

**CENTRE FOR COMBATING
ECONOMIC CRIMES AND CORRUPTION**



**NATIONAL REPORT
ON THE PROGRESSES IN THE AREA OF
CORRUPTION PREVENTION AND FIGHTING**

M O L D O V A

C H I S I N A U, February 22, 2005

S U M M A R Y

I. Adoption and implementation of European instruments and other international instruments

- The UN Convention against corruption signed on 28.09.2004, programmed for ratification in first quarter of 2005.
- Participation of the Republic of Moldova in the Stability Pact Anti-corruption Initiative (**SPAI**), within the framework of which an intensive activity was carried on in order to adhere to the following:
 - **Criminal Law Convention on Corruption**, ratified by the Law no.428-XV of 30.10.2003;
 - **Civil Law Convention on Corruption**, ratified by the Law no.542-XV of 19.12.2003;
 - **Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime**, ratified by the Law no.914-XV of 15.03.2002;
 - **Group of States Against Corruption (GRECO)**, in virtue of the Law no.297-XV of 22.06.2001.

II. Strengthening national legislation and promotion rule of law

As a result of the actions carried on and recommendations made on the meetings from Sarajevo, the national legislation was amended as follows:

- Introduction in the Criminal Code of the notions of passive and active corruption (articles 324 and 325), taking and giving of bribe (articles 333 and 334); dividing and specification of corruption in public and private sectors; regulating of criminal liability of legal entities for offences committed (article 21), regulating of

criminal liability of statesmen, judges, prosecutors, public officials and some persons with management functions for violation of rules regarding the declaration of incomes and assets (article 330/1). Introduction in the Code of Administrative Contraventions of administrative liability of the named persons for violation of the rules regarding the declaration of incomes and assets.

- Law no.12-XV of 06.02.2004: restriction of conditions of employment in the state security bodies through introduction of dactiloscopic recording, provided by the Law no.1549-XV of 19.12.2002 „On the dactiloscopic state recording”.

- Law no.90-XV of 25.03.2004: improvement of operative investigation activity carried on by the operative sub-divisions of the state bodies empowered by the Law no.45-XIII of 12.04.1994 „On the operative investigation activity”.

- Law no.152-XV of 14.05.2004: amending the Law no.618-XIII of 31.10.95 „On state security” by conferring to corruption cases the quality of special danger for state security.

- Expanding the area of application of the Law no.633-XV of 15.11.01 „On prevention and combating of money laundering”, improving proceedings of recording suspect or limited financial operations as well as competences of authorities empowered to exercise the control over transactions carried out by financial organizations.

- Improving the mechanism of procurement of goods, works and services for public needs by amending the Law no.283-XV of 22.07.2004 „On procurement of goods, works and services for public needs”.

- Approving the Action Plan on improving efficiency of interaction and collaboration between law-enforcement and control bodies in the area of combating criminality and corruption (Decision of the Government no.898 of 03.08.2004).

➤ Adoption by the Law no.398-XV of 02.12.2004 of the Strategy of Economic Development and Reducing Poverty for 2004-2006, having a special chapter on corruption combating.

III. Promotion of good governance and trustworthy public administration

- Elaboration and adoption by the Decision of the Parliament no. 421-XV of 16.12.2004. The concepts of the Strategy are defined in three chapters:
 - Corruption in the Republic of Moldova, that includes the notion of corruption, its essence, causes and consequences;
 - Measures to prevent and combat corruption, that includes improvement of legislative framework and application of the laws, corruption prevention in public institutions and politic process, co-operation between the public institutions and civil society and extension of international co-operation;
 - Mechanism to implement the Strategy.

For implementation of the Strategy the following actions have been undertaken:

- The Group for monitoring of implementation process of the Strategy was created by the Decree of the President no.2231-III of 17.02.2005;
- The draft Decision of the Government on modifying the structure of the CCECC has been elaborated in order to create a specialized sub-division for corruption prevention and the Secretariat of the Monitoring Group;
- A permanent working group has been created in the CCECC compound from representatives of the Department for corruption combating,

Department for criminal prosecution, Legal Directorate. This working group will draft laws according with Plan of Action for realization of the Strategy;

- Drafting and putting forward for approval the Law on conflict of interests, the Law on the statute of criminal prosecution officer and the Law amending the Criminal Code and the Code of Administrative Contraventions in the view of extending the notion of „official person”;
- Organization of the workshop „Financing of political parties and election campaigns”;
- Participation at the seminar „Offences committed by the official persons”, organized by the US Embassy to Moldova;
- Publication in mass-media on the results in the activity of corruption prevention and fighting;
- Participation at the seminar „International standards in corruption combating”, 21-23 February 2005, Kiev/Ukraine.

IV. Results in the corruption combating activity

In 2004 the sub-divisions of the CCECC tracked down **369** corruption offences that constitutes 56% of the total number of offences that were tracked down. From this number of corruption offences there were as follows: 24 % - misappropriation of property on a large and extremely large scale; 16% - the exceeding of the authority or of official powers; 15% - passive corruption; 12% - the abuse of power or of an official position; 13% - professional negligence; 7% - falsification of public documents and 4% - the abuse of power (in private sector).

V. Long-term actions in corruption prevention and combating

International aspect

- to adhere to the OECD Convention on fight against corruption and to ratify the UN Convention against corruption;
- to adhere to Financial Action Task Force (FATF), Select Committee of Experts on the Evaluation of Anti-money Laundering Measures (MONEYVAL), EGMONT Group;
- to adopt and implement of the National Programme for Implementation of the Republic of Moldova – European Union Action Plan;

National aspect

- to analyze the compatibility of national criminal legislation with international standards of corruption combating as well as efficiency of the mentioned legislation;
- to elaborate the mechanism of putting into practice of the Law no.1458-XIII of 28.01.1998 „On the state protection of injured party, witnesses and other persons that assist during the criminal proceedings” ;
- to draft the law on the declaration of incomes, assets and means of incomes by the natural persons citizens of the Republic of Moldova.