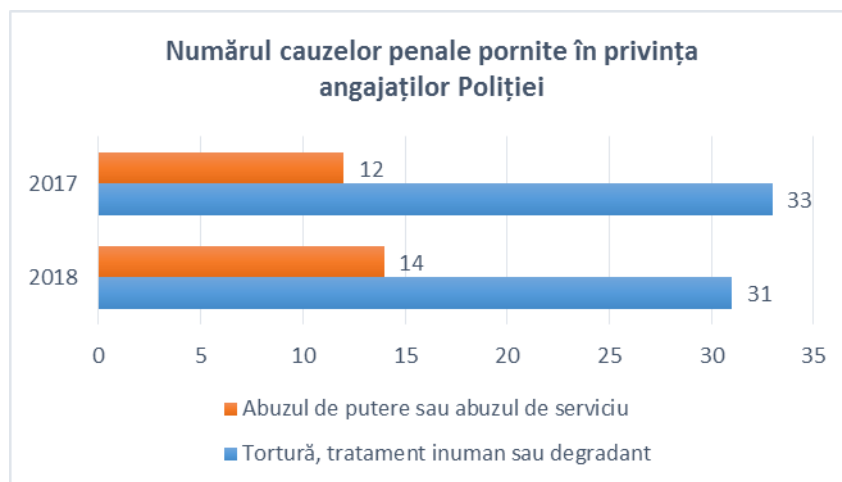
<sup>37</sup> Annual activity report. Situation regarding the prevention of torture, 2018, the Council for the Prevention of Torture (The National Preventive Mechanism Against Torture), p. 58. Go to the link: <https://bit.ly/2OCbIn5>

*Chart no. 9. Number of police officers targeted in the referrals on the alleged cases of torture, inhuman or degrading treatment, examined by the General Prosecutor Office*



Although the number of police officers targeted in the referrals on the alleged cases of torture, inhuman or degrading treatment, notably of police officers in the NPI, is increasing, the number of complaints is decreasing, in 2017 being examined by the General Prosecutor Office 319 referrals, while in 2018 – 258 referrals having the Police officers as subject of investigation<sup>38</sup>.

*Chart no. 10. Number of criminal cases initiated against Police employees, according to activity reports developed by the General Prosecutor Office for the years 2017–2018*



The chart no. 10 shows a slight decrease in the number of criminal cases on torture, inhuman or degrading treatment initiated in 2018 compared to 2017 (–6.07%). In contrast, the number of criminal cases on abuse of power or abuse of office is increasing (+16.6%).

<sup>38</sup> According to the GIP's response no. P-II/143 of 12.08.2019 to a request for information from the Promo-LEX Association.

Table no. 4. Number of sentences issued by the courts of first instance under art. 166<sup>1</sup> of the Criminal Code<sup>39</sup>

Year	The total number of sentences	Type of sentences	Number of sentences	Number of individuals/ type of sanction
2017	10	Conviction	1	1 police officer – jail sentence
			4	6 (5 police officers) – imprisonment with suspended sentence
		Termination	1	1 police officer (application of the amnesty law)
		Acquittal	4	4 (3 police officers)
2018	17	Conviction	3	6 (2 police officers) – jail sentence
			3	4 police officers – imprisonment with suspended sentence
			2	2 (1 police officer) – fine <sup>40</sup>
		Termination	4	5 police officers
		Acquittal	5	8 police officers

As outlined in Table no. 4 above, both in 2017 and 2018, only 10% of police officers whose criminal files get to be reviewed by the court received jail sentences. On the same lines, 40% of police officers received termination or acquittal sentences in 2017, while 65% – in 2018.

According to the Annual Activity Report of the Council for the Prevention of Torture (hereinafter – the CfPT) in 2018<sup>41</sup>, within the framework of the preventive visits made by the members of the CfPT **no systematic abuses on the part of the GIP's employees of the MIA were observed during 2018**. However, the CfPT has identified at least 16 cases (around 5% of all cases analyzed therein) containing signs or allegations on the acts of torture applied towards individuals put into custody/detained in the **Stefan Voda PDI, Ocnita PDI, Basarabasca PDI and Drochia PDI**. The signs of torture or allegations on the acts of torture identified in the entries in the Register of traumatic injuries and any other diseases among detainees in the aforementioned PDIs as well as declarations made by the detainees in the PDI were linked to:

- 1) disproportionate application of physical force by Police employees **in the detention phase** of individuals and causing bodily injuries to the detained ones;
- 2) disproportionate application of physical force by Police employees and/or other types of injuries to individuals **during their detention** in the PDI.

According to the CfPT, abuses committed by the employees against individuals put into custody/detained therein are determined in like manner by insufficient training or lack of knowledge about both circumstances and operational procedures where physical force/other special means and firearms are required to be used by police officers.

In conclusion, the Promo-LEX Association *condemns the abuses committed by police officers against detainees and recommends the governing body of the implementing institutions to provide prompt*

<sup>39</sup> Source: report on the activity of the General Prosecutor Office for 2018. Go to the link: <https://bit.ly/2Yny5RD>

<sup>40</sup> By Law no. 157/26.07.2018, in force since 14.10.2018, the words in the sanctions referred to in paragraphs (1) and (2) of the art. 166<sup>1</sup> of the Criminal Code “or by a fine from... up to...” was excluded. Thus, as of the date of entry into force of the amendments thereof, the fine can no longer be applied as criminal-law sanction for offences of inhuman and degrading treatment.

<sup>41</sup> Annual activity report. Situation regarding the prevention of torture, 2018, the Council for the Prevention of Torture (The National Preventive Mechanism Against Torture), pages 44-46. Go to the link: <https://bit.ly/2OCbln5>

*response to all allegations on cases of abuse, inhuman or degrading treatment or on any other abuses committed by Police employees. Also, Promo-LEX recommends that efforts be continued to ensure compliance with international human rights standards when performing a citizen's arrest and any other operative measure.*

#### **2.1.5. Establishing a partnership between the General Inspectorate of Police and representatives of civil society for the purposes of monitoring and assessing the cases of ill-treatment, abuse and discrimination in the Police sector**

*Performance Indicators: partnership established therein; number of assessment reports developed and published therein*

*Timescale for completion: 2016–2018*

As described in the progress reports for the implementation of the PDS, in 2016 several attempts were made to achieve the planned activity as follows:

- drawing up a questionnaire on the assessment of the factual situation with respect to the cases of ill-treatment, abuse and discrimination in the Police sector, whereby a donor responsible for conducting an opinion poll had to be identified. No opinion poll has been conducted by the summer of 2019.
- including a separate module on the GIP's official website intended for publication and dissemination of information on cases of ill-treatment, abuse and discrimination in the Police sector. After creating a new website, the compartment thereof is no longer found.
- as a result of the General Prosecutor Office proposal to identify other mechanisms for monitoring the cases of ill-treatment, abuse and discrimination other than "mixed groups" proposed by the GIP, the latter **found it inappropriate to implement this action and requested the agreement to cease the activity of the coordinating group on the objective pursued.**

However, in 2017 and 2018 the provisional detention isolators within the structural units of the Police have been subject to the monitoring process conducted by several institutions/organizations responsible for ensuring and complying with human rights in the places of detention – **the People's Advocate "Ombudsman"**<sup>42</sup>, **the National Preventive Mechanism Against Torture**<sup>43</sup> (NPMT), being developed reports for the assessment of conditions of provisional detention.

On the same lines, in 2017 the University Legal Clinic developed the Report on the monitoring of the observance of the rights of individuals detained within the police inspectorates located in the northern part of Moldova<sup>44</sup>.

**In 2018 a Cooperation Agreement** was signed between the **"Soros-Moldova" Foundation** and **MIA** on supporting the qualitative reformation of criminal justice system in the Republic of Moldova and the development of institutional policies related to enhancing the responsibility and transparency of Police employees at the stage of criminal prosecution, and alignment of the mechanisms and practices used by the Police in the prejudicial stage to international practices and standards on complying with the human rights and fundamental freedoms.

Based on the **Partnership Agreement signed between the GIP and IDOM**, the representatives of the organization conducted 12 monitoring visits in PDIs (11 preventive ones, as well as a repeated one), both objections and recommendations being presented to the GIP and dependent

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<sup>42</sup> Special report on the situation of individuals detained and in custody of the police. Go to the link: <https://bit.ly/2YIlyaq>

<sup>43</sup> Annual activity report, 2017. Go to the link: <https://bit.ly/2GMamzI>; Annual activity report, 2018. Go to the link: <https://bit.ly/2OCbln5>

<sup>44</sup> <https://bit.ly/2GLtzBu>



subdivisions thereof, via the monitoring reports developed in this respect<sup>45</sup>. It is worth mentioning that the activity on the monitoring of the detention premises is also provided for in the Action Plan on reducing ill-treatment, abuse, and discrimination against persons under police custody, the activity thereof having as deadline the period 2017–2020.

The Promo-LEX Association rates this **sub-action as achieved**, by being signed partnership agreements with representatives of the civil society as well as by being ensured both monitoring and assessing of cases of ill-treatment in the provisional detention isolators. Although the deadline for the implementation of the sub-action thereof has expired, the Promo-LEX recommends that efforts made in 2017-2018 be continued.

## **2.2. Reviewing the status of the investigation officers and criminal investigators**

### **2.2.1. Establishing the role, place and duties of the criminal prosecution subdivisions within the Police in the context of the judicial sector reform**

*Performance Indicators: joint working group created therein; concept developed and recommendations formulated therein*

*Timescale for completion: 2016–2017*

According to the progress report for the implementation of the PDS, in 2016 an inter-institutional working group was set up with a view to elaborating the concept under the topic “establishing the role, place and duties of the criminal prosecution subdivisions within the Police in the context of the judicial sector reform”. It was found at a meeting that the proposed action is derived from an activity of the Justice Sector Reform Strategy for 2011-2016<sup>46</sup> and that its implementation is possible only after an activity carried out in this regard at inter-ministerial level, in accordance with the Justice Sector Reform Strategy.

The comparative study on the systems of the criminal prosecution bodies carried out in 2012<sup>47</sup> showed that the systems of the criminal prosecution bodies of the Republic of Moldova, largely, comply with the international requirements and standards formulated in respect thereof<sup>48</sup> concluding that “neither optimization of the number of criminal prosecution bodies nor optimization of the structure and duties thereof, neither unification of the practice nor development of drafts amending some legislative acts with a view to improving the effectiveness thereof is considered necessary”.

Ultimately, it was concluded that the **activity of the working group** set up **was inappropriate** at that time, fact, which had to be communicated to the Coordinating Council of the MIA for the implementation of the SDP for 2016–2020.

In consideration of the matters described *above*, the Promo-LEX Association finds that the **sub-action no. 2.2.1 was not achieved**.

### **2.2.2. Developing occupational standards for criminal investigation and criminal prosecution officers**

*Performance Indicators: standards developed and approved therein*

*Timescale for completion: 2016–2017*

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<sup>45</sup> Report on the prevention of ill-treatment. Go to the link: <https://bit.ly/2Ksp2Fh>

<sup>46</sup> Approved by Law no. 231 of 25.11.2011.

<sup>47</sup> Comparative study on the systems of the criminal prosecution bodies with a view to their optimization. Go to the link: <https://bit.ly/33gzOa3>

<sup>48</sup> Recommendation no. (95)12 of the Committee of Ministers to Member States on the administration of criminal justice, adopted by the Committee of Ministers on 11 September 1995, at the 54th meeting of the Ministers’ Deputies.



Although the occupational standards for criminal investigation and criminal prosecution officers have already been developed and endorsed in 2016, the standards thereof were only approved on **14.05.2018 by the MIA Order no. 165**. In 2016 it was proposed that the occupational standards be implemented with the entry into force of the Law no. 288 of 16.12.2016 on civil servants with special status employed with the Ministry of Internal Affairs, i.e. as of 25.05.2017, while in 2017 the suspension of the approval process was motivated by the institutional reorganization undertaken at the level of MIA and GIP.

The Promo-LEX Association appreciates that the **sub-action** on developing occupational standards for criminal investigation and criminal prosecution officers **has not been achieved on time** and recommends *to periodically assess both the application and compliance with occupational standards in the work of criminal investigation and criminal prosecution officers*.

### **2.2.3. Adapting the legal framework on special investigation activity to the Community Standards**

*Performance Indicator: draft law developed and submitted for approval*

*Timescale for completion: 2016–2018*

According to the progress report for the implementation of the SDP, for achieving the sub-action thereof at the GIP level, by the **Order issued by GIP under the no. 356 on 17.10.2016, an interinstitutional working group** was set up consisting of representatives of the GIP, the BMA, the DPF and “Stefan cel Mare” Academy. The aforementioned working group has come up with a proposal to terminate its activity, after it was found that there is **an inter-ministerial working group** set up under the Decision of the Commission for National Security, Defense and Public Order of 10 June 2015, by the Order of the Ministry of Justice no. 288 of 3.07.2016, as well as under a draft law amending and supplementing some legislative acts (Law on financial institutions no. 550-XIII of 21.07.1995, Code of Criminal Procedure of the Republic of Moldova, Law no. 59 of 29.03.2012 on special investigation activity).

On 31.07.2017 the draft produced therein<sup>49</sup> has been submitted by the Ministry of Justice for public consultations, the inter-ministerial working group ceasing its activity in August 2017.

It is worth underlining that by summer 2019 **the amendments proposed under the aforementioned draft law have not been approved**. Thus, Promo-LEX considers this **sub-action as unachieved**, even if it aims at adapting the legal framework on special investigation activity. In this regard, *we advise the MIA to examine the desirability of resuming the work of promoting the legal modifications required for the special investigation activity*.

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<sup>49</sup> Draft law amending and supplementing some legislative acts (on special investigation activity). Go to the link: <https://bit.ly/2YFxsZu>

**Objective 3: consolidating the capacities of the Police to fight organized crime, trafficking in human beings, cybercrime, violence, including gender-offences, drug and weapons smuggling, counterfeiting and money laundering.**

Objective 3 aims to increase the capacities of the Police to fight against organized crime as well as to ensure public security. It contains two actions and 12 sub-actions. According to Promo-LEX findings, most sub-actions (66.7%) have been scheduled for the period 2016–2018.

Regarding the degree of achievement of the envisaged activities, the Promo-LEX has identified that out of eight sub-actions assessed therein, only three of them can be regarded as achieved (37.5%), others two (25%) unachieved, two (25%) – partially achieved, while another sub-action (12.5%) – is difficult to be assessed.

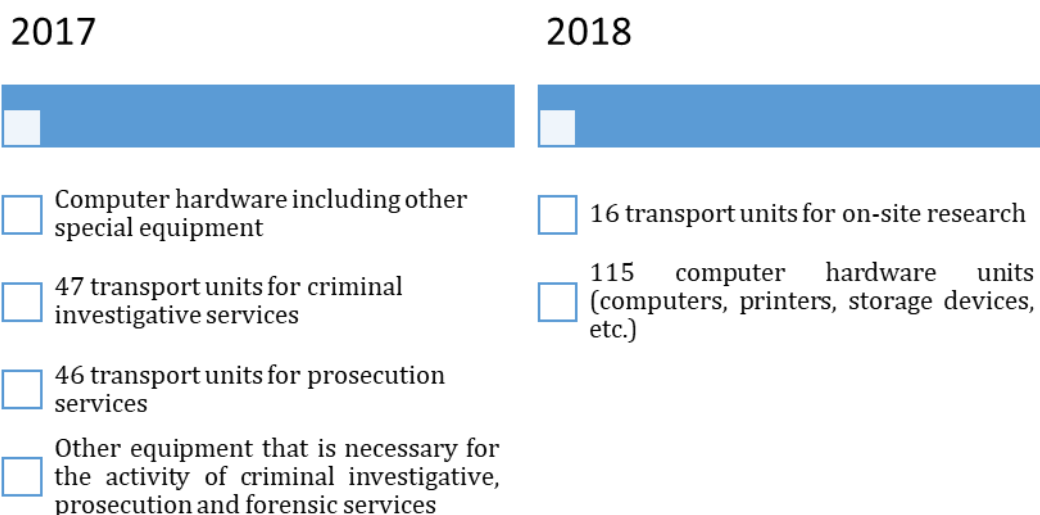
**3.1. Developing the capacity of structures responsible for combating organized and cross-border crime**

**3.1.1. Purchasing special equipment and hardware for qualitative investigation of all categories of criminal offences**

Performance indicator: purchased equipment

Timescale for completion: 2017–2019

During 2017, in order to comprehensively evaluate the capacities of the investigative and forensic structures, as well as to determine both the method and the conditions for making their activity more efficient upon the request of the GIP two feasibility studies were carried out: “Strengthening and developing the capacities of the investigative structures of the Police in combating organized and cross-border crime through regionalization” and “Capacities and needs of the forensic and judicial expertise subdivisions of the Police”. Thus, over the 2017–2018 period the following were purchased:



The Promo-LEX Association recommends to the implementing institutions to also reflect the percentage value of both the computer hardware and special equipment for qualitative investigation of all categories of criminal offences in all subdivisions of the GIP in its annual progress reports.

### **3.1.2. Implementation of the measures necessary for the accreditation of forensic subdivisions in accordance with the international standards in this field**

*Performance Indicators: accredited laboratories*

*Timescale for completion: 2016–2017*

According to the progress report for the implementation of the PDS, for the accreditation of the Forensic and Judicial Expertise Centre (FJEC) of the Police, in 2016, 18 general procedures, 28 technical procedures, 13 competence requirements, 13 training programmes, five instructions as well as the Quality Manual of the Forensic and Judicial Expertise Centre of the GIP describing both the quality management system and policy of the FJEC have been developed and approved therein.

On the 19<sup>th</sup> of May 2017, the FJEC under the GIP has lodged with the National Accreditation Centre MOLDAC a request for accreditation. The application thereof has been accepted and registered under the no. 24 of 19.05.2017. By the Decision of the National Accreditation Centre MOLDAC no. 36 of 26.02.2018 on accreditation, **the Forensic and Judicial Expertise Centre of the Police was granted accreditation** in six fields of expertise: ballistic, traseology, dactyloscopy, graphoscopy, investigations in the field of informatics and technical examination of documents.

In the context of the accreditation of the Forensic and Judicial Expertise Centre of the Police, the Promo-LEX Association considers **this sub-action accomplished**.

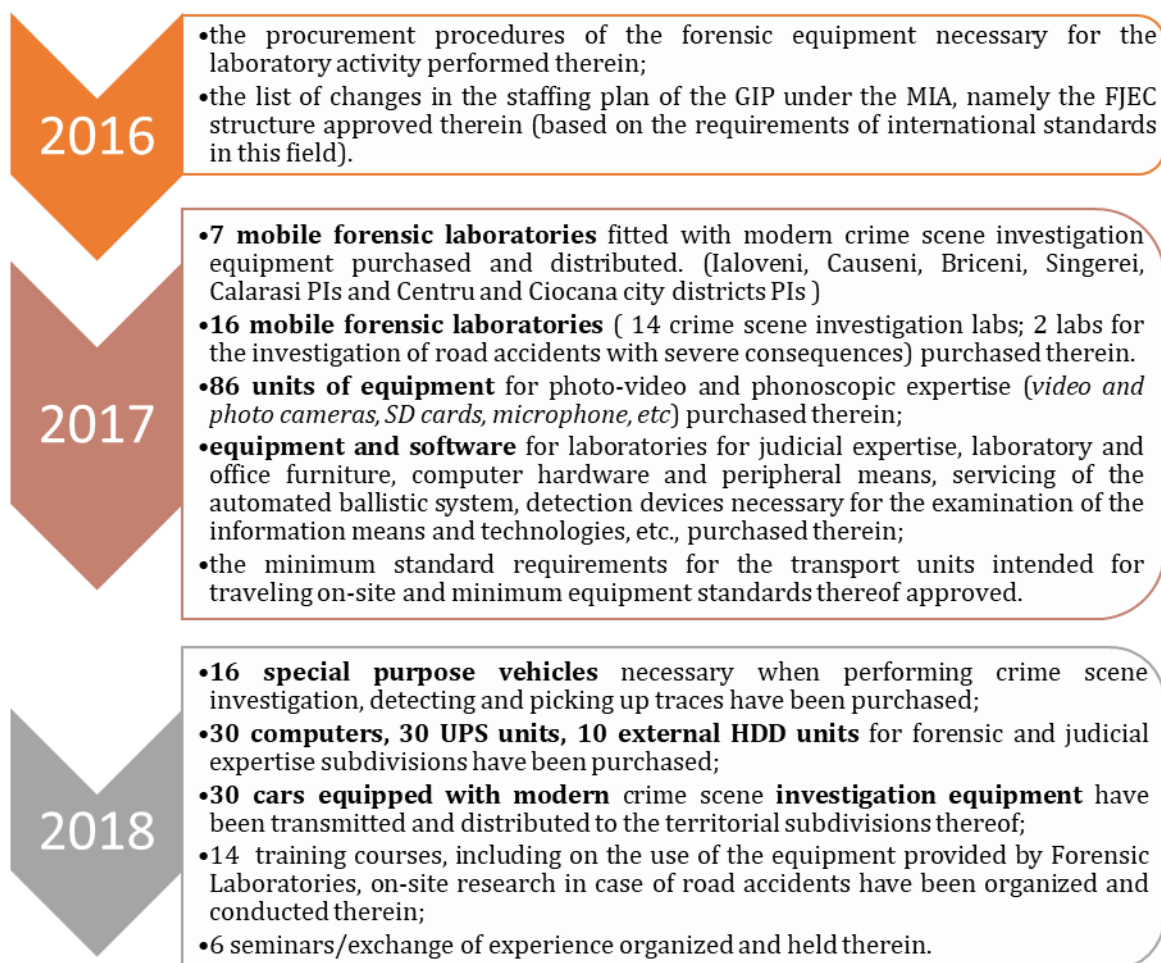
### **3.1.3. Strengthening the capacities of forensic and investigative subdivisions at regional level**

*Performance Indicators: working conditions created in accordance with EU standards; strengthened capacities*

*Timescale for completion: 2018–2020*

Although the deadline for carrying out this action is 2018-2020, the activities for equipping the forensic and investigative subdivisions have started in 2016, largely, to ensure the implementation of the FJEC accreditation. The deadline for carrying out the sub-action set out in the Action Plan on the implementation of the Police Development Strategy resulted from the regionalization of the police subdivisions, which was to take place by 2017.

Thus, in order to strengthen the capacities of the forensic and investigative subdivisions at regional level, the following activities were carried out:



It is worth mentioning that the purchase of the same assets has been reported in both in this sub-action and sub-action 3.1.1. We recommend avoiding such a practice or changing the performance indicators with a view to referencing to the acquisition area of the assets thereof.

On the same lines, the Promo-LEX Association reiterates that *both reorganization of the GIP and regionalization of the structures subordinated to the GIP must take place in the near term, otherwise the effective implementation of this sub-action is uncertain*. At the same time, it is important to point out that *both the sub-action and the performance indicator are generally formulated, without having the necessary predictability, which will make it difficult to evaluate the degree of accomplishment of this activity*.

#### **3.1.4. Improving the legal procedure on the issuance and withdrawal of firearms licenses**

*Performance Indicators: draft law amending the Law no. 130 of 8 June 2012 on the regime of firearms and ammunition for civilian purposes developed and submitted for approval*

*Timescale for completion: 2016–2017*

According to the progress report for the implementation of the PDS, the Law no. 130 of 08.06.2012 on the regime of firearms and ammunition for civilian purposes was amended in 2017 twice:

- by the **Law no. 185 of 21.09.2017** amending and supplementing some legislative acts<sup>50</sup>, art. 1 of the Law no. 130/2012, para. (4), according to which “the mode of requesting, granting, suspending and withdrawing the permits provided for by this law for economic operators is established under the Law no. 160/2011 on the regulation by authorization of the entrepreneurship except as otherwise provided herein”;
- by the **Law no. 251 of 01.12.2017** amending and supplementing some legislative acts<sup>51</sup> both amendments and supplements have been made to the Law no. 130 of 08.06.2012 on the regime of firearms and ammunition for civilian purposes as well as to the Executive Code. The amended provisions regarding the procedure on the issuance and withdrawal of firearms licenses are as follows:
  - a) introducing the notion of temporary firearms license;
  - b) amending the art. 7, para. (3) on allocating competence to issue the firearm purchase permit and firearm license for smooth-bore weapons to the empowered service of the MIA;
  - c) supplementing the art. 7 with para. (1), providing for the withdrawal and cancellation of the firearm license, including the temporary one, and, where necessary, of the firearm purchase permit, if individuals holding lethal and non-lethal weapons subject to authorisation are in one of the situations referred to in para. (2) thereof.

Taking into account the performance indicator established therein as well as the fact that the Law no. 130/2012 was amended, including also the procedure for the issuance and withdrawal of firearm licenses, we conclude that the performance indicator for this sub-action has been achieved. Therefore, **the objective assessment of the degree of achievement of the sub-action 3.1.4 hereof is difficult**, due to the fact that the activity related to the improvement of legal procedure on the issuance and withdrawal of firearm licenses is generally formulated.

It is worth mentioning that the procedures for the issuance and withdrawal of firearm licenses are regulated by the Government Decision no. 293 of 23.04.2014 approving the Regulation on the regime of firearms and ammunition, which aims to ensure the uniform application of the provisions of Law no. 130/2012.

The Promo-LEX Association observes that by summer 2019, it has not been amended/adjusted to the new provisions of the Law. In this regard, *we recommend the implementing institutions to examine the opportunity to revise the aforementioned Government Decision, in order to adjust the Regulation thereof to the provisions of the applicable law.*

### **3.1.5. Refinement of the application on the Electronic Gun Register**

*Performance Indicator: specialized program purchased and installed therein*

*Timescale for completion: 2017–2018*

According to the progress report for the implementation of the PDS, **the “State Firearms Registry” Informational Automatic System Conception** has been approved by the Government Decision no. 609 of 03.07.2018. The State Firearms Registry will contain data on the firearms held by both natural and legal persons, operations with firearms and ammunition, discarded and destructed firearms, lost or stolen firearms, about dealers and firing ranges.

On the 15<sup>th</sup> of November 2018 the MIA Order no. 351 of 15.11.2018 on setting up a working group which will be in charge of drafting the specifications for designing the “State Firearms Registry” Informational Automatic System (software) (SFR IAS) and will coordinate the process of the implementation thereof has been approved.

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<sup>50</sup> Go to the link: <https://bit.ly/33fUtLs>

<sup>51</sup> Go to the link: <https://bit.ly/33fUtLs>

An IT company<sup>52</sup> was contracted to draft the specifications thereof, and thereafter on 26.12.2018 a report was submitted to the GIP Procurement Working Group to initiate the procedure for selecting and purchasing the contracting services of an IT Company for the elaboration of the SFR IAS based on the Specifications drafted for designing the SFR IAS, as well as for coordinating the process for the implementation thereof and ensuring the maintenance, in order to achieve this objective. On 26.06.2019 the contract on the elaboration of the SFR IAS software was awarded<sup>53</sup>.

Taking into account the deadline for the achievement of the sub-action thereof, the Promo-LEX Association notes that **the sub-action no. 3.1.5 was not achieved**. Although the deadline has expired, we recommend continuing the procedure for contracting the company that will develop the SFR IAS software, acceptance of the system that is to be developed as well as ensuring its installation.

### **3.1.6. Adjustment of the legal framework on delegating the powers to apply urgent safety measures in the case of domestic violence offenses against family members to the Police**

*Performance Indicator: draft law amending the Law no. 45 of 1 March 2007 on preventing and combating domestic violence, developed and submitted for approval*

*Timescale for completion: 2016–2017*

By **Law no. 196 of 28.07.2016 amending and supplementing some legislative acts**, a series of changes and additions, including provisions on the issuance of the emergency restraining order<sup>54</sup> as temporary protective measure for the victim of domestic violence, applied by the police, under which the aggressor is immediately removed from the family house as well as on establishing certain prohibitions to prevent the repetition/committing of violent actions have been approved therein.

The provisions concerning the establishment of the emergency restraining order have entered into force in March 2017, and on the 15<sup>th</sup> of March 2017, by the GIP Order no. 134, the Methodical instruction on the Police intervention in preventing and combating the cases of domestic violence has been approved.

According to information submitted by the GIP<sup>55</sup>, in 2017, 2 161 emergency restraining orders have been issued in respect of family aggressors, while in 2018 – 3 877, of which 414 emergency restraining orders (11%) have not been complied with.

Starting from the activities performed so far, related to the performance indicator and the deadline set in respect thereof, the Promo-LEX Association concludes that **the sub-action no. 3.1.6 has been achieved**.

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<sup>52</sup> <https://bit.ly/2yHJzAo>

<sup>53</sup> <https://bit.ly/2YQq0UQ>

<sup>54</sup> Art. 12<sup>1</sup> of the Law no. 45 of 1.03.2007 on preventing and combating domestic violence.

<sup>55</sup> Information submitted by the GIP in the Press Conference of 15.03.2019 "Two years after the first emergency restraining order was issued by the Police in respect of domestic violence". <https://bit.ly/2YNRYGm>

### 3.1.7. Improving the capabilities of the Special Police Brigade “Fulger” for intervention in combating organized crime, terrorism and extremism according to the specific powers assigned to it

*Performance Indicators: trainings conducted; equipment purchased; infrastructure created and developed therein.*

*Timescale for completion: 2018–2019*

According to the progress report for the implementation of the SDP, in 2018 the employees of the Special Police Brigade (SPB) “Fulger” participated in six exercises/operations, 11 trainings and study visits, the brigade being provided with the equipment required in respect thereof.

2018	<b>Exercises/operations</b>	<ul style="list-style-type: none"> <li>- the release of persons held hostage in the “Zimbru” Sports Complex during sports events, jointly with the MIA subdivisions;</li> <li>- the anti-terror exercise “Bucovina 2018” organized at regional level in Lipcani town, Briceni district;</li> <li>- responding to emergencies to resolve a crisis situation at the US Embassy in the Republic of Moldova;</li> <li>- “Carpathians Blue Shield 2018”, Bucharest city, Romania;</li> <li>- planning, organizing and carrying out the protection and guard missions of the officials conducted at the Military Training Base of the National Army in Bulboaca;</li> <li>- practical workshop for the representatives of the special intervention units from the Balkan states and the Republic of Moldova, organized in the city of Vienna, Austria.</li> </ul>
	<b>Trainings/study visits</b>	<ul style="list-style-type: none"> <li>- “Training for special forces leaders”, with the support of the US Embassy in the Republic of Moldova, at the headquarters of the brigade;</li> <li>- session 106 “Development Programme of power structures in law enforcement”, within the Academy ILEA, Budapest city, Hungary;</li> <li>- training courses “Negotiation in crisis situations” and “Professional Intervention”, “Stefan cel Mare” Academy;</li> <li>- courses on “Providing First Aid”, organized in partnership with the Turkish International Cooperation and Development Agency (TIKA) in the Republic of Moldova as well as with the support of the US Embassy in the Republic of Moldova;</li> <li>- “Transversal problems reported to the MMA in the mission area”, carried out in Slupsk city, Poland;</li> <li>- study visit to adopt the good practices in the field of public order and security, Beijing city, China;</li> <li>- International specialized exhibition “Arms and Security – 2018” held in Kyiv city, Ukraine;</li> <li>- “International terrorism - a risk factor for the security of the Schengen area”, Buzau city, Romania;</li> <li>- working visit at the Special Actions Service of Iasi Police Inspectorate, Romania.</li> </ul>
	<b>Equipment purchased</b>	<ul style="list-style-type: none"> <li>- 53 bulletproof vests, 53 multipurpose vests and equipment for anti-terrorist interventions (GIP Order no. 26 of 24.01.2018);</li> <li>- 350 intervention uniforms and 300 for training;</li> <li>- winter footwear (100% of staff);</li> <li>- 52 portable stations “Motorola” and 3 stations for cars that are compatible with the unique communication system “Tetra” used by MIA.</li> </ul> <p>In 2018, the Brigade received 3 cars “Dacia – Duster” model and 3 buses.</p>

We believe that in order to assess the capabilities of SPB “Fulger” for intervention, following the measures taken in order to improve them, it was appropriate to develop a study to evaluate the



Brigade's capabilities for intervention and needs thereof, similar to the Assessment Report on the abilities of Police in the field of road transport for 2017.

### **3.1.8. Improving the quality of professional training of investigation officers by identifying a group of trainers in subdivisions subordinated therein and providing them with training according to international standards**

*Performance Indicators: trainers identified and instructed therein*

*Timescale for completion: 2017–2020*

According to reports for the implementation of the PDS, in 2016, 15 employees have been identified as trainers. During the period 11.04.–15.04.2016 trainers' testing has been performed therein. The OSCE committed to grant financial support for the training of trainers.

Thus, during 2017, 16 trainers conducted 19 training courses (15 for officers and four for leaders) with the participation of 340 employees (investigation officers – 199, leaders – 64), while during 2018, seven training courses have been organized and conducted for investigation officers, in which 113 employees received training.

The Promo-LEX Association *recommends to the implementing institutions to annually assess the level of preparedness of investigation officers trained by trainers identified therein as well as to publish statistical data on the results of these assessments.*

### **3.2. Extending the competences of the Police in preventing and combating laundering of money generated by organized crime**

#### **3.2.1. Developing and approving drafts amending both the legislative and regulatory frameworks with a view to regulating the competences of the Police in preventing and combating the phenomenon of money laundering**

*Performance Indicator: legislative and regulatory framework harmonized*

*Timescale for completion: second half of 2016*

In 2016, a working group created to carry out the activity thereof identified and presented for discussions the legal framework, which is to be amended for the purpose of extending the competence of the Police in preventing and combating the phenomenon of money laundering, namely:

- Law on the prevention and combating money laundering and terrorist financing;
- Strategy for preventing and combating money laundering and terrorist financing 2013–2017;
- Law on National Anti-Corruption Center;
- Law for ratification of the Council of Europe Convention on Money Laundering;
- Law on preventing and combating organized crime;
- The Contravention Code and the Code of Criminal Procedure.

Thus, it was proposed to carry out the sub-action in the formula of extending the competences of the Police only for finding and investigating money laundering offenses for crimes falling within the competence of the MIA, without interfering with the existing powers and competences for receiving and operating the information submitted by the reporting entities and held by the Service for Prevention and Combating of Money Laundering under the National Anti-Corruption Center.

On the same lines, in 2016 it was decided to postpone the execution of the aforementioned sub-action, due to the fact that the Republic of Moldova was going through a process of national risk



assessment until April 2017. On 22.12.2017 a new Law on the prevention and combating money laundering and terrorist financing, in force since 23.02.2018 has been approved therein.

However, the draft developed by the GIP on granting competences to the Police in preventing and combating the phenomenon of money laundering for crimes falling within the competence of the MIA, without interfering with the existing powers and competences for receiving and operating the information submitted by the reporting entities and held by the Service for Prevention and Combating of Money Laundering under the National Anti-Corruption Center, received a negative opinion from the latter, therefore the amendments to the legislative and regulatory framework not being approved.

It is worth mentioning that according to the Assessment Report<sup>56</sup> developed within the Twinning Project "Support in strengthening the operational capacities of the law enforcement agencies of the Republic of Moldova in the field of prevention and investigation of corruption acts", there is a cooperation agreement between the MIA and the National Anti-Corruption Center, which provides that the parties shall also cooperate in the field of preventing and combating money laundering and terrorist financing. The cooperation thereof consists in exchanging information, statistical and experience data, meetings and trainings. However, the experts could not identify the way in which this agreement is implemented.

According to the GIP response to the request for information under the no. P-II/143 of 12.08.2019, as of August 2018 – when the Service for Prevention and Combating of Money Laundering under the National Investigation Inspectorate became operational – and until the end of 2018, several investigations were initiated as a result of which 3 criminal cases were started of which one case on money laundering and 2 cases on tax evasion.

Taking into account the aforementioned, the Promo-LEX Association notes that **the sub-action** on the amendment of the legislative and regulatory framework **has not been achieved**.

*Thus, we recommend to the implementing institutions to review the need for extending the competences of the Police in this segment and, where appropriate, to identify effective solutions to fully ensure the prevention and combating of the phenomenon of money laundering in the offenses under the competence of the MIA.*

### **3.2.2. Creating in the General Inspectorate of Police of a structure specialized in combating money laundering**

*Performance Indicator: specialized structure created and operating therein*

*Timescale for completion: 2017*

According to the Progress Report on PDS implementation, by the MIA Order no. 100 of 22.03.2018 on amending the MIA Order no. 71 of 22.02.2013, **the Department for Prevention and Combating of Money Laundering under the National Investigation Inspectorate** has been created, while by GIP Order no. 180 of 22.03.2018 the Regulation for the organization and operation of the Department for Prevention and Combating of Money Laundering under the National Investigation Inspectorate of the GIP has been approved therein.

Pursuant to the Regulation for the organization and operation of the Department for Prevention and Combating of Money Laundering of the GIP, the latter is a specialized subdivision within the National Investigation Inspectorate which has competence throughout the territory of the Republic of Moldova, having as a priority objective the prevention, **discovery and, as the case may be the investigation of money laundering offenses and those associated with them,**

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<sup>56</sup> Assessment of the current state of play in terms of decision-making, internal procedures as well as interagency co-operation, coordination and communication related to investigation of criminal cases of corruption, 2018, p. 57. Go to the link: <https://cna.md/public/files/Assessment-ReportActivity21-Twinning5e678.pdf>

liquidation of the causes and conditions that favor committing the money laundering offense to ensure the protection of the individual, the society and the state against illegal actions in this area.

Also, among the duties of the Department for Prevention and Combating of Money Laundering are as follows:

- ensuring **the interinstitutional cooperation between the Police and Service for Prevention and Combating of Money Laundering** in preventing and combating money laundering and terrorist financing, as well as in searching, seizing, managing and confiscating the proceeds of crime, expressed through the conclusion of bilateral agreements;
- providing **support in investigating the cases of organized crime involving also money laundering**;
- coordinating the activities including from a conceptual point of view for all the special investigation subdivisions within the Police **detecting or investigating the crimes committed by the organized criminal groups**, which also involve cases of money laundering.

We believe that *by expressly mentioning the competence of the Department for Prevention and Combating of Money Laundering under the National Investigation Inspectorate for investigating money laundering offences and those associated with them, the Regulation for the organization and operation of the department thereof exceeds the material competence established by the Code of Criminal Procedure (CCP) to the Ministry of Internal Affairs.* Pursuant to art. 269 of the CCP, the criminal investigation body of the National Anti-Corruption Center shall conduct criminal proceedings in relation to the offence referred to in art. 243 of the Criminal Code “Money Laundering” and pursuant to art. 266 of the CCP, the criminal investigation body of the MIA shall conduct criminal proceedings in relation to any offence, which according to the applicable law does not fall within the competence of other criminal investigation bodies. Therefore, we recommend reviewing the Regulation of the Department for Prevention and Combating of Money Laundering under the National Investigation Inspectorate in order to adjust it to the existing legal framework.

On the same lines we reiterate the recommendation to the implementing institutions to review the need for and the opportunity of extending the competences of the Police in investigating money laundering offences and, where appropriate, identifying effective solutions for fully preventing and combating the phenomenon of money laundering, including the offences falling within the competence of the MIA.

In the light of the foregoing, we believe that **the sub-action** providing for the establishment within the GIP of a structure for combating and preventing money laundering **has been partially fulfilled**, since the structure thereof has been established within the National Investigation Inspectorate of the GIP and it has no competence in investigating the money laundering offences, while such competence related to money laundering is limited.

### **3.2.3. Strengthening the capacities of the Police to fight laundering of money generated by organized crime**

*Performance Indicators: training activities conducted therein*

*Timescale for completion: 2017–2018*

According to the Progress Reports on PDS implementation, in 2017, the Police staff participated in:

- trainings on terrorism and overturning, combating terrorism and transnational organized crime, control over the arms export;
- the regional meeting of experts in the field of non-proliferation of weapons of mass destruction (WMDs);

- the regional coordination conference in the field of combating terrorism, violent extremism in South-East Europe;
- the sixth meeting of the SELEC Anti-Terrorism Task Force;
- “Strong Border 2017” international anti-terror exercise;
- the international training and security exercise, with the rescue of US Embassy staff taken hostage.

The following events were organized in 2018:

- training on investigating money laundering offenses;
- exchange of experience of a Police employee held under the aegis of CEPOL, on the topic “Accumulation of best practices in the field of preventing and combating economic crimes, preventing money laundering and tax evasion”, which took place in Tbilisi city, Georgia;
- the working sessions/workshop “Conducting the assessment in the field of preventing and combating money laundering”, organized by the Service for prevention and combating of money laundering with the assistance of the OSCE expert in Chisinau.

Also, the National Investigation Inspectorate was a focal point for the concentration of information, being designated responsible for coordinating at the MIA level the assessment process carried out by the MONEYVAL Committee.

Out of the succession of the activities planned therein, we note that, initially the competences of the Police in preventing and combating money laundering had to be extended, the specialized structure for combating money laundering should have been set up within the GIP, and subsequently the Police capacities in this area should have been strengthened. However, considering the fact that training activities on combating money laundering have been conducted, the Promo-LEX Association rates the **sub-action no. 3.2.3 as achieved**. It is worth mentioning that *both the activity and the performance indicator are generally formulated*, without specifying the number of training activities carried out, the duration of these trainings and the number of persons trained.

#### **3.2.4. Expanding international cooperation by exchanging data and information in the field of preventing and combating money laundering and terrorist financing**

*Performance Indicators: partnerships established therein; functional system for exchanging data and information*

*Timescale for completion: 2017–2018*

Pursuant to paragraphs (4) and (5) of art. 17 of the Law no. 308 of 22.12.2017 on the prevention and combating money laundering and terrorist financing, at international level, the Service for prevention and combating of money laundering (SPCML) may on its own initiative or upon request, send, receive or exchange information and documents with competent authorities from other countries (jurisdictions), while within the national and international cooperation both the SPCML and the supervisory bodies of the reporting entities shall exchange information on its own initiative or upon request. Therefore, **specialized subdivisions of the GIP can only exchange information in this area via the SPCML**.

However, according to the progress reports, both in 2017 and in 2018 the exchange of information was carried out permanently via the secure channels in the IPCC under the GIP or via the Directorate of International Relations and External Assistance (DIREA). At the same time, following the request of the Terrorist Networks Unit within the General Secretariat of the ICPO Interpol, a contact officer in the field of combating terrorism was appointed. Thus, via the IPCC, on INTERPOL channel, in 2017, there have been examined 98 points of order from similar authorities in other states to exchange information pertaining to the field of preventing and combating money laundering and terrorist financing, while in 2018 there have been examined 184 materials covering terrorist actions.

Taking into account the fact that certain partnerships have been established therein, the Promo-LEX Association considers **the sub-action no. 3.2.4 as partially achieved** and reiterates to the implementing institutions the recommendation to re-examine both the need for and opportunity of extending the competences of the Police in investigating money laundering offences and, respectively, expanding international cooperation in the field of preventing and combating money laundering and terrorist financing, in the cases where the SPCML under the National Anti-Corruption Center is the national contact point for the exchange of information.

**Objective 4: Creating a modern police service in compliance with the best international standards and practices of the European Union, able to respond proactively and equally to the needs of the citizens and the society as a whole**

Objective 4 contains sub-actions aimed at modernizing the police service in accordance with European and international standards. It is a general objective that contains three actions and 20 sub-actions. According to Promo-LEX findings, about half of the sub-actions were to be implemented in 2016-2018. Out of nine sub-actions, we consider that only two (22.2%) were achieved, and four (44.4%) - unachieved. Two others were qualified as partially achieved, and in the case of an activity, Promo-LEX could not offer qualifications due to the uncertainties found therein.

On the same lines we note that other two sub-actions (4.1.1 and 4.1.2) were implemented before the deadline set in respect thereof.

#### **4.1. Implementing the concept of Community Policing in the structures of the General Inspectorate of Police**

##### **4.1.1. Developing and approving the concept of Community Policing**

*Performance Indicator: concept developed and approved therein*

*Timescale for completion: 2016–2020*

By the Government Decision no. 100 of 30.01.2018, both the Concept and Action Plan for 2018–2020 on the Community Policing Activity (CPA) have been approved therein.

On the same lines it is worth mentioning that in 2016 by the GIP Order there has been approved a concept of piloting the community policing activity in five police stations (Singerei town (PS no. 1 Singerei), Cahul district, Zirnesti village (PS no. 3 Zirnesti), Anenii Noi district, Bulboaca village (PS no. 4 Bulboaca), PS no. 3 of Buiucani PI, Comrat town (PS no. 1)), as well as the roadmap for 2016 for implementing the CPA in the Republic of Moldova. At the same time, in December 2018 assessment of the piloting results was carried out, the conclusions being the following:

- 1) **Following the surveys at the beginning and at the end of the implementation period, the following results were presented: in the area of safety in the community**, in Comrat it decreased by (–13.9%), while in Singerei it increased by (+ 10%). Individuals that declared that they are **satisfied with the work of the Police** in Comrat with (+ 10.5%) more while in Singerei with (+ 19.4%) more. **Presence of the Police in the community** has been appreciated in Comrat in the same way (constantly), while in Singerei with (+ 5.2%) more. **The receptiveness of the Police** has been assessed in Comrat with (+ 2.7%) more, while in Singerei with (– 21%) less<sup>57</sup>.
- 2) Numerous information campaigns conducted at central level make it difficult to organize information campaigns of local level.
- 3) The community policing activity is appreciated as a surplus to the basic one considering the discovery, the forced appeals, the assurance of the public order, the tasks of the criminal investigation officers, the finding of contraventions, etc.

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<sup>57</sup> Surveys in other settlements are not included in the Report on the assessment of piloting of the community policing activity of 28.12.2018.

- 4) At the local level, the community policing activity is still under-appreciated by the leaders in favor of the classic police activity.
- 5) Employees do not fully use the community policing tools.
- 6) There are intense actions with police volunteers, through their involvement in support activities.
- 7) The existence of vacant positions in the police sectors makes permanent presence in the community difficult, because the tasks of missing employees must be covered.
- 8) The active involvement of the citizens in solving the problems related to public order and safety, the permanent communication through different methods and instruments changes the perception of the Police in the community in a good way.
- 9) Failure to achieve the objective of attaching patrol-reaction teams to each police station will complicate the process of extending the implementation of the community policing activity following the model of the police pilot stations in which these teams had a considerable contribution.

Based on the *foregoing*, the Promo-LEX Association notes that **the sub-action 4.1.1 has been achieved** and recommends implementing the national concept of community policing activity taking into account the conclusions of the assessment of the pilot results.

#### **4.1.2. Preparing the Action Plan on the implementation of the Community Policing Concept.**

*Performance Indicator: plan developed and approved therein*

*Timescale for completion: 2017–2020*

By the Government Decision no. 100 of 30.01.2018, both the Concept and Action Plan for 2018–2020 on the Community Policing Activity (CPA) have been approved therein.

In this regard, the Promo-LEX Association considers that **the sub-action 4.1.2 has been achieved** and recommends implementing the Action Plan for 2018–2020 on the community policing activity and publication of the progress reports on the website of the Police.

#### **4.1.3. Clear establishment of the district police officers' competences**

*Performance Indicator: internal regulatory framework adjusted therein*

*Timescale for completion: second half of 2016 – first half of 2017*

Based on the reporting of the sub-action thereof in the framework of the implementation of both SDP and community policing concept, with a view of organizing the work of police stations in the context of the police subdivisions reform, there has been developed and approved **the GIP Order no. 260 of 04.06.2018 “about the endorsement of the Instruction on temporary organization of the work of Police Stations”**.

It is worth mentioning that the clear establishment of the district police officers' competences and delimitation of competences of individuals employed with other subdivisions of the Police can only be carried out taking into account the requirements set forth in departmental or regulatory instruments governing the duties of other employees, but appears that such aspects have not been reviewed. Moreover, since the Instruction on temporary organization of the work of Police Stations was developed in accordance with the applicable legal framework, which has not been amended in this respect, the instrument thereof makes provision for general rules only in respect of the duties of the police sector and heads of police stations, without elucidating the aspects regarding the competences of the district police officers and those of the representatives of various Police structures on:

- finding and investigating both offenses and contraventions;
- identification and prosecution of offenders;
- responding to calls from citizens and patrols;
- forced bringing of individuals.

We also have to mention that according to a conclusion of the Assessment Report on the piloting of the community policing activity no. 262 of **28.12.2018**, *the community policing activity is considered as a surplus to the core activity on the detection, forced bringing, ensuring public order, duties of criminal prosecution officers, finding of administrative infringements, etc. The detachment of employees from the community problems, is largely conditioned by **the performance of improper duties**, such as forced bringing in different courts; participation in the daytime services in operational groups; participation in detecting crimes with no author.* Although the timescale for the achievement of the activity on the clear establishment of the district police officers' competences is the second half of 2016 – first half of 2017, it has also been resumed in the Action Plan for 2018–2020 on the community policing activity approved by the Government Decision no. 100 of **30.01.2018**, having as a timescale for its achievement the first half of 2018 and comprising two sub-actions:

- a) determining the categories of duties that need to be strictly delimited;
- b) drafting proposals on amending the regulatory framework on the competences of the police employees.

In light of the foregoing, the Promo-LEX Association considers that **the sub-action** on the clear establishment of the district police officers' competences **has not been fulfilled**. On the same lines, *we further recommend to achieve the sub-action thereof both efficiently and effectively, so that the duties of the district police officers be clearly regulated, also in relation to the investigation and patrol-reaction structures, without it being necessary for the district police officers to perform duties that are not related to their position; wherethrough failure to fulfill the activity thereof may also endanger the achievement of the objective on the implementation of the community policing concept.*

#### **4.1.4. Strengthening the district police officers' communication skills**

*Performance Indicators: trainings conducted therein*

*Timescale for completion: 2017–2020*

According to the Progress Reports on PDS implementation, in 2017, several training sessions have been organized and conducted for the Police employees:

- 1) Training course with the topic "Community Policing Activity" during the period from the 31<sup>st</sup> of January until 3<sup>rd</sup> of February 2017, under the aegis of the Embassy of Sweden in Moldova, in which 50 Police employees received training.
- 2) Workshop with the topic "Community Policing Activity" during 6<sup>th</sup> – 8<sup>th</sup> of February 2017, under the aegis of the Embassy of Sweden in Moldova, in which both police employees as well as employees of other authorities<sup>58</sup>, NGOs<sup>59</sup>, international organizations<sup>60</sup> and Council of Local Authorities from Moldova participated.
- 3) Workshop "Community Policing Activity (CPA) in pilot settlements" on 3<sup>rd</sup> of May 2017, organized by the IPP with the participation of the leaders of the Directorate of Police of Chisinau municipality, police inspectorates of Cahul, Comrat, Hincesti, Ocnita, Singerei and Ungheni, representatives of local public administration and non-governmental organizations.

<sup>58</sup> General Prosecutor Office, Ministry of Labor, Social Protection and Family, National Inspectorate of Probation.

<sup>59</sup> "La Strada", The Institute for Public Policy, Women's Law Center.

<sup>60</sup> UNDP Moldova, SOROS Moldova.

We would like to point out that from the information submitted therein, neither the number of the district police officers that received training on strengthening their communication skills nor the number of academic hours accumulated by each district police officer can be determined

On the same lines, in 2018, by the GIP Order of 05.04.2018 "On organizing and conducting basic vocational training at the workplace, the general training compartment, with employees in the subdivisions of the General Inspectorate of Police", the entire staff of the police stations in the PIs selected for piloting thereof (Anenii Noi, Cahul, Comrat, Singerei, Buiucani) was initially trained on the topic of "Community Policing Activity in the Republic of Moldova". Through the program of the Swedish Policing Authority to support the Police Reform in Moldova, **85 employees**: in the PS of Anenii Noi – 20, PS of Buiucani city district – 10, PS of Cahul – 20, PS of Comrat – 17, PS of Singerei – 18 received training. Thus of the staff of police stations selected for piloting the community policing activity and of those supervising them (103 employees) **83%** received training.

The Promo-LEX Association *recommends to the implementing institutions to extend the trainings for the district police officers in all subdivisions, periodically assess the communication skills thereof as well as the impact of trainings conducted therein.*

#### **4.1.5. Developing the infrastructure of headquarters of both police stations and police inspectorates according to relevant standards**

*Performance Indicator: modernized infrastructure according to the standard model*

*Timescale for completion: 2017–2020*

Although the assessment of the technical status and legal regime of police stations was carried out in 2016, the cost of infrastructure and equipment needs for five police stations in different regions has also been approved under the Progress Report for the implementation of the SDP, "development and **approval of unique standards** on the architecture of the headquarters of police stations and the necessary equipment for ensuring optimal working conditions *was not possible to achieve, due to the lack of an unique vision*".

However in 2018 the Concept on the technical requirements for the functioning of the police station (GIP Order no. 286 of 22.06.2018) has been approved.

It is worth mentioning that actions performed during 2017–2018 for the development of the infrastructure of the headquarters of both police stations and police inspectorates by the implementing institutions are referred to in the sub-action *no. 1.6.1. Improving the infrastructure and logistics capacities of the Police with a view to performing the duties laid down by law*. In this respect, **it is incomprehensible to include two activities similar to the same deadline within the different objectives of the Action Plan.**

#### **4.1.6. Developing the Crime Prevention Concept**

*Performance Indicator: concept developed and approved therein*

*Timescale for completion: 2017*

The Crime Prevention Concept has been approved by the Order issued by the GIP head under the no. 530 of 29.12.2017.

The concept thereof establishes the tools and methods for preventing and combating organized crime, whilst committing to safeguarding the rights and freedoms of the individual, public interests, national security, but also removing the consequences of certain illegal activities.

Thus, the Promo-LEX Association considers that **the sub-action no. 4.1.6 has been achieved** and *recommends implementing the concept thereof as well as periodically assessing the degree of its achievement.*

#### 4.1.7. Organizing prevention activities in accordance with the risks and trends of the organized crime

*Performance Indicators: prevention measures performed; risk analysis reports developed therein*

*Timescale for completion: 2017–2020*

According to the GIP response no. P-II/143 of 12 August 2019 to the request for information submitted by the Promo-LEX Association, 90 crime analysis reports have been drafted during 2017-2018.

Both in 2017 and in 2018 there have been conducted campaigns and activities to inform and raise awareness of the population, most of them being conducted in partnership with non-governmental organizations.

<i>The campaign aim</i>	<i>2017</i>	<i>2018</i>
<b>Online privacy and information security</b>	1. Safer Internet Day 2. "Virtual reality has some very real dangers"	1. "Don't post your life on social media, live it" 2. "Click-to-click violence" 3. "Say No", preventing child sexual abuse on internet
<b>Preventing domestic violence</b>	1. "Protecting your family from violence" 2. Flash mob "One Billion Rising Moldova"	1. "Protecting your family from violence" 2. Tertiary prevention actions dedicated to family aggressors "Nonviolent fathers' school"
<b>Prevention of trafficking in human beings</b>	1. "Invisible among us"	1. "Invisible among us" 2. The action with the topic "Let's say no to human trafficking"
<b>Child safety and protection – preventing juvenile delinquency, reducing the level of victimization</b>	1. "Information Patrol in Action" 2. "Adolescence without deviant behaviour" 3. "The young ambassadors challenge the new generation"	1. "Schooled child - protected child" 2. "Working together to address juvenile delinquency"
<b>Promoting anti-tobacco policy</b>	1. "At first it's smoke, at the end it's ash. Let's breathe healthy for a beautiful future!"	
<b>Road Safety</b>	1. "You decide how to get home!" 2. "Be different - prudent and responsible" 3. "Slow down - every life matters" 4. "You are Responsible for The Safety of Your Child" 5. "The GIP is offering gifts to children from socially vulnerable families" 6. "Do You Know How to Be Street Smart?" 7. "Safe at school, safe at home" 8. "Someone waits for you at home, don't drink and drive" 9. "The employees of the National Patrol Inspectorate pleasantly surprised the ladies in traffic, wishing them sincere congratulations on the occasion of March 8"	1. "Road safety for all" 2. "Do You Know How to Be Street Smart?" 3. "Choose to drive safe" 4. "Be different - prudent and responsible" 5. The project entitled "Careful grandparents"  Special Actions such as: 6. "Speed" 6. "White Nights" 7. "Fighting against cases of illicit passenger transportation" 8. "The Pedestrian" 9. "The traffic lights" 10. "Grey Window Tint" operation 11. "The bus" 12. "Railway passage"



<b>Prevention of robberies and burglaries</b>	-	1. "Your safety matters!"
<b>Reducing drug use and diminishing HIV risks</b>	1. Flash mob "Let's beat AIDS together!" 2. Flash mob "Tribute in Light"	1. "Undetectable = untransmittable" 2. "Say no to drugs"
<b>Surveillance of firearms for civilian use - prevention of incidents with the use and application of firearms</b>	-	1. "Now is the time, hand over the weapon!"
<b>Improving dialogue with citizens, community policing, increasing civic responsibility</b>	1. "Police on the road" – closer to citizens 2. "Police behind the scenes" 3. "Make the most of your potential, join the Police!" 4. "Focusing on your safety together" 5. The program entitled "Neighborhood Surveillance"	1. "Police behind the scenes" 2. The program entitled "Neighborhood Surveillance"
<b>Others</b>	1. "Astrology does not matter but law does". 2. "Police brings to children a smile" 3. Flash mob "Don't abandon your future" 4. Flash mob "Love, Trust and Respect Go Hand In Hand" 5. Flash mob "Families without borders"	1. "Safety for Teens" Campaign 2. The charity campaign "Easter Caravan" 3. The activity entitled "The truth about organized crime" 4. "The security alley" concept

At the same time, in 2017 the activity of the Patrol service on bicycles began, which was to be present especially in the pedestrian, recreational and leisure areas of Chisinau. In 2018 the piloting of the project of the Patrol service on bicycles was in the process of implementing within the PS of Cahul and PS of Balti. In addition, in 2018, there took place the official transmission of the Mobile Prevention and Information Centre for the Police Directorate in the ATU of Gagauzia, while in Rezina town, the second "small town of road safety for children" has been inaugurated.

The table below shows the number of information and awareness-raising activities, of leaflets distributed therein, the number of beneficiaries and the number of police raids that took place in 2018:

*Table no. 5. The number of information and awareness-raising activities*

<b>The purpose of the activities carried out</b>	<b>Information and awareness-raising activities</b>	<b>Number of beneficiaries</b>	<b>Number of leaflets distributed therein</b>	<b>Number of police raids</b>
<b>Child safety and protection – preventing juvenile delinquency, reducing the level of victimization</b>	9 670	427 004	284 298	3 279
<b>Domestic Violence</b>	4 905	66 008	53 605	-

<b>Surveillance of the circulation of firearms for civilian use - prevention of incidents with the use and application of firearms.</b>	3 528	46 365	41 901	-
<b>Preventing alcohol consumption and reducing its consequences</b>	3 805	41 756	30 803	3 878
<b>Promoting anti-tobacco policy</b>	2 881	34 690	23 213	-
<b>Reducing drug use and diminishing HIV risks</b>	1 791	22 613	19 371	-
<b>Preventing patrimonial crimes</b>	-	-	-	6 944
<b>Community safety in general</b>	-	-	-	7 794

According to the data in the *Table no. 5* and in line with the activity on preventing organized crime under the risks and trends thereof, we can conclude that the highest risk of organized crime in 2018 was registered in juvenile delinquency, being necessary to ensure both the safety and the protection of children.

The Promo-LEX Association *considers the performance indicators of the sub-action thereof as general and immeasurable, which is why the objective evaluation of its degree of achievement becomes impossible.* On the same lines, the Promo-LEX Association *recommends to the implementing institutions developing annual plans on preventing organized crime according to the risks and trends thereof, carrying out long-term campaigns apart from those organized jointly with or at the initiative of civil society as well as objectively assessing the results of the prevention activities conducted therein.*

#### **4.2. Developing the Intelligence-led policing concept and extending it throughout the entire territory of the Republic of Moldova.**

##### **4.2.1. Developing the Intelligence-led policing using the relevant international expertise;**

*Performance Indicator: concept developed and approved therein*

*Timescale for completion: second half of 2016*

On 14.06.2017 the GIP Order no. 258 "On approving the *Intelligence-led policing* concept" according to which the heads of the GIP subdivisions will ensure the study and compliance by the subordinate staff with the provisions thereof, while the Information Analysis Centre under the National Investigation Inspectorate shall provide training and systematic evaluation of employees in the competent subdivisions of the GIP has been approved. The *Intelligence-led policing* (ILP) concept represents a decision-making framework for managers, based on the intelligence (led) knowledge of crime and criminals, institutional capacities, but also on the understanding of the society. This decision-making framework implies the adoption of specific systems and working methods facilitating the substantiation of (strategic, tactical, operational) decisions at different institutional levels (local, regional, national).

Subsequently, based on the GIP order no. 324 of 27 July 2017, the Action Plan on implementing the Policing Concept based on ILP has been adopted therein.

In the light of the *above*, the Promo-LEX Association considers **the sub-action no. 4.2.1 achieved** and *recommends effectively implementing the concept thereof as well as the Action Plan approved in this respect.*

#### **4.2.2. Participating in the implementation of twinning (institutional twinning) projects on the implementation of the intelligence-led policing concept**

*Performance indicators: projects developed and implemented therein*

*Timescale for completion: 2017–2019*

According to the progress reports on the implementation of the PDS, this activity was only reported in 2016 (“The EU delegation is to announce competition for procurement and twinning”).

In this regard, the Promo-LEX Association draws attention to the fact that the deadline for the implementation thereof is 2019 and that there is a probability that this sub-action will not be achieved. In this regard, we recommend the implementing institutions to report the activities carried out each year as of the period set for their implementation, and in case of lack of actions taken on this dimension until the end of 2019, we recommend examining the possibility of extending the deadline for the implementation thereof.

#### **4.2.3. Reorganization of information analysis structures**

*Performance Indicators: Information Analysis Center reorganized as a central unit subordinated to the General Inspectorate of Police; regional structures established and operationalized therein*

*Timescale for completion: 2017*

According to the progress reports on the implementation of the PDS, the action thereof is to be achieved once the draft of the Government Decision on approving the Regulation on the organization and functioning of the GIP and limit staff thereof shall enter into force, the new draft structure providing for the establishment of a specialized subdivision for analyzing the information, which will be competent to make a summary of the data in the field of crime investigation, public security, etc. On the same lines, in the context of regionalization, regional structures for risk analysis will also be created.

In this regard, the Promo-LEX Association rates **the sub-action no. 4.2.3 as unfulfilled** and repeats its recommendation on resuming the work on public consultation of the draft of the Regulation on the organization and functioning of the GIP and limit staff thereof as well as its approval in the near term.

#### **4.2.4. Strengthening risk analysis capabilities**

*Performance Indicator: specialized structure established and operationalized therein*

*Timescale for completion: 2017–2018.*

Considering that the information analysis entity was not reorganized as planned in the sub-action 4.2.3 thereof, so its capabilities cannot be strengthened either, this activity being delayed by the approval of the Government Decision on the Regulation on the organization and functioning of the GIP and limit staff thereof.

Thus, the Promo-LEX Association considers **the sub-action no. 4.2.4 unfulfilled.**

#### 4.2.5. Improving operational and tactical analysis capabilities

*Performance Indicators: trainings organized and conducted therein; specialized equipment purchased and dedicated information applications implemented therein; standard operating procedures on the collection of information established therein*

*Timescale for completion: 2019–2020*

According to the Report for the implementation of the PDS, a computer hardware (23 IT devices and 71 monitors), a data server, a data storing and keeping equipment of System Storage type and an equipment for interconnecting and managing the information networks have been purchased for the development of the capacities of the Information Analysis Center and of the analysis units within the Police subdivisions especially territorial ones.

Also by the GIP Order no. 265 of 08.06.2018, the Concept of signaling threats and vulnerabilities to public order and community safety entitled the **“Threat Map”** has been approved therein<sup>61</sup>. The “threat map” aims to analyze and evaluate the threats to public order and community security, by involving/participating in this process of civil society, while the practical outcome and final purpose of the analytical products provided by the system thereof lies in the massive presence of police officers in areas where threats have been reported. Since the launch date (22.08.2018) until the end of 2018, **775** warnings about threats and vulnerabilities found by citizens have been reported therein.

The Promo-LEX Association *appreciates the fact that the sub-action thereof was initiated before the deadline set in the Action Plan and recommends developing and promoting the “Threat Map” so that the citizens of the Republic of Moldova be able to use it effectively, make warnings that shall meet their expectations and increase community safety.*

#### 4.2.6. Creation, operationalization and development of the Communication and Information Technology Service of the General Inspectorate of Police

*Performance Indicator: subdivision established and operationalized therein*

*Timescale for completion: second half of 2016*

By the GIP Order no. 122 of 26.04.2016, changes were made in the staffing plan of the GIP, and the Maintenance Service (three positions) was established within the Analysis and Logistics Service of the GIP, in order to assign competences on the IT segment.

The Promo-LEX Association draws attention to the fact that the Communication and Information Technology Service ought to be created and operationalized within the GIP, rather than in the Procurement and Logistics Service of the GIP. Especially because the aspect regarding the competences of the Maintenance Service and the extent to which they correspond to the competences of a communication and information technology service is uncertain. For this reason, **Promo-LEX could not assess the degree of achievement** of this sub-action.

In addition, since the Regulation on the organization and functioning of the GIP and limit staff thereof is still to be approved and, respectively, certain structures might be reorganized, *we recommend investigating the possibility of establishing a Communication and Information Technology Service within the GIP, as laid down in the sub-action 4.2.6.*

#### 4.2.7. Creation of the specialized subdivision of the General Inspectorate of Police ensuring security of the information systems managed by the Police as well as the protection of personal data

*Performance Indicator: subdivision established and operationalized therein*

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<sup>61</sup> <https://bit.ly/2KxlPo1>

*Timescale for completion: second half of 2016*

By the MIA Order no. 349 of 30.12.2015, the Personal Data Protection Service (PDPS) has been established within the Inspection Directorate, while by the MIA Order no. 50 of 22.02.2016 the Regulation on the organization and functioning of the Inspection Directorate has been adjusted to changes in the personnel (introduction of duties, rights of the service) made therein. However, according to the information submitted by the GIP, the Personal Data Protection Service is not responsible for providing security for information systems managed by the Police.

The service thereof has been fully established by 26<sup>th</sup> of April 2016. On the 23<sup>rd</sup> of February 2016 the GIP issued the order no. 47 “on approving the security policy within the GIP”.

In light of the *foregoing*, the Promo-LEX Association considers **the sub-action thereof as partially fulfilled**, as the subdivision established therein is not responsible for providing security for information systems managed by the Police. On the same lines, *we recommend that when approving the Regulation on the organization and functioning of the GIP and limit staff thereof to consider the possibility of establishing a subdivision that would include both duties for providing security for information systems managed by the Police and protection of personal data.*

#### **4.2.8. Purchase of special equipment and technical devices**

*Performance Indicators: both special equipment and technical devices purchased therein*

*Timescale for completion: 2017–2019*

According to the progress reports for the implementation of the SDP, the information presented in this sub-action is similar to the information presented in 2017 in section 1.4.8. Strengthening the capacities for intervention by providing special equipment and technical devices to Police subdivisions responsible for maintaining and ensuring public order.

In this regard, we advise the PDS implementing institutions to include only the information on the purchase of the special equipment and technical devices, which is to fulfill the main action – developing the Intelligence-led policing concept and extending it throughout the entire territory of the Republic of Moldova.

At the same time, in 2018 a data server, a data storage equipment of System Storage type as well as an equipment for interconnecting and managing the information networks have been purchased therein. The server thereof is dedicated to running the computer application for collecting, systematizing and analyzing the information obtained in the area of policing.

#### **4.2.9. Achievement of communication network voice-data of the Police**

*Performance Indicator: network created and operationalized therein*

*Timescale for completion: 2019–2020*

According to the reports for the implementation of the PDS, pre-actions have been taken starting from 2017 and continuing in 2018 for the purpose of achieving the sub-action thereof. Also certain equipment has been purchased therein:

<b>2017</b>	<b>2018</b>
<ul style="list-style-type: none"><li>- <b>The Monitoring Committee</b> was established to implement the secure communication network voice-data in the GIP<sup>62</sup>.</li><li>- <b>The Action Plan</b> on implementing a secure communication network voice-data has been developed</li></ul>	<ul style="list-style-type: none"><li>- The audit of the sites covered all 82 candidate locations for the installation of the TETRA and microwave communication equipment.</li><li>- The audit of the sites that created the necessary entries for the site-level nomination forms was</li></ul>

<sup>62</sup> Established by the GIP Order no. 402 of 09.10.2019. Go to the link: <https://bit.ly/2KEVS61>

<p>as well as a Monitoring Committee has been established in the GIP<sup>63</sup>.</p> <ul style="list-style-type: none"> <li>- <b>The Feasibility Study</b> has been developed to determine the optimal locations for the installation of base stations under the TETRA standard for radio signal coverage of the entire territory of the Republic of Moldova.</li> <li>- Both types and quantities of communication equipment necessary for implementing the project have been set therein.</li> <li>- The number and type of radio terminals needed to equip the police patrols and intervention teams was established.</li> <li>- <b>The “turnkey” contract for the purchase of Communication Equipment Software Design, installation and interconnection for the creation of the radio network under the TETRA standard was signed with MOTOROLA manufacturer.</b> The value of the contract thereof is EURO 6 929 226,91 excluding VAT.</li> </ul>	<p>performed.</p> <ul style="list-style-type: none"> <li>- The existing systems of the Border Police General Inspectorate were assessed as well as their technical status was verified under the reporting document submitted in respect thereof.</li> <li>- The detailed design of the system was developed, while the Feasibility Study was reviewed in detail.</li> <li>- The detailed design of the site has been developed in the locations nominated for the installation of the base stations and the radio-rel connections.</li> <li>- The technical expertise of 24 candidate locations for 2018 has been performed therein.</li> <li>- Collocation contracts were signed with national telecommunications operators for the installation of TETRA equipment.</li> <li>- The Information Technology Service of the MIA has been designated as institution responsible for the implementation of the Radiocommunication System under the TETRA standard.</li> <li>- Training courses were conducted for the network management personnel.</li> <li>- The authorizations needed for the base station installations and the radio-rel connections were obtained.</li> <li>- The Frequency Plan for all 82 candidate locations was completed.</li> <li>- The detailed testing procedure of the factory acceptance tests of the infrastructure equipment has been prepared.</li> <li>- The factory infrastructure equipment was tested at the Berlin SIC - September 2018.</li> <li>- The new system was put into operation.</li> <li>- Migration in the new system of databases, users and of those 36 base stations was done.</li> </ul>
ACQUISITIONS:	
<ul style="list-style-type: none"> <li>- 45 radio terminals were purchased for the Special Police Brigade “Fulger”. The radio terminals were <b>programmed and introduced into the TETRA radiocommunication system.</b></li> <li>- 190 portable radio terminals under TETRA standard and 103 mobile radio terminals under TETRA standard were delivered for Police needs.</li> </ul>	<ul style="list-style-type: none"> <li>- All the equipment planned for 2018, plus the equipment planned for 2019, were delivered in accordance with the Additional Agreement to the Contract no. 273AP of 06.12.2017.</li> </ul>

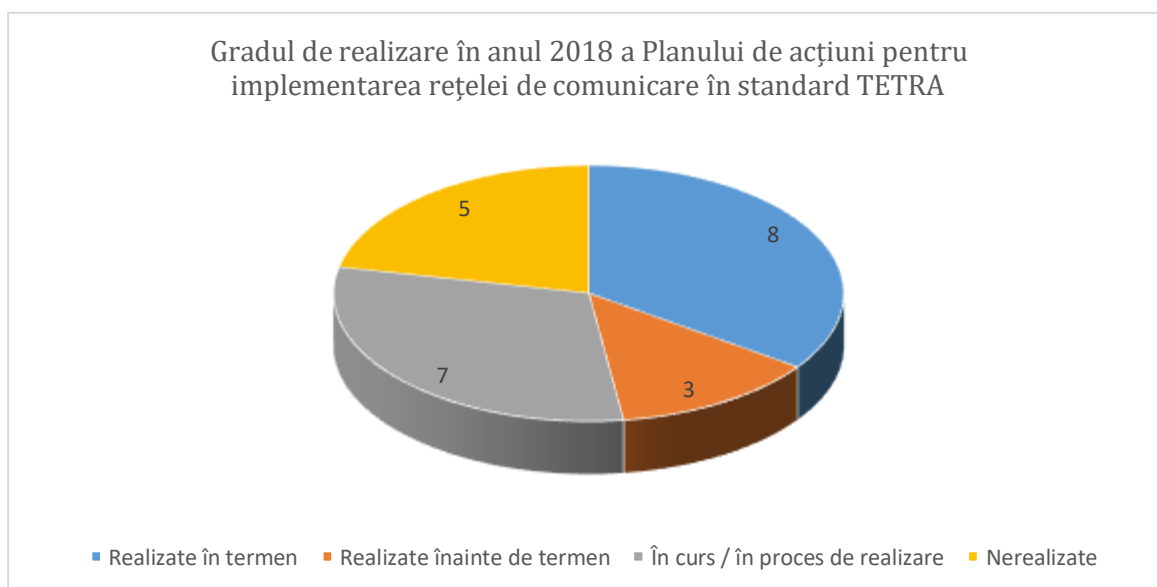
According to the Progress Report on the implementation of the MIA Action Plan in 2018<sup>64</sup> on the implementation of the communications network under the TETRA standard, three activities planned to be implemented after the second half of 2018 were completed before the deadline set in respect thereof.

The chart below shows the degree of implementation of the Action Plan according to the Progress Report.

<sup>63</sup> Approved by the MIA Order no. 401 of 29.12.2017. Go to the link: <https://bit.ly/2KJnMOI>

<sup>64</sup> The progress report on the implementation of the communication network under the TETRA standard within the MIA according to the MIA Action Plan on the implementation of the communication network under the TETRA standard, approved by the MIA Order no. 401 of 29.12.2018. Go to link: <https://bit.ly/33uHgP9>

*Chart no. 11. The degree of achievement in 2018 of the Action Plan for the implementation of the communication network*



The Promo-LEX Association *welcomes the initiation of the sub-action no. 4.2.8 before the deadline set forth in the activity plan for the implementation of the SDP.*

#### **4.2.10. Development of information integrated system of the Police**

*Performance Indicator: system developed therein*

*Timescale for completion: 2017–2020*

According to the progress reports for the implementation of the PDS, in 2017 Information Technology Service of the Ministry of Internal Affairs drawn up the draft documentation as well as the estimate for the design of the LAN network in the territorial subdivisions of the Police, being necessary to identify the financial resources for the construction of these networks.

By the MIA Order no. 248 of 24.07.2018 “On the transfer of material goods”, the Information Technology Service of the Ministry of Internal Affairs transferred to the balance of the GIP, 44 technical projects for the reconstruction of the local area network (LAN) in the territorial units of the Police with a value of MDL 2 698 378,55. In 2018 the implementation of two of those 44 projects for the reconstruction of the LAN network covered therein were successfully completed in the PI of Criuleni and PI of Telenesti.

*In conclusion, for this action to be implemented by the end of 2020, the Promo-LEX Association underlines that 22 projects for the reconstruction of the LAN network should be completed each year during the 2019–2020 period.*

#### **4.3. Consolidation of the patrol, reaction and intervention capabilities of Police to the call of the citizens.**

##### **4.3.1. Reorganization of the National Patrolling Inspectorate through the decentralization of the patrol structures**

*Performance Indicator: National Patrolling Inspectorate of the General Inspectorate of Police reorganized therein*

*Timescale for completion: second half of 2016 – first half of 2017*



According to the progress reports for the implementation of the SDP, during 2016-2018, the following activities were carried out in order to elaborate a concept vision regarding the reorganization of the NPI:

- by the GIP Disposition no. 34/3-443 of 11.12.2017, a working group responsible for developing the **structure of the National Inspectorate of Public Security under the GIP** has been created. The project on the structure of the National Inspectorate of Public Security provides for the merging of the NPI and GDPS;
- *The vision on deconcentrating the activities of public order and security to the level of the territorial subdivisions of the Police as well as establishing the National Inspectorate of Public Security within the General Inspectorate of Police*, has been developed in 2018, the logical order of implementation of the actions thereof being as follows:
  - 1) establishing the NIPS within the GIP by merging the NPI and GDPS;
  - 2) deconcentrating the activities of public order and security by granting to territorial subdivisions of the Police of competences and personnel resources required to manage the situation at a local level.

On the same lines, the NPI reorganization is delayed by the disapproval of the draft Government Decision on the organization and functioning of the GIP. Thus, the Promo-LEX Association considers **this sub-action as unfulfilled** and reiterates in this context its recommendation to resume the activity on the promotion of the aforementioned draft Government Decision and, respectively, its approval in the near term.

#### **4.3.2. Development of the integrated management system of the urgent calls from Police competence**

*Performance Indicators: intervention concept developed and approved therein; dedicated operational information systems; 15 minutes – average time taken for the Police to intervene*

*Timescale for completion: 2017–2018*

On 24.11.2017, by MIA Order no. 351, the Concept on the functioning of the Integrated management system of the urgent calls (IMSUC) made to the Police as well as the Action Plan on the implementation thereof have been approved<sup>65</sup>.

In 2018 with a view of implementing the action hereof, the following activities were carried out:

- **the migration of the necessary data from the MIA Information Management System of the Emergency Situations (IMSES) to the Automated Information System 112** (SNU 112) was accomplished, being also performed the installation of workstations for the regional dispatch centers, including for the IMSES and AIS 112;
- **“Centru” and “Chisinau” Dispatcher Rooms** for the management of police force in responding to urgent calls of the citizens in the central region of the country (as a temporary solution established within the **PD of Chisinau municipality**) has been set up therein. For their operationalization, by the GIP Order no. 278 of 18.06.2018, the Framework Regulation on the organization and functioning of the dispatcher room within the territorial subdivisions of the Police as well as job descriptions of its employees have been approved. As of 1<sup>st</sup> of July, **the regional dispatcher rooms** operate in the AIS 112 only<sup>66</sup>, the urgent calls at 901, 902 and 903 being directed to the direct number **112**;
- in order to optimize the location, the procedure for obtaining GPS services from a single service provider was initiated, 700 GPS trackers (*400 – in 2017, 300 – in 2018*) being purchased, of which **400 have already been installed**. Based on these technologies, in the context of emergency interventions, the dispatchers will be able to identify the transport

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<sup>65</sup> Concept on the functioning of the Integrated Management System of the Urgent Calls and Action Plan on the implementation thereof. <https://bit.ly/2OTLcps>

<sup>66</sup> On the 29<sup>th</sup> of March 2018 the National Single-Carrier Service 112 has been launched, while by the Government Decision no. 647 of 10.07.2018 the Regulation of interaction between the NSCSUC 112 and specialized emergency services has been approved.



- units located nearest to the place of the incident, which therefore shall reduce the reaction time;
- a working group responsible for the assessment of the role of the criminal investigation task force within the territorial subdivisions has been established at the level of the GIP as well as new operating proposals have been made;
- **the Instruction on primary response to urgent calls has been approved by the GIP Order no. 232 of 07.05.2018, unique principles being also established.** The Instruction thereof describes how to take and record emergency calls in the police dispatchers/on-call services, as well as allocating resources to solve them according to the material and territorial competences. On the same lines, it establishes a minimum number of two operative patrol and reaction teams to be set up in police inspectorates and five for the Chisinau and Balti municipal sectors;
- in order to ensure an efficient coordination of the police forces involved in different police missions, the project documentation and the quote for the reconstruction of the headquarters of the **GIP Mission Coordination Center** have been developed;
- **the module entitled “Authorizations”** was developed in order to ensure the implementation of some applications dedicated to patrol and operational reaction activities as well as for the registration of persons and cars stopped by police for identification purposes, the design of the application thereof being completed as well as other piloting preparatory measures being carried out within the NPI.

According to the Progress Report on the implementation of the PDS<sup>67</sup> as well as to the Report on the activities of the Police in 2018<sup>68</sup>, according to the data in the AIS “112”, the average intervention time in 2018 (June–December)/**the average response time to citizens’ calls** a constituted **25 minutes**.

According to the Report on the completion of the Action Plan for the implementation of the Concept on the functioning of the Integrated management system of the urgent calls received in 2018, the response time to citizens’ urgent calls has reduced **from 42 minutes at national level to 33 minutes**.

According to the Report on the implementation of the Government’s Activity Program for 2016-2018<sup>69</sup>, submitted on 13.12.2018, the response time to citizens’ calls in the Automated Information System 112 has been reduced **from 20–25 minutes to 13–18 minutes** for Chisinau municipality, as well as **from 42 to 23 minutes** for the rest of the country.

On the same lines, according to the GIP response to the request for information under the no. P-II/143 of 12.08.2019, during the 2015–2017 period, the system for collecting the data regarding the intervention times proved to be inefficient, because the data were entered manually by the staff of the Security Guard Service, emphasizing that such data were strongly distorted. The average time reported during this period was between 13 and 15 minutes, but according to the checks carried out and the assessment of the real situation, it was **about 42 minutes**. Following the implementation of the AIS 112, there has been a steady decline in dynamics from 42–43 minutes in 2018 (July–December) to 31–34 minutes in July 2019.

In the light of the *foregoing*, the Promo-LEX Association draws the attention of the implementing institutions on the average response time to the citizens’ calls reflected in different reports and recommends using the same data for the same periods.

*Given that the action thereof had a deadline until 2018, we conclude that the performance indicator regarding the average intervention time has not been reached. Starting from the fact that, this action*

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<sup>67</sup> Progress Report on the completion of the Action Plan on the implementation of the Police Development Strategy in 2018, p. 31. Go to the link: <https://bit.ly/2TG18ul>

<sup>68</sup> Report on the activities of the Police in 2018, p. 12. <https://bit.ly/2KId6iM>

<sup>69</sup> Report on the implementation of the Government’s Activity Program for 2016–2018, p. 70. <https://bit.ly/2Z5lxKi>

*has several performance indicators, one of which was achieved, we conclude **that the sub-action no. 4.3.2 was partially fulfilled***. On the same lines, it is worth mentioning that according to the Policy Matrix, the indicator on reducing the average intervention time should be reached in 2020. In this regard, we recommend the implementing institutions continuing the efforts on reducing the average response time to citizens' urgent calls.

#### **4.3.3. Improvement of the communication capacities of the staff involved in the integrated management of urgent calls**

*Performance Indicators: trainings organized and conducted therein*

*Timescale for completion: 2017–2020*

During the period from 11<sup>th</sup> of July until 27<sup>th</sup> of July 2017, the specialized structures of GIP have conducted training seminars for all the staff of the Security Guard Service in the GIP subdivisions, involved in the process of response to urgent calls; the training seminars thereof were attended by a total of 316 employees.

On the same lines, 42 employees in the regional dispatcher rooms received training on how to use **the MIA Information Management System of the Emergency Situations** application. After the migration of the necessary data from the MIA Information Management System of the Emergency Situations (IMSES) to the Automated Information System 112 (SNU 112) was accomplished, in 2018, there have been conducted trainings for 44 police officers on how to manage the **Emergency Call Service 112**.

At the same time, according to the GIP response to the request for information under the no. P-II/143 of 12.08.2019, on establishing the way of communication of operational service officers/inspectors in the dispatch centers and security guard services under the subdivisions subordinated to the GIP, control calls have been made while receiving phone calls from citizens, during 26<sup>th</sup> of May–1<sup>st</sup> of June 2016. As a result, some deviations and service investigations were found.

In this regard, the Promo-LEX Association *recommends to periodically making such control calls in order to assess the real evolution of the communication capacities of the personnel involved in taking emergency calls and the impact of the trainings conducted in respect thereof*.

***Objective 5: Promoting and implementing the principle of zero tolerance for corruption, discrimination and ill-treatment in the activity of the Police***

*The objective 5 was developed with the purpose of promoting, ensuring transparency in both the work and professional integrity of the Police sector. It contains two actions and eight sub-actions. Only three sub-actions out of eight are planned to be implemented during the 2016–2018 period. Of which, the Promo-LEX Association rates one as being fulfilled, while two as partially fulfilled.*

**5.1. Promoting and implementing the principle of zero tolerance in the activity of the Police**

**5.1.1. Identifying areas and vulnerable positions from Police in the perspective of committing corruption crimes and development of the Standard Operational Procedures, in order to regulate these activities**

*Performance Indicators: Assessment Report drafted therein; operational procedures developed and approved therein*

*Timescale for completion: 2017*

On 13.07.2016, the GIP issued the order under the no. 217 “On the establishment of the corruption risk assessment team within the GIP under the MIA”. On the 13<sup>th</sup> of July 2016, “The plan for carrying out the process for the assessment of corruption risks” have been drafted and approved therein. Following the assessment and analysis of the corruption risks in the field of activity of the National Patrol Inspectorate (NPI), jointly with the National AntiCorruption Centre, **the Report on the results of the corruption risk assessment in the National Patrol Inspectorate** has been developed therein<sup>70</sup>.

By the GIP Order no. 366, on the 11<sup>th</sup> of September 2017, the Integrity Plan of the NPI under the GIP for the second half of 2017 – first half of 2018<sup>71</sup> was approved, the monitoring reports for the implementation of the plan being also drafted therein<sup>72</sup>.

According to the Monitoring Report on the implementation of the Integrity Plan, it was found that out of the total number of actions **44 have been fully fulfilled (73%); five – partially fulfilled (8%) while 11 - unfulfilled (18%)**, stressing that it is appropriate for the NPI, jointly with the GIP, to promote and continue the activities initiated to carry out the outstanding measures, to promote and ensure professional integrity among the employees, including the objectives on the development of the Police sector planned in accordance with the Government Decision no. 587 of 12.05.2016.

The corruption risk assessment team has been set up under the order of the GIP Head no. 34/165 of 24.05.2017 “On the implementation of the process for the assessment of the corruption risks within **the General Directorate of Criminal Prosecution of the GIP** under the MIA”. Accordingly, following the Report on the results of the assessment of the risks of corruption carried out in the General Directorate of Criminal Prosecution (GDGP) and territorial criminal prosecution bodies<sup>73</sup>,

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<sup>70</sup> Report on the results of the corruption risks assessment carried out within the National Patrol Inspectorate, specialized subdivision subordinated to the GIP. Go to the link: <https://bit.ly/2YYGXZq>

<sup>71</sup> The integrity plan of the NPI under the GIP for the second half of 2017–first half of 2018. Go to the link: <https://bit.ly/2KIPhYe>

<sup>72</sup> Monitoring Reports on the implementation of the integrity plan of the NPI under the GIP for the second half of 2017 – first half of 2018. Go to the link: <https://bit.ly/31BfUFg>. Activities performed in the first half of 2018. Go to the link: <https://bit.ly/2YNa5HL>

<sup>73</sup> Report on the results of the corruption risks assessment carried out within the General Directorate of Criminal Prosecution and criminal prosecution bodies, specialized subdivision subordinated to the GIP. Go to the link:

the Integrity Plan of the General Directorate of Criminal Prosecution of the GIP for the second half of 2018 – first half of 2019 has been approved by the GIP Order no. 371 of 17.08.2018.

Also, in 2018 the process of assessing the corruption risks has been initiated within the following subdivisions of the GIP: Human Resources Division, Procurement and Logistics Service, National Investigation Inspectorate.

In 2017, the draft standard operating procedures for **declaring the conflict of interest and denouncing inappropriate influences** were drafted, while in 2018 the procedures thereof were approved.

*However, in order to stimulate denunciation of inappropriate influences and the declaration of conflict of interests, we consider it necessary that the omission to fulfill the positive obligations of denunciation and declaration should be accompanied by appropriate sanctions.*

At the same time, the employees of the Anti-Corruption Department of the GIP questioned 718 Police employees in 12 subdivisions of the GIP, for a survey that assessed the perception of corruption in the areas of activity of the Police. According to the findings made in the Research Report on the interpretation of the results of the anonymous questionnaire assessing the perception of corruption, all levels of functions within the Police - both the management and the execution one – are subject to the risk of corruption, a greater vulnerability being given to the management functions. The most widespread manifestations are passive corruption and trading in influence, generated by insufficient pay level. It is important to stress that **92% of the respondents stated that the factor that generates corruption is the request / indication of the heads.**

*Thus, in order to efficiently achieve the objective of “implementing of the zero tolerance principle against corruption”, we are of the opinion that the subsequent actions taken by the GIP must be in accordance with the alarming result attested by means of anonymous questionnaires.*

On the same lines, the main reason for the non-involvement of the respondents in denouncing the manifestations of corruption is the fact that they are not being directly affected by it (36%), as secondary reasons being invoked the fear that the people being notified will find out (25%) and the distrust that the necessary measures will be taken therein (25%).

It should be noted that, as stated in the same report, **the areas of activity within the Police subject to the risk of corruption**, according to the respondents of the questionnaire, are as follows: criminal prosecution – 48%, finding contraventions – 44%, investigating offenses – 37%, granting firearms licenses – 19%.

In view of the *above*, the Promo-LEX Association ranks this **sub-action as partially fulfilled**, since the vulnerable areas and jobs were identified only within two police subdivisions (NPI and GDGP), the others being expected to be evaluated later.

#### **5.1.2. Intensifying prevention campaigns of corruptive behavior of policemen, particularly in the areas and vulnerable places**

*Performance Indicators: prevention campaigns conducted therein*

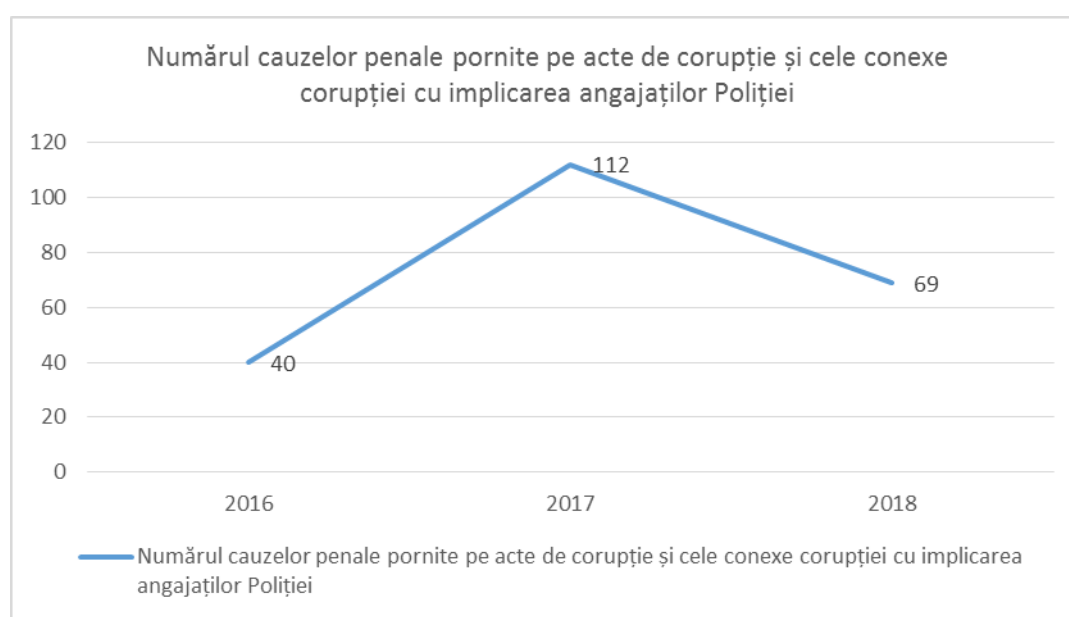
*Timescale for completion: 2017–2020*

In 2017, 81 meetings were organized within the police subdivisions regarding the non-admission of involvement in corruption or corrupt acts, being conducted **three trainings** on the integrity and anti-corruption segment. In addition, two press releases regarding the prevention of corruptive

behavior of policemen, especially in vulnerable areas, were disseminated and posted on the Police website.

According to the MIA Disposition drafted by the Internal Protection and Anti-corruption Service no. 4/29 of 15.11.2018, during 03.12.2018–09.12.2018, the Prevention Division of the IPAS of the MIA, jointly with the NPI of the GIP, conducted the **Campaign to Raise Public Awareness of the phenomenon of corruption in the MIA**. In order to make the activities for the prevention of corruption more efficient, to increase the awareness of the police employees and the citizens regarding the risks of involvement in corruption acts, an anti-corruption video spot was made carrying the message *We can't accept corruption! Let's be honest!*<sup>74</sup>, which was published on 17.07.2018 on the Facebook page of the head of the GIP and Police, and subsequently taken up by the media. At the same time, on the 10th of January 2019, a public awareness campaign entitled **"We DON'T accept corruption in police!"** has been launched.

*Chart no. 12. Number of criminal cases initiated on corruption acts and those related to corruption involving Police employees, according to the statistical data provided by the GIP*



According to the GIP's response no. P-II/143 of 12.08.2019 to the request for information from the Promo-LEX Association, it is noted that, starting from 2016 until 2017 inclusive, the dynamics of committing corruption offenses and relevant acts thereof by the GIP employees had a significant growth, but in 2018, due to the intensification of actions to prevent corruption, a decrease in the number of corruption offenses and those related to corruption acts was observed.

*The Promo-LEX Association specifies that, in accordance with the formulation of the activity thereof, the campaigns for the prevention of the criminal behavior must be intensified, especially in the vulnerable areas. In this regard, the expectations also concern an increase in the number and frequency of campaigns to prevent corruptive behavior of policemen as well as an increase in the number of informed persons.*

<sup>74</sup> <https://bit.ly/2YQIGFY>

### 5.1.3. Development of the electronic system of the fact-finding and recorded traffic offences in order to reduce human intervention in this activity

*Performance Indicators: regulatory framework adjusted therein, electronic system developed therein*

*Timescale for completion: 2018–2020*

Automation of the process for detecting and finding violations in the field of road traffic committed by the drivers, accumulating evidence for solving the case and bringing them to contravention or criminal liability, collecting data on the road situation in the real-time surveillance zones is the goal pursued by the automated road traffic control and monitoring system established under the Government Decision no. 965 of 17.11.2014. The Government Decision thereof served as basis for approving the Regulation on the organization and operation of the automated road traffic control and monitoring system entitled the **“Road Traffic Control”**.

Thus, according to section 49 of the “Road Traffic Control” concept, the sample recorded with fixed or mobile surveillance units, with portable technical means for departmental use, with certified technical means or with technical means approved and metrologically verified **is automatically transmitted** to the Information Technology Service under the MIA, **where it is verified and validated by the operator and exported in an automated regime in the System of records of the contravention cases and of the persons who committed them**, outline of the Automated Information System “Registry of Criminal and Criminological Information” (AIS RCCI), component part of the integrated information system of governmental bodies.

In 2017, the Audit Chamber carried out the audit on the assessment of conformity of the management of road traffic control and monitoring systems, aimed also at establishing the major problems thereof as well as the degree of assurance of the information security of the system. By the Decision no. 12 of 05.04.2017, the Audit Chamber approved the report in respect thereof and **formulated 78 recommendations and 53 requirements**<sup>75</sup>, concluding that the ATMS *is affected by multiple irregularities and deviations from the provisions of the regulatory framework, the outset thereof lacking in a clear vision on the way of implementing the aforementioned system and complying with legitimate interests of citizens, both with respect to the owner (the MIA), and holder (ITS of the MIA), as well as a faulty administration generating inefficient expenses.*

In order to adjust the regulatory framework, the ITS has developed a new draft amending the Regulation on the organization and operation of the automated road traffic control and monitoring system entitled the “Road Traffic Control”, which also served as basis for implementing the recommendations made by the Audit Chamber (Decision no. 12 of 05.04.2017). By the Government Decision no. 497 of 25.05.2018, both changes and additions were approved for the appendix no. 1 to the Government Decision no. 965 of 17.11.2014 approving the Regulation on the organization and operation of the automated road traffic control and monitoring system entitled the “Road Traffic Control” and amending the concept of the automated road traffic control and monitoring system entitled the “Road Traffic Control”.

At the same time, by the Government Decision no. 1264 of 19.12.2018, changes have also been made to the Government Decision no. 965 of 17.11.2018, which did not comply with the principle of transparency in decision-making, the draft of the Government Decision being published for public consultations on 18.12.2018<sup>76</sup>, while on 19.12.2018 the latter being approved in the government meeting. It is worth mentioning that the aforementioned Government Decision has granted the same rights to both the private partner and the public partner, including having access to the information in the System. In this regard, in its audit report, the Audit Chamber stated the following: *“Signature of contracts with **economic operators** was performed without*

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<sup>75</sup> The Audit Report “Management of the road traffic control and monitoring systems”, approved by the Decision no. 12 of 05.04.2017. <https://bit.ly/2NfaQma>

<sup>76</sup> <https://bit.ly/2YTmytw>

taking into account **that the latter are not entitled to participate in the ATMS**, because they are neither entrusted by the applicable law to conduct any activities related to monitoring and ensuring the safety of road traffic **nor entitled to carry out any tasks of public interest or which may result out of the exercise of the prerogatives of public authority**".

Also, in 2018 the draft of the MIA Order "On the approval of the instruction on the way of reporting and recording the offences" has been developed, while also under the same order, the previous MIA order (no. 347 of 01.11.2010) "On the approval of the instruction on the way of reporting and recording the offences, individuals committing them and results of the examinations thereof" being repealed. Section 15 of the Instruction on the way of reporting and recording the offences stipulates that, in the case of contraventions found with the help of the certified technical means or of the technical means approved and metrologically verified, the conclusion / issuance of the documents and the procedural documents provided for in the section 8, sub-sections 2) – 6) takes place in the form of an electronic document, on which the digital electronic signature of the certifying agent is applied, in accordance with the provisions of the legislation, with the subsequent reproduction on paper.

*Considering the above as well as the conclusions of the audit report on the implementation of the Road Traffic Control Concept by entering into private-public partnerships during the 2014–2016 period, we recommend the implementing institutions to submit the process of awarding the private-public partnership to broad public consultations and, where appropriate, to conduct an ex-ante analysis of the process of monitoring the road traffic via the Road Traffic Control System.*

#### **5.1.4. Reorganization of public procurements system within the Police and training the staff in charge**

*Performance Indicators: system adjusted therein, procurement system regionalized therein, operational procedures developed and approved therein, staff trained*

*Timescale for completion: 2017–2020*

In 2017, employees of different services participated in several training sessions in the area of public procurement, organized by the Public Procurement Agency and representatives of civil society. On the same lines, the technical concept of the Automated Information System entitled "State Register of Public Procurement" (MTender) has been approved by the Government Decision no. 705 of 11.07.2018. In this connection, the Government approved the Regulation on the accreditation of electronic procurement platforms within the Automated Information System "State Register of Public Procurement" (MTender) (Government Decision no. 985 of 10.10.2018), as well as the Regulation on the way of keeping the State Register of Public Procurement created by the Automated Information System "State Register of Public Procurement" (MTender).

According to the Progress Report for the implementation of the PDS, the General Inspectorate of Police has aligned with the national policies in the field and, **as of Autumn 2018, performs the procurement procedures only through the "MTender" system**, which is integrated with other state information systems.

*Although the reorganization of the public procurement system within the Police is considered an outdated action, in connection with the approval of the MTender automated information system, we recommend the General Inspectorate of Police to approve standard operating procedures and to continue the training of the personnel involved in the procurement process, notwithstanding the fact that the procurement thereof are also carried out by the territorial subdivisions of the Police. We also would like to draw attention to the fact that the territorial subdivisions of the Police have no webpage, which makes it impossible to comply with the provisions of the section 18 of the Regulation on Planning of the Public Procurement Contracts, approved by the Government Decision no. 1419 of 28 December 2016, namely the publication of the provisional /annual procurement plan.*



- 5.2. **Improving the cooperation between agencies and structures of combating corruption at intra and inter-institutional level**
- 5.2.1. **Strengthening of the Internal Protection and Anti-corruption Service of the Ministry of Internal Affairs through creating responsible structures for subordinated subdivisions of the Ministry of Internal Affairs on the segment of combating corruption**

*Performance Indicators: structures established therein*

*Timescale for completion: second half of 2016*

Both liquidation and reorganization of the internal security structures of subdivisions subordinated to the MIA were envisaged for 2016 once the capacities of the central structure of protection and anti-corruption were consolidated, that is, upon entry into force of the draft law on the civil servant with special status within the MIA. However, although the Law no. 288 of 16.12.2016 on the civil servant with special status within the MIA has entered into force on 25.05.2017, the expected changes do not seem to have been made therein.

On the same lines, according to the annual activity reports submitted by the Internal Protection and Anti-Corruption Service of the MIA (IPAS) for 2017 and 2018, the necessity of granting material competences for exercising the criminal prosecution in investigating the corruption cases committed by the MIA employees<sup>77</sup> and the reorganization of the IPAS by establishing the Internal Protection and Anti-Corruption Inspectorate was found<sup>78</sup>.

Although the draft government decision on the reorganization of the IPAS was published for public consultations still on the 5<sup>th</sup> of January 2018<sup>79</sup>, it seems that so far it has not been on the government's agenda to be approved.

At the end of 2017, by the MIA Order no. 403, the Anti-Corruption division was established at Police level comprising four positions (head, three executive positions), while the Regulation on the organization and operation of the **division for the inspection of personnel**, was subsequently adjusted by determining the competences thereof.

On 30.05.2018 the job description template has been approved for all personnel categories in the entity thereof, specifying also the criteria for selecting candidates. On 29.06.2018, by the GIP Order, the head of the Anti-Corruption division was appointed, and thereafter on 06.07.2018, the first position of Chief Investigation Officer was fulfilled.

*It is worth mentioning that both the action and the performance indicator refer to the establishment of structures responsible for combating corruption without being limited to the anticorruption structure only at the level of the Police, which is why we rate **the sub-action no. 5.2.1 as partially fulfilled**.*

- 5.2.2. **Establishing the duties on finding and investigating the disciplinary irregularities for the police staff of the Ministry of Internal Affairs and General Inspectorate of Police**

*Performance Indicator: regulatory framework developed and approved therein*

*Timescale for completion: second half of 2016*

It should be noted that both the degree of achievement of this sub-action and the measures taken to achieve it, were not included in any progress report for the implementation of the PDS during the 2016-2018 period.

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<sup>77</sup> <https://bit.ly/2z3YB3z>

<sup>78</sup> <https://bit.ly/2QX8BWP>

<sup>79</sup> <https://bit.ly/2HdEd4d>



However, the disciplinary status of the civil servant with special status within the MIA governing all the rules of conduct that make up the service discipline has been approved by the Government Decision no. 409 of 07.06.2017. Also, chapter VII of the charter contains provisions regarding the conduct of the service investigation, deviations, disciplinary sanctions and deadlines in respect thereof.

In light of the foregoing, the Promo-LEX Association rates **the sub-action no. 5.2.2 as fulfilled.**

**5.2.3. Achievement jointly with Internal Protection and Anti-corruption Service of the Ministry of Internal Affairs and National Anticorruption Centre of some training programs for police staff in preventing corruption**

*Performance Indicators: trainings conducted therein*

*Timescale for completion: 2017–2020*

During 2017 the employees of the Prevention Division of the IPAS under MIA have organized 34 trainings in the field of anti-corruption, which have been attended by 2 554 employees of administrative authorities and institutions subordinated to the MIA. Between 11.09.2018–11.10.2018, 2 840 employees of police inspectorates received training in the field of anti-corruption, on the topics of *preventing and combating corruption, ethics and integrity of the police officer*.

At the same time two employees of the National Patrol Inspectorate were awarded the degree of trainer in the field of anti-corruption. During 2018, the IPAS conducted 29 trainings, which were attended by 1 125 employees of the GIP.

*It is welcomed to organize and participate in various trainings and workshops aimed at preventing corruption, however we believe that such trainings should be continuous and not occasional or short-term ones. Thus, we advise the implementing institutions to develop **certain training programs for the police staff**, which will also evaluate the capabilities of the staff attending training in the corruption prevention area.*

*We should mention that the Policy Matrix has as a performance indicator for 2019 the initial and continuous training on ethics and anti-corruption measures carried out by CIPAL for a minimum number of 250 participants.*

**5.2.4. Establishment and development of verification of complaints system against police personnel on discrimination and ill treatment acts in Police activity**

*Performance Indicators: training sessions conducted therein; standard operating procedures developed and approved therein*

*Timescale for completion: 2017–2020*

During 2017, the profile division of the GIP initiated the process of elaborating the standard operating procedure on conducting investigations at Policing level, while in 2018, the standard operating procedure “Initiation and conduct of service investigations” has been approved by the GIP order no. 407.

We should point out that this procedure concerns all types of complaints, not only those concerning acts of discrimination and ill-treatment. However, pursuant to section 26 of the procedure thereof, where the service investigation is initiated for disciplinary violations regarding acts of corruption, related to corruption, acts of corruptive behavior, acts of torture, inhuman or degrading treatment, as well as for other susceptible deviations that may endanger the safety of the MIA, the administrative authorities and the institutions subordinated to the MIA, such cases are to be addressed within 24 hours, in accordance with their respective competences, to the

Internal Protection and Anti-corruption Service of the MIA, including obligatory notification of the head of the division for the inspection of personnel. Thus, the operational procedure developed therein does not refer only to acts of discrimination and ill-treatment.

At the same time, the following training sessions were conducted in 2018:

- three trainings on the topic “Consolidating the capacities of the Police to reduce ill-treatment, abuse and discrimination of individuals in custody of the police”, where 75 employees of the isolators for preventive detention and escort services in the northern, central and southern part of the country received training;
- two trainings in the field of ethics and integrity of the civil servant, attended by 50 employees in the police sector;
- four trainings on the topic “Criminal Prosecution Activity”, attended by 104 employees;
- three trainings with the participation of 73 employees in the field of legal protection of human rights / national minorities and combating the phenomenon of discrimination;
- trainings in which degrees of a trainer have been awarded in the area of combating hate crimes, conducted by 18 persons that have provided initial and continuous training for police officers within the MIA, CIPAL, the GPI and the Police Academy.

Considering the *above*, the Promo-LEX Association *draws attention to the fact that according to the Activity Plan for the implementation of the PDS, regarding the sub-action 5.2.4., the Ministry of Internal Affairs is the subject in charge for implementing the activity thereof and that is why it should develop the standard operating procedure verifying the complaints lodged against the Police staff on discrimination and ill treatment acts.*

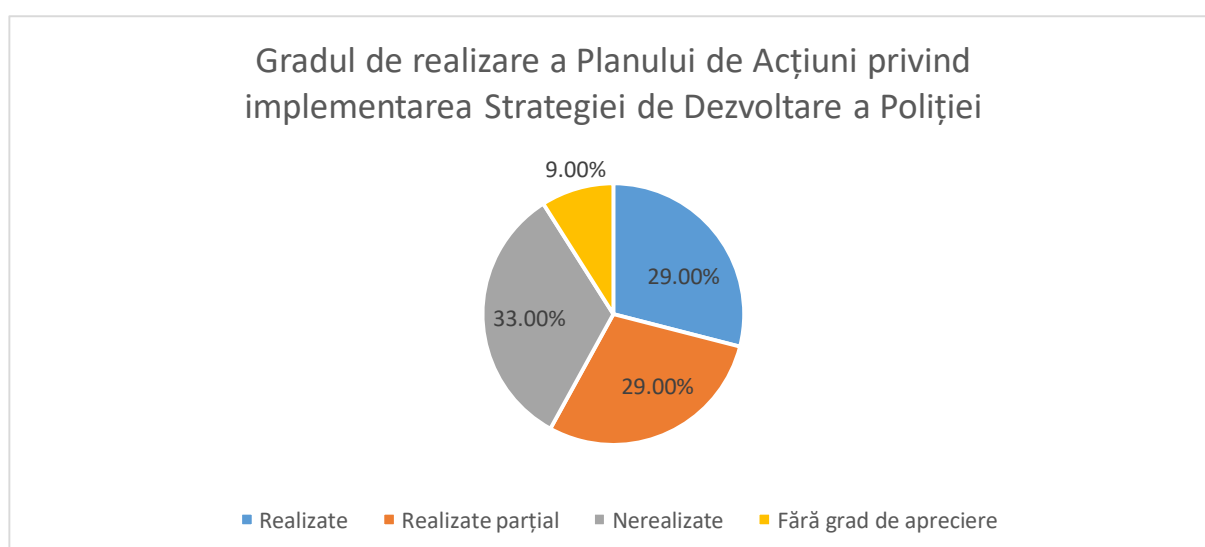
## GENERAL CONCLUSIONS

Out of the total number of activities planned, 45 sub-actions (54%) were to be implemented by the end of 2018. Referring to the degree of their fulfilment, the Promo-LEX Association gave the following ratings:

- **13 sub-actions - fulfilled (29%);**
- **13 sub-actions - partially fulfilled (29%);**
- **15 sub-actions - unfulfilled (33%),** of which 4 are considered by the implementing institutions as outdated, inopportune or they have been formally renounced;
- **4 sub-actions (9%) have too general formulations and their indicators are not measurable.** The Promo-LEX Association could not comment on the degree of their fulfilment.

At the same time, we highlight that two other sub-actions (4.1.1 and 4.1.2) were implemented before the deadline set expired.

*Chart no. 13. Degree of implementation of the Action Plan on the implementation of the Police Development Strategy for 2016–2020*



The Promo-LEX Association concludes that at least five sub-actions remained unfulfilled because the approval of the Regulation on the organization and operation of the GIP and personnel thereof is being delayed, which also is dragging out the implementation of the activities planned therein, including those planned under the Police Development Strategy, the Financing Agreement (Support to Police Reform), the EU-Moldova Association Agreement.

***Most sub-actions, which were fulfilled cover the approval of the legal, regulatory and governing framework, while those unfulfilled refer to institutional reorganization.***

## RECOMMENDATIONS

1. Resumption of the activity on public consultation of the draft Regulation on the organization and operation of the GIP as well as approval thereof in the near term.
2. Reviewing the need and opportunity of extending the competences of the Police in the area of investigating money laundering offences.
3. Taking the necessary actions to strengthen the capacity of the Police to participate in international missions and EU crisis management operations.
4. Reviewing the need and opportunity to promote the changes made to the legal framework regarding the special investigation activity, in order to adapt it to the Community standards.
5. Avoiding reporting the same information in different activities.
6. Adapting or adjusting the Action Plan for the implementation of the Police Development Strategy to new needs or evolutions existing in respect thereof.
7. Including only actions and activities achievable within the expected timeframe with expected results, measurable indicators and concrete deadlines, when developing plans for the implementation of sectoral policies.

## **LIST OF ABBREVIATIONS**

WMD - Weapons of Mass Destruction  
AWP – Association of Women in Police  
CPA - Community Policing Activity  
“Fulger” SPPB -Special Purpose Police Brigade  
BMA – Bureau for Migration and Asylum  
IPCC - International Police Cooperation Center  
ITCLE - Integrated Training Center for Law Enforcement  
NAC - National Anticorruption Center  
CPC - Criminal Procedure Code  
CPT - Council for the Prevention of Torture  
FJEC - Forensic and Judicial Expertise Centre  
GDPS - General Directorate for Public Security  
GDCP – General Directorate for Criminal Prosecution  
DIREA - Directorate of International Relations and External Assistance  
HRD - Human Resources Directorate  
CTD - Carabineer Troops Department  
GD - Government Decision  
IHRM - Institute for Human Rights of Moldova  
PDI - Provisional Detention Isolator  
GIC - General Inspectorate of Carabinieri  
GIP - General Inspectorate of Police  
ILP - Intelligence-Led Policing  
NPI - National Patrol Inspectorate  
NIPS - National Inspectorate of Public Security  
PI - Police Inspectorate  
LAN - Local Area Network  
MD - Ministry of Defense  
MIA - Ministry of Internal Affairs  
NPM – National Preventive Mechanisms  
PSDP - Police Strategic Development Program  
PDS - Police Development Strategy  
ATMS - Automated Traffic Monitoring System  
RFCI AIS – “Registry of Forensic and Criminological Information,” Automated Information System  
SRA SIA - "State Registry of Arms," Automated Information System  
ISECM - Integrated System for Emergency Calls Management  
EMIS- Emergency Management Information System  
PD- Police Department  
SPCML - Service for Prevention and Combating Money Laundering  
CPDP – Center for Personal Data Protection  
IPACS - Internal Protection and Anti-Corruption Service of MIA  
ITS - Information Technology Service