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PROJECT DOCUMENT
Republic of Moldova

Project Title: Strengthening Efficiency and Access to Justice in Moldova (Implementation Phase)

Project Number: 00094506/Output 00122533

Implementing Partner: UNDP Moldova

Start Date: July 2020

End Date: December 2022

PAC Meeting date: 26 July 2019

Brief Description

Reform in the justice sector is a key area in Moldova's national development policies and plans. Despite important steps towards improving the respect and protection of human rights and access to justice, one of the key issues is the lack of progress and coherence in the implementation of rule of law, justice, security and human rights related reforms; little progress is felt by men and women in particular, at the local level, and the coherent coordination mechanisms among law enforcement, security and justice institutions for effective administration of justice seem to be lacking at both national and local levels. Men and women, particularly from marginalized or minority groups, are not able to claim their rights and access justice effectively. Forensic institutions remain a weak link in the justice chain, not able to consistently provide trustful evidence on particular cases due to a limited support in their modernization endeavours.

Lack of effective and fair justice service delivery, coupled with the low trust in governance institutions, reinforces a culture of civic passivity while a weak social cohesion is feeding deep societal divides and inequities along urban/rural, income level, ethnic and linguistic lines. This is particularly relevant at the subnational level, where the levels of civic engagement and legal empowerment are low, the civil society organizations are weak or not capacitated to ensure a proper monitoring and oversight of justice delivery in their community and are not able to engage with the justice chain actors in a constructive manner.

In this respect, the **overall objective** of the project is to contribute to an increased efficiency of justice services and to improved access to justice of men and women in Moldova, in particular from vulnerable and marginalized groups, through enhanced capacities of forensic institutions to provide qualitative justice services, strengthened capacities of the justice sector actors in the selected pilot areas to provide coordinated response to men's and women's justice needs and strengthened civil society able to claim the respect of rights and engage in a constructive dialogue with the justice chain actors.

Contributing Outcome (UNDAF/CPD, RPD or GPD): UNDAF 2018-2022 Outcome 1 CPD 2018-2022 Output 1.4 Indicative Outputs with gender marker: GEN2 marker	Total resources required:	USD 2,642,000	
	Total resources allocated:	UNDP TRAC:	N/A
		Donor:	USD 2,642,000
		Government:	N/A
		In-Kind:	N/A
	Unfunded:		

Agreed by (signatures):

UNDP Moldova


 Andrea Cuzyova
 UNDP Resident Representative a.i.

Date: 22-Sep-2020

I. DEVELOPMENT CHALLENGE

A well-functioning justice sector is critical for good governance, reducing corruption and efficient delivery of public services. Therefore, recognizing the importance of an efficient justice sector reform for the sustainable development of the country, the National Development Strategy “Moldova 2030”, adopted in December 2018¹, aims at ensuring the effective and inclusive governance and the rule of law by building a fair and accessible justice system adapted to the needs and development level of all groups of people, in particular of vulnerable groups.

The 2016 Universal Periodic Review provided a number of recommendations for Moldova in the area of justice, including on the implementation of reforms in the rule of law sphere to ensure fairness and due process, combat corruption, and improve transparency throughout the legal process, as well as on the continuation of the implementation of the Justice Sector Reform Strategy with a view to further strengthening the independence, accountability and transparency of the judiciary.

Incorporating the UPR recommendations, the 2018-2022 National Human Rights Action Plan² lists the justice sector as an area of priority intervention and pursues the establishment of a human-centred justice system, responsive to the needs of the beneficiary and accessible in terms of physical infrastructure and information.

The Association Agreement (AA) signed with the European Union in 2014, confirms mutual commitment to support Moldova in strengthening the rule of law, democracy, and human rights standards and principles. To achieve a steady progress on the implementation of the AA’s commitments, the Government of Moldova has adopted two consecutive National Action Plans for the implementation of the AA, which transposed the provisions of the Agreement into concrete actions for the years 2014-2016 and 2017-2019.

The latest EU’s assessment underlines that “... independence of justice, law enforcement as well as national anti-corruption authorities need substantial improvement”, concluding that “...reforms in the justice sector and the fight against corruption have been started but, in some cases, not completed and/or not yet implemented”³.

The 2011-2017 Justice Sector Reform Strategy was not fully implemented, delivering mixed results. Many targets in different priority areas were not achieved (for instance, rehabilitation of victims of crimes, such as torture and sexual and gender-based violence, revision of the Constitution to increase the independence of justice system, improvement of the system of appointments and promotion of judges⁴). The slow progress in justice sector reform resulted in discontinuation of the budgetary support in the justice sector by the European Union (Phase 2 – 28 Million Euro)⁵. This reconfirms that the main challenge in reforming Moldova’s justice system and ensuring equal access to justice is not planning and strategizing, but rather the implementation of reforms already started.

Although important efforts have been deployed during the last years to improve the efficiency, transparency, fairness and accessibility of the justice sector⁶, the justice system still fails to deliver at the level of users’ expectations. Even though justice reform is ranked the fourth in importance by citizens (after healthcare, pension and education reforms), results matching this expectation are not achieved yet. The court performance is perceived to be poor, 76% of court users expressing negative views, while most respondents tended to state that there have been no changes on the ground during 2015-2017⁷.

According to the World Bank’s 2017 Surveys of Court Users⁸, the respondents broadly feel that an ordinary citizen is unlikely to get a fair trial (more than 62% share this opinion). Citizens state that rights of disabled

¹ <http://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/4458/language/ro-RO/Default.aspx>

² <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=376768>

³ *Association Implementation Report on Moldova (03 April 2018)*, [https://cdn4-eeas.fpfis.tech.ec.europa.eu/cdn/farfuture/Bsw7bS5h390fCujCmGRX1jA5BqDcARI6Z_E_fG86JZA/mtime:1522915732/sites/eeas/files/association_implementation_report_on_moldova.pdf](https://cdn4.eeas.fpfis.tech.ec.europa.eu/cdn/farfuture/Bsw7bS5h390fCujCmGRX1jA5BqDcARI6Z_E_fG86JZA/mtime:1522915732/sites/eeas/files/association_implementation_report_on_moldova.pdf)

⁴ Nadejda Hriptievski, *Justice Sector Challenges Undermine the Rule of Law in the Republic of Moldova* (April 2018), <https://crjm.org/wp-content/uploads/2018/08/2018-Justice-Hriptievski.pdf>; Council of Europe, *Justice Sector Reform Strategy of the Republic of Moldova. Review of Implementation, Assessment and Recommendations* (December 2017), https://crjm.org/wp-content/uploads/2018/02/Moldova-JSRS_assessment.pdf.

⁵ https://eeas.europa.eu/headquarters/headquarters-homepage/33723/moldova-eu-cuts-budget-support-programme-justice-reforms_en

⁶ Introduction of a redesigned legal aid system, optimization of court map, implementation of Integrated Case Management System (ICMS), audio recording of court proceedings, reform of prosecution service, etc.

⁷ World Bank, *Moldova - Improving Access to Justice: From Resources to Results. A Justice Sector Public Expenditure and Institutional Review* (Report No. 124516-MD), 2018, <http://documents.worldbank.org/curated/en/683491537501435060/pdf/Moldova-JSPEIR-English-Version-Sep-13-2018.pdf>

⁸ Idem

persons and of those who have lower income are least observed in the justice system. Access to justice for vulnerable groups remains a key concern. Access constraints for vulnerable groups and a lower mobility of the rural population, combined with longer distances to travel and poor transport network have raised concerns about the impact of the planned court consolidation on access to justice services⁹. This becomes particularly relevant for women and girls¹⁰ and people with disabilities¹¹.

According to World Bank data¹², low-income groups have lower awareness about the functioning of the court system compared to higher-income groups, and state that the judicial system is least accessible in terms of cost and information. Only 1 in 10 citizens are satisfied with the efficiency of courts, prosecutors and bailiffs, while unreasonably long proceedings and lack of thoroughness of proceedings are major citizens' concerns. On the access to court services, respondents said more attention should be paid to making information on cases and court decisions available to the public and making complaint-filing procedures simpler and clearer. Less than half of the respondents reported being able to find the court decision they need. 57% of citizens are not aware of court reforms, while those who are aware, complain about insufficient information.

Therefore, despite the ongoing reforms, little progress is felt at the local level by citizens, and the coherent coordination mechanisms among law enforcement, security and justice institutions for effective administration of justice seem to be lacking at both national and local levels. Men and women, particularly from marginalized or minority groups, are not able to claim their rights and access justice effectively¹³.

These data resonate with the low level of public trust experienced by the justice system in the Republic of Moldova, with only 16% of respondents (17% men / 15% women) trusting the system as of November 2018¹⁴. At the same time, the population perceives¹⁵ that the right to a fair trial is among the most violated human rights. The vulnerable and marginalized groups are experiencing low level of enjoyment of their right to fair trial: elderly – 23,4%, persons with disabilities – 23,3%, people from rural areas – 20,5%, people with low incomes 19,5%, unemployed – 18,4%; other vulnerable groups (including Roma, religious minorities and LGBT) – 18,5%.

The national forensic institutions (the National Centre for Judicial Expertise under the Ministry of Justice, the Forensic and Judicial Expertise Centre under the General Police Inspectorate, and the Centre of Legal Medicine under the Ministry of Health, Labour and Social Protection) are an integral part of the justice system. The expert opinions provided by these institutions are critical for the objective and evidence-based delivery of justice, and thus they reinforce the realisation of the access to justice and the right to a fair trial. The quality and accuracy of forensic investigations and examinations have an extensive impact on the quality of justice and affect the overall perception of users about the justice system. Thus, a well-established forensic infrastructure, compliant with the international quality standards and equipped with relevant tools is crucial for the ability of forensic evidence to adequately put the case under review at all stages of the process.

Despite their importance for the administration of justice, forensic institutions benefited from limited assistance and support in their modernization endeavours as compared to other justice chain actors. The development needs of these entities were not adequately addressed within the partially implemented Justice Sector Reform Strategy (2011–2017) and require support in achieving systemic level changes. These include, but are not limited to the further improvement of methodologies and standard operating procedures (SOPs) for performing certain types of expertise and examinations, integrating gender and vulnerability perspective, a system of inclusive and merit based selection and promotion, on-the-job training and licensing of judicial experts, improved quality assurance and management mechanisms, as required under the new Law on the Judicial Expertise and the Status of Judicial Expert, in force since December 2016,¹⁶ and for

⁹ Idem

¹⁰ A 2011 UN study found that 63% of women had experienced psychological, sexual or physical violence from their husband or partner. Rural, elderly, separated or divorced women are at higher risk of experiencing violence. According to 2017 statistics, 89% of family related crimes registered by Police¹⁰ refers to domestic violence, 80% of victims of domestic violence are women, while 90% of aggressors are men (http://www.politia.md/sites/default/files/ni_violenta_in_familie_12_luni_2017.pdf).

¹¹ In February 2016, the UN Special Rapporteur stated that “persons with disabilities are often denied procedural accommodation in court, while the accessibility of court buildings and services themselves remains a serious challenge” in Moldova.

¹² World Bank, Moldova - Improving Access to Justice: From resources to Results. A Justice Sector Public Expenditure and Institutional Review (Report No. 124516-MD), 2018, <http://documents.worldbank.org/curated/en/683491537501435060/pdf/Moldova-JSPEIR-English-Version-Sep-13-2018.pdf>

¹³ Report of the Regional UNDP Rule of Law, Justice, Security and Human Rights Mission to Moldova (October 2017).

¹⁴ Barometer of Public Opinion. November 2018, http://ipp.md/wp-content/uploads/2018/12/BOP_11.2010.8_prima_parte_finale2.pdf

¹⁵ Perception of Human Rights in the Republic of Moldova, 2018, <http://md.one.un.org/content/unct/moldova/en/home/publications/joint-publications/Perceptii-asupra-drepturilor-omului-Moldova.html>.

¹⁶ Law on the Judicial Expertise and the Status of Judicial Expert adopted on 14 April 2016, entered into force on 10 December 2016: <http://lex.justice.md/md/365259/>

setting up a mechanism for an enhanced cooperation and collaboration as between themselves, so with other justice system actors.

Another challenge is related to the absence of the modern electronic case management system. An assessment¹⁷ evidenced that the existing operational procedures at the forensic institutions are predominantly paper-based and thus their expertise reports are vulnerable in terms of the safety and integrity. The internal workflows, as well as the documents flow with other justice system actors (prosecution, courts, etc.) take longer than they could. There is a lack of uniformity across the forensic institutions in the processes of judicial expertise and forensic investigations, as each institution has its own system of records. A number of justice sector institutions, such as judiciary, prosecution service and the legal aid system, have already introduced e-systems in their operations, some with the support of UNDP.¹⁸ The elaboration of the Forensic Case Management System (FCMS) for the three forensic institutions will bridge a critical gap and will allow to integrate isolated and not coordinated forensic investigations into a consistent and coordinated process.

Finally, the efficiency of the forensic expertise for the delivery of justice in criminal and civil cases depends on the formulation of requests that the forensic institutions receive from other justice actors. These formulations are vague and unprecise in many cases, and as a result, the potential of forensic expertise is not used to its maximum for the delivery of justice to both victims and suspects. Therefore, facilitation of communication among justice actors and their capacity building on forensic-related issues are necessary for the overall efficiency of the delivery of justice.

The justice process is generally complex and typically involves different institutions (police, prosecution service, courts, lawyers, forensic experts, corrections agencies, etc.). All these entities are autonomous decision makers in the justice system. At the same time, they are interdependent upon each other. When key decision makers collaborate and coordinate services, they are more knowledgeable, effective and efficient. Therefore, coordination and cooperation among agencies is necessary for the process to function as efficiently as possible within the requirements of a fair trial. All involved agencies need to work together to ensure proper and efficient system operations, identify any problems that emerge, and decide how best to balance competing interests in resolving these problems. However, the national and local practice (for instance, Braguta case or cases of domestic violence) show disconnection of various institutions in the justice chain and lack of systemic dialogue among them, which leads to poor justice delivery and violation of human rights.

Setting up communication and technical coordination platforms for the related actors (legal aid, judiciary, prosecutors, police, local public administration, civil society), gathered around specific topics, and bringing them in contact with the minority and vulnerable groups is necessary for improving their understanding of other issues related to the access to and the delivery of justice services for these groups. That would contribute to the identification and implementation of collective solutions and/or mitigation measures for the improvement of the access to justice in the vulnerability sensitive way. A coordinated work of justice institutions can produce many benefits. Taken together, these results can increase public confidence in and support for justice processes, enhancing system performance and, ultimately, the integrity of the law.

Lack of effective and fair justice service delivery, coupled with the low trust in governance institutions, reinforces a culture of civic passivity while the weak social cohesion feeds deep societal divides and inequities along urban/rural, income level, ethnic and linguistic lines. This is particularly relevant at the subnational level, where the levels of civic engagement and legal empowerment are low, the civil society organizations are weak or not capacitated to ensure a proper monitoring and oversight of justice delivery in their community and are not able to engage with the justice chain actors in a constructive manner.

II. STRATEGY

The barriers to resolving justice problems for the general public and systematic exclusion from the law of the at-risk population reinforces inequalities, undermines development, and erodes democracy. There is growing evidence that justice systems and the rule of law contribute to sustainable development and inclusive growth. Indeed, the accessibility and efficiency of justice services directly affect the way legal

¹⁷ Assessment of the existing technical and infrastructural capacities of the three national forensic institutions performed by UNDP in 2017.

¹⁸ During 2012-2013 UNDP assisted Legal Aid Council in the improvement of their case management system and data collection accessible for public since 2012: <http://statistica.cnaigs.md/>
During 2014-2015 UNDP had elaborated e-Case management system for prosecutors, which was put in operation and about 10.000 of criminal cases have already been organised in electronic format by the middle of 2017: <http://www.procuratura.md/md/newslist/1211/1/7285/>

disputes are resolved, government accountability is promoted, and how businesses make decisions to invest and enter contractual relationships¹⁹. In line with these statements, the Republic of Moldova has committed to “promote the rule of law at the national and international levels, and ensure equal access to justice for all”, as part of the Sustainable Development Goal (SDG) 16.

Understanding effective access to justice requires a focus on the ability of people to address their justice problems in a fair, cost efficient, timely and effective manner. Therefore, the project will prioritize the support to the implementation of reforms at sub-national level in the selected pilot areas for a more efficient and transparent administration of justice process, better coordination between justice agencies and increased and inclusive justice service delivery for the most marginalized and vulnerable segments of the population. The Project will explore and experiment with innovative solutions, developed and tested at the grass-root level, while empowering and working with civil society organizations to enhance access to justice for the population, as well as communication between diverse actors in the justice and law enforcement sector.

Moreover, recognizing the important role of forensics in ensuring a fair access to justice, the Project will employ a holistic approach to reinforcing the forensic system by developing better capacities of experts, more transparent and efficient institutional processes, standardization in line with ISO requirements and automation of internal workflows. The UNDP experience and interaction with all three forensic institutions demonstrate that there is a real will on behalf of the management of the institutions and a genuine interest on behalf of the staff to further develop the institutional instruments and tools, as well as knowledge and capacities to comply with the norms and standards applied in peer institutions from the EU Member States. Due to the very technical and non-political nature of these institutions, they enjoy a comparative stability in management and staff that contributes to a stronger sustainability of the interventions made.

The Project will operate both at the national and sub-national levels, being focused on delivering various type of assistance: capacity building activities, research and analytical products, ICT solutions, support to civil society organizations, legal empowerment, etc. Interventions at the national level will focus on building stronger forensic institutions but will also engage in the elaboration of mechanisms ensuring strong institutional linkages between justice sector actors to identify entry points for sector wide planning and to create the foundations to implement comprehensive and coordinated reforms. At the sub-national level, project interventions will be implemented in Soroca, Criuleni, Cimislia and Comrat districts, representing different regions of the country – North, Centre, South and Gagauzia. The districts for project interventions have been selected during the inception phase of the Project using a number of socio-economic data (2014 Small Area Deprivation Index²⁰, 2018 territorial statistics²¹) combined with the judicial map of Moldova, aiming at engaging with the most deprived areas.

This Project will directly address one of the priority areas established within the United Nations Development Assistance Framework for the Republic of Moldova (2018-2022) (UNDAF)²², which highlights the need for continuous support in promoting democratic people-centred governance, justice, equality and human rights – Outcome 1: *The people of Moldova, in particular the most vulnerable, demand and benefit from democratic, transparent and accountable governance, gender-sensitive, human rights- and evidence-based public policies, equitable services, and efficient, effective and responsive public institutions*. The same is further supported and elaborated in the UNDP Country Programme Document for the Republic of Moldova (2018-2022) (CPD)²³ in its Output 1.4: *Women and men, including from minority and marginalized groups, are enjoying rule of law and protection of human rights ensured by inclusive institutions*. Thus, the Project is responsive to the UNDAF and CPD objectives and will contribute to the achievement of the planned results within the current cycle of the UN – Republic of Moldova cooperation.

The Project will also advance the Global Agenda 2030 that aims at “leaving no one behind” by contributing to the achievement of the Sustainable Development Goals and corresponding national targets. Equal access of all women, men and children to fair trial is a key of society development and its lack is one of major reasons of reduced trust of population in justice and security concerns. In this respect, the proposed interventions will contribute to the achievement of the SDG 16, national target 16.3: “Promoting the rule of law and ensuring equal access to justice for all women, men and children”. This SDG national target has influence on other 18 targets of seven SDGs. Equal access for all to incorruptible justice is a key indicator of society development and its lack is one of major constraints on economic growth, as the result of reduced trust of population, business, including FDI, in the policies promoted by the government. Ensuring justice and rule of law is important for the implementation of target 5.1 (end gender discrimination), target 5.2 (end

¹⁹ Understanding Effective Access to Justice (Workshop Background Paper, April 2016), <http://www.oecd.org/gov/Understanding-effective-access-justice-workshop-paper-final.pdf>

²⁰ <https://mei.gov.md/ro/content/indicatori-social-economici-pe-localitati>

²¹ http://statistica.gov.md/public/files/publicatii_electronice/Statistica_teritoriala/Statistica_teritoriala_2018.pdf

²² <http://md.one.un.org/content/dam/unct/moldova/docs/pub/strateg/UNDAF%20Moldova%20EN.pdf>

²³ <http://www.md.undp.org/content/dam/moldova/docs/Legal%20Framework/CPD%202018-2022.pdf>

family violence), target 8.1 (sustained economic growth), target 8.2 (higher economic productivity), target 8.7 (eradicate work exploitation), target 8.8 (protect labour rights), target 10.2 (promote inclusion), target 10.3 (eliminate discriminatory practices), target 11.2 (access to transport system), target 11.4 (preserve heritage), target 14.4 (eliminate illegal fishing), target 15.7 (end poaching), target 16.1 (reduction of violence), target 16.2 (end children abuse), target 16.4 (reduce organized crime and arms trafficking), target 16.5 (reduction of corruption), target 16.6 (open institutions), target 16.10 (access to public information)²⁴.

It also responds to the priorities established in the Swedish Results Strategy for Reform Cooperation with Eastern Europe, Western Balkans and Turkey 2014-2020, by contributing to the results area # 2 'Strengthened democracy, greater respect for human rights and a more fully developed state under the rule of law'.

Inception phase

The interventions proposed build on the activities carried out during the inception phase of the project (September 2019-June 2020). A number of preparatory activities have been completed to set the stage for the implementation phase. In particular, the four districts for project interventions in justice area at the sub-national level have been determined following a detailed assessment, local civil society organizations screened, and candidates selected for engaging in the capacity building programme for the local NGOs, agreements with the Responsible Parties concluded. At the same time, various consultancies and assessments have been initiated to support the work under the forensic component of the Project.

The Project engaged with the UNDP Social Innovation Lab (MiLab) team to conduct a mapping exercise that will identify problems to be addressed and consider the needs, behaviour patterns and frustrations of end-users (public servants and men and women interacting with the Justice sector) when interacting with justice institutions at local level. However, due to COVID-19 pandemic, the finalization of this activity had to be postponed and adjustments have been undertaken to operate in the newly created environment.

The inception phase of the Project was also used to design the Project's communication strategy and build the corresponding communication line. Target audiences have been analysed to understand their preferred styles and channels of information. A comprehensive communication package, including specific key messages, main communication instruments, boilerplate, disclaimer and branding rules have been defined and developed to be used during the Project's lifespan.

During the inception phase the Project has also explored the intervention context to validate and/or revise the baseline data, indicators and proposed action plan. Specific adjustments to the project design and activities have been introduced into the text below. A short report on the inception phase will be prepared and submitted to the donor as per the agreed reporting guidelines.

Partnerships

UNDP will further develop the partnership established with NGO Institute for Penal Reform (IPR) and NGO Invento during the Inception Phase of the Project to develop and implement specific Project components. IPR will be engaged by UNDP as a Responsible Party²⁵ in charge of the capacitation and institutional development of civil society organizations in the pilot areas and their specialization in justice field to reinforce the demand side and ensure a civic oversight of justice delivery, as well as exploring and building stronger coordination mechanisms among the justice chain actors at the sub-national level. Taking into account the rich research record of the organization, IPR will be also assigned with developing guidelines for the justice professionals and forensic experts to support them in performing their duties. Invento will be responsible for the delivery of a capacity development program for core justice chain professionals from the pilot regions, as well as for engaging justice, legal and technology actors in a thematic hackathon.

UNDP will sign Standard Responsible Party Agreements²⁶ with IPR and Invento, where UNDP will act as an implementing partner under this Project and IPR and Invento will act as responsible parties to carry out substantive development activities assigned under the Project. Resources will be transferred to the responsible party, using the Harmonized Approach to Cash Transfer (HACT)²⁷, to implement activities and

²⁴ Adapting the 2030 Agenda on Sustainable Development to the Context of the Republic of Moldova, http://www.md.undp.org/content/dam/moldova/docs/Publications/Targets_UNU_EN.pdf

²⁵ As per UNDP Programme and Operations Policies and Procedures (POPP) on Selecting Responsible Parties and Grantees, https://popp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PPM_Design_Select%20Responsible%20Party%20and%20Grantees.docx&action=default

²⁶

[https://popp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Innovation_CSO%20engagement%20and%20E-tendering_CSO%20Responsible%20Party%20Agreement%20\(LSO%2020150714\).docx&action=default](https://popp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_Innovation_CSO%20engagement%20and%20E-tendering_CSO%20Responsible%20Party%20Agreement%20(LSO%2020150714).docx&action=default)

²⁷

achieve results based on the approved workplan and budget. The partners will be subject to a HACT micro-assessment to assess its financial management capacity (i.e. accounting, procurement, reporting, internal controls, etc.) to determine the overall risk rating and assurance activities. The micro assessment shall be undertaken by a qualified third-party service provider, to ensure it is independent and reflects the required technical expertise. Costs related to HACT planning, micro assessments and assurance activities directly contribute to the achievement of development results and therefore will be charged to the project, using direct project costing.

IPR is a well-known national NGO, established in 2001, specialized in the field of criminal justice, law enforcement and human rights with a strong record at national and local levels. This organization played a key role in promoting, introducing and developing various justice related concepts and policies, instruments and mechanisms (for instance, mediation in criminal cases, probation, community service, child-friendly justice, community engagement in justice system), meant to increase the efficiency and fairness of justice processes, promote respect for human rights and build stronger justice institutions.

Invento is an emerging national NGO, established in 2011, focusing on social and economic empowerment of the young generation through non-formal education. The organization has developed and implemented specialized interventions for young professionals (including for justice professionals) at national and international level, among which – Young Women Leader Academy – LeaderSHE, Youth Parliament, Action for Justice Program, Justice with Youth, Digital skills for youth workers, EduJust, Active Citizenship starts with YOUth, etc. Invento has developed the first legal hackathon²⁸ in Moldova in the framework of the international network of Legal Hackers²⁹ - a global movement of lawyers, policymakers, designers, technologists, and academics who explore and develop creative solutions to some of the most pressing issues at the intersection of law and technology.

UNDP will engage with NGO Women’s Law Centre (WLC) through the low-value grants modality (LVGs), by means of ad-hoc award, to address gender-based violence (GBV) related interventions, supporting an integrated response of justice actors to GBV cases, planned by the Project and described below in ‘Expected Results’ compartment. Women’s Law Centre is a well-known national NGO promoting women’s rights and gender equality, being a leading NGO on gender-based violence issues with vast experience of interacting and cooperating with justice and law enforcement actors on the GBV matters. The WLC’s mission is to contribute to the promotion of gender equality and the prevention and combating of gender-based violence against women in the Republic of Moldova by raising public awareness, building the capacity of relevant actors, providing holistic services to assist and protect women, conducting research and analysis, monitoring the legislation and aligning it with international standards.

UNDP’s comparative advantage

UNDP has relevant experience and expertise in engaging in this type of interventions. The productive experience of working with the three national forensic institutions since 2011, reaching positive and sustainable development results, demonstrates UNDP’s comparative advantage in further advancement of the reform in this area. Within the UNDP’s development assistance provided to forensic institutions, all of them demonstrated their commitment to change and a strong ownership over the results achieved.

Given its presence at the local level, having worked in 2/3 of all the communities in the country, including the Transnistria region and Gagauzia, UNDP is well positioned to facilitate the local coordination ownership of the strategies through establishing the regular communication between the groups at regional and central level, ensuring that lessons learned from the regional level will inform policy discussions at the central level and policy decisions will be communicated at the sub-national levels. As underlined in an independent EC evaluation, “channelling funding through the UN(DP) opened doors which would otherwise have remained closed or nearly closed... particularly in politically sensitive situations”³⁰. Through its impartiality and commitment to the principle of long-term engagement, UNDP helped facilitate transition activities and is able to achieve sustainable results on the ground.

UNDP’s track record of delivering quality results through effective project management is well recognized. According to the most recent EU Results-Oriented Monitoring report on an EU-Funded and UNDP

[https://poppp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/FRM_Financial%20Management%20and%20Implementation%20Modalities%20_Harmonized%20Approach%20to%20Cash%20Transfers%20\(HACT\).docx&action=default](https://poppp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/FRM_Financial%20Management%20and%20Implementation%20Modalities%20_Harmonized%20Approach%20to%20Cash%20Transfers%20(HACT).docx&action=default)

²⁸ <http://legalthackathon.md/>

²⁹ <https://legalthackers.org/>

³⁰ See Evaluation of Commission’s external cooperation with partner countries through the organisations of the UN family, 2008; http://ec.europa.eu/europeaid/how/evaluation/evaluation_reports/reports/2008/1252_vol2a_en.pdf ; also- The efficiency and effectiveness of EU contributions channeled through United Nations Organisations in conflict-affected countries, 2011.

implemented intervention (SARD Project³¹), its logistical and management capacities are among its strongest assets. UNDP's legal framework and capabilities in place in Moldova allows the organisation to provide significantly better value for money, due to savings produced by efficient procurement mechanisms, low overhead costs, as well as tax exemption (e.g. VAT) for development activities.

UNDP has also strong capacities in applying innovation, being a pioneer in implementing new solutions for sustainable development. For the past several years, UNDP has taken a strategic decision to embed innovation and experimentation in its programme delivery. It has been recognized at various levels that testing at small scale through pilot-projects, measuring results and impact, before launching a full-fledged development intervention is likely to improve programme efficiency, effectiveness, and impact. Therefore, UNDP has been investing in developing in-house capacity to innovate, test, and apply new methods for solving complex issues. In the Republic of Moldova, UNDP has been the only organization that has been working on the niche of innovation and has accumulated experience and lessons learned to further improve programme delivery.

Overall objective

The **overall objective** of the project is to contribute to an increased efficiency of justice services and to improved access to justice of men and women in Moldova, in particular from vulnerable and marginalized groups, through enhanced capacities of forensic institutions to provide qualitative justice services, strengthened capacities of the justice sector actors in the selected pilot areas to provide coordinated response to men's and women's justice needs and strengthened civil society able to claim the respect of rights and engage in a constructive dialogue with the justice chain actors.

Theory of change

The overall theory of change of the Project is that,

if

- a) efforts are focused on the inter-institutional forensic system-wise approach regarding sustainable technical and administrative capacity building compliant with international standards, and
- b) digitalisation and IT solutions are used to sustain internationally recognised forensic examination methodologies and interconnectivity with other justice institutions/e-systems, increasing the forensic institutions' transparency and accountability, and
- c) justice sector actors and stakeholders have the knowledge, skills and tools to efficiently engage and coordinate their efforts on local, regional and/or national levels regarding the improvement of access to justice for all and enhancing quality of human-friendly justice services, and
- d) civil society organizations are enabled to claim qualitative, accessible and inclusive justice services and proactively engage with the justice chain actors, and
- e) women and men know how and feel empowered to use the available justice services and mechanisms for the protection of their rights,

then

the necessary conditions for an increased access to justice and enhanced quality of justice services will be created, contributing to achieving sustainable development, poverty reduction, good governance and rule of law,

because

the justice system institutions will become more human-centred and gender-sensitive in their development, will be more efficient and accountable, and women and men of Moldova, including victims of violent crimes and those belonging to vulnerable, minority and marginalised groups, will feel the results of the human-centred reforms in justice sector.

Crosscutting approaches

Several **crosscutting approaches** are mainstreamed into the project, as described below.

Gender mainstreaming is a crosscutting issue throughout the project design and implementation, as one of the development priorities shared by donor, UNDP and the Government. Gender equality is not only a basic

³¹ <http://www.md.undp.org/content/moldova/en/home/projects/support-to-agriculture-and-rural-development-through-promotion-o.html>

human right, but its achievement has a strong impact on the socioeconomic development of a state and is essential to achieving progress across all goals and targets of the Global Agenda 2030. Despite Moldova has a comprehensive legislative and policy framework on gender equality in place, the implementation lags behind, and women still face discrimination and inequality in social, economic and political life. It is critical to address the structural causes of gender inequality, such as the violence against women (VAW) and unequal participation in decision-making with targeted efforts, as well as the integration of a gender perspective in all development interventions. In this respect, the project will ensure that gender equality is consistently mainstreamed, thus bringing gender considerations in many interventions increasing their potential to contribute to gender equality. When viewed through a gender lens, the project emerges as a potential platform for inter-institutional and even justice system transformation, opening the door for deeper engagement with systemic gender issues, such as women's engagement and representation in the targeted institutions, including in decision-making positions, sex disaggregated data collection, gender sensitive employment and career promotion policies and rules, gender sensitive forensic expertise and peculiarities related to access to justice especially for SGBV survivors, addressing gender stereotypes and biases, gender-sensitive professional development events and public awareness campaigns, gender-responsive budgeting, setting up gender responsive indicators and reporting on them. All these changes will result on gender responsible implementation of the justice act. In this context, the project will also contribute to the achievement of the SDG 5: *Achieve gender equality and empower all women and girls*.

Poverty perspective. Poverty in most of cases is a multidimensional and structural issue, which may involve various aspects of political, economic, social and environmental contexts, including the historical discrimination and exclusion of certain groups (e.g., the poverty of Roma people is a result of marginalisation, lower rate of school enrolment and further narrow employment opportunities and therefore, income generation opportunities). During the last decades Moldova has made strong efforts to reduce absolute poverty: the national poverty rate decreased from 26% in 2007³² to 9.6% in 2015,³³ while there are no significant gender differences in the general poverty rates (11.1% for women and 11.9% for men).³⁴ At the same time, political instability, slow and inequitable economic development maintain the relatively high poverty rates, placing Moldova among the poorest countries in Europe. The gap between absolute urban and rural poverty is significant: 19% of population living at poverty line reside in rural areas vs. 5% residing in urban areas. The poorest spend most on food and utilities, which makes them vulnerable to economic shocks. Besides financial inequalities, the most vulnerable groups – women, including women survivors of violence, persons with disabilities, elderly and young people, Roma, households with many children and women-led households, families living in rural areas and those relying on self-employment³⁵ – are exposed to social inequalities in education, health, access to quality services, and participation.³⁶ The poverty is also affecting the ability of people to protect their rights, especially when it involves the knowledge of justice mechanisms, as well as financial and time investments (e.g., contracting a defence lawyer). This leads to the low level of the human rights protection and therefore violations can persist and last over time. In this respect, the project will pay special attention to the poverty perspective by strengthening access to justice for all in the pilot regions with a particular attention to women and men belonging to the most vulnerable and disadvantaged groups.

Environmental perspective. Mainstreaming environmental sustainability in development assistance requires a thorough understanding of the relationship between environment and development and better intersectoral coordination on environmental matters, including in justice and human rights related spheres. Moldova is characterized by one of the most carbon-intensive economies in the region. Environmental degradation, pollution and the unsustainable use of natural resources are a significant concern for Moldova's development agenda. Short-term economic and social considerations still often prevail over long-term environmental benefits for people.³⁷

³² World Bank (2016), "Moldova Poverty Assessment 2016". The poverty line was set at MDL 104.67 per equivalent adult per month in 2014.

³³ UNDP Moldova: National Human Development Report (NHDR) 2015/2016, page 41, http://www.md.undp.org/content/dam/moldova/docs/Publications/Raport_EN%20NHDR.pdf

³⁴ Ministry of Economy (2015), "2014 Republic of Moldova Poverty Report", http://www.mec.gov.md/sites/default/files/raport_privind_saracia_in_republica_moldova_2014.pdf

³⁵ Republic of Moldova – United Nations Partnership Framework for Sustainable Development 2018-2022, page 61, <http://md.one.un.org/content/dam/unct/moldova/docs/pub/strateg/UNDAF%20Moldova%20EN.pdf>

³⁶ UNDP Moldova: Rural poverty in Moldova is 4 times higher than urban one, press-release, June 2017, <http://www.md.undp.org/content/moldova/en/home/presscenter/pressreleases/2017/06/14/n-sate-locuiesc-de-4-ori-mai-multe-persoane-aflate-la-limite-s-r-ciei-dec-t-n-ora-e.html>

³⁷ Republic of Moldova – United Nations Partnership Framework for Sustainable Development 2018-2022, pages 15, 45, 46, <http://md.one.un.org/content/dam/unct/moldova/docs/pub/strateg/UNDAF%20Moldova%20EN.pdf>

The project will ensure the integration of the environmental perspective and ‘greening’ of justice system within the planned interventions. Taking the specificity of the forensic and justice sectors, the contribution to the environmental sustainability will be done through the following:

- Environmental screening: the project underwent UNDP’s Social and Environmental Screening and Sida’s Simplified Environmental Assessment;
- Green procurement: the procurement performed by the project team will comply with the UNDP’s green procurement standards, while the partner NGOs will be capacitated in green procurement practices;
- Digitalization: assistance will be provided for the elaboration and operationalization of ICT tools and solutions in the partner justice institutions, especially within the forensic system (e-case systems). This will contribute to the reduction in the use of paper and the courier and transportation services, having an impact on the carbon footprint of these institutions;
- Waste and chemical management: embedding human health considerations into the interventions related to the forensic waste and chemical management, where applicable;
- Forensic expertise in environmental cases: the project will engage with the forensic institutions to develop capacities in performing forensic investigations in environment related cases.

Conflict sensitivity perspective. Moldova is facing a complex geo-political context. Overall social cohesion in the country is weak, and the society remains divided, primarily along geopolitical and ethno-linguistic fault lines. The ongoing settlement process of the ‘frozen’ conflict in the Transnistrian region continues to impact the internal stability of Moldova and is seen as a potential source of regional instability. While the conflict is not characterised by personal animosity between people, the protracted division led to the emergence of parallel systems that put both practical and psychological barriers to interaction, cooperation and collaboration across the divide. Human rights and the rule of law in the region also remain a matter of concern for the international community. During a visit of UN Human Rights Expert Thomas Hammarberg³⁸ in 2018, as a follow up to his 2013 report on the human rights situation in the Transnistria region, he noted a growing human rights awareness locally, in areas such as people with disabilities, people living with HIV/TB, as well as domestic violence. At the same time, he called for urgent action in a multitude of areas, and, in particular, for widening and strengthening the space for NGO work. While the de facto authorities’ early engagement with the 2013 Hammarberg report focused on seeking investment in infrastructural upgrades and modernisation of equipment, there are signs of a growing understanding of the importance of introducing modern practices, improving the qualifications of professionals, or ensuring effective accessibility of services, including to more vulnerable social groups. Strengthening the knowledge and skills of practitioners in the social sectors on the left bank, by knowledge transfer from the left bank has been a well-established confidence building approach that builds longer term cooperation between professionals.

Over the past years, the relations with the Gagauz Autonomous Region strained. A political deadlock has been created with its roots in the existing legal framework on the status of Gagauzia and the inconsistencies regarding the autonomy status and the principles of governance have entailed impediments for successful collaboration between the central and regional authorities. These realities demand for interventions aimed at weakening the dividers and increasing society’s resilience to mounting negative pressures, strengthening cooperative ties and creating incentives for collaboration across various dividing lines, demonstrating the benefits of cooperation in practice.

As Gagauzia is targeted as one of the pilot areas for project’s interventions, conflict sensitivity perspective will be taken into account while planning and implementing activities. Counterparts from the left bank of the Nistru river will be engaged in project activities to the extent possible. The project will tap into the synergies and will coordinate with the joint UN project “Human Rights in Transnistria” and will employ where necessary the platform of engagement with the Gagauz People’s Assembly established through UNDP “Strengthening Parliamentary Governance in Moldova” Project, both supported by Sweden.

Project activities will be implemented in line with the confidence building approach, connecting people and structures, facilitating dialogue and knowledge sharing among professional groups (for instance, lawyers, human rights activists) and civil society organizations. No actions will be taken which may harm or deteriorate the existing situation.

The **Human Rights Based Approach** is the key normative and conceptual basis for the UNDP’s development assistance. In this respect, project will base its implementation on the access to justice related human rights standards. The project will work with the forensic institutions, judiciary, prosecution service, police and other authorities (duty bearers) in the pilot regions to emphasize their responsibility to respect, protect and fulfil fair trial and access to justice standards. An equally important consideration will be given to ensuring that men and women (rights-holders) in the pilot regions are engaged and capacitated through

³⁸ <http://md.one.un.org/content/unct/moldova/en/home/presscenter/press-releases/statement-by-senior-un-human-rights-expert-thomas-hammarberg-on.html>

meaningful consultations and awareness raising to know and claim their rights. Finally, accountability and gender responsiveness of targeted public institutions will be addressed through strengthening their internal procedures and transparency over the work and results achieved.

III. RESULTS AND PARTNERSHIPS

Expected Results

The project's overall objective will be achieved through the delivery of the following Outputs that also reflect the expected results to be achieved by the Project:

Output 1: Forensic system strengthened with digitalised processes and sustainable technical, professional and administrative capacities

A new Law on the Judicial Expertise and the Status of Judicial Expert entered into force at the end of 2016,³⁹ introducing a new regulatory framework and the requirements on the functionality of the judicial expertise system on such issues, as the coordination and methodological mechanisms, admission to the judicial expert profession, training and qualification/licensing of judicial experts, etc. After more than three years of implementation of the new legal framework, some legal gaps and inconsistencies still emerge, being caused by various factors. At the same time, the cooperation and cohesion among the forensic institution is not functioning properly, requiring specific interventions and support to build capacities in this respect and advance the interinstitutional dialogue and engagement.

The forensic institutions are also in need of further ISO certification to strengthen the institutional management, confirm compliance with internationally recognized quality standards and demonstrate that they operate competently and generate valid results, thereby promoting confidence in their work both nationally and around the world. Thus, while the laboratories of the National Centre for Judicial Expertise (NCJE) and the Forensic Centre of the General Police Inspectorate (GPI) have already obtained accreditation in line with ISO/IEC 17025:2005 standard⁴⁰ with UNDP's support, the Centre for Legal Medicine (CLM) is at the beginning of this process. In addition to this, operating procedures and protocols for certain types of expertise need to be developed or updated, including for the cases of sexual and gender-based violence (SGBV), psychiatric forensic examination of women and men with intellectual and psychosocial disabilities, which could be crucial for the successful investigation of specific cases and bringing to justice those responsible in cases of torture and ill-treatment, rape and other violence in psychiatric facilities, etc.

The elaboration and operationalisation of an e-case system for forensic institutions and its interoperability with other related e-case systems, strengthening the collection and processing of disaggregated data and the accessibility of this information for the public, coupled with the development and application of integrity and ethics standards, and stronger internal and external communication, will lead to the promotion and ensuring transparency and accountability of the forensic institutions and stronger integrity and effectiveness of the justice processes. The digitization of processes will allow sharing the forensic reports with other relevant justice sector actors electronically and will ensure interoperability with other e-case systems, thus speeding up the justice delivery in both criminal and civil cases. The system will reduce the influence of the human factor and the incidence of certain corruption risks, will make the actions trackable, timely, safer, and therefore will significantly strengthen the integrity, reliability, transparency and efficiency of forensic examinations and other related justice processes and acts. The Law on data exchange and interoperability approved by the Parliament of Moldova in July 2018, provides the legal grounds for this exchange of information transforming M-Connect from a pilot platform for data exchange and interoperability into a mandatory platform for real time data exchange by the public authorities owning and administering IT systems.⁴¹

The application of ICT tools and solutions and the introduction of e-case systems will also contribute to the reduction of the impact on the environment by decreasing the use of paper and reducing the carbon footprint.

In this context, the Output will be implemented through the following indicative development interventions:

³⁹ Law on the Judicial Expertise and the Status of Judicial Expert adopted on 14 April 2016, entered into force on 10 December 2016: <http://lex.justice.md/md/365259/>

⁴⁰ ISO/IEC 17025 – General Requirements for the competence of testing and calibration laboratories, <https://www.iso.org/home/standards/popular-standards/isoiec-17025-testing-and-calibra.html>

⁴¹ <https://www.bizlaw.md/2018/07/20/autoritatile-vor-fi-obligate-sa-faca-schimb-electronic-de-date-pentru-a-elimina-rolul-de-postas-al-cetatenilor-in-transportarea-documentelor>

1.1. **Enhance the coordination and collaboration among the forensic institutions:**

- 1.1.1. Review the status and modus operandi of the Scientific and Methodological Council of the National Centre of Judicial Expertise to transform it into a platform representing all forensic institutions and private practitioners and coordinating the work and quality of forensic science in the country (establish structure and membership, develop regulation, develop standard operating procedures (SoP), etc.);
- 1.1.2. Support to enhancing collaboration among the forensic institutions and experts by engaging them in regular subject matter dialogues and events, common capacity and team building exercises, annual conferences;
- 1.1.3. Build communication and outreach capacities (at the corporate and individual levels) of the forensic institutions with the public, justice professional groups and development partners: elaboration of the communication strategy and plans, improvement and/or introduction of communication tools and channels (website(s), social media, mailing lists, etc.), building institutional identity based on transparency and ethics, etc.;
- 1.1.4. Strengthen international cooperation and exchange with peer institutions and professional networks from EU and other countries by supporting the membership of the national forensic institutions in regional/international professional networks (like the European Network of Forensic Science Institutes (ENFSI) or the European Council of Legal Medicine) and participating in international professional events (expert group meetings, conferences, workshops, trainings, etc.) to benefit from an extensive knowledge base and best practices in the forensic science. Furthermore, targeted exchange visits to EU member states will be organized to learn from peer institutions' experience on institutional organization and coordination within the forensic system, cooperation with justice chain actors, career development paths, use of case management e-tools, updates on quality systems, forensic science developments and opportunities, etc.

1.2. **Strengthen the demand side of forensic service delivery:**

- 1.2.1. Conduct a gap analysis/assessment of deficiencies of interaction of forensic institutions with the demanders (judges, prosecutors, criminal investigation officers, lawyers, individuals) of forensic services and develop a roadmap based on the findings of the analysis/assessment;
- 1.2.2. Review and update training programs for justice professionals (judges, prosecutors, defence lawyers, police officers) focusing on better understanding the role of forensic institutions and on efficient use of forensic expertise. The Project will engage with the National Institute of Justice, Lawyers' Training Centre, Joint Law Enforcement Training Centre and others to assess and close the knowledge and capacity gap and build stronger engagement among the professions;
- 1.2.3. Develop and publish practice-based guidelines on forensic expertise for justice professionals (judges, prosecutors, defence lawyers, police officers, etc.) with case studies, templates, practical hints, etc. to reinforce the subject-matter knowledge base of the targeted professionals.

1.3. **Review the regulatory and functional framework of forensic expertise:**

- 1.3.1. Review the legal framework and the national practice in the area of judicial expertise and experts to ensure consistency and uniform application of the regulations, draft amendments and advocate for their approval;
- 1.3.2. Review the regulatory framework on the usage of electronic case management systems by the forensic institutions and other justice actors, to ensure proper legal grounds for their use, interoperability and application of e-processes and e-documents in justice processes;
- 1.3.3. Conduct a functional analysis of the national forensic system to assess current state of affairs in the forensic system and strengthen its efficiency and effectiveness.

1.4. **Strengthen institutional and professional performance of the forensic system:**

- 1.4.1. Conduct the institutional assessment of three national forensic institutions and support the implementation of findings and recommendations for the improvement of institutional management and performance;

- 1.4.2. Review and update the internal policies and regulations of the forensic institutions to consolidate the integration of gender and diversity, environment, integrity and ethics dimensions in institutions' operations;
- 1.4.3. Review and update the career development system for forensic experts (admission to the profession, initial and continuous training, qualification/licensing, performance evaluation, professional conduct and disciplinary proceedings, etc) in line with best international practices;
- 1.4.4. Improve the knowledge base of forensic institutions by providing them with modern scientific literature and materials in the forensic fields, based on institutional mandate. The Project will support the development and publishing of an induction handbook for newly employed judicial experts, embedding the rules, regulations, professional conduct and ethics standards and best practices for effectively carrying out the working tasks. Furthermore, the Project will also facilitate development of a specialised publication (in the format of an atlas) building on the Centre for Legal Medicine' practice and experience in examining and documenting different acts of violence (torture, sexual and gender-based violence, etc.) to be used by the forensic doctors, forensic interns and students and other professionals;
- 1.4.5. Support the Centre for Legal Medicine in setting up the quality management system and comply with the requirements of ISO 9001:2015⁴² (for general management of the institution), ISO/IEC 17025:2017⁴³ (for toxicologic laboratory investigations) and ISO/IEC 17020:2012⁴⁴ (for clinical examination of living persons, including for cases of gender-based violence, and pathology examinations): preliminary assessment/gap analysis, elaboration of technical procedures, training of staff on ISO requirements, engaging in proficiency testing and interlaboratory tests, providing specialized software solutions to interconnect existing chromatography systems, equipping the laboratories with forensic mass spectral databases/libraries, providing standard reference materials, internal audit, external audit by the accreditation body, and as a result obtaining the ISO accreditation and ensuring credibility and reliability of the experts' conclusions;
- 1.4.6. Support the National Centre of Judicial Expertise and Police Forensic Centre to complete transition⁴⁵ to the new (2017) version of ISO 17025 standard and extend the scope of ISO 17025 accreditation to new areas of forensic expertise based on institutional needs (for instance, questioned documents, controlled substances, portrait (habitoscopic) examination). Strengthen the laboratory capacities of both institutions for accurate forensic investigations by providing up-to-date forensic spectral databases/libraries for chromatography and FTIR investigations, standard reference materials and express tests kits, as well as engaging the laboratories in proficiency testing schemes. The Project will also support both institutions to ensure compliance to ISO/IEC 17020:2012⁴⁶. Depending on the institution and progress towards ISO/IEC 17020:2012 accreditation⁴⁷, the Project will provide assistance to: preliminary assessment/gap analysis, elaboration of technical procedures, training of staff on ISO requirements, engaging in proficiency testing and interlaboratory tests (if applicable), internal audit, external audit by the accreditation body, and as a result obtaining the ISO accreditation and ensuring credibility and reliability of the experts' conclusions;
- 1.4.7. Strengthen the professional capacities of forensic experts through training, internships to peer institutions, study visits to the EU member states and other capacity building activities and support the elaboration or improvement of methodologies and standard operating procedures/protocols for forensic examinations to operationalize new types of forensic expertise (for instance, environment, DNA) and investigation methodologies (for instance, immunohistochemistry), based on institutional needs and development plans;

⁴² ISO 9001:2015 – Quality management systems - Requirements, <https://www.iso.org/standard/62085.html>

⁴³ ISO/IEC 17025:2017 – General requirements for the competence of testing and calibration laboratories, <https://www.iso.org/standard/66912.html>

⁴⁴ ISO/IEC 17020:2012 – Conformity assessment – requirements for the operation of various types of bodies performing inspection, <https://www.iso.org/standard/52994.html>

⁴⁵ Laboratories already accredited to ISO/IEC 17025:2005 will need to transition their processes to the new version within a three-year period from the publication date of the new standard. <https://www.iso.org/news/ref2250.html>

⁴⁶ ISO/IEC 17020:2012 – Conformity assessment – requirements for the operation of various types of bodies performing inspection, <https://www.iso.org/standard/52994.html>

⁴⁷ The National Centre of Judicial Expertise already deployed the preliminary assessment in the context of accreditation of 13 disciplines to ISO/IEC 17020:2012

- 1.4.8. Support the review and improvement of methodologies and standard operating procedures/protocols for forensic medical examinations, in particular in GBV cases, the psychiatric forensic examination, and the forensic examination of victims of violent crimes, from the gender-sensitive perspective, based on the international standards and best practices, including Istanbul Protocol; review the national regulations governing the determination of bodily injuries to be more responsive to the gravity of gender-based violence cases; capacity building of forensic doctors in line with the reviewed methodologies.

1.5. Development of Forensic Case Management System (e-case system):

- 1.5.1. Conduct a feasibility study and identify the most feasible platform and organisational arrangements for the Forensic Case Management System (FCMS);
- 1.5.2. Design and development of the FCMS software and hardware ecosystems, ensuring the interconnectivity of the FCMS with e-case systems of other justice chain actors (prosecution, courts, etc.): defining goals, modelling the processes, defining of components and functionalities in line with latest legislative/procedural and technical developments, elaboration of a development plan ensuring the FCMS has the required functionalities, and integration of the management modules on the performance indicators and performance evaluation of staff, of the templates for specific types of documents; acquisition and integration of laboratory information management system (LIMS); automated disaggregated data collection and processing and ensuring publicity of targeted data generated by the system; ensuring to the extent possible the physical and informational accessibility for the staff/persons with visual disabilities, linguistic groups and for the international cooperation; system's quality assurance, performance and security testing, as well as further adjustments etc.;
- 1.5.3. Support to creation of the hardware and software environments necessary for the proper functioning and use of the FCMS and interoperability of data used and generated by the system;
- 1.5.4. Capacity building: (in-job) training of staff (forensic experts, managers, secretariat staff, etc.), depending on the level of authorization and access to the FCMS, to make them better understand and use the system in their daily work; working exchange visits to peer forensic bodies that use similar systems.

Output 2: Enhanced capacities for coordinated justice delivery and improved access to justice for the vulnerable groups at the subnational level

The component will be focused on developing capacities for a coordinated justice delivery at the sub-national level to ensure better access to justice for the vulnerable groups.

Interventions under this Project component will explore and experiment innovative solutions to improve the access to and the administration of justice and coordination between agencies and to advocate that results from the pilot areas are scaled-up and inform national policy making in this sector. Emphasis will be put on strengthening capacities of various justice chain actors and streamline of processes and procedures. It will focus on addressing issues of administration of justice at the grass-root level that adversely affect the most vulnerable, while empowering and working with civil society organizations to enhance access to justice for the population, as well as communication between diverse actors in the justice and law enforcement sector. Experiences and achievements in the pilot areas will be documented and shared to inform sector-wide policy change and reform initiatives at the national and/or sub-national levels.

UNDP will contribute to building stronger coordination platforms among justice and rule of law actors by engaging the stakeholders in pilot regions in complex collaborative work, gathering them around defining and piloting solutions to justice related problems or bringing them together on specific thematic discussions, e.g. strengthening the justice sector response to domestic violence cases, (e)case management, optimization of processes and workflows, physical and informational accessibility of justice, ethics and integrity, etc. Only by building sustainable capacities, actors in the region will be able to effect change. Therefore, the Project will engage with stakeholders that are drivers for change and harvest their willingness to raise awareness and empower the population to claim their rights, while fulfilling their responsibilities and cooperating with other institutions for the greater benefit of the general public. It will encourage transferability of positive practice and skills among the involved regions through knowledge sharing and capacity building events. The list of potentially involved stakeholders includes judiciary, prosecution, legal aid/paralegals, defence lawyers, police, penitentiary, probation, Roma community mediators, local public administration, academia, civil society, etc. The list of stakeholders may vary from region to region depending on their

availability (e.g., the availability of academia institutions in the pilot regions, the existence of Roma community mediators, paralegals or prisons, etc.).

UNDP will also engage with local civil society organisations to build stronger civic voice in the regions. Capacity needs assessments and development plans will be elaborated for each NGO engaged, followed by the provision of joint and individual capacity building, as well as institutional support, which will be subject to certain performance conditions.

Activities under this Project component will be carried out in Sorooca, Criuleni, Cimislia and Comrat districts that represent different regions of the country (North, Centre, South and Gagauzia).

The Output will be implemented through the following indicative development interventions:

2.1. **Facilitate the coordination, cooperation and capacitation of key justice sector actors** in Sorooca, Criuleni, Cimislia and Comrat districts through supporting the operationalisation in each region of the technical dialogue/coordination platforms among the core justice chain actors (judiciary, prosecution, police, legal aid/defence lawyers, corrections), civil society and other social stakeholders on issues related to the efficiency of and access to justice for local population, and with a particular focus on vulnerable groups. These meetings will be facilitated by a third-party moderator to ensure constructive and balanced discussions. Coordination and cooperation capacities will be further strengthened through capacity building and professional development engagements which will allow fostering professional networking and knowledge gathering. Specific expertise (including of local partner NGOs) will be provided in case of need to deepen the knowledge and understanding of regional stakeholders on particular topics identified to be relevant for the cross-platform discussions (for instance, accessibility, discrimination, personal data protection, etc).

The issues to be addressed will be identified during the technical dialogues. They could include, but will not be limited to the following:

- Addressing particular aspects of legislation and legal practice related to justice for local population in the pilot regions considering their specific context and with a focus on vulnerable groups, victims of crime, arrests, ethics, anti-corruption/integrity, etc.;
- Supporting the improvement of case management and pretrial procedural mechanisms between police, prosecution, legal aid/defence lawyers and courts to reduce criminal justice delays;
- Modelling a sector approach to GBV cases between police, legal aid/paralegals/defence lawyers, prosecution, courts, prisons and/or probation to operationalize an effective response of the whole penal chain to this matter and ensure equal access to legal and judicial protection for the GBV survivors and working with aggressors on the basis of the related international and national standards and best practices.⁴⁸ For instance, the experience and the model of work in GBV cases facilitated by the NGO “Artemida” from Drochia will be presented for inspiration and eventual replication.⁴⁹

The lessons learned exercises and events will be organised for the codification of the regional experiences and for their upscaling to other regions and/or to the national level. In addition to the above, central justice institutions (as listed below in Chapter VIII. Governance and Management Arrangements) will be involved into the project implementation as Board members, thus building their ownership and commitment for further upscaling. Coordination with UN Women will be ensured to benefit from the synergy of efforts, especially on the GBV related issues.

2.2. A group of justice chain professionals from the pilot regions will be engaged in a **soft skills development program** tailored to the needs of the group (up to 20 professionals from each pilot region), focusing on building leadership skills, management skills (project management, time management), strategic communication capacities (in particular, with the vulnerable groups), professional ethics and integrity, gender and human rights knowledge and implications for concrete contexts.

The activities foreseen under this program will include three basic components: learning, seeing and acting. Each of these components will focus on developing key competences for the participants in the program aiming at a change in attitudes and, thereby, becoming agents for change enabled to act

⁴⁸ For instance, Essential Services Package for Women and Girls Subject to Violence (2015):

http://www.md.undp.org/content/moldova/en/home/library/effective_governance/serviciile-esen_iale-pentru-femeile-i-fetele-supuse-violenei-.html

⁴⁹ The Embassy of Sweden will support NGO “Artemida” in the documentation of its advanced model of work with the SGBV survivors and aggressors and this model can be taken for replication in the pilot regions.

with integrity and professionalism. In order to develop a practical understanding of what it means to lead, the participants will be also involved in individual and/or group projects, therefore, small funding will be secured for this purpose. The program will include interactive training sessions, work on projects, as well as a study visit for the most engaged participants to one of the EU member states on efficient justice related topics. It is expected that the participants will act as multipliers and share their experiences with a wide range of legal professionals and other relevant stakeholders. NGO Invento will be the Responsible Party in charge of this Project component.

- 2.3. **Define, develop and pilot innovative solutions** for a more efficient administration of justice and improved access to justice for the vulnerable groups at the subnational level. The Project will foster the experimentation of localized solutions produced through the collaborative work (for instance, by using social innovation techniques, like 'design thinking' or 'user safari', or behavioural science instruments) for a more efficient administration of justice with due consideration to the introduction of e-justice tools. One of the solutions explored through this intervention will focus on increasing access to legal aid by reducing the time required to process a request and deploy legal aid. Based on a complex analysis, specific e-tools will be developed to ensure the submission of legal aid requests by the justice chain actors using the legal aid system's e-platform. Innovative solutions tested in the pilot areas can be rolled out and pave the way for up-scaling and for "evidence-based" national reforms beyond the Project lifespan.

Moreover, building on UNDP previous experience, the Project will bring together justice professionals, lawyers, hi-tech community, academics and other interested parties to explore and develop creative solutions to some of the most pressing issues at the intersection of justice, law and technology by engaging in a thematic hackathon. Hackathon is an opportunity for everybody in the industry, no matter how seasoned or junior, tech-savvy or novice, to join with co-workers, clients, law firms, technology companies, start-up entrepreneurs and academics to fully immerse themselves in the cutting edge of legal technology innovation⁵⁰. The participants will practice collaborative thinking and challenge traditional forms of legal practice to unlock the power of innovation and technologies to transform the justice experience for the end-user and wider legal sector and enhance research, knowledge and awareness of how law and technology interact to support access to justice. The Project will support the realization of up to three most promising ideas and solutions produced as a result of the hackathon.

- 2.4. **Strengthen capacities of civil society** in Soroca, Criuleni, Cimislia and Comrat districts and confidence building between the justice sector actors and the civil society and people belonging to vulnerable groups from these districts. The Project will engage with one local civil society organization per district to strengthen the institutional and expertise capacities to proactively oversee justice delivery and engage in improving access to justice at the district level, thus creating by these means a sustainable social environment demanding justice.

This Project component will be implemented through the strategic partnership with the NGO Institute for Penal Reform (IPR). IPR will be engaged by UNDP as a Responsible Party⁵¹ in charge of the capacitation and institutional development of civil society organizations in the pilot areas and their orientation on justice matters to reinforce the demand side and ensure a civic oversight of justice delivery. UNDP and IPR will employ various institutional development and capacity building activities, mentoring, direct institutional support (subject to specific conditions)⁵², short-term internships, etc.

The Project will seek to connect the local community/society and the justice actors by building NGOs' institutional capacities (strategic planning and development, project management, strategic and gender-sensitive budgeting, fundraising, communication, reporting, monitoring and evaluation, transparency and accountability, etc.) and subject-matter expertise (human rights-based approach, gender equality, monitoring and oversight, legal empowerment and education, community engagement and services, mediation, etc.). The Project will contribute to strengthening the capacities of those organisations for the effective implementation of sub-projects and for ensuring the sustainability of their work and results achieved within the Project.

⁵⁰ <https://www.israellegalhackathon.co.il/>

⁵¹ As per UNDP Programme and Operations Policies and Procedures (POPP) on Selecting Responsible Parties and Grantees, https://popp.undp.org/layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PPM_Design_Select%20Responsible%20Party%20and%20Grantees.docx&action=default

⁵² Capacity building and institutional support for the selected NGOs will be provided taking into account the experience and methodologies applied by the Embassy of Sweden for similar support for other CSOs, project's crosscutting perspectives will be the integral part of this process.

Local NGOs the Project will partner with are: DACIA Youth Resource Centre (Centrul de Resurse pentru Tineret DACIA) from Soroca, Woman and Child – Protection and Support (Femeia și Copilul - Protecție și Sprijin) from Criuleni, Moldova Agency for Local Democracy (A.O. Agenția de Democrație Locală din Moldova (LDA Moldova)) from Cimișlia, and Legal Clinic Comrat (Clinica Juridică Comrat). These organizations have been selected during the Project Inception Phase, taking into account several factors: profile of the organization to be close to the topic of the Project, how active the organization is, positioning in the region, willingness and interest to engage with the Project and ensure continuity of interactions with the justice sector. The list of selected organizations was coordinated with the Donor and will be endorsed by the Project Steering Committee.

- 2.5. **Strengthen the informational access to justice** for men and women from pilot regions with the focus on people belonging to vulnerable, minority and marginalised groups. Activities under this component will aim at increasing the public awareness of local communities and stakeholders on the sector-wide reforms and achievements, gaps and actions required to address these issues.

The Project will seek to raise the awareness of men and women living in the pilot areas about their rights and the ways to claim the respect for their rights and keep the justice chain actors accountable through legal awareness activities (for instance, informational campaigns on access to justice and justice sector reforms), 'open door day' events in key justice institutions (courts, prosecution offices, police offices, etc.), redesigning the way the justice chain actors provide access to information, public lectures on justice-related topics, production of accessible information materials on justice sector reform, etc. The legal awareness activities will engage a large range of social stakeholders going beyond the traditional partners, including school, universities, parents' associations, etc. Building on the partnership with the Women Law Centre, the Project will contribute to awareness raising in pilot districts on available legal remedies for survivors of domestic violence. Specific interventions for each pilot region will be elaborated following the consultations within the regional technical justice dialogues/coordination and the elaboration of development plans for the local partner NGOs.

The Project will also explore the opportunities to strengthen the connections between justice institutions and local media outlets by nurturing a proactive professional attitude from both sides and knowledge of institutional *modus operandi* for increased interaction, transparency and accountability. Justice institutions and mass media organizations will be engaged to discuss points of mutual interest, share concerns and highlight expectations to improve the overall cooperation. Local and specialized media outlets (for instance, professional portal bizlaw.md) will be engaged to document and reflect justice sector achievements at the local level and communicate Project results to a wider public.

- 2.6. **Strengthen the knowledge and research base for sector wide collaboration and interventions**

The Project will seek to enable evidence-based sector-wide collaboration and decision making by equipping the stakeholders with analytic and research products on justice sector reform. A number of cross-sector topics will be explored to provide the relevant research base and to inform any subsequent justice policy development to be undertaken by the Government and other key stakeholders. A topic of interest to be addressed by the Project refers to justice sector statistics and crime classification for statistical purposes. High-quality statistics are necessary for formulating realistic strategies and policies, setting targets, measuring and managing results, monitoring outcomes, and for making evidence-based decisions about allocation and management of scarce resources. This is true for the justice sector, where sound decisions and actions require high-quality statistics. Accurate and up-to-date information and statistics provide a better understanding of policy impacts.⁵³ To this end, the Project will conduct an assessment of compliance of justice related statistics and crime classification for statistical purposes with international standards in the field and will engage in a dialogue with relevant national stakeholders to agree and design a roadmap for relevant reform in the field.

Furthermore, the Project will aim at developing and piloting tools for assessing the population's satisfaction regarding legal services to feed the data streams required to follow the progress on achieving the relevant nationalized indicator under SDG 16.3 target. This will imply the collection of data and the development of metrics to both guide action and measure the impact.

Taking into account the general situation with the justice system in the country and recurrent concerns about the independence of justice expressed by various actors, UNDP in partnership with the OHCHR will support the official visit of the UN Special Rapporteur on the Independence of Judges and Lawyers to the Republic of Moldova to assess in greater detail the independence of the judiciary and

⁵³ World Bank, Moldova - Improving Access to Justice: From Resources to Results. A Justice Sector Public Expenditure and Institutional Review (Report No. 124516-MD), 2018, <http://documents.worldbank.org/curated/en/683491537501435060/pdf/Moldova-JSPEIR-English-Version-Sep-13-2018.pdf>

the legal profession, as well as the functioning of the justice system and make recommendations thereon. It is expected that the report of the UN Special Rapporteur will represent a source of information and guidance for national authorities in undertaking sector-wide reforms compliant with international standards and best practices.

Resources Required to Achieve the Expected Results

To achieve the expected results, the Project will engage qualified international and national expertise, as well as specialized suppliers that will provide technical advice, services and goods required for the implementation of Project activities. The expertise and knowledge of the Moldova Social Innovation Lab (MiLab) will be involved to identify and implement innovative solutions for enhancing the access to justice and quality of justice in the pilot areas.

Engagement with national civil society organizations will be sought to ensure knowledge transfer and capacity building of civil society organizations from the pilot areas, enabling them to effectively monitor and claim the respect of the human rights at the local level.

The project team structure is designed to cover all intervention areas of the project. UNDP Country Office will provide programmatic support (planning, monitoring, reporting to Donors) and Project's quality assurance, as well as support to procurement processes, management of the Project budget and finance, human resources and administrative matters on a cost recovery basis.

The resources required are documented in the project budget, as necessary for delivering the above-described soft assistance for targeted justice sector institutions, strategic partnership, capacity building and institutional support for local civil society organizations, engaged within the project, as well as project administration and quality assurance.

Overall, the project budget is estimated at USD 2,642,000 to be provided by Sweden. UNDP will undertake further resource mobilisation efforts through the engagement with other Donors, as necessary.

Partnerships and Stakeholder Engagement

The project will establish strategic partnerships and will engage with key stakeholders for the achievement of the project objectives and ensuring national ownership over and sustainability of the results achieved.

Immediate beneficiaries of the project are the key justice institutions and the civil society organisations:

- Three national forensic institutions of the Republic of Moldova:
 - National Centre for Judicial Expertise (NCJE) under the Ministry of Justice;
 - Police Forensic Centre (PFC) under the General Police Inspectorate;
 - Centre for Legal Medicine (CLM) under the Ministry of Health, Labour and Social Protection;
- Justice sector actors and stakeholders: Judiciary, Prosecution service, National Legal Aid Council, Police, Prison Administration, Probation Office, Union of Lawyers;
- NGOs working in the pilot regions.

Final beneficiaries: society at large, people living in the pilot regions, including women and men belonging to vulnerable groups, persons with disabilities, women subjected to violence and the aggressors, and ethno-linguistic minorities.

The **key project partners** were identified in the Development Challenge section and for each project's Output:

- For the project's Output 1 key project partners are:
 - 1) **National Centre for Judicial Expertise (NCJE)** under the Ministry of Justice. UNDP is working currently with the NCJE upgrading some of the forensic equipment and building access to the up-to-date professional forensic information resources. With UNDP's support the National Centre for Judicial Expertise became the first ever institution in Moldova accredited under the ISO/IEC 17025:2005 requirements on the forensic examination of handwriting (June 2017);⁵⁴
 - 2) **Police Forensic Centre (PFC)**. UNDP is working currently with the PFC increasing their potential to identify, document and examine crime scene evidences and to strengthen the reliability of forensic

⁵⁴ <http://cnej.gov.md/ro/content/credibilitatea-si-recunoasterea-internationala-expertizelor-judiciare-scop-realizat>

examinations. One of the results achieved was the accreditation of the Police Forensic Centre on the ISO/IEC 17025:2005 in six areas of forensic expertise: ballistics, impressions, fingerprints, handwriting, forensic document examination and digital forensics (February 2018).⁵⁵ The technical capacities of the Police Forensic Centre were strengthened also by the endowment with modern equipment and technical tools;⁵⁶

- 3) **Centre for Legal Medicine (CLM)** under the Ministry of Health, Labour and Social Protection. UNDP has previously upgraded considerably the laboratories of the CLM by delivering high performing modern forensic equipment, developing methodologies and strengthening staff capacities, in particular in terms of the examination of victims and documentation of torture cases;⁵⁷
- 4) **Ministry of Justice** is in charge of defining the national policies and legislation in the justice area. The Ministry is a key actor of the legislative drafting process and its engagement will be sought to ensure the compliance of Project's legislative drafting efforts with the applicable national standards and the support and promotion of the proposed amendments.
 - o For the project's Output 2 key project partners are:
- 5) **Judiciary** is the key institution, which is delivering the final acts of justice, including on SGBV cases, and making those responsible accountable. It is expected that the judiciary might play a convening role for the regional technical coordination mechanisms;
- 6) **General Prosecutor's Office (GPO)** is the institution, which is not only bringing criminal cases, including on SGBV, to the courts and supporting the prosecution there, but also the institution which is providing the status of victim for those who suffered from domestic violence and other crimes. This status is allowing victims to receive free of charge legal aid assistance;
- 7) **National Legal Aid Council (NLAC)** is providing free of charge legal aid assistance for the men and women with low income/poor, as well as for some groups of people who are otherwise qualified for the legal aid assistance, including victims of domestic violence, children, refugees, as well as suspected crime perpetrators and those accused. Provision of assistance for victims depends on the documents/requests received from the prosecution service, therefore strengthening/building of efficient communication mechanisms is envisaged between these institutions;
- 8) **Police** is the first justice related institution people usually have contact with in case of crimes, including SGBV related ones. The efficiency of police investigation, its gender sensitivity, including in terms of the collection and forensic examination of evidences of crimes collected on the crime scene, could be crucial for the successful investigation and prosecution of those responsible in most of the cases. In this respect, it is expected that police will strengthen its skills in the above-mentioned spheres;
- 9) **Local Public Administration (LPA)** has the strongest day-to-day contact with the local population, thus having the best knowledge about the composition of local population, vulnerability and the needs of people. LPAs play an important role in the provision of medical and social gender sensitive assistance, including for the survivors of crimes, as well as in the awareness raising and prevention campaigns through educational, medical and social institutions and mass-media thus reaching those belonging to vulnerable, minority and marginalised groups. It is expected that victims of crimes will receive better and more gender-sensitive services as a result of LPAs' participation in the regional technical coordination mechanisms;
- 10) **Civil Society Organizations (CSOs)** will be engaged in Project activities to strengthen the justice demand side; their capacities will be assessed, development plans elaborated, followed by the provision of joint and individual capacity building as well as institutional support grants,⁵⁸ which will be subject to the achievement of certain performance indicators. Participation of men and women belonging to

⁵⁵ http://www.md.undp.org/content/moldova/en/home/presscenter/pressreleases/2018/competen_ele-centrului-tehnico-criminalistic-i-expertize-judicia.html

⁵⁶ <http://www.md.undp.org/content/moldova/en/home/presscenter/pressreleases/2016/06/09/forensic-investigations-will-become-quicker-and-more-efficient-w.html>

⁵⁷ <http://www.md.undp.org/content/moldova/en/home/presscenter/pressreleases/2012/05/24/forensic-documentation-of-torture-an-important-procedure-in-combating-the-torture-phenomena-.html>

<http://www.md.undp.org/content/moldova/en/home/presscenter/pressreleases/2012/08/28/the-forensic-experts-trained-for-the-first-time-in-examination-and-documentation-of-torture-cases-.html>

<http://www.md.undp.org/content/moldova/en/home/presscenter/pressreleases/2012/12/17/centre-of-forensic-medicine-has-better-institutional-and-operational-capacities-.html>

⁵⁸ Capacity building and institutional support for the selected NGOs will be provided taking into account the experience and methodologies applied by the Embassy of Sweden for similar support for other CSOs, project's crosscutting perspectives will be the integral part of this process.

vulnerable, minority and marginalised and/or bringing the issues of their concern to the regional technical coordination mechanisms will be ensured by these CSOs;

In addition to this, the **key donors' and actors' mapping** in the area of intervention has revealed that:

- No development partners are holistically addressing the forensic system as an important actor of the justice sector;
- No development partners work on the endowment of the forensic institutions with modern automated e-systems and IT tools; while U.S. supports the judiciary e-case management system;
- Some forms of local cooperation mechanisms (Security Councils) are established in several districts of Moldova in the context on implementation of the community policing concept, allowing for experience sharing;
- UN Women is addressing SGBV related issues on the systemic level, including in justice, and proper coordination will be insured for the synergy of resources and stronger results;
- UNDP is addressing human rights situation in the Transnistrian region of the Republic of Moldova in cooperation with the Embassy of Sweden, as well as confidence building process in cooperation with the EU.

Therefore, the proposed Project's development interventions are not overlapping with the ongoing development assistance provided by the development partners, while synergies with the actual projects and interventions will be ensured to achieve the Project's overall objective. For this purpose, the following institution specific donors' mapping will be taken into account while engaging with the justice system actors to be targeted by the project:

National Centre for Judicial Expertise (NCJE, under the Ministry of Justice) benefits from:

- UNDP's assistance for the ISO accreditation and staff capacity building for two types of forensic expertise, financed by the Government of Italy;
- UNDP's assistance in the premises' renovation and in the provision of a modern forensic equipment, financed by the Government of Moldova;
- Facilitated by UNDP NCJE's small scale bilateral cooperation with peer institutions from Belarus and Romania for sharing experience, forensic investigations' methodologies and staff training;

Centre for Legal Medicine (under the Ministry of Health, Labour and Social Protection) at the moment does not benefit from any substantial development assistance;

Police Forensic Centre benefits from:

- U.S. Embassy's direct and provided through UNDP longstanding support for the ISO accreditation of six types of forensic expertise, staff capacity building and provision of a modern forensic equipment and crime scene investigation vehicles;
- A small-scale bilateral cooperation with peer institutions from Germany, Poland, Romania and Slovakia in staff training and forensic crimes scene investigation.
- EU sector budget support to the implementation of the Police Development Strategy 2016-2020, for the improvement of investigation and forensic capacities and provision of crime scene investigation vehicles;

Judiciary benefits from:

- The NGO Institute for Penal Reforms (IRP) with the support of the Dutch Embassy, has made the analysis of the case management practices in the Ungheni District Court and the Balti Court of Appeal;
- U.S. supported project aiming to upgrade and further develop the Integrated Case Management System (ICMS), which is the judiciary's e-system;

General Prosecutor's Office benefits from:

- The EU High Level Advisor (EU);
- The assistance of the Council of Europe in criminal justice legal framework;

Legal Aid Council benefits from:

- The assistance of Soros Foundation-Moldova for the elaboration and capacity building of the paralegals' system;
- The assistance of the Danish Ministry of Foreign Affairs/DANIDA provided through UNDP for the implementation of small-scale initiatives;

General Police Inspectorate benefits from:

- The EU's assistance for the implementation of the Police Development Strategy 2016-2020, which is not directly related to the Project's sphere of intervention;
- The assistance of the Embassy of Sweden in the community policing development, as well as strengthening of the Association of Women in Police;
- The U.S. Embassy's direct support and support provided through UNDP and NGO Institute for Public Policy (IPP) for the community policing development, as well as for setting up six district Security Councils through IPP.

South-South and Triangular Cooperation (SSC/TrC)

The Framework of operational guidelines on UN support to South-South and triangular cooperation defines South-South cooperation (SSC)⁵⁹ to be "a process whereby two or more developing countries pursue their individual and/or shared national capacity development objectives through exchanges of knowledge, skills, resources and technical know-how, and through regional and interregional collective actions, including partnerships involving Governments, regional organizations, civil society, academia and the private sector, for their individual and/or mutual benefit within and across regions. South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation".

Triangular cooperation (TrC) involves Southern-driven partnerships between two or more developing countries supported by a developed country(ies)/or multilateral organization(s) to implement development cooperation programmes and projects.

The Project will seek to use, to the extent possible, the SCC/TrC to achieve and sustain the expected results by ensuring transfer of best available knowledge and experience, as well as, by communicating about and inspire other interested countries/entities to take over the Moldovan experience gained as part of this project. The SCC/TrC shall be applied in various forms that shall be deemed best suited for achieving the desired results, from peer-to-peer support and exchange, study visits, peer-reviews and international expertise to support the policy/legislation formulation process.

Knowledge

A specific focus shall be dedicated to developing and disseminating knowledge products to be used for knowledge sharing and replication of project methodologies by interested entities beyond the timespan of the project. Various knowledge products shall be produced as part of both project components, namely practice-based guidelines on forensic expertise for justice professionals with case studies, templates, practical hints; standard operating procedures and investigation methodologies; mapping results and needs assessment, researches and analytic products on justice sector topics; activity reports and progress reports; public awareness materials. Experiences and achievements in the pilot areas will be documented and shared to inform sector-wide policy change and reform initiatives at the national and/or sub-national levels. At the same time, the project shall produce and disseminate through media outlets and social networks various success stories, blogs, other media products, to educate the public through vivid examples about the Projects methodologies and results.

Sustainability and Scaling Up

The process initiated by the project will have systematic and significant implications at policy/legislation, coordination, institutional and service provision levels, having a sustainable impact both at the national and sub-national level.

The intervention strategy shall focus on ensuring the lasting effect of the results achieved at all stages of work, by:

- ***working through existing institutions and building proactive institutional partnerships*** – all activities proposed as part of both components of the project will be implemented with well-established partners (forensic institutions, justice chain actors, partner NGOs), whose institutional and professional capacities will be further enhanced to improve the overall quality of work of involved institutions. The

⁵⁹ <https://digitallibrary.un.org/record/826679>

Project will ensure a full and active engagement of targeted stakeholders at all stages of project implementation. The efforts to enhance the horizontal coordination will contribute to establishing more sustainable partnerships between the justice sector actors at the sub-national level. A well-known national NGO will be involved to capacitate and transfer knowledge to civil society organizations from the pilot areas to claim respect for human rights and engage with the justice chain actors to ensure access to justice to men and women from their community. Through the support provided by the Project, these NGOs will become important players on local social landscape and potential partners for future interventions;

- **fostering ownership and internalization of Project results** – as the Project aims to invest into IT systems, processes, internal policies, achieving compliance with international standards, institutional and professional capacity and changed behaviours, the investment will stay with the partner institutions and staff, as well as will be transformed into skills for more active sector-wide engagement. The Project will build capacities by implementing activities in a calibrated way, considering national capabilities for policy and Project implementation and creating conditions for context-specific innovations and solutions to emerge, which can be shared, all increasing the sustainability of the Project interventions. Achieving compliance with ISO standards will make the forensic institution more competitive, reliable and accountable. This will trigger a more strategic budgeting process as annual resources should be foreseen to maintain and extend ISO accreditation. The Project will explore and experiment innovative evidence-based solutions, developed and tested at the grass-root level in pilot areas, to improve the access to and the administration of justice and coordination between agencies and to advocate that results from the pilot areas are scaled-up and inform national policy making in this sector;
- **rooting the results of the Project in national legal and policy frameworks** – the Project assistance shall produce new or revised pieces of legislation concerning forensic system to be approved and assumed by the national stakeholders, hence extending their validity beyond the Project's lifetime. Policy level sustainability of impact will be achieved in the relevant areas via awareness raising, training, building evidence base, institutional development, transfer of expertise and knowledge, local capacity building, etc. Experiences and achievements in the pilot areas will be documented and shared to inform sector-wide policy change and reform initiatives at the national and/or sub-national levels. The research and analytic products delivered by the Project, as well as the report of the UN Special Rapporteur on the Independence of Judges and Lawyers, will represent a source of information and guidance for national authorities in undertaking sector-wide reforms compliant with international standards and best practices;
- **gearing self-multiplication mechanism** – the project will work to leave behind a core group of professionals who are well prepared to continue the work and ensure that results do not only hold up, but that additional progress is made. Hence, the project builds the multilateral capacity of national and local stakeholders, so much so that the results will be fully produced by the beneficiaries rather than experts, transferring knowledge and skills rather than theories, and ensuring their buy-in and holding them accountable from the project onset. Tangible multiplier effects will be felt through the capacity building activities directed at relevant stakeholders, which will lead to positive spin-offs and cross-cutting advantages, whereby the newly acquired skills and abilities could be applied to other areas of work. All trainings to be provided as part of this project will provide institutional knowledge for future interventions and will be accompanied by practical tools for replication (i.e. training toolkits, manuals) and lead to improved codes of conduct and increased professionalism. The Project will also encourage transferability of positive practice and skills among the involved regions through knowledge sharing and capacity building events;
- **raising public awareness** to forge a deeper public engagement and community participation – the most powerful instrument for ensuring sustainability of Project achievements and further propel justice institutions towards more efficiency, transparency and accountability. The public awareness campaigns and a well-structured communication line about Project results and achievements, showcasing the practical results and involving best achievers as motivational and inspirational examples, will target an increase of the civic activism and engagement.

IV. PROJECT MANAGEMENT

Cost Efficiency and Effectiveness

The proposed strategy is expected to deliver maximum results while making the best use of available resources, offered by the Government of Sweden. Further resource mobilisation efforts through the engagement with other Donors will be undertaken as necessary. The Project will look for synergies with other projects in the democratic governance, justice and human rights fields (or beyond) that might allow for

joint activities and for cost-sharing of the activities to achieve higher value for money, as well as will use the cost-saving Long-Term Agreements with certain categories of service/goods providers available for the UN Country Team agencies due to existing arrangements within the UN Moldova Country Office. Attention will be paid to the collaboration with UNDP Social Innovation Lab (MiLab) to identify and design innovative solutions to enhance the access to justice and improve the quality of justice at the local level, as well as to empower the civil society organizations to claim justice and respect for human rights. The Project will ensure sharing relevant expertise and implementing joint procurement with other UNDP projects.

Throughout the project implementation, the Project team shall maintain primary attention on other ongoing and planned initiatives (inside and outside of UNDP) and actively explore possible synergies and opportunities for co-ordination and co-operation to ensure complementary rather than overlapping activities. Consultations with key public authorities, other donors and financing entities will be conducted throughout the implementation in combination with required adaptive management, thereby seeking to ensure the most cost-effective and results oriented use of the Donor's resources assigned for the Project.

Project Management

The project will be implemented under the **Direct Implementation Modality (DIM)**. This means that UNDP will take on the role of Implementing Partner and will assume the responsibility for mobilizing and applying effectively the required inputs in order to reach the expected outputs and outcomes. UNDP Moldova will assume the overall management responsibility and accountability for project administration, including organizing implementation of Project activities, procurement of goods and services, recruitment of Project personnel and national and international consultants, connecting to national and international expertise and knowledge networks, and the quality assurance, ensuring the timely and expedient implementation of Project activities, including the provision of continuous feedback and information sharing among stakeholders.

UNDP Country Office will provide programmatic, quality assurance, procurement, financial management, human resources and other operational support services. The cost of support services provided will be charged to the Project budget, as described in the table below:

Support Services	Schedule for the Provision of the Support Services	Cost to UNDP of providing such Support Services	Amount and Method of Reimbursement of UNDP
Payments, disbursement and other financial transactions, including direct payments, budget revisions, etc.	As agreed in the Annual Workplan (AWP) from the inception to closure of the project	Cost-recovery based on UNDP Universal Price List and Local Price List ⁶⁰	Periodic billing based on actual staff costs and agreed percentage
Recruitment of staff, project personnel and consultants, including creation of vendors, selection and recruitment of SC holders, personnel management services and banking administration, etc.			
Procurement of services and goods, including evaluation, proceeding through CAP, contracting, disposal and/or transfer of equipment and assets, customs clearance, etc.			
Travel support, including travel arrangements and authorization, ticket, visa and booking requests, F10 settlement, etc.			
Organization of conferences, workshops and trainings, etc.			
Communication support, ICT support, etc.			

The Project will work in close collaboration with other UNDP Moldova Projects. The Project Team will look for synergies with other Projects that might allow for joint activities and for cost-sharing of the activities to achieve higher value for money.

⁶⁰ <https://poppp.undp.org/SitePages/POPPSubject.aspx?SBJID=184&Menu=BusinessUnit>

The Project Team will be placed in rented premises and will require the necessary facilities and equipment to ensure functionality and operability of the project, including computers, copy machine, phones, project car, maintenance and utilities cost, etc. In case if the entire or a part of Project Team will be engaged in implementing other UNDP development interventions, the staff and other operational costs involved will be shared proportionally. Any savings incurred following the cost-sharing will be reallocated based on applicable UNDP rules and procedures.

The project team will have a possibility to take part in the staff development activities in country or abroad, as well as to accompany representatives of beneficiary/partner institutions in the study visits ensuring their good and efficient organisation and also building their capacities for the effective performance and efficient project implementation.

Audit arrangements

The Project is subject to the standard UNDP audit arrangements. Being a subsidiary organ of the UN General Assembly and fully a part of the United Nations, UNDP enjoys a special status deriving from the UN Charter, the general legal framework of the UN, including the privileges and immunities enjoyed by the organization pursuant to the Convention on the Privileges and Immunities of the UN adopted by the General Assembly in 1946. In accordance with this status, audits of UNDP are guided by the 'single audit' principle. Under that principle, any review by any external authority, including any governmental authority, is precluded under regulation 7.6 of the Financial Regulations and Rules of the United Nations, which provides that "the Board of Auditors shall be completely independent and solely responsible for the conduct of audit." This principle was reaffirmed by the General Assembly in its resolution 59/272: "The General Assembly [...] 11. Reaffirms the role of the Board of Auditors and the Joint Inspection Unit as external oversight bodies, and, in this regard, affirms that any external review, audit, inspection, monitoring, evaluation or investigation of the Office can be undertaken only by such bodies or those mandated to do so by the General Assembly".

The UNDP Office of Audit and Investigations (OAI) conducted an audit of UNDP Moldova in March-April 2018, covering the period 01 Jan 2017-31 Jan 2018. OAI assessed⁶¹ the UNDP Moldova office as 'satisfactory' (the highest rating), which means "The assessed governance arrangements, risk management practices and controls were adequately established and functioning well. Issued identified by the audit, if any, are unlikely to affect the achievement of the objectives of the audited entity/area". Satisfactory performance was noted in the following relevant areas: governance, human resources management, procurement, financial resources management.

Financial management

Financial management of the project will be conducted under UNDP Financial Regulation and Rules (FRR). FRR are regulations that govern the financial management of the United Nations Development Programme and shall apply to all resources administered by UNDP and to all the Funds and Programmes administered by the Administrator. They ensure acceptable levels of controls, as well as separation of duties. The new FRR are issued effective 1 January 2012 and govern the broad financial management of UNDP and the funds administered by UNDP, including the budgeting and accounting of resources. They have been updated to reflect the adoption of IPSAS and its terminology; and the revised harmonized cost classifications of the Joint report of UNDP, UNFPA and UNICEF on the road map to an integrated budget. Financial reporting mechanisms for the Project will follow UNDP rules and procedures and will comply with the reporting requirements of the Donor.

Anti-corruption

UNDP applies the UN Convention against Corruption and strictly follows the UNDP Policy of Fraud and Other Corrupt Practices at the country level. UNDP will provide mandatory capacity building for project staff and personnel to ensure compliance with the UNDP M&E Rules and Regulations, including on anti-corruption. The last internal audit of UNDP Country Office in Moldova (2018) has been satisfactory and there were no corruption cases identified at UNDP Moldova.

All Project staff will undertake the UNDP mandatory training courses on anti-corruption and on ethics during the project inception phase.

Accountability of managers at the country level is prescribed in UNDP's Programme and Operations Policies and Procedures (POPP) and the Internal Control Framework (ICF).

⁶¹ Audit of the UNDP Country Office in the Republic of Moldova, Report no. 1928 (23 May 2018), http://audit-public-disclosure.undp.org/view_audit_rpt_2.cfm?audit_id=1928

Intellectual property rights and use of logo

Project materials, publications, print or digital deliverables will be branded by the relevant UNDP logo and typography (subject to corporate brand-book) and donor's logo. All intellectual products produced under the Project will be equipped with a standard UNDP intellectual property right disclaimer and, at discretion and agreement with donors may be placed into creative commons.

V. RESULTS FRAMEWORK

UNDAF 2018-2022 Outcome 1: The people of Moldova, in particular the most vulnerable, demand and benefit from democratic, transparent and accountable governance, gender-sensitive, human rights- and evidence-based public policies, equitable services, and efficient, effective and responsive public institutions

Outcome 1 indicators as stated in the Country Programme Document 2018-2022, including baseline and targets:

Indicator: % of people who trust in governance institutions (Parliament, Government, Justice) by sex and urban/rural status;

Baseline (April 2016): Justice: total: 7.8%; Men/Women: 9.1%/6.7%; Urban/Rural: 7.5%/8.0%;

Target (2022): Justice: total: 25%; Men/Women: 25%/25%; Urban/Rural: 25%/25%.

Means of verification: Barometer of Public Opinion

Applicable Output(s) from the UNDP Strategic Plan 2018-2021: 2.2.3. Capacities, functions and financing of rule of law and national human rights institutions and systems strengthened to expand access to justice and combat discrimination, with a focus on women and other marginalized groups

Project title and Atlas Project Number: Strengthening Efficiency of and Access to Justice in Moldova (Project ID 00094506)

EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE	TARGETS (by frequency of data collection)		
			Value (2020)	Year 1	Year 2	Year 3
Output 1 Forensic system strengthened with digitalised processes, sustainable technical, professional and administrative capacities	1.1 Enhanced cooperation between the national forensic institutions through participation in professional working groups and joint professional events	<i>Project reports, external testimony</i>	<i>No regular joint meetings organised between management and personnel of national forensic institutions</i>	<i>National forensic institutions delegate representatives to participate in activities of 2 working groups to discuss changes to national legislation related to forensic activity</i>	<i>Annual conference, providing platform for peer to peer exchange and knowledge sharing organised jointly by the national forensic institutions</i>	<i>National forensic institutions delegate representatives to participate in 2 team building activities</i> <i>Joint Forensic Scientific Board established, where representatives of each institution are delegated</i>
	1.2 Level of progress made in developing amendments (including from a gender perspective) to the regulatory and policy framework on forensic expertise and status of forensic expert	<i>Project reports, external testimony</i>	<i>Inconsistent regulatory framework and policies in forensic area</i>	<i>Review of the regulatory and policy framework in forensic area initiated</i>	<i>Amendments to the regulatory and policy framework in forensic area developed, consulted and submitted for endorsement</i>	N/A

	1.3 Level of progress made in reviewing the efficiency and effectiveness of the national forensic system	<i>Project reports, external testimony</i>	<i>No comprehensive functional analysis of the forensic system conducted</i>	<i>Functional analysis of the forensic system initiated</i>	<i>Functional analysis of the forensic system completed Findings and recommendations of the functional analysis submitted to relevant stakeholders for consideration and further action</i>	<i>Roadmap on enhancing efficiency and effectiveness of the forensic system developed and submitted to the national stakeholders</i>
	1.4 Level of progress made in applying efficient management tools in the national forensic institutions	<i>Project reports, external testimony</i>	<i>National Centre of Judicial Expertise, Police Forensic Centre and Centre for Legal Medicine have no strategic development plans</i>	<i>Situational analysis to identify institutional development needs conducted</i>	<i>Strategic development plans drafted and approved by each forensic institution Management measures to improve performance of forensic institutions undertaken in at least two areas</i>	<i>Intermediary evaluation of strategic development plans' implementation conducted</i>
	1.5 Compliance of National Centre of Judicial Expertise, Police Forensic Centre and Centre for Legal Medicine with the requirements of ISO standards	<i>Project reports, external testimony</i>	<i>National Centre of Judicial Expertise and Police Forensic Centre are accredited in line with the ISO/IEC 17025:2005; Centre for Legal Medicine has no ISO accreditation/certification</i>	<i>Support in transitioning the National Centre of Judicial Expertise's and Police Forensic Centre's processes to the ISO/IEC 17025:2017 completed; Preparations for ISO/IEC 17025:2017 and ISO 9001:2015 accreditation of Centre for Legal Medicine started Preparations for ISO/IEC 17020:2012 accreditation of National Centre of Judicial Expertise's and Police Forensic Centre started</i>	<i>National Centre of Judicial Expertise and Police Forensic Centre are compliant with the requirements of the ISO/IEC 17025:2017 Preparations for accreditation of Centre for Legal Medicine in line with ISO/IEC 17025:2017 completed Centre for Legal Medicine certified in line with ISO 9001:2015 Preparations for ISO/IEC 17020:2012 accreditation of Centre for Legal Medicine started</i>	<i>Centre for Legal Medicine accredited/certified in line with ISO/IEC 17025:2017 and ISO/IEC 17020:2012 National Centre of Judicial Expertise's and Police Forensic Centre accredited/certified in line with ISO/IEC 17020:2012</i>
	1.6 Level of progress made in developing and applying gender-sensitive standards and procedures in conducting forensic medicine	<i>Project reports, external testimony</i>	<i>Forensic medicine examination methodologies/standards/protocols are not fully gender-sensitive</i>	<i>Gender review of methodologies/protocols for forensic medicine examination initiated</i>	<i>Methodologies/protocols for forensic medicine examination reviewed and endorsed mainstreaming the gender dimension Standard operating</i>	<i>Forensic doctors, performing examination of living persons, capacitated to apply the reviewed and gender-mainstreamed methodologies/protocols</i>

	examinations				<i>procedures for forensic doctors on conducting examinations in domestic violence cases are developed and submitted for approval</i>	
	1.7 Level of progress made in developing the Forensic Case Management System (FCMS)	<i>Project reports, external testimony</i>	<i>No FCMS exists</i>	<i>The Concept and the technical specifications of FCMS elaborated</i>	<i>FCMS developed and tested</i>	<i>FCMS operational</i>
Output 2 Enhanced capacities for coordinated justice delivery and improved access to justice for the vulnerable groups at the subnational level	2.1 Level of progress made in setting up dialogue/coordination platforms among the core justice chain actors in Sorooca, Criuleni, Cimislia and Comrat districts to address legislative and legal practice issues related to justice for men and women at the local level	<i>Project reports, external testimony</i>	<i>No dialogue/coordination platforms engaging the justice chain actors exist in the pilot districts</i>	<i>Dialogue /coordination platforms established in each pilot district; Capacity building needs assessment to ensure effective functioning of the platform conducted 4 sector-wide coordination meetings organized in the pilot regions (1 in each district) to address justice-related issues</i>	<i>12 sector-wide coordination meetings organized in the pilot regions (3 in each district) to address justice-related issues Capacity building activities to address the identified needs of the members of justice dialogue platform organized in each pilot district</i>	<i>12 sector-wide coordination meetings organized in the pilot regions (3 in each district) to address justice-related issues Report on the findings of regional justice dialogues and consultations piloted in Sorooca, Criuleni, Cimislia and Comrat districts, produced and submitted to relevant stakeholders for consideration and action</i>
	2.2 Level of progress made in developing a coordinated justice chain response in GBV cases in Sorooca, Criuleni, Cimislia and Comrat districts	<i>Project reports, external testimony</i>	<i>Coordinated response model to GBV cases does not exist in the pilot regions</i>	<i>Situation with GBV cases in pilot regions analysed, obstacles to an efficient handling of GBV cases by the justice chain actors determined and potential solution proposed</i>	<i>Coordinated response model to GBV cases developed and tested for each pilot region</i>	<i>Lessons learned documented for further upscaling and sector-wide decisions</i>
	2.3 % of justice professionals from Sorooca, Criuleni, Cimislia and Comrat districts that apply acquired knowledge and skills six months after completing the soft skills development program	<i>Project reports, external testimony</i>	<i>0</i>	<i>N/A</i>	<i>N/A</i>	<i>80%</i>

	2.4 Number of e-legal aid requests submitted in the pilot districts through the introduced e-system	<i>Project reports, external testimony</i>	0	100	300	500
	2.5 Extent to which the capacity building programme for four local NGOs from the pilot districts is implemented	<i>Training survey results</i>	0	10%	70%	20%
	2.6 Number of people from Soroca, Criuleni, Cimislia and Comrat districts reached out through the awareness raising activities	<i>Project reports, external testimony</i>	0	N/A	3000 (50% men, 50 % women)*	3000 (50% men, 50 % women)*

* Gender-disaggregated data will be collected to the extent possible from lists of attendance and/or other sources which will allow desegregation of data

VI. MONITORING AND EVALUATION

The implementation and monitoring of the Project activities will be carried out by UNDP in accordance with the applicable corporate regulations, rules, directives and procedures to ensure regular feedback on implementation, early identification of potential problems to facilitate timely adjustments to on-going activities. This framework will include M&E arrangements at different stages of implementation and different levels of intervention, aimed at ensuring a more comprehensive evidence of activities planned and results delivered, based on specific qualitative and quantitative data. Also, the Monitoring efforts, with emphasis on systematic assessment at the project level, will provide the basis for making decisions and taking actions, and shall provide indispensable information and data for evaluations. Both quantitative and qualitative data will be collected in order to track implementation progress. These data will be disaggregated for gender, youth, people with disabilities, geographic areas (in line with the specifics of project components) to assess the impact of the project. This information shall be used to enhance focus on vulnerable groups and ensure that each of them are contributing to and benefiting from the project interventions.

A **final project evaluation** shall be performed at the end of the project by an independent team of an international and a national consultant to be contracted by UNDP to measure results against targets set, positive changes embraced by the project stakeholders, and evaluate the prospects of durability of results.

In accordance with UNDP's programming policies and procedures, the project will be monitored through the following monitoring and evaluation plan:

Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
Track results progress	Progress data against the results indicators in the RRF will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	Annually, or in the frequency required for each indicator.	Slower than expected progress will be addressed by project management.	N/A	Project Management and Project Quality Assurance costs
Monitor and Manage Risk	Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using a risk log (Annex 4). Audits will be conducted in accordance with UNDP's audit policy to manage financial risk.	Quarterly	Risks are identified by project management and actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken.	N/A	Project Management and Project Assurance costs
Learn	Knowledge, good practices and lessons will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	At least annually	Relevant lessons are captured by the project team on the Project Reports and used to inform management decisions.	N/A	Project Management and Project Quality Assurance costs
Project Quality Assurance	The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.	Annually	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance.	N/A	Project Management and Project Quality Assurance costs
Review and Make	Internal review of data and evidence from all	At least annually	Performance data, risks, lessons	N/A	Project

Course Corrections	monitoring actions to inform decision making.		and quality will be discussed by the project Steering Committee and used to make course corrections.		Management, Project Quality Assurance and the Project Steering Committee meetings costs
Project Report	A progress report will be presented to the Project Steering Committee and key stakeholders, consisting of progress data showing the results achieved against pre-defined annual targets at the output level, the annual project quality rating summary, an updated risk long with mitigation measures, and any evaluation or review reports prepared over the period.	Annually, and at the end of the project (final report)	Project Reports will be drafted by the project management, reviewed for quality assurance purpose, presented to, discussed and voted by the project Steering Committee, and used for project progress documentation and decision making.	N/A	Project Management and Project Quality Assurance costs
Project Review (Project Board)	The project's governance mechanism (project Steering Committee) will hold regular project reviews to assess the performance of the project and review the Multi-Year Work Plan to ensure realistic budgeting over the life of the project. In the project's final year, the Project Steering Committee shall hold an end-of project review to capture lessons learned and discuss opportunities for scaling up and to socialize project results and lessons learned with relevant audiences.	Annually, or more frequently if deemed necessary	Any quality concerns or slower than expected progress should be discussed by the project Steering Committee and management actions agreed to address the issues identified.	N/A	Project Management, Project Quality Assurance and Project Steering Committee meetings costs

Evaluation Plan

Evaluation Title	Partners (if joint)	UNDAF/CPD Outcome	Planned Completion Date	Key Evaluation Stakeholders	Cost and Source of Funding
Final Evaluation	N/A	Outcome 1	October 2022	Project's beneficiary public institutions, SCOs	\$40,000, project's budget

VII. MULTI-YEAR WORK PLAN – ANNEX 1

VIII. GOVERNANCE AND MANAGEMENT ARRANGEMENTS

A **Project Steering Committee** shall be set up and function as an overall management structure for the Project to oversee transparency, accountability and efficiency of the Project operations as well as assess opportunities, risks and political challenges and link the project to other relevant Government and development partners' initiatives. Most importantly, the Steering Committee will approve the Annual Work Plans, the Progress and the Final Reports prepared by the Project and will take decisions on changes in Project activities or financial allocations, if any.

The Project Steering Committee will hold meetings once per year. More frequent meetings of the Project Steering Committee may be organized, if deemed necessary. The Committee will monitor the Project progress, will decide on strategic decisions to ensure continued coherence between the implementation and the goals and objectives, will decide on the annual work plans and budgets, will revise and adjust the annual plans and budgets, as necessary. Amendments to the budget, including use of contingencies, will be subject to the approval of the Project Steering Committee. All the other matters will be decided by the UNDP project team on a daily basis.

The Project Steering Committee shall include representatives of senior beneficiaries (National Centre for Judicial Expertise, Police Forensic Centre and Centre for Legal Medicine, Superior Council of Magistrates, Supreme Court of Justice, General Prosecutor Office, Superior Council of Prosecutors, Ministry of Justice, National Legal Aid Council, Bar Association, National Institute of Justice), civil society organizations, UNDP and project donor (Government of Sweden), other multilateral or bilateral partners, as relevant. The final composition of Project Steering Committee will be decided during the Local Project Appraisal Committee (LPAC) meeting that should be participatory and include as many relevant stakeholders as possible.

The project will be implemented under the **Direct Implementation Modality (DIM)**. This means that UNDP will take on the role of Implementing Partner and will assume the responsibility for mobilizing and applying effectively the required inputs in order to reach the expected outputs and outcomes. UNDP Moldova will assume the overall management responsibility and accountability for project administration, including organizing implementation of Project activities, procurement of goods and services, recruitment of Project personnel and national and international consultants, connecting to national and international expertise and knowledge networks, and the quality assurance, ensuring the timely and expedient implementation of Project activities, including the provision of continuous feedback and information sharing among stakeholders.

UNDP will be accountable to the Project Steering Committee for the use of Project resources. UNDP will ensure that communication, consultations and review discussions are held on an on-going basis. During the Project implementation, synergies and linkages with other on-going projects, in the areas of democratic governance, gender and human rights implemented by UN agencies will be maintained and strengthened.

UNDP will delegate the managerial duties for the day-to-day running of the Project to the **Project Manager**, selected by UNDP through a competitive and transparent selection process. The Project Manager has the authority to run the Project on a day-to-day basis on behalf and within the constraints laid down by the Project Steering Committee. The Project Manager's prime responsibility is to ensure that the Project produces the results specified in the Project Document within the specified constraints of time and cost. The Project Manager will be in charge for preparing progress and final reports to be submitted to the Donor. The Project Manager is responsible for the implementation of Monitoring and Evaluation framework. The Project Manager will report directly to the UNDP Portfolio Manager.

The Project Manager will be supported by a **project team** in the implementation of project activities. The proposed composition of the project team is:

- Project Officer (100%) – will provide programmatic support in achieving Project outputs and the overall support to the implementation of foreseen activities as per RRF;
- Project Associate (100%) - responsible for performing financial, administrative, procurement and other duties related to the implementation of the project activities;
- Office Clerk/Driver (100%) – assists in the effective and efficient management of the project through a range of actions, including driving and administrative support management.

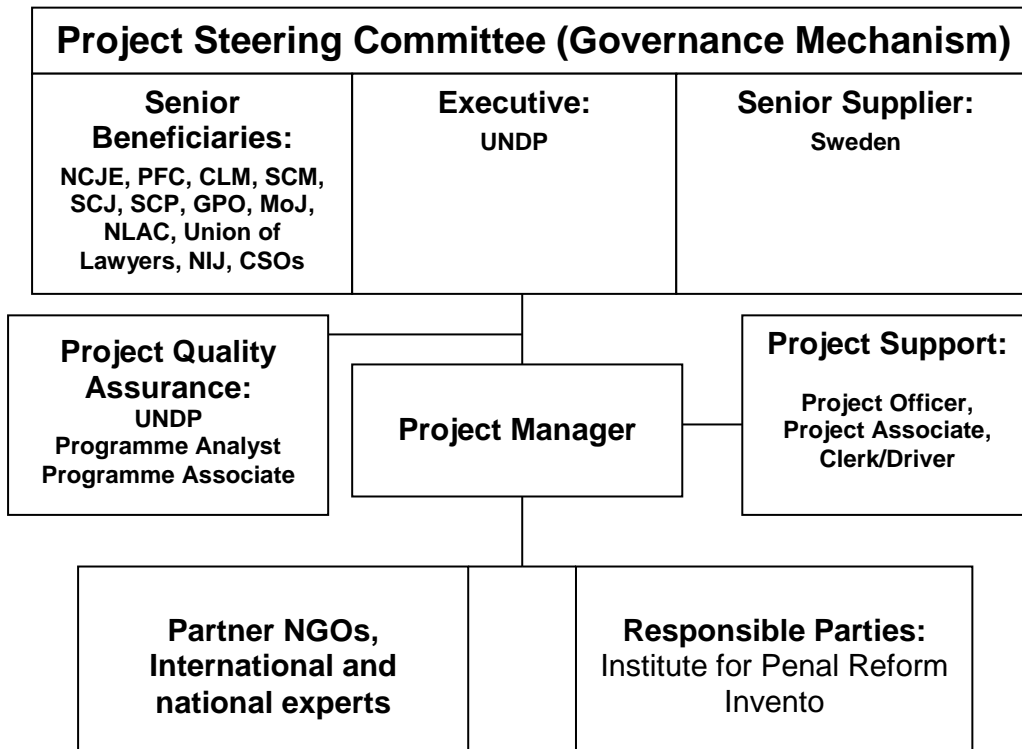
The Project Team will ensure close coordination of the project activities with other relevant programmes, projects and initiatives to avoid possible duplication. The Project Team will ensure results-based project

management and successful implementation of the project, close monitoring and evaluation of project progress, observance of procedures, transparency and efficient use of funds, quality of works, and the involvement of national and local stakeholders in the decision-making processes.

The Project Team shall have the capacity to motivate people and to build relationships with colleagues, partners, beneficiaries, government authorities, donor organizations and other stakeholders. More detailed duties and responsibilities of all project management and support staff shall be reflected in their terms of reference.

Project Quality Assurance is a key element of the PRINCE2 management method, upon which the Project Management Arrangements are based. 'Assurance' is essentially an independent audit function, whereby the Project Steering Committee is able to monitor progress against agreed work plans. The Project Quality Assurance role supports the Project Steering Committee by carrying out objective and independent project oversight and monitoring functions. This role ensures appropriate project management milestones are managed and completed. On behalf of UNDP, the UNDP Effective Governance Programme Analyst and Programme Associate will have the project quality assurance role, by, inter alia, checking the Project performance and products and ensuring that organizational standards and policies are followed in the Project.

UNDP will carry out monitoring and assessment of risks, as well as provide narrative and financial reporting to project donors on a regular basis as determined by specific agreement.



IX. LEGAL CONTEXT

This project document shall be the instrument referred to as such in Article 1 of the Standard Basic Assistance Agreement between the Government of the Republic of Moldova and UNDP, signed on 02 October 1992 and the Amendment of the same of July 5, 1997. All references in the SBAA to “Executing Agency” shall be deemed to refer to “Implementing Partner.”

This project will be implemented by the UNDP in accordance with the applicable corporate financial regulations, rules, practices and procedures.

X. RISK MANAGEMENT

1. UNDP as the Implementing Partner will comply with the policies, procedures and practices of the United Nations Security Management System (UNSMS.)
2. UNDP as the Implementing Partner will undertake all reasonable efforts to ensure that none of the [project funds]⁶² [UNDP funds received pursuant to the Project Document]⁶³ are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml. This provision must be included in all sub-contracts or sub-agreements entered into under this Project Document.
3. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).
4. UNDP as the Implementing Partner will: (a) conduct project and programme-related activities in a manner consistent with the UNDP Social and Environmental Standards, (b) implement any management or mitigation plan prepared for the project or programme to comply with such standards, and (c) engage in a constructive and timely manner to address any concerns and complaints raised through the Accountability Mechanism. UNDP will seek to ensure that communities and other project stakeholders are informed of and have access to the Accountability Mechanism.
5. All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or project-related commitments or compliance with the UNDP Social and Environmental Standards. This includes providing access to project sites, relevant personnel, information, and documentation.
6. UNDP as the Implementing Partner will ensure that the following obligations are binding on each responsible party, subcontractor and sub-recipient:
 - a. Consistent with the Article III of the SBAA [*or the Supplemental Provisions to the Project Document*], the responsibility for the safety and security of each responsible party, subcontractor and sub-recipient and its personnel and property, and of UNDP’s property in such responsible party’s, subcontractor’s and sub-recipient’s custody, rests with such responsible party, subcontractor and sub-recipient. To this end, each responsible party, subcontractor and sub-recipient shall:
 - i. put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the project is being carried;
 - ii. assume all risks and liabilities related to such responsible party’s, subcontractor’s and sub-recipient’s security, and the full implementation of the security plan.
 - b. UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate

⁶² To be used where UNDP is the Implementing Partner

⁶³ To be used where the UN, a UN fund/programme or a specialized agency is the Implementing Partner

security plan as required hereunder shall be deemed a breach of the responsible party's, subcontractor's and sub-recipient's obligations under this Project Document.

- c. Each responsible party, subcontractor and sub-recipient will take appropriate steps to prevent misuse of funds, fraud or corruption, by its officials, consultants, subcontractors and sub-recipients in implementing the project or programme or using the UNDP funds. It will ensure that its financial management, anti-corruption and anti-fraud policies are in place and enforced for all funding received from or through UNDP.
- d. The requirements of the following documents, then in force at the time of signature of the Project Document, apply to each responsible party, subcontractor and sub-recipient: (a) UNDP Policy on Fraud and other Corrupt Practices and (b) UNDP Office of Audit and Investigations Investigation Guidelines. Each responsible party, subcontractor and sub-recipient agrees to the requirements of the above documents, which are an integral part of this Project Document and are available online at www.undp.org.
- e. In the event that an investigation is required, UNDP will conduct investigations relating to any aspect of UNDP programmes and projects. Each responsible party, subcontractor and sub-recipient will provide its full cooperation, including making available personnel, relevant documentation, and granting access to its (and its consultants', subcontractors' and sub-recipients') premises, for such purposes at reasonable times and on reasonable conditions as may be required for the purpose of an investigation. Should there be a limitation in meeting this obligation, UNDP shall consult with it to find a solution.
- f. Each responsible party, subcontractor and sub-recipient will promptly inform UNDP as the Implementing Partner in case of any incidence of inappropriate use of funds, or credible allegation of fraud or corruption with due confidentiality.

Where it becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, each responsible party, subcontractor and sub-recipient will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). It will provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.

- g. UNDP will be entitled to a refund from the responsible party, subcontractor or sub-recipient of any funds provided that have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document. Such amount may be deducted by UNDP from any payment due to the responsible party, subcontractor or sub-recipient under this or any other agreement.

Where such funds have not been refunded to UNDP, the responsible party, subcontractor or sub-recipient agrees that donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities under this Project Document, may seek recourse to such responsible party, subcontractor or sub-recipient for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

Note: The term "Project Document" as used in this clause shall be deemed to include any relevant subsidiary agreement further to the Project Document, including those with responsible parties, subcontractors and sub-recipients.

- h. Each contract issued by the responsible party, subcontractor or sub-recipient in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from it shall cooperate with any and all investigations and post-payment audits.
- i. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project or programme, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.

- j. Each responsible party, subcontractor and sub-recipient shall ensure that all of its obligations set forth under this section entitled "Risk Management" are passed on to its subcontractors and sub-recipients and that all the clauses under this section entitled "Risk Management Standard Clauses" are adequately reflected, *mutatis mutandis*, in all its sub-contracts or sub-agreements entered into further to this Project Document.

XI. ANNEXES

- 1. Multi-Year Activity Plan and Budget**
- 2. Project Quality Assurance Report – in UNDP on-line internal system**
- 3. Project Social and Environmental Screening**
- 4. Risk Analysis.**
- 5. Project Board Terms of Reference and TORs of key management positions**