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# ALTERNATIVE REPORT ON MONITORING THE SECTORIAL ANTI-CORRUPTION ACTION PLAN IN THE AREA OF ENSURING PUBLIC ORDER



Chișinău - 2020

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The present Alternative Report for monitoring the implementation of the sectorial Anti-corruption Action Plan in the field of ensuring public order, is elaborated by the non-governmental organisation Pro Marshall Centre of the Republic of Moldova, within the framework of the small grants program "Monitoring the National Integrity and Anticorruption Strategy (SNIA) by elaborating the alternative reports for monitoring the sectorial and local anti-corruption action plans" of the Project "Fighting corruption by strengthening integrity in the Republic of Moldova", implemented by the United Nations Development Program in Moldova (UNDP Moldova) with the support of the Norwegian Ministry of Foreign Affairs.

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### ***Abbreviations***

NSIA	National Strategy for Integrity and Anti-corruption
NAC	National Anticorruption Centre
NIA	National Integrity Authority
MIA	Ministry of Internal Affairs
IPAS	Internal Protection and Anti-corruption Service
GPI	General Police Inspectorate
GIBP	General Inspectorate of Border Police
GIES	General Inspectorate for Emergency Situations
BMA	Bureau of Migration and Asylum
MRA	Material Reserves Agency
TIS	Information Technology Service
ILEC	Integrated Law Enforcement Centre
PAMED	Policy Analysis, Monitoring and Evaluation Directorate
NII	National Inspectorate of Investigations
NPI	National Patrol Inspectorate

## **I. INTRODUCTION**

The National Integrity and Anti-corruption Strategy was adopted by the Decision of the Parliament no.56 on 30.03.2017, in force from 30.06.2017. In order to implement the Strategy were developed Anti-corruption Action Plans, including 7 national plans; 9 sectorial plans and 35 local plans.

The general mechanism for the realization of the Sectorial Plans was approved by the Government Decision no.676 from 29.08.2017 and reflects 9 fields of intervention: customs, fiscal, public procurement, administration and state ownership of public property, health and medical insurance, education, agriculture and food, ensuring public order, and protecting the environment.

***The sectorial anticorruption action plan*** for period 2018-2020 provides a structure that must be completed according to the model presented in Annex no. 1 to the GD no. 676/2017, and provides the following:

1. Description of problems, vulnerabilities, causes and consequences;
2. Objectives that aim to be reached in order to redress the current situation;
3. The action plan envisaged for implementation contains the following structure: priorities, expected results, implemented actions, deadlines, responsible institutions, progress indicators, verification source, correlative objective and funding source.
4. Monitoring and reporting process of the anti-corruption actions establishes the responsible authority, deadline and method to report the progress.

This Alternative Report on Monitoring and Evaluation of the Implementation of the Sectorial Anti-Corruption Action Plan in the field of ensuring public order is carried out between August 2019 - February 2020 and involves the actions carried out by the Ministry of Internal Affairs and its subordinated institutions during January-December 2019.

## **II. METHODOLOGY**

In order to carry out an impartial, correct and objective monitoring and evaluation process, the following methods were used:

1. Analysis of the quarterly / half-yearly / annual progress reports related to the implementation of the Sectorial Plan, elaborated by the Ministry of Internal Affairs and subordinated institutions; the analysis of the annual activity reports of the Ministry of Internal Affairs;
2. Analysis of the Monitoring and Evaluation Reports of the NIAS implementation elaborated by the NAC, especially actions related to the Ministry of Internal Affairs;
3. Analysis of the legal framework and legal proposals made during the monitoring period;
4. Analysis of the related acts in which the MIA and its officers/employees are targeted (NAC - integrity plan, NIA - finding documents);
5. Analysis of the web pages of the responsible authority for the implementation and subordinated institutions;
6. Data collection was ensured through various qualitative and quantitative methods, including requesting information from responsible authorities, conducting focus groups, interviews, questionnaires, processing, analysing and interpreting data;
7. Monitoring the press releases of the MIA, investigative media materials, public discourses

and social media posts/interactions;

8. Synthesis and compilation of the obtained information, using comparative analysis and review of various sources;

9. Reviewing international ethics and integrity standards related to police, public order and security.

***Benefits of alternative monitoring:***

- ✓ Established degree of implementation of anti-corruption policies within the MIA;
- ✓ Identified gaps, impediments, difficulties and causes;
- ✓ Diagnosed the capacity of entities responsible for implementing the Action Plan;
- ✓ Improved quality of anti-corruption policies and identified innovative methods and approaches;
- ✓ Presentation of truthful information about the efforts of public entities to prevent and combat corruption;
- ✓ Cultivated intolerance towards the phenomenon of corruption in the internal affairs system;
- ✓ Increased civic awareness, by publicizing the results of the alternative monitoring report and generating constructive public debates.

### ***III. EXECUTIVE SUMMARY***

The sectorial anti-corruption action plan of in the field of public order was approved by the Government Decision no.597 of 26.06.2018. The entity responsible for executing the sectorial plan is the Ministry of Internal Affairs and the subordinated institutions as implementing entities.

***Problems identified:***

- ✓ Employee tolerance towards integrity incidents;
- ✓ Non-transparent and irresponsible management of public assets / external assistance;
- ✓ Lack of mechanisms aimed at protection of whistle-blowers;
- ✓ Lack of training materials and lack of trainers in the field of integrity;
- ✓ Lack of mechanisms aimed to ensure corruption risk management.

***Risk mitigation measures:***

- ✓ Ensuring compliance with the regime of incompatibilities, restrictions, prohibitions and revolving doors phenomenon;
- ✓ Sanctioning improper execution of the actions provided by the normative acts aimed to prevent corruption in the MIA;
- ✓ Setting up within the MIA a specialized subdivision in testing candidates that will undergo employment and promotion. Test will be carried out by the polygraph. Specialized subdivision should have enough financial resources and trained specialists;
- ✓ Revision of the normative framework in order to eliminate the legislative gaps in the field of ensuring public order;
- ✓ Implementation of electronic public services;
- ✓ Regulating the internal legal and policy framework prescribing corruption prevention in the structures of the MIA;
- ✓ Elaboration of an internal framework aimed to evaluate corruption risks in the MIA;
- ✓ Train the trainers on anti-corruption subjects among IPAS employees.

**Objective of the Plan** - Increase the level of integrity, responsibility, transparency and resilience towards corruption risks among officials within the central apparatus, administrative authorities and institutions subordinated to the Ministry of Interior Affairs. Strengthening the capacities to ensure institutional integrity.

**Action Plan** - sets 3 priorities, divided into 38 anti-corruption actions:

Priority I - Management and treatment of corruption risks within the internal affairs system, achieved through the implementation of 14 actions;

Priority II - Cultivation and consolidation of the integrity climate within the internal affairs system, achieved through the implementation of 16 actions;

Priority III - Strengthening the integrity mechanisms, achieved through the implementation of 38 actions.

**Deadline** of the plan is the period 2018-2020, of which:

- ✓ 5 actions were due in 2018;
- ✓ 5 actions were due in 2018, but were extended for years 2019, 2020;
- ✓ 27 actions with permanent / quarterly reporting based on indicators;
- ✓ 1 action with annual reporting based on indicators.

**Expected Results:**

- ✓ Consolidated institutional integrity climate within all MIA entities;
- ✓ Examined all violation of integrity requirements of the MIA employees;
- ✓ Reduced corruption among civil servants with special status and MIA employees;
- ✓ Ensured transparency in the process of elaboration and approval of normative acts;
- ✓ Diminished risks of corruption in drafting normative acts;
- ✓ Efficient corruption risks management;
- ✓ High employees' intolerance to integrity incidents;
- ✓ Ensured an efficient mechanism of whistle-blower protection;
- ✓ Ensured transparency during coordination and management of public assets and external assistance;
- ✓ Efficient control mechanism during employment and promotion of employees;
- ✓ Eliminated gaps in the competences for preventing and combating corruption acts;
- ✓ Strengthened capacity to ensure institutional integrity within the MIA.

**Reports** of the implementation of the Plan are drawn up quarterly, based on the reports presented by the MIA subdivisions. The responsibility to monitor and report the implemented actions lies within the Policy Analysis, Monitoring and Evaluation Directorate. Quarterly progress reports based on performance indicators are submitted to the Secretariat of the monitoring groups provided by the NAC and to the Monitoring Group no. 2, responsible for pillar II "Government, Public Sector and LPA".

**Prerequisites for the efficient implementation of the Sectorial Plan:**

1. The establishment of the Internal Protection and Anti-Corruption Service (IPAS) in 2014, with the mission to prevent and combat corruption and establish a unitary and coherent system of ensuring institutional and professional integrity.
2. In the context of the Law of Integrity, the MIA assigns the powers of finding, preventing and combating the manifestations of corruption and lack of integrity among the MIA staff

(art.3; art.43; art.49).

3. Promote the policy of cultivation and assurance of institutional and professional integrity in the internal affairs system in other strategic documents of the Ministry of Interior, such as: The Police Development Strategy for the years 2016-2020 and the Action Plan on its implementation, found in Objective V; The MIA Action Plan for 2020, found in Objective I; Government Action Plan for 2020-2023, found in Priority I.

### **Priority I**

#### **Evaluation of the Pro Marshall Centre**

<i>Total number of actions per priority</i>	<i>Actions due in 2019</i>	<i>Completed Actions</i>	<i>Partially completed Actions</i>	<i>Unperformed Actions</i>	<i>Irrelevant actions</i>
14	13	6	4	2	1

#### **Evaluation of the Ministry of Internal Affairs**

<i>Total number of actions per priority</i>	<i>Actions due in 2019</i>	<i>Completed Actions</i>	<i>Partially completed Actions</i>	<i>Unperformed Actions</i>	<i>Irrelevant actions</i>
14	13	8	5	-	-

### **Priority II**

#### **Evaluation of the Pro Marshall Centre**

<i>Total number of actions per priority</i>	<i>Actions due in 2019</i>	<i>Completed Actions</i>	<i>Partially completed Actions</i>	<i>Unperformed Actions</i>	<i>Irrelevant actions</i>
16	15	9	4	2	-

#### **Evaluation of the Ministry of Internal Affairs**

<i>Total number of actions per priority</i>	<i>Actions due in 2019</i>	<i>Completed Actions</i>	<i>Partially completed Actions</i>	<i>Unperformed Actions</i>	<i>Irrelevant actions</i>
16	15	12	2	1	-

### **Priority III**

#### **Evaluation of the Pro Marshall Centre**

<i>Total number of actions per priority</i>	<i>Actions due in 2019</i>	<i>Completed Actions</i>	<i>Partially completed Actions</i>	<i>Unperformed Actions</i>	<i>Irrelevant actions</i>
8	5	1	1	3	-

#### **Evaluation of the Ministry of Internal Affairs**

<i>Total number of actions per priority</i>	<i>Actions due in 2019</i>	<i>Completed Actions</i>	<i>Partially completed Actions</i>	<i>Unperformed Actions</i>	<i>Irrelevant actions</i>
8	5	2	-	3	-

#### IV. FINDINGS OF THE ALTERNATIVE MONITORING

*In this section, the results from the previous section of the report (table) will be summarized in a descriptive formula: how many actions have been completed, how many partially, and how many actions are not performed.*

##### **GENERAL FINDINGS:**

1. The Sectorial Anti-corruption Action Plan in the field of public order has been developed with a delay of 6 months (GD 676/2019 "The authorities responsible for the implementation of the Sectorial Anti-corruption Action Plans will elaborate, with the support of the NAC, and send the Action Plans to the Government for approval within 2 months from the date of approval of this decision (the date of adoption of the GD 676/2017 is 29.08.2017, the date of publication 01.09.2017);
2. The Quarterly progress reports were not published, contrary to the provisions of item 5 of the GD 676/2017 (The authorities responsible for implementing sectorial and local anti-corruption action plans will prepare quarterly monitoring reports on the implementation of sectorial and local anti-corruption action plans [... ]);
3. The electronic platform "Institutional e-Integrity" and the "Strategy Monitoring" module are not implemented to facilitate monitoring and reporting, according to point 9 of the GD. 676/2017.

##### **FINDINGS per ACTION:**

Action 1: Completed

Police officers purchase office consumables and technology (laptop, PC) from their own sources;

Action 2: Partially completed

Although operative checks are being undertaken and awareness campaigns are conducted, their impact is insignificant towards counteracting the drunk driving phenomenon.

Action 5-6: Not completed

The trainings carried out for employees, outside the premises of the MIA, do not reach their purpose to promote integrity and transparency values due to the following factors: the curricula do not contain topics of interest related to corruption risks mitigation in the elaboration of the normative acts, as well as the management staff is not trained. Moreover, the majority of delegated employees of the MIA to training and courses do not have functional or management responsibilities in the area of integrity.

Action 9: Partially completed

Transparency in the decision-making process is not fully ensured. Thus, on some web pages of the subordinated entities the search engine is missing. Some institutions did not publish the annual reports, or the information of public interest is published in categories other than those intended, making it more difficult to access public interest information.

Action 10: Completed

The source of verification is irrelevant and unrelated to the measurement of Action 10. Therefore, the source of verification is relevant to Action 21.

Action 11: Partially completed

Transparent and responsible management is not fully ensured due to the fact that not all performance indicators are met. In addition, it is not clear what is the financial and budgetary amount allocated to carry out the implementation of the plan.

Action 14: Out of date



Action 15: Partially completed

The curricula for the MIA educational institutions are in the process of being elaborated.

Action 21: Partially completed

Verification source incorrectly indicated. There is a shortage of needed staff.

Action 25: Not completed

The gift register is not completed according to the model set out in annex 3 of GD 134/2013.

Action 27: Partially completed

Although it has been considerably increased the number of whistle-blowers for corruption acts and corruption attempts among police officers, the action is partially realized because the mechanism of whistle-blower protection is not regulated and ensured, thus making it impossible to reach the established indicator.

Action 29: Partially completed

When applying the questionnaire, some of the respondents had difficulties in listing what is stipulated in the Code of conduct of the Ministry of Internal Affairs.

Action 30: Not completed

Lack of clear mechanisms for implementation, intervention and control of post-employment limitations (revolving doors phenomenon).

Action 31-33: Not completed

Action 35: Partially completed

The number of participants in the training is not indicated. It is wrong to indicate the co-responsible entity, the General Inspectorate of Border Police, because the offenses provided by art. 181/1, 181-2 and art. 182 CP are not within the competence of the General Inspectorate of Border Police.

## **V. CONCLUSION AND RECOMMENDATIONS**

### **Conclusions**

1. Taking into consideration that public order is a very important area with a direct impact on societal welfare and security, the Sectorial Anti-corruption Actions Plan in the field of ensuring public order represents an effective tool aimed at preventing corruption.
2. The sectorial anti-corruption actions plan transposes the efforts of the Ministry of Internal Affairs jointly with its subdivisions to achieve the objectives of the National Integrity and Anti-corruption Strategy in order to discourage the involvement of officials in corruption acts, to strengthen ethics and integrity, as well as setting an example for society on zero tolerance towards corruption.
3. In the procedural part of monitoring and evaluation, we draw attention to the fact that were observed discrepancies in the uniformity of the implementation of anti-corruption action plan and information provided.
4. It is obvious that the subdivisions of the MIA make a great effort in ensuring a climate of high integrity within its structures, but from the perspective of the sectorial plan we find the description more modest than their real achievements.
5. An important role in cultivating the integrity and preventing corruption acts is to ensure the implementation of corruption risk management, by strengthening the activities of corruption risk assessment within public institutions. Therefore, in the process of monitoring the implementation of the Plan, the risk registers were not identified on the web pages of the MIA subdivisions.
6. In order to promote good governance and ensure the participation of civil society,

public authorities must respect the principle of transparency. Although, during monitoring the MIA web page was not identified the Progress Reports related to the implementation of the Sectorial Anti-corruption Action Plan in the field of ensuring public order.

7. Based on the MIA Report for the year 2019, it is mentioned that for the inappropriate behaviour of the police officers in fulfilling their duties, disciplinary sanctions were applied against 119 employees of the Police, of which: 43 were disciplined with warning, with reprimand 35 employees, with dismissal - 22, with harsh reprimand 13 employees, and 3 employees were sanctioned with relegation in the special degree and relegation in function. During the same period, regarding 126 employees of the Police, 103 criminal cases were initiated, of which: 24 criminal cases for passive corruption, 19 for abuse of power or abuse of service, 18 for traffic of influence. These data demonstrate that the scourge of lack of integrity dominates within the subdivisions of the MIA and it is necessary to strengthen its efforts to combat it.

### **Recommendations**

1. The Ministry of Internal Affairs should carry out an internal audit mission with the objective of identifying the appropriate endowment of its subdivisions with the necessary goods (consumables, technique, etc.) to avoid various acts of corruption.
2. Identify the tools to counteract the drunk driver phenomenon, including applying in practice the international good practices and standards.
3. The revision of the Curricula regarding the training of MIA employees in the field of integrity in order to strengthen the culture of integrity by raising the level of assimilation of knowledge and continuity of application in practice. We consider that Curricula should be consulted with the National Anti-Corruption Centre.
4. it is important to apply unified evaluation and certification standards among all MIA employees. Therefore, it will increase level of qualification, improving behaviour and ensure compliance with the Code of Ethics.
5. For a sustainable and effective internal affairs system, it is important to promote a good cooperation with civil society and mass-media in disseminating information on corruption prevention in police. By bridging the gap between the society and MIA.
6. All entities must respect the principle of publicity and transparency of the procurement procedures initiated and carried out both by the Ministry of Internal Affairs and the subordinated institutions, by publishing on the website of the procurement plan, the documentation of the awarding of the procurement contacts, according to the normative provisions. This recommendation also results from point 11, pillar II of the Action Plan of the National Strategy for Integrity and Anticorruption for the years 2017-2020, approved by the Decision of the Parliament no. 56/2017.
7. Elaboration of corruption risk management in public procurement within the Ministry of Internal Affairs, including the detection and unmasking of cartel agreements.
8. Monitoring the existence of revolving doors cases, this anti-corruption policy being compulsory to be respected by all public agencies, subjects of Law no. 325/2013.
9. Review the mechanism of Gift Register in accordance with GD no. 124/2013.
10. Apply a unitary remuneration policy for the entire public order system, in order to reduce the migration of MIA employees from one subordinate institution to another.