SECURITY SECTOR GOVERNANCE IN MOLDOVA

Independent report

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About this publication:

The Security Sector Governance Report provides an independent, objective, and comprehensive analysis of Moldova's security sector and the state of reform implementation in this area, examining the performance of both security providers and of the institutions responsible for executive control and democratic oversight. The report centres its analysis on the fundamental principles of democratic governance, which are explained and used as indicators to analyse the performance of the governance process in the security sector: accountability, transparency, legality (rule of law), participation, responsiveness, efficiency, and effectiveness. Applying these principles at all stages of governance, from policy formulation and resource allocation to performance evaluation and public reporting, is essential for a state dedicated to human security, prioritizing the rights and freedoms of its citizens and attentive to the best practices of the European Union.

The report was developed in a collaborative effort by a multidisciplinary group of experts from civil society, selected and brought together by PISA and DCAF, following a public call for applications. Disposing of a wide array of perspectives and competencies, the authors have defined the structure and the direction of the analysis, marking a significant shift from traditional and hierarchical methods of report drafting.

The publication of this document aims to stimulate constructive dialogue between government officials, civil society, and citizens, with the goal of identifying ways to improve and strengthen democratic practices in the security sector and contribute to a more effective response to Moldova`s security challenges.

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Disclaimer

The opinions expressed in this publication belong exclusively to the authors and do not necessarily reflect the position of DCAF, PISA, or the Embassy of Sweden.

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Content

Abbreviations

CAA	Court Administration Agency
NIA	National Integrity Authority
NPA	National Prison Administration
NBM	National Bank of Moldova
CE	Council of Europe
NAC	National Anti-Corruption Centre
SCJ	Supreme Court of Justice
SCM	Superior Council of Magistracy
SCP	Superior Council of Prosecutors
SSC	Supreme Security Council
DCAF	Geneva Centre for the Democratic Control of Armed Forces
EUPM	European Union Partnership Mission to Moldova
GD	Government Decision
CGI	Carabinieri General Inspectorate
IGP	Inspectorate General of Police
GIBP	General Inspectorate of Border Police
GIES	General Inspectorate for Emergency Situations
NPSI	National Public Security Inspectorate
MoD	Ministry of Defence
MoIA	Ministry of Internal Affairs
NATO	North Atlantic Treaty Organisation
OMB	Office of the Ombudsman
NGO	Non-governmental organisation
OSCE	Organisation for Security and Cooperation in Europe
APO	Anti-Corruption Prosecutor's Office
PGO	Prosecutor General's Office
BP	Border Police
UNDP	United Nations Development Fund
SIS	Security and Intelligence Service
SPSS	State Protection and Security Service
NSS	National Security Strategy
CS	Customs Service
EU	European Union

Executive summary

The Report on the Governance of the Security Sector in Moldova presents an independent analysis of the security sector, the progress of the reforms implemented in this field, and their challenges. The report represents the first comprehensive analysis of the security sector in Moldova, examining the institutions mandated for providing security as well as those responsible for executive control and democratic oversight, and exploring cross-cutting themes that deepen the understanding of this sector's functioning. The report proposes as criteria for analysis the fundamental principles of democratic governance: accountability, transparency, legality, participation, responsiveness, efficiency, and effectiveness. This approach aligns with the perspective of the new National Security Strategy of the Republic of Moldova, which places human security and the protection of citizens' rights and freedoms at the centre of the reforms and policies promoted by the state.

The first part of the report explores the security environment from a national and regional perspective, reviewing the strategic vision, the regulatory framework of the security system, as well as the public perceptions of security.

The security sector is a complex, multi-tiered system. To grasp how it operates, it is essential to acknowledge both the foundational factors that shaped it and the ongoing changes within the security landscape. At the international level, the security environment is characterised by the variation and multiplication of internal, external, and cross-border risks and threats. Within Moldova`s region, this landscape is further complicated by the competition between democratic societies and authoritarian or dictatorial regimes. Understanding these characteristics is crucial for comprehending the key elements that affect the country's internal security situation.

The European integration context is essential in the analysis of the national security environment. Even before the military invasion of Ukraine, initiatives were in place to bolster the EU's Common Security and Defence Policy, allowing for increased investments in Moldova`s security and defence sector. Since the beginning of Russia's aggression against Ukraine, the European Union has significantly intensified its support and collaboration with Moldova. The EU is actively contributing to strengthening the country`s resilience, has deployed in Chisinau a civilian mission focused on enhancing local capacities in crises management and hybrid threats, and cooperates with Moldova on security and defence issues through its external financial instruments. Moldova's status as an EU candidate country and the start of accession negotiations in December 2023 could significantly enhance its prospects

for social and economic progress, potentially promoting social cohesion and strengthening national security.

The National Security Strategy adopted by the Moldovan Parliament on 15 December 2023, serves as a medium-term strategic blueprint detailing the country's approach to ensuring national security and upholding its interests. This document plays a pivotal role in shaping the nation's security policy, providing a coherent strategic framework for policymakers and government entities within the defence and security system.

The analysis of the security sector would not be complete without understanding public perceptions towards security. These perceptions significantly influence the formulation and efficacy of security policies and regulations. While assessing citizens' opinions on European integration has traditionally been the focal point of national opinion polls, this report takes a different approach. It examines citizens' perceptions through the lenses of national security, noting the rising support for EU membership in Moldova during the last year, on the background of the war happening at the country`s border.

The second part of the report is dedicated to the analysis of the different sectorial components of the security system, examining the main security providers, but also the institutions responsible for executive control of democratic scrutiny. The report reviews the national defence, public order and intelligence sectors, as well as private security providers; it provides a concise evaluation of the regulatory framework governing their operations, the attained performance, and, when applicable, ongoing reform efforts.

While the Armed Forces hold primary responsibility for the military security of the Republic of Moldova, defending the national territory and citizens requires efforts and resources that extend beyond the capabilities of this institution. The integral components of the broader national defence system are analysed with particular attention to the need for reforms aimed at enhancing defence capabilities.

Several international rankings deem the Republic of Moldova as a safe nation. "Public order and security" area fares better than other components of national security. However, the military conflict in neighbouring Ukraine, the increased flows of migrants generated and the uncertainty regarding its resolution, impose the reassessment of approaches and policies to maintain a high level of public safety.

The Intelligence and Security Service (SIS) serves as a crucial specialized state entity with a direct mandate to safeguard national security. Recent statutory laws on SIS activities, enacted in 2023, have the potential to trigger internal reforms that are consistent with human

rights standards, with good governance and accountability principles, but their development needs to be carefully implemented and monitored to ensure a meaningful positive impact.

Executive control is vested in the country's President, Government, and Supreme Security Council, each playing specific roles in task assignment and coordination within the security sector, and in ensuring good governance. Parliamentary oversight serves as a cornerstone of democratic governance through its legislative, budgetary, and representative functions.

Judicial control, along with the scrutiny provided by other independent institutions, ensure the fine-tuning in the functioning of different institutions within the security sector; they oversee critical aspects of the security sector's activities and operations, including adherence to laws or sanctioning misconduct.

Each of the components of the security sector analysed in Part 2 was assessed in terms of compliance with the principles of good governance. The role of civil society in the democratic oversight of security is also analysed in this part.

The third part of the report examines cross-cutting issues in security sector governance that shape the operating environment, underscore institutional commitment to core democratic values, and have the potential to foster public support. The transversal topics of integrity, transparency, respect for human rights and equal opportunities receive in this part individual analysis, because of their significance for good governance, and their distinct regulatory frameworks. The conclusions and recommendations drawn from this section aim to enhance the functioning not only of the security sector but also of other societal and governmental domains.

The assessment of external assistance in the realm of security and defence closes the analysis of security sector governance in Moldova, providing a comprehensive review of the significant financial and advisory support offered by international partners in the recent years.

Summarizing the main findings of the sectorial analysis, the governance of Moldova's security sector is evaluated at an average level of 2.9 points, from a maximum possible of 5 points. Despite the comprehensive revision of the legal framework governing intelligence activities, for the time being SIS compliance with the principles of good governance in the intelligence sector is gathering 18 points from a maximum total of 35, deficiencies being noted in terms of receptiveness, participation, transparency, and accountability. The compliance with good governance principles within the defence sector is rated at 20 points out of 35, indicating the need for legislative revision and increased participation of different

social groups in defence policy formulation. The private security sector was rated with 20 points out of 35, with shortcomings in participation and effectiveness in contributing to public order. Among security providers, the internal affairs system was rated the highest, with 22 out of 35 points. demonstrating high achievement on most criteria, except for accountability, due to low levels of integrity.

Among the institutions responsible for control and oversight, the judiciary is rated with 21 points from 35, with several shortcomings in legality and effectiveness. Parliamentary oversight gathers 19 points from 35, shortcomings being noted in terms of participation, effectiveness, and overall accountability of the legislature. Executive control gathers 21 points from 35, the biggest shortcoming being the dated legislative framework, therefore the compliance with the principle of legality. The highest score, of 22 points from 35, is given to independent oversight bodies - the Ombudsman, the National Centre for Personal Data Protection and the Court of Auditors, although they still have shortcomings in terms of effectiveness, i.e. achieving objectives.

The main recommendations focus on embedding good governance principles into security sector legislation, aiming to elevate governance quality and bolster societal trust. Among the concrete proposed actions, one with substantial potential impact is the revision of obsolete legislation on state security and state security bodies. Additionally, enhancing the role of the Supreme Security Council as an advisory body, including its monitoring function within the sector, is deemed crucial.

Taking into consideration the current regional and international context, an overall assessment of the security sector at the score of 2.9 out of 5, indicates a situation where national security is partially assured. In the short term, some sectors remain vulnerable, and in a reactive mode, although we can identify an emerging trend towards pro-active and preventive approaches in the security system. In the medium term, the governance of the security sector will probably improve, following the adoption of the National Security Strategy that gives a clear orientation towards enhanced partnership with Euro-Atlantic partners and sets objectives aimed to increase defence capacity. However, the instability of the internal and external environment could diminish the ability to respond to threats, especially those of a hybrid nature.

DEFINING ISSUES IN THE PREPARATION OF THE REPORT

Background

At this stage, the Republic of Moldova is undergoing an accelerated process of transformation. The instability of the regional security environment and internal vulnerabilities have highlighted the need to reset important sectors of state activity, such as justice and security. Both sectors are affected by systemic problems such as corruption, chronic underfunding and insufficient human resources. These problems are a symptom of weak institutions and inefficient governance. The country needs modern and up-to-date laws, effective institutions, well-defined governance processes and dedicated people. Competent analysis and reasoned solutions are needed to inform the reform processes that Moldova must embark on in the period ahead.

The military danger caused by the Russian Federation's aggression in Ukraine calls for strengthening, reforming and adjusting the security sector to the standards of democratic governance. The Armed Forces have never benefited from systemic investment, and opportunities for fair recruitment and civilian mobilisation have not been exploited. The investments needed are substantial and must only be made in an environment of secure financial control. Public safety and order has not reached the zero tolerance level of corruption in its ranks, nor the high level of integrity that is indispensable to professional standards. The Intelligence and Security Service, after a long period of stagnation, inefficiency and serious abuses, requires a substantial reset of its organisational forms and methods of activity; an effort that can be supported by the new laws adopted in 2023.

Special attention needs to be paid to the effectiveness of executive control by the President, the Government and the Supreme Security Council. The performance of the Parliament and specialised parliamentary committees also needs to be analysed and strengthened, as oversight of the security sector can be more active and the general public needs to be better informed about the efforts and results of parliamentary scrutiny. The powers of the independent authorities - the Court of Auditors, the National Centre for the Protection of Personal Data, the Ombudsman - are not sufficiently fortified to effectively fulfil their legal mandate.

At the same time, without reform of the justice sector, it will not be possible for the security sector to work effectively and responsibly. Reform of the courts and the prosecution must be completed by independent, professional and honest magistrates.

This Report examines the security sector in Moldova and aims at serving a better understanding of the functioning of the sector, as well as the needs and possibilities for improving its performance in public service.

Terms relevant to the Report

In recent years, the concept of *Security Sector Governance* has gained increasing recognition in the Republic of Moldova. The concept refers to the exercise of power and authority according to a set of standards, based on democratic values, and with the objective of serving the public interest or the good of society as a whole. In other words, the concept describes the formal and informal influence of all structures, institutions and actors involved in the provision, management and oversight of security and justice at national and local levels.

The concepts of *governance*, *good governance* and *democratic governance* of the security sector are synonymous and, in practice, are used interchangeably. The principles or standards that security sector governance respects and applies to all the processes and institutions that make up the security sector are accountability, transparency, rule of law, participation, responsiveness, efficiency and effectiveness.

Activities aimed at improving security sector governance are generically called *Security Sector Reform*, even if they are not always explicitly mentioned as such. Security Sector Reform aims to ensure the provision of security and contribute to peace and sustainable development of society by achieving two essential conditions:

- Improving the provision of security services to the population by making security forces more professional and efficient;

- Ensuring effective democratic control of the security forces to ensure that they respect the law and protect citizens' rights and freedoms, and to prevent the waste of public resources and abuses of any kind.

The concept of security sector reform implies a broad definition of the security sector: in addition to the classical providers of security (armed forces, police, carabinieri, border police, penitentiary system, intelligence services), the security sector also includes civilian structures responsible for the management and control of forces (ministries, parliament, justice system, independent institutions with a legal mandate for regulation or oversight), civil society, the media and even private sector companies with a security-relevant remit.

To clarify the distinction between *Security Sector Reform* and *Security Sector Governance*, it should be emphasised that *governance* is the goal, and the reform or transformation of the security sector is a means to achieve it. Reforms are usually aimed at specific parts of the sector, e.g. police reform, judicial or penal reform, military reform, etc. The content of the reforms depends on the state of the sector at a given moment and on the evolution of the external security environment, which may impose unexpected targets and transformations, such as the COVID-19 pandemic situation, the military invasion of the Russian Federation in Ukraine, but also positive processes, such as the start of Moldova's EU accession process. Such processes open up new opportunities for integrating sensitive, previously neglected dimensions such as climate change or the gender perspective. From a practical perspective, the activities under a Security Sector *Reform* or *Governance* process may overlap:

- *strategic* (activities aimed at changing the strategic, political, legislative framework);

- *organisational* (transformation of organisational structures and roles, regulations);

- *operational* (transformation of specific procedures and processes).

Security Sector Governance and Reform are complex processes that take place at both political and technical levels. They highlight that effectiveness, accountability, and democratic governance are mutually supportive dimensions of security. The increasing use of the two concepts marks and confirms a profound transformation of the concept of security, which goes beyond the traditional military framework and involves a much wider spectrum of institutions, as well as national and international actors.

In order to better understand the concepts of security sector reform and governance, it is necessary to clarify the concept of security, as the complexity and non-linear evolution of this concept highlights the difficulty of identifying useful indicators in assessing security sector governance.

Security is both a state of affairs and a result of one's own perceptions, values or experiences. Today, security is understood as a multidimensional concept, requiring interventions in several sectors: political, economic, social and environmental, even psychological or cultural. Thus, with the emergence of new forms of challenges, risks and threats, security is perceived as the absence of threats to protected values such as human life and health, economic development and societal cohesion or state resilience. Security is therefore a concern for all state institutions - from legislative bodies and justice systems to citizens, perceived both as individuals and as members of civil society. Security has also come to be seen as a public service, which should be provided according to the same standards and principles as

any other service intended to serve all members of a community or people living under the jurisdiction of the state.

In preparing this Report the authors have reflected on the key questions that define the state of security: (1) *Security for whom? - (*2) *Security from what - the* answer refers to risks and threats, which may be common to all states (environmental problems, pandemics, energy resource problems, etc.), but also specific (e.g. geopolitical confrontations, war, corruption, etc.) (3) *Security, how do we ensure it? -* States adopt policies and strategies that define the competences of each institution in the field of security and guide the work of the relevant structures, such as the army, the police and the intelligence services.

State security is a term often used interchangeably with national security, although it carries specific connotations depending on the context. In general, state security refers to the protection and preservation of the interests, stability and continuity of a state. It includes protecting the state against internal and external threats that could endanger its sovereignty and territorial integrity. The focus on state security can sometimes suggest a more government-centric perspective, focusing on the security of the public entity itself. This often involves the use of state institutions, including intelligence agencies, to manage and mitigate threats.

National security refers to the protection and preservation of the country's sovereignty, territorial integrity and the well-being of its citizens. It involves a wide range of measures and policies designed to protect the nation from external and internal threats. The concept of national security encompasses different dimensions, combining the protected values of state security and individual security, including military, political, economic, social and environmental aspects. At the same time, it is a complex and dynamic concept that is evolving to respond to changing geopolitical, technological and social challenges.

Changes in the international security environment since the end of the Cold War have created a paradigm shift in understanding of security. The conventional state-centric model, which primarily emphasised the military aspects of security, has gradually been complemented by a new concept, **human security**, which recognises the importance of the non-military aspects of security and applies a people-centred approach in that it focuses on the security needs of all individuals and communities.

In addition, **security** must be **inclusive**, i.e. embrace all individuals and social groups in their diversity and different security needs. *Inclusive security* recognises that every society is composed of diverse groups and individuals with different needs and perspectives and that

security must address and respond to these diversities. Defined by the UN, the concept of inclusive security is based on the premise that marginalisation and exclusion of groups and individuals can contribute to conflict, instability and insecurity. Therefore, inclusive security, by its very nature, contributes to building more resilient and peaceful communities.

Russia's armed aggression in Ukraine has strongly revived the military component of security, bringing back to the fore concerns about membership of military alliances, mobilising the population and the economy for war or the production of armaments. However, the current war has once again demonstrated the importance of democratically governed militaries, as well as respect for the principles of control, oversight, integrity and accountability. And the value of human life and respect for human rights reaffirms the resilience of democratic societies.

The new National Security Strategy, adopted on 15 December 2023 by the Parliament of the Republic of Moldova , reflects these changes in the security environment and incorporates all these new dimensions of the security concept. The Strategy states that a strong defence and national security sector is essential to ensure economic growth and protect the national economy, and stresses that *without strong defence and security capabilities, it is not possible to guarantee the development of the economy, the provision of public services and the protection of critical infrastructure, to attract and keep foreign investors in the country or bring our citizens back home from abroad.* Security must be recognised as a necessary investment that brings benefits to all; without it, it is not possible to plan, build, invest and reap the results of the reforms needed for EU accession.

Principles of Security Sector Governance

Good governance of the security sector means applying certain principles in the exercise of power and authority in the security sector. These principles ensure uniform and consistent application of public service standards based on democratic values[1] . Security is a public service, delivered through transparent, comprehensive and inclusive policies and practices, respecting the rule of law, human rights and gender equality, sensitive to the security needs of the whole population and subject to democratic control mechanisms.[2]

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1   More on Security Sector Governance in DCAF - Geneva Centre for Security Sector Governance. Security Sector Governance. SSR Backgrounder Series. Geneva: DCAF, 2019. Available: https://www.dcaf.ch/security-sector-governance-applying-principles-good-governance-security-sector-0
2   2 Henri Myrttinen, Security Sector Governance, Security Sector Reform and the Gender Dimension. In: Gender and Security Toolkit. Geneva: DCAF, OSCE/ODIHR, UN Women (2019), p. 14.

Principles of Good Security Sector Governance (GSS):

Accountability: is defined by the existence of clear expectations and standards for the provision of security, and by the operation of control and oversight mechanisms that can impose sanctions when standards are not satisfactory.

Transparency: means that information of public interest is freely available and accessible to those who may be affected by decisions or their implementation and is provided regularly or on request.

Legality: all persons and institutions, including the state, respect laws that are publicly known, impartially applied and consistent with human rights norms and international and national standards.

Participation: everyone in every social environment has the opportunity to participate in decision-making and benefits from the provision of security services in a free, fair and inclusive manner, either directly or through legitimate representative institutions.

Responsiveness: this is the openness of the institutions to the different security needs of the population, to examining their requests and proposals, and to carrying out its mission in the spirit of a public service culture.

Efficiency: is the rational and professional use of resources in the exercise of the institutions' purposes, authority, responsibilities and mission.

Effectiveness: is achieved when institutions best achieve their goals, responsibilities and mission.

Components of the security sector: security providers

The security sector represents a multitude of entities with different forms of constitution, organisation and control, which interact with each other and can be divided into two main components: institutions responsible for providing security and institutions responsible for administration and supervision[3] .

Providing security, managing security, and exercising oversight are essential to ensuring Good Security Sector Governance.

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3   See: The security Sector, SSR. Backgrounder Series. Geneva: DCAF. 2015. Available: https://www.dcaf.ch/security-sector-roles-and-responsibilities-security-provision-management-and-oversight

The security providers or core components of the security sector are: the Armed Forces; Public Order, through the entities of the internal affairs system; the Intelligence Service. In the report we have also analysed private security companies, as they provide security services in various areas (guarding and protection of persons and objectives, cyber security, development of security technologies, etc.) and can collaborate with governments and institutions in the security sector. Adequate regulation and oversight are essential to ensure that these companies operate in accordance with applicable laws and respect human rights.
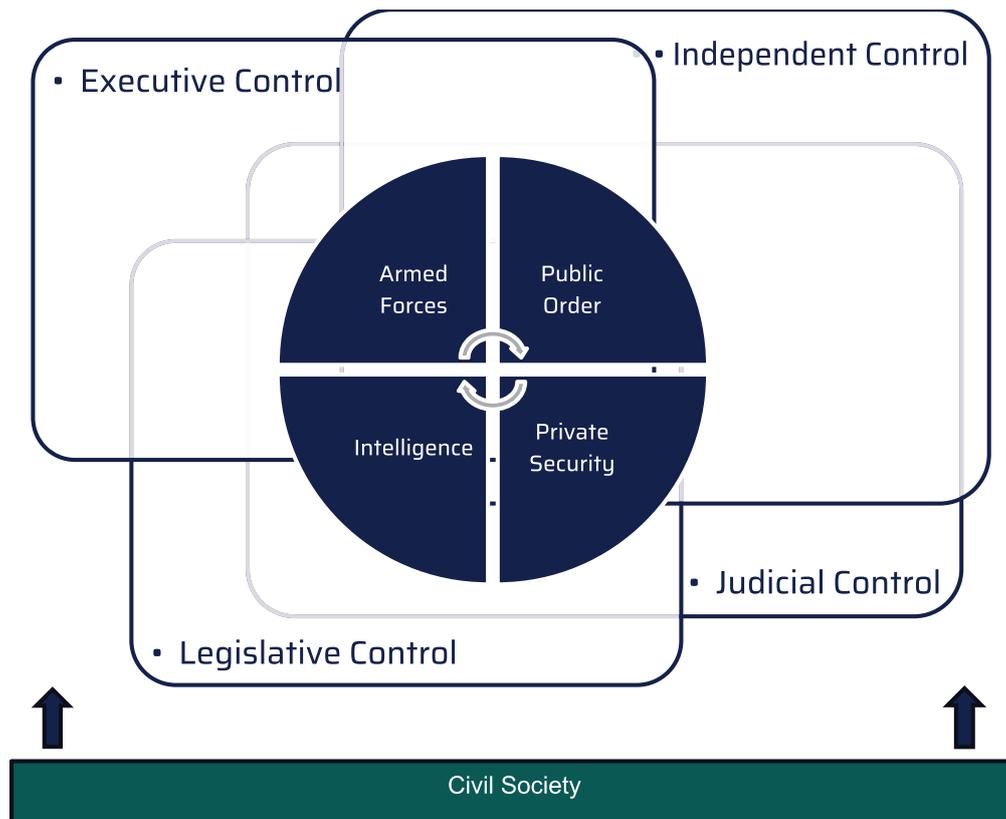
Security sector management and oversight components: the President and the Supreme Security Council; the Government; the Parliament and its specialised standing committees; the Court of Accounts; the National Centre for Personal Data Protection; the Ombudsman; the Courts; the Prosecutor's Office. Civil society operates within this framework on the basis of the fundamental rights of access to information, association and participation in governance[4].

In the context of examining security sector governance, it is necessary to differentiate the responsibilities of entities directed towards security administration and oversight from those directed towards other values of democratic society, such as democracy, justice, human rights or others.

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4   See: Backgrounder SSR. Parliament. Executive. Judicial Authority. Ombudsman. Other. DCAF series, 2015 - 2023. Available: https://www.dcaf.ch/resources?type=publications&id=2719

SSR is influenced directly and indirectly by international actors, through the promotion of norms and standards, the provision of financial or technical assistance, or through international cooperation initiatives.

Purpose and objectives of the Report

Governance of the security sector is a complex phenomenon that requires continuous updating of the legal framework, the concretisation of processes to achieve new tasks and the continuous development of human capacities. The interaction of these three factors: rules, processes and people, creates the environment for security and development.

With the launch of Moldova's accession process to the European Union, decided by the European Council in December 2023, and the initiation of annual country assessments by the European Commission[5], a comprehensive and independent assessment of security sector governance by civil society experts makes some important contributions.

First, the Report provides an independent and authoritative view of the performance of security institutions and reforms by national experts. It ensures greater inclusiveness of views, complements official EU assessments and contributes to better informing the general public, the government and the European institutions. By publishing an alternative source of information to official sources, it can contribute to increased transparency and government accountability.

The report also allows a more detailed monitoring of the progress in implementing reforms and achieving the objectives set by the EU and the Moldovan Government. It highlights strengths, successful reforms and good practices, but also identifies areas for improvement and provides informed and action-oriented recommendations for the Moldovan authorities, thus contributing to the reform process.

By providing a perspective from within civil society, the Report reflects citizens' concerns and expectations of government. The publication of an objective and independent assessment of security sector governance can contribute to increasing the legitimacy of reforms in the eyes of Moldovan citizens, strengthening public confidence in reforms and the EU accession process.

Changes in the security environment need to be monitored, fixed and adjusted to current needs. Regular, objective and reasoned evaluation of security sector reforms and governance will allow analysis of the quality of change in society and help to determine the direction of progress. We therefore propose that the evaluation exercise should become a regular one, with future editions of the Report possibly focusing on sectoral approaches or more specific themes, depending on the evolution of reform processes.

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5   The European Commission's first comprehensive report was published on 8 November 2023. Available: https://neighbourhood-enlargement.ec.europa.eu/moldova-report-2023_en

Purpose of the Report: to conduct an assessment of the performance and quality of governance of the security sector in the Republic of Moldova in order to understand the progress of reforms, identify systemic problems and weaknesses that need to be corrected, but also to highlight successes and best practices in implementing reforms and ensuring security from both the state and citizen perspective.

Objectives of the report:

- defining the framework for analysing the security sector from the perspective of democratic control/governance/oversight;

- identifying and establishing indicators in the assessment of security sector governance with a view to their use in future reports;

- setting the context in which the report is prepared in terms of national security impact factors;

- assessing the capacity to address systemic vulnerabilities in the European integration process;

- Mapping and assessing security providers from a good governance perspective;

- identifying and analysing cross-cutting issues that would contribute to assessing the level of governance of the security sector;

- analysing the absorption capacity of external assistance in the security sector;

- identifying strategies and policies to ensure an inclusive security sector;

- drawing up conclusions and recommendations on the problems identified.

Evaluation directions:

→ the quality of security provision in the state (delivery of security for the state and its citizens);

→ quality of security sector governance (quality of leadership and oversight mechanisms in the security sector).

Target actors: Armed Forces, Internal Affairs bodies, Intelligence and Security Service, President of the country, Supreme Security Council, Parliament, Parliamentary Committee for National Security, Defence and Public Order, Government, Ministry of Defence, Ministry of Interior, other control and oversight entities.

Security Sector Governance Assessment: Report Methodology

Indicators in the assessment of Security Sector Governance can also be considered the seven principles of Good SSM: *accountability*, *transparency*, *legality*, *participation, responsiveness*, *efficiency and effectiveness*. These were applied to each security sector entity that was analysed.

As evaluation indicators are not directly observable, they are measured abstractly and estimated as multidimensional concepts. In order to facilitate their quantification, answers to the relevant questions for each Good Governance principle have been taken into account[6] .

Accountability: *Are there control mechanisms in place to ensure that staff are held accountable for non-compliance with laws, internal regulations, codes of ethics and professional conduct?*

Accountability can be quantified through the interpretive and observation method of case studies, parliamentary, governmental or other evaluations. The assessment of accountability differs strongly for security sector institutions, so it is important to determine by whom the entity is constituted (e.g. Parliament is elected by the people; Internal Affairs bodies are established by the Government; Private Security Companies are founded in the business circuit; and Civil Society operates under the fundamental rights of free speech, right of association and participation in governance, although it is also subject to some forms of accountability, such as administrative or civil). It then follows to identify the cases that have been found and sanctioned for violations or failure to fulfil the mission; how many cases of violation of the law have been observed by the entity; how the cases detected have been sanctioned; what is the institutional integrity. Sources of information: court judgments, sentences and other types of sanctioning decisions; opinion polls; other sources.

Transparency: *Are information and activity reports proactively published? Are they complete to the extent required by law and good practice? Are specific information and documents provided at the request of competent bodies (such as Parliament) or under the law on free access to public information?*

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6   More on the GSS evaluation: Ursula C. Schroeder. Measuring Security Sector Governance - A Guide to Relevant Indicators. DCAF. 2010. Available: https://www.dcaf.ch/measuring-security-sector-governance

Through the documentation method, the answer to the question can be found in: (-) annual activity reports, if any; (-) evaluations of other entities. It is also important to assess freely and unconditionally accessible information provided without special request. Official websites, publications and official reports may serve as primary sources.

Additionally, in assessing *transparency* but also *accountability* an important indicator refers to the establishment and functioning of a public information office in each institution or an officer responsible for communication with civil society and the population.

Legality: *Do laws and regulations incorporate international best practices and contain necessary regulations for accountability? Do the authorities act solely in accordance with the law? Does the law apply equally to all, public authorities and citizens? Do the laws clearly set out the mandates, powers and limits on the exercise of authority for each institution in the security sector?*

The assessment of this indicator was carried out using the legislative analysis, observation and documentation methods. Clear and accessible laws ensure accountability. The enforcement and strengthening of Legal regulations and rules, is important. Sources of information: legislation, official and independent reports.

Participation: *Is the participation of citizens, men, women, minority or vulnerable social groups in public policy formulation and decision-making ensured? Are there consultation and dialogue mechanisms for this participation?*

The comparative method provides relevant information to quantify the possibility for citizens to express their opinions and contribute to the formulation of public policies, distinguishing between different social groups: men, women, ethnic groups, linguistic groups, young people, civil society and others. Sources of information can serve as secondary sources of comparative or special analyses ; opinion polls, statistical information on petitions, public assemblies, online consultations and other means through which citizens can make their views known.

Responsiveness: *Is the entity responsive to requests from the public and/or the supervisory body?*

In contrast to the aspects of the principles of accountability and transparency, where information is freely and unconditionally accessible, the principle of responsiveness is relevant to statistical data on the examination of requests for access to information and the reactions to petitions, proposals, complaints and referrals, including on electoral offences or tasks where appropriate. Sources: Reports, official pages.

Efficiency: *Are the entity's resources distributed and used in a rational, economic and fit-for-purpose manner?*

The systemic method must provide an understanding of the budgetary and resource allocation processes, primarily financial, on which the quality and sufficiency of material and human resources directly depend; but the assessment of the rational and professional use of available resources is more important. Sources: budget reports, activity reports.

Effectiveness: *Are the purposes for which the entity is organised or established, including good practice, achieved*?

The logical method will answer to what extent the entity fulfils the responsibilities and achieves the mission set by the constituent or founding body; in general, the goals are set in the process of incorporation, establishment or foundation; for example, in the case of Parliament these are the election results and the expectations of the electorate, and in the case of CSOs these are the governing bodies. Sources of information can be opinion polls and other secondary sources: analyses, evaluations and indices (e.g. corruption perception index, democracy index, human development index or others). [7]

Also, given the complexity of the areas of the security sector, the following have been applied:

Quantitative method: *Formative evaluation,* Identify the relevance of procedures, plans, actions, etc. (findings) Identify the issue *Collect data,* Results obtained *Collect relevant sources* Document independent reports and studies;

Qualitative method: *Focus groups* (brainstorming); *Observation* (personal experiences; focus group).

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7   Vadim Enicov. Security Sector Governance Assessment, Guide. DCAF. Geneva. 2023. Available : Security sector governance assessment: an evaluation guide | DCAF - Geneva Centre for Security Sector Governance

Systemic method & synthesis: *contextual analysis; comparative analysis; analogy; abstraction; teleological.*

Gradual quantification of Security Sector Governance

The assessment is done by quantifying the compliance with each principle of Good Housekeeping, but it has also been assessed on the basis of qualified expert opinion by assigning grades:

Points	Qualification	In percent	Meanings
5	VERY HIGH	91-100%	highest rating, very high, important
4	HIGH	71-90%	which is situated on a high rung on the ladder of importance, which has great value or measure
3	MEDIUM	51-70%	which is in the middle of the pass values, moderate
2	LOW	31-50%	which has small, insignificant value
1	INSUFFICIENT	1-30%	which does not meet, is below the pass limit

Sources of evaluation may include, for example:

National sources: Parliamentary reports, Official websites, Independent analyses, Statistical data, Public surveys.

International sources such as Transparency International's Corruption Perceptions Index; Economist Democracy Index; Global Peace Index; others.

Time line: The report focuses on recent developments, the last two years.

However, measuring progress in G/RSS is difficult. Due to the sensitive nature of the work of security sector institutions such as the armed forces, police and intelligence communities, there are challenges in obtaining accurate and complete primary data. In addition, public perceptions of the strengths and weaknesses of institutions tend to be relatively volatile and not necessarily aligned with actual service performance, depending on how information is communicated and amplified. To shed light on a more complete picture of the progress of GSS, a careful selection of indicators is essential. Indicators have therefore been interpreted in a single *basket,* rather than individually, to gain a reliable understanding of the situation. As different institutions and agencies in the security sector need to work together for the sector

to function optimally, it is generally advisable that indicators, where feasible and appropriate from a programmatic point of view , measure the performance of institutions and agencies.

Security status assessment

Since *security* operates with terms such as *risks* and *threats*, which are analysed in the first part of the Report, incremental quantification allows the assessment of *the state of*. The simplest calculation of the state of security (S) can be expressed by the ratio of *responsiveness* (R) to *threats* (A)[8] . Responsiveness can also be determined by how the institution assessed in this Report is assessed.

In the given report the assessment rating from 1 (insufficient) to 5 (very high) is applied, i.e. the *security status* can be assessed according to the values/result of the R/A ratio which can generate several possible situations, for example: (-) if the summary score is below 2 points (S > 2) then we can qualify the security state as a clearly insecure situation; (-) if the summary score is equal to 2 points (S = 2), i.e. it is an uncertain situation, because in this problem we cannot talk about a stable equilibrium, and any disturbance of the equilibrium, which is otherwise very likely, will move the security state either towards an assured security or towards insecurity (reactive security system); (-) S < 2, i.e. a 3-point assessment, implies a situation where security is partially assured or in the short to medium term (certain sectors remain vulnerable, a proactive security system is maintained); (-) if the summary score is higher than 3 points (S < 3), then the security situation is assessed at a high level - preventive and proactive security system in place. However, it should be pointed out that the security surplus in one sector does not compensate for the security deficit in another sector, thus overall security (rated Very Good) is only ensured if every element or component is secured.

As there may be exceptions, it is recommended that, where the situation is not very clear, a more detailed analysis of the specific elements of each sector should be carried out, so as not to limit the evaluation to a symbolic one.

Recommendations for further *security* assessments

In order to achieve an effective result, we highlight the basic principles in the national security assessment: (1) The national security assessment must be perceived by the state (or state institution) as absolutely necessary. Otherwise the necessary resources will not be allocated

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8   Security: A New Framework for Analysis. Available:
       https://www.researchgate.net/publication/274649174_Security_A_New_Framework_for_Analysis

to the assessment and the assessment recommendations will not be implemented. (2) A complex, resource-intensive national security assessment exercise does not necessarily yield better results than a small-scale assessment. Sometimes, with a minimal amount of resources, sufficient and valuable information can be obtained. (3) Key stakeholders in the national security assessment need to be identified. (4) A detailed Report with a long list of recommendations is totally unrealistic. The National Security Assessment should highlight the key issues that need to be prioritised. (5) The purpose of the assessment is to take action to improve the work being assessed. From this perspective, the recommendations proposed in each chapter of the report are strictly related to the problems identified.

Limits and constraints in drafting the report

→ Assessment of compliance with security sector governance principles was carried out on the basis of open sources. Respectively, the report is based on publicly available information.

→ It should be taken into account that in most of the areas analysed, reports, programmes, institutional strategies, etc. lack clear measurable indicators and benchmarks or the information is not public.

→ Previously, no such reports on security sector governance have been carried out, so the results do not reflect the SSG process in time frames comparison, as the target refers to the last 2-3 years.

→ The security environment is unstable, but it is important to consider that the acceleration of reform and development processes in the context of the EU accession process may contribute to ongoing transformations that may not reflect the findings in this report.

→ As mentioned above, the assessment based on the principles of good governance in the security sector is possible at the level of institutions rather than at the level of the sector in general, i.e. it may not reflect the general situation, but a specific one.

→ The assessment of the security situation may be symbolic, as the report reflects the implications of internal and external factors for national security. It is likely that external factors will diminish the country's security status through the use of internal processes that will take place in 2024, especially when it comes to elections.

→ The GSS report does not involve the construction of a "security index", although the methodology of the report uses certain indicators. Without mapping concrete indicators for security, the report operates the concept of "security sector governance" by breaking it down into the seven principles, based on two general dimensions: (i) the quality of security provision in a state (i.e. the provision of security to the state and its citizens) and (ii) the quality of security sector governance (i.e. the quality of security sector governance bodies and mechanisms).

PART I

SECURITY ENVIRONMENT, POLICY FRAMEWORK AND PERCEPTIONS

PART I. SECURITY ENVIRONMENT, POLICY FRAMEWORK AND PERCEPTIONS

Part I of the report explores the security environment from national and regional perspectives, the institutional regulatory framework of the security system and the strategic vision of national security, as well as public perceptions of security.

Understanding the security environment, its formation and the degrees to which different approaches are used gives us the necessary clues to better understand the overall security picture. At the international level, the security environment is characterised by the variation and multiplication of internal, external and transnational risks and threats. At the regional level, the security environment reflects most of the characteristics of the international environment, but also brings to the fore the issue of competition between the free/democratic world and authoritarian/dictatorial regimes. Understanding these characteristics helps to elucidate the main factors that impact the internal security environment.

The context of European integration is essential for the analysis of the national security environment. Even before the military invasion of Ukraine, instruments were developed to strengthen the EU Common Security and Defence Policy, which enabled increased investment in the development of Moldova's security and defence sector. Since the beginning of Russia's aggression in Ukraine, the European Union has strengthened cooperation with Moldova on security and defence matters. The European Union is actively contributing to the strengthening of Moldova's security and defence sector and is cooperating with Moldova on security and defence issues through its external financing instruments. At the same time, Moldova's status as a candidate for accession means that the country has significant potential for social and economic development and facilitates social cohesion and national security.

The National Security Strategy of the Republic of Moldova, adopted by Parliament on 15 December 2023, is a medium-term strategic planning document that outlines a country's approach to ensuring national security and protecting its interests. It is a guiding pillar for a nation's overall security policy, providing a coherent and strategic framework for policy makers and government agencies in the defence and security system.

Finally, analysis of the security sector is incomplete without knowledge of public perceptions of security. This determines the design and effectiveness of security policies and regulations. Assessing citizens' perceptions of European integration has been and is the focus of national opinion polls. However, for this report, their perceptions have been assessed from a national security perspective, especially as support for EU membership has increased in Moldova this year.

CHAPTER 1. SECURITY SITUATION AND IMPACT FACTORS

1.1 The security situation from the international and regional perspective

The security environment is a system for the assessment of which it is necessary first to identify the factors that shape it, then to understand and explain the interactions between these factors. The quality of a state's security environment is considered good when it faces a low probability of war. There are four major factors that shape a state's security environment: geographic barriers, state-state (or actor-state, in general) interaction, international structure and military technology[9] . Within this framework, recent international developments have added another important factor - technology-driven hybrid warfare.

In a complex and unstable security environment such as the European continent is today, Security Sector Governance must strengthen the functionality of security structures, ensuring their efficiency, transparency and accountability in respecting the rule of law and protecting citizens' rights and freedoms. The analysis of the security environment of the Republic of Moldova highlights complex issues, which have been neglected during the years of independence, with reference, in particular, to the management, supervision and reform of security institutions in crisis situations, the multiplication of hybrid threats and the vulnerable geopolitical situation in the context of Moldova's EU accession process.

At the international level, the *security environment* is characterised by the variation and multiplication of internal, external and transnational (global/regional) risks and threats. Due to its dynamism, rapidity and unpredictability, changes in the security situation often exceed the capacity of states, including the Republic of Moldova, to react and respond. For example, in the context of the Russian Federation's military invasion of Ukraine, the national defence system operated from a reactive perspective, paying immediate attention to risk factors. Systemic vulnerabilities, e.g. the existence of an unresolved conflict, underfunding and neglect of the National Army's capabilities for 30 years since independence, could have turned into real threats to national security. These two issues were in the public eye and were the subject of several campaigns to misinform or manipulate public opinion by promoting fear, as shown by the surveys analysed in this report. The national defence system must

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9   A Systemic Theory of the Security Environment. In: Journal of Strategic Studies, 27 (1), 2004, p. 4.

operate proactively, developing a military capability commensurate with security threats, and Good Security Governance must facilitate strategic planning, risk analysis and monitoring, and preparedness. Attention to the need to develop a preventive system has emerged on the government's security agenda, particularly after the serious transformations in the regional security environment.

The competition of the major powers for geopolitical control is a feature of the international security environment. Based on challenging traditional and historical interpretations, geopolitical revisionism can play an important role in today's international relations. Irresponsible actions by adherents of this concept, either directly or through *proxy forces,* act to the detriment of regional stability and the global order, testing the resilience of the international system in attempting to change the global balance of power. Attempts to revitalise the informal BRICS group, the rise of China's influence, its profiteering from the war in Ukraine and indirect confrontation with the US, etc. are trends that also affect the security of small states. Not to be overlooked are also events in the Middle East which may have implications for European security, including the security state of Moldova. The effects currently invisible, but which will have major implications for European security, may occur as a result of the deterioration of trends in civilisational cooperation and the return, as Samuel P. Huntington argues, to the clash of civilisations - the confrontation between Western and Eastern (Arab) civilisation.

The geopolitical interests of the major powers are also reflected in the area of existence of our state. The new National Security Strategy, adopted in December 2023, reflects on the vulnerabilities of Moldova's defence and security system and signals that the country is in the most dangerous regional security environment since independence. The document clearly identifies that the main threat to national security is "the aggressive policy of the Russian Federation against our country and against peace in general"[10] , which makes the process of accelerated strengthening of security and defence system capabilities a strategic imperative.

The diversification of the role of non-state actors and their increasingly active interference in socio-economic processes creates both opportunities for development and insecurity. Development disparities and social stratification continue to deepen in different geographical regions, generating social, ethnic, cultural or religious tensions and conflicts. The lack of a

10   National Security Strategy of the Republic of Moldova, Decision No. 391 of 15.12.2023 approved by the Parliament of the Republic of Moldova. Published: 17.01.2024 in the Official Gazette No. 17-19 art. 28. Accessible: HP391/2023 (legis.md)

clear distinction between the role of states and non-state actors, or the deliberate blurring of this distinction, jeopardises the proper functioning of the international system. For example, the lack of voting on UN resolutions highlights the fragmentation of the current security system.

The Russian military aggression against Ukraine, while taking place within regional geographical parameters, has major international implications. The global nature of this war also stems from Russia's repeated threats to use its nuclear arsenal in the event that third parties intervene directly or support Ukraine's resistance efforts. Although environmental issues, cross-border crime, cyber-security, etc., take a back seat against the background of these events (pandemic and war) because of their immediate implications for human security, the phenomenon of interdependence makes it difficult to anticipate their further development and convergence.

International migration has risen to the top of the international security agenda, in part because of concerns that migration flows provide conduits for the spread of international terrorism and other cross-border criminal phenomena. Dealing with this phenomenon presents a security challenge, particularly for less developed countries.

The effects of climate change are becoming increasingly felt, with the prospect of becoming a critical issue with global, regional and national implications. Extreme weather-related events are increasing during climate change, and the dangers of pandemics, reconfirmed by Covid-19, will be just some of the greatest risks associated with the effects of climate change. Climate change affects critical infrastructure such as energy and food systems, disrupting global supply chains.

Technological and scientific progress is characterised by rapid changes in a number of areas, such as information and communication technology (ICT) or artificial intelligence (AI). The innovations produced by the digital revolution, which started more than four decades ago, make it possible to collect, process and analyse huge amounts of data, with implications for countless areas of research and development. These advances promise significant social and economic benefits, efficiency and increased productivity in a range of sectors. However, there are growing concerns that these technologies and the way they are used will pose serious challenges, including labour dislocation and other market disruptions, increased inequalities, new threats to public safety and national security, and difficulties exercising fundamental rights and freedoms such as r the right to privacy and freedom of expression.

Disinformation and the proliferation of tools for disseminating false information have become one of the most important global risk factors[11], which exacerbate political and social polarisation, weakening the cohesion and resilience of nations. As the National Security Strategy points out, disinformation is also an important security vulnerability for Moldova[12]. Ilan Șor (fugitive oligarch, sentenced to 15 years in prison in Moldova) successfully uses artificial intelligence to promote his blog online, with around 100 portals managed from Asia, when his pages are legally blocked. Another example in our country is the use of artificial intelligence to create *deepfake videos* used to manipulate information or create fake situations, including the image of President Maia Sandu was used to create fake videos, presented on social media as news broadcast on TV channels. At the international level, there is talk of developing legal instruments for governing technologies, but the international community is very slow in adopting new rules and institutions to deal with the new challenges, and dilemmas over issues of national sovereignty and democratic legitimacy persist. In this context, significant international public engagement is badly needed, as national governments and companies cannot solve these dilemmas alone. The Republic of Moldova needs to enhance its security governance capacity in view of the benefits, but also the threats, brought by the accelerating progress of technology and, in particular, artificial intelligence.

At the regional level, the *security environment* reflects most of the characteristics of the international environment described above. Regional security events also bring to the fore the issue of competition between the free/democratic world and authoritarian/dictatorial regimes. In some countries, the promotion of ultra-nationalist values is accompanied by a worsening of the general situation regarding the protection of fundamental human rights and freedoms. At the same time, these states invoke the term civilisational spaces (or areas of vital interest), unilaterally assuming the right to control them. These actions are an attempt to reorganise the geopolitical architecture of the region, without taking into account the principles and rules of international law or the sovereignty of the states targeted by these hostile policies. This approach may have negative consequences for international security, as it undermines trust and cooperation between state actors, creating conditions for changing the organisational paradigm of the current international system into one based on hegemony and dominance, to the detriment of cooperation and dialogue based on the participatory approach.

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11   Note: The World Economic Forum's 2024 report identifies misinformation as the top global risk in the short term (2 years), while extreme weather events are the top global risk in the long term (10 years). Source: Global Risks Report, World Economic Forum 2024. Available: https://www.weforum.org/publications/global-risks-report-2024/digest/

12   See: National Security Strategy of the Republic of Moldova, paragraph 21., 6) . Available: HP391/2023 (legis.md)

Russia's war against Ukraine significantly affects the security architecture of the European continent in general and South-Eastern Europe in particular, with a number of negative effects on political, military, economic, energy, social and humanitarian security. Since the beginning of the military invasion, the Russian Federation has openly threatened Western actors with drastic consequences if they intervene or support Ukraine's resistance efforts.

The changing security architecture across Europe is also confirmed by the decisions of Finland and Sweden - historically neutral states - to join NATO. Although Russia's *blitzkrieg* has failed, it seems determined to achieve its strategic goals by moving to a full-scale war of attrition, with the massive mobilisation of personnel and resources demonstrating this.

The blatant violation of the international normative framework by the Russian Federation, in its attempt to redraw the borders of states at regional level, demonstrates its predisposition to use a wide range of instruments. The reaction of Western actors plays a decisive role in this equation. Western assistance will continue to gravitate between slowly and gradually depleting Russia and avoiding the risk of full military escalation. However, it does not provide security guarantees to states outside the EU and NATO protection space, which under the pressure of the current situation are forced to identify their own short and medium-term security solutions. In addition, the escalation of the Palestinian-Israeli conflict may diminish the capacity to support Ukraine.

At the same time, the European security environment is also marked by the presence of frozen conflicts in the Black Sea Basin, the re-escalation of the situation in Mountain Carabah, tensions in the Western Balkans and the uncertain status of Northern Cyprus. The gradual deterioration of the regional security situation is putting a strain on the mission of regional actors - EU, NATO, OSCE - to manage the situation and maintain stability. Despite the constructivist approach characteristic of these actors, the complexity of the regional agenda makes it difficult to find compromises for the benefit of the general consensus.

With the approval of the new Foreign Policy Concept of the Russian Federation in March 2023, Moscow revealed its strategic planning system for asserting its national interests in the sphere of foreign policy, including reflecting the views of the current political leadership in the Kremlin on the European vector chosen by Moldova. Russia's foreign policy identifies the position of the West as the main threat to it, self-identifying itself as 'an original civilisation-state with a vast Eurasian and Euro-Pacific power that has brought together the Russian people and other peoples making up the cultural and civilisational community of the Russian world.[13]

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13   Russia's New Foreign Policy Concept and its Impact on the Republic of Moldova, IPN. Available: https://www.ipn.md/ro/noul-concept-de-politica-externa-rus-si-impactul-asupra-7978_1096212.html

Relations between the two countries have changed since July 2021, and especially after February 2022, when Moldova chose the European course of development. Moscow has become increasingly aggressive, putting pressure on Chisinau, similar to the 2013-2014 period, in the context of the signing of the Association Agreement with the EU. National security issues have become paramount for the Republic of Moldova, and the development of the country's defence capabilities and the reform of the security system have become a priority, along with the decision to join the EU.

Russia's war against Ukraine has changed the European and global security order, and has greatly influenced the European Union's perceptions of security in Eastern Europe. Beyond the sanctions imposed as a result of Russia's aggression in Ukraine, there is an acceleration of the European integration process, in response to applications for membership of the 28 February by Ukraine, then on 3 March by Georgia and Moldova. For the Republic of Moldova, but also for regional security, the EU is thus becoming an important, if not the most important, player in strengthening the national security system. With the granting of candidate country status by the European Council on 23 June 2023, and the decision taken on 14 December 2023 by the twenty-seven EU Member States to open accession negotiations with Ukraine and Moldova[14] , our country has to go step by step through complex procedures to meet the conditions for accession in an unstable security environment. And the quality of governance of the security sector can directly influence the progress of reforms and alignment with the acquis communautaire. Beyond this foreign policy achievement of the country, EU accession is not only an *in corpore* dimension of the decision-making process, there are written rules, unique moves, clearly defined targets following the completion of the 35 negotiating chapters. And in terms of security, in the coming period, the Republic of Moldova must also take into account that:

(-) Moldova's accession to the EU largely depends on Ukraine's ability to defeat Russia;

(-) the accession process is not irreversible;

(-) the strengthening of the security and defence sector must proceed rapidly and the focus must be on national resources;

(-) the settlement of the Transnistrian conflict must not disappear from the security agenda, if the premise of accession according to the Cypriot scenario even exists.

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14   See: Details on the chronology and stages of the start of the accession process, Official website of the European Council. Available: https://www.consilium.europa.eu/en/policies/enlargement/moldova/

1.2   Implications of the security environment for national security: impact factors

The international and regional security environment, which has implications for the security of the Republic of Moldova, is marked by transformations in power relations in the Black Sea region, but also on the European continent. The Republic of Moldova is part of the Russian Federation's area of interest[15] and is considered part of the area through which the "geopolitical fault line" runs. In the governance of the security sector it is important to take geopolitical risks into account, and for their effective management it is necessary to analyse the factors that amplify these risks from both external and internal perspectives.

The geographical position of the Republic of Moldova in the vicinity of the conflict in Ukraine and the separatist region of Transnistria makes this state particularly vulnerable to any external and internal actions by Russia. The Russian Federation is not only seeking to destroy the statehood of the neighbouring country Ukraine, but also to expand its territorial possessions, further targeting the territory of the Republic of Moldova by crossing a military land corridor Odessa-Tiraspol-Chisinau. Thus, Russia, with the direct support of the pro-Russian opposition, is exploiting and fuelling internal vulnerability through hybrid actions in the political, economic, energy, social, informational and cyber fields, with the aim of undermining the constitutional order and imposing a docile regime at the head of the Republic of Moldova.

Increasing regional tension creates threats to Moldova's security, complicates economic development and welfare, and capacity building in the defence and national security sector becomes an urgent strategic imperative. Developments in the post-war crisis situation in Ukraine illustrate how internal and external aspects of security are inextricably linked.

Next, the main impact factors influencing the internal security environment will be analysed; these factors, whether threats or vulnerabilities, are complex and interlinked.

The Russian Federation's effort to destabilize and weaken the Republic of Moldova, by blocking its ability to strengthen its societal, military, economic and institutional resilience, as well as the process of integrating into the European Union and building security partnerships with Western states.

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15   NOTE: The Russian Federation's Military Doctrine (2014) and National Security Strategy (2015) reflect the Kremlin's general obsession with fragmentation and subversion in the Black Sea region and the Caucasus, but the fact remains that these documents also reflect that it will use tools including pre-emptive ones to maintain its power interest in the so-called "near neighbourhood" of which Moldova is a part. Moreover, the new Russian Foreign Policy Concept (signed on 31 March 2023 by V. Putin) emphasizes the concept of "near abroad" - the Russian Federation's exclusive zone of influence, intending to give priority attention to ensuring "guaranteed protection of Russia, its allies and partners in any development of the military-political situation in the world".

Energy dependence: the Republic of Moldova has no energy resources of its own. For decades, the country has been 100% dependent on gas from the Russian Federation - a vulnerability exploited by Moscow as an instrument of influence or manipulation. affecting national strategic decisions. However, developments in the external and internal security environment have led to rapid transformations in the energy sector. Dependence on Russian gas has been dramatically reduced. Remarkable steps have been taken in a relatively short time to diversify gas and electricity supplies. As of December 2022, Moldova has almost entirely stopped buying gas from Russian *Gazprom*, except in the separatist Transnistrian region, which has not paid for its gas consumption for years. *Moldovagaz* purchased insignificant quantities (~2 million mcm) from *Gazprom* in March 2023 to avoid paying any penalties under the *take or pay* contract. As a result of energy security challenges, in February 2023, the Ministry of Energy was established under the new government structure and national energy security targets will be set in the Integrated National Energy and Climate Plan[16] , and will be integrated into other strategic documents that are being developed. The transfer of the gas transmission networks to *Vestmoldtransgaz* LLC on lease establishes certain advantages for ensuring the country's energy security:

(-) the elimination of the monopoly position held by *Moldovagaz* as a transporter and supplier of natural gas in Moldova;

(-) the possibility to diversify sources of gas imports;

(-) the opportunity to integrate faster with the regional energy market;

(-) support the process of Moldova's accession to the EU;

(-) expanding cross-border connections and access to regional cooperation tools that strengthen local expertise and accelerate the implementation of best practices;

(-) attracting new investment and upgrading the country's infrastructure.

It is worth noting that increasing the level of energy security contributes to citizens' perceptions of the EU. During 2023, IPRE/CBS-AXA survey data showed a notable increase in support for Moldova's accession to the EU - from 51.2% to 55.4%, on the back of a decrease in the number of those undecided, from 12.70% to 8.9%, and a decrease in opponents of EU membership, from 31.3% to 30.3%. One of the factors contributing to this increase is the state's ability to overcome energy challenges related to the cold season, including through extensive assistance from Brussels and Western states, which has strengthened the EU's role as a strategic partner of Moldova[17] .

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16   Integrated National Energy and Climate Plan (INECP), Concept.
      Available: https://particip.gov.md/ro/download_attachment/20183
17   The majority of Moldovan citizens support the country's accession to the European Union. Analytical note. IPRE, 2023. Available: https://ipre.md/2023/12/13/nota-analitica-ipre-majoritatea-cetatenilor-republicii-moldova-sustin-aderarea-tarii-la-uniunea-europeananota-analitica-ipre-majoritatea-cetateni-lor-republicii-moldova-sustin-aderarea-tarii-la-uniun/

Corruption and the weak rule of law: although steps have been taken to strengthen the institutions mandated to fight corruption, it remains a significant problem for Moldova. Fighting corruption is one of the nine recommendations made by the European Commission in the context of Moldova's EU candidate status and the country report, published in November 2023, notes that while progress has been made in reforming the judiciary, the investigation of cases of grand corruption has not yielded satisfactory results[18] . Corruption undermines security efforts, eroding public confidence and weakening institutions. The National Security Strategy, adopted in December 2023, cites corruption as a major security threat and identifies eight lines of action to reduce corruption risks in different areas[19] .

Political instability: Moldova has experienced periods of political instability, with frequent changes in government, increased polarisation and difficulties in governance processes and policy implementation. In the context of electoral campaigns or strategic decisions, political instability can be amplified by Moscow-funded and backed political forces aiming at sabotaging the EU accession process or creating *controlled chaos,* exploiting vulnerabilities related to the Transnistrian region as well as the complex political situation in Gagauzia. This factor, as well as those that will be highlighted below, are amplified by the **lack of societal cohesion** and the **non-integration of ethnic minorities.** In densely populated regions (Gagauzia, Taraclia, localities in the north of the country, etc.) the problem is even more acute. Lack of knowledge of the state language, insufficient perception of belonging to the state, much greater exposure to disinformation and toxic propaganda, dissent at the level of local and national political elites, increase the risks of exploitation of ethnic minorities for subversive actions. One of the Kremlin's actively fuelled propaganda and disinformation topics is the fuelling of conflict along ethnic and linguistic lines.

Increased vulnerability to misinformation and manipulation of public opinion. In particular, toxic propaganda and manipulation campaigns targeting security partnerships, the actions of Moldova's external allies and efforts to strengthen resilience should be noted. The subject of constitutional neutrality is exploited in a manipulative manner to discourage public support for strengthening Moldova's defence and security capabilities. Disinformation is used to amplify all risks and vulnerabilities. This vulnerability is also driven by the **lack of security culture in society and the political class, poor public communication in the security and defence field** diminishes public and political support for more determined action to strengthen security and defence.

Like many other countries in the Eastern European region, Moldova faces a number of new hybrid threats, including issues related to fake news, propaganda, cyber security and

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18   Country Report, p.27. Available: https://neighbourhood-enlargement.ec.europa.eu/moldova-report-2023_en

19   See: National Security Strategy of the Republic of Moldova, paragraph 28. Available: HP391/2023 (legis.md)

critical infrastructure security. In recent years, there have been concerns about Russia's use of disinformation as a tool to influence public opinion and sow discord in Moldova. According to a recent study entitled "Resistance to Disinformation in Central and Eastern Europe", Moldova is the country most exposed in Eastern Europe to Russian propaganda, with highly influential Russian-language media, the Russian Orthodox Church, poverty and lack of trust in the political class. Russia's *soft power* strategy is expressed in most cases through Russian media, which can largely be explained by the nostalgia Moldovans still feel for some of the media content they were attached to in the past. [20]

Fake news and propaganda. Russia fuels the spread of foreign and domestic sources of disinformation and manipulation of information in Moldova. The outbreak of war in Ukraine in February 2022 has exacerbated challenges to Moldova's information space as unreliable reports and rumours about refugees and bomb threats in Transnistria have spread across media platforms. TV channels broadcasting mainly in Russian and relaying Russian state TV (e.*g. RTR Moldova, First in Moldova and NTV*) have the highest ratings in regions with significant ethnic minority populations. Although President Maia Sandu enacted the Information Security Law in June 2022 to ban the broadcasting of Russian state news and political analysis, pro-Russian oligarchs in Moldova continue to spread fake news and propaganda through TV and online media.[21]

The most vulnerable to Russian propaganda are minority communities in Moldova, who prefer pro-Russian media. Recent polls have shown that 90% of Gagauz residents have access to Russian-language media, and the majority of Gagauz residents express extreme confidence in Russian-language news, including TV channels linked to the Kremlin, PSRM and Shor Party. [22]

By disseminating misleading information, Russia may try to manipulate public sentiment, undermine trust in Moldova's institutions and leadership, and create divisions between different groups in the country. **To combat this problem, Moldova needs to strengthen media literacy among its citizens, encourage responsible journalism and implement measures to identify and combat disinformation and propaganda campaigns.** In order to respond to the challenges of fake news, propaganda and disinformation campaigns, the *Centre for Strategic Communication and Countering Disinformation* was established

20   Madalin Necsutu, Moldova Highly 'Vulnerable' to Russian Propaganda, Study Says, in: Balkan Insight, Chisinau, July 26, 2018. Available: https://balkaninsight.com/2018/07/26/moldova-the-most-vulnerable-country-to-russian- propaganda-07-26-2018/
21   See: President Maia Sandu promulgated the law banning Russian news broadcasts in Moldova, Ziarul de Gardă. Available: https://www.zdg.md/en/?p=9054
22   Daniel Salaru, Strengthening Moldova's independent press in the shadow of polarization and propaganda, Analysis. International Press Institute, Aug 31, 2022. Available: https://ipi.media/analysis-strengthening-moldovas-independent-press-in-the-shadow-of-polarization-and-propaganda/

in July 2023 to combat specific actions that may jeopardise national interests. So far there have been no initiatives to strengthen cooperation between institutions in the fight against disinformation, manipulation of information and foreign interference that endanger or may endanger national security and the achievement of national interests.

Economic vulnerabilities: the country's economic challenges, including high poverty rates and limited employment opportunities, can lead to social unrest. As a result of the worsening socio-economic situation of the population, confidence and support for the government in its European course may decrease. However, as the European Commission's Comprehensive Report of November 2023 points out, "the state still has considerable influence over key economic sectors, including telecommunications, energy and transport, and in setting prices. The authorities are carrying out a comprehensive review of state-owned enterprises, some of which are loss-making, with a view to restructuring and privatisation. At the same time, they are working to improve corporate governance and accountability in the sector. Despite the economic downturn, the financial sector remains stable, reflecting the impact of past reforms and prompt regulatory action to curb the rapid growth in household lending"[23] .

Inadequate infrastructure: lack of modern infrastructure and security systems can limit the government's ability to respond effectively to emerging security threats. This topic involves the following key issues:

Transport infrastructure, including roads, railways and airports, has often been criticised for being outdated and in need of significant improvement. In the event of a security threat, mobilisation and rapid response can be hampered by poor road conditions and limited access to remote areas.

Communications infrastructure: effective communication is essential to respond to security threats, and inadequate infrastructure can hamper the government's ability to coordinate responses, disseminate information and maintain situational awareness.

Border security is largely based on the country's geographical characteristics, but more modern infrastructure and technology would enhance border surveillance and control. Inadequate border security infrastructure can leave the country vulnerable to various threats, including smuggling and illegal border crossings.

Cyber security - a critical aspect of national security. Inadequate IT infrastructure and cybersecurity measures can leave Moldova susceptible to cyber-attacks that can disrupt critical government functions and national infrastructure.

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23   The European Commission's first comprehensive report was published on 8 November 2023. Available: https://neighbourhood-enlargement.ec.europa.eu/moldova-report-2023_en

Energy infrastructure: Moldova's energy infrastructure, particularly in the form of electricity grids and power generation facilities, has often been outdated and vulnerable to disruption. This sector requires multiple investments, in particular with the support of external partners, e.g. the Republic of Moldova will receive financial assistance from the French Development Agency to strengthen the energy infrastructure and develop climate resilience[24] .

Emergency response infrastructure: inadequate infrastructure for emergency services, such as hospitals, fire stations and police facilities, can hamper the government's ability to respond effectively to security threats, whether natural disasters or man-made incidents.

Corruption and governance: Inadequate infrastructure can exacerbate corruption and governance problems, as limited resources can lead to mismanagement and opportunities for illicit activities. These problems can weaken the government's ability to address security issues effectively.

Cyber threats: like other Eastern European countries, Moldova faces cyber threats from state and non-state actors seeking to disrupt critical infrastructure, steal sensitive information or engage in disinformation campaigns. As digitisation and reliance on technology increases, cyber threats become more widespread. Cyber attacks on government institutions, critical infrastructure, businesses and individuals pose risks to national security and stability. **Moldova must prioritise cyber security measures, including enhancing its cyber defence capabilities, developing a robust legal framework for cyber incidents and promoting public-private partnerships to effectively combat cyber threats**.

Climate change and environmental issues. Even if in the Republic of Moldova they have not been felt to the point of direct conflict, the degradation of the environment, lack of resources and access to them can significantly destabilise security. At national level, we cannot neglect the perception of the population that **environmental problems** have a direct impact on their lives. The absence of a waste management system, together with the existence of unauthorised landfills and, on the other hand, water pollution and depletion of water resources - are the environmental problems most easily understood and perceived by the population, which is why they continue to score so high and remain visible. At international level, at least five risks have been identified for 2020 that security professionals foresee under current circumstances, and some of them are applicable, including for our country. Those representative of the current situation in the Republic of Moldova relate in particular to the *country's water resources and energy security*.

Thus, a representative risk for the Republic of Moldova is *water insecurity, aggravated by climate change.* Surface water as the primary source of drinking water supply, i.e. water from

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24   See: AFD to provide Moldova with loan to strengthen energy infrastructure and build climate resilience, Ministry of Finance. Available: https://www.mf.gov.md/ro/content/afd-va-acorda-moldovei-un-%C3%AEmprumut-pentru-consolidarea-infrastructurii-energetice-%C8%99i

the Nistru River (93% of the city of Chisinau is supplied with water) is degraded, conditioned by the intensifying impact of climate change, but also by technogenic considerations. The anthropogenic impact on the ecosystem of the Nistru River is influenced, including by the hydropower plants, built in Ukraine, which lead to irreversible processes and to the degradation of the river as a whole, as well as to the disappearance of a number of fish species. It is predicted that climate change and its intensifying impact will lead to a 16-20% decrease in surface waters by 2030.

At the same time, we cannot neglect that energy security is addressed in the context of climate change to ensure its sustainability. By initiating the EU accession process, the Republic of Moldova will have to adjust its national environmental policies to those of the EU, but also to Regulation (EU) 2018/1999 of the European Parliament and of the Council on the governance of the Energy Union and climate action, a document which establishes the necessary legislative basis for reliable, inclusive, cost-effective, transparent and predictable governance to ensure the achievement of the Energy Union's 2030 and long-term objectives in accordance with the 2015 Paris Agreement on climate change. It was concluded following the 21st session of the Conference of the Parties to the United Nations Framework Convention on Climate Change ("Paris Agreement"), through complementary, coherent and ambitious efforts by the Union and its Member States, while limiting administrative complexity.

The Republic of Moldova is a country vulnerable to climate change, with environmental threats and lack of natural resources, and the degradation of the quality of the environment is a predominant factor that can influence the security of the state. The 2030 Agenda for Sustainable Development and the Sustainable Development Goals provide an ambitious set of multidimensional targets that underpin action at all levels and mobilise the international community. But efforts remain largely compartmentalised, addressing climate change, biodiversity loss, conflict, migration, refugees, pandemics and data protection separately. These efforts should be strengthened, but not tackled in isolation, in order to feel those advances set both globally and regionally.

The European Commission's country report on Cluster 4 on *Green Agenda and Sustainable Connectivity* found that **Moldova is at an early stage of preparedness in the field of environment and climate change.** Respectively, the country has made some progress with the adoption of cross-cutting environmental legislation and the implementation of laws on nature protection and industrial emissions. Moldova has a certain level of preparedness in the areas of transport and trans-European networks, including association to the European Connectivity Facility and observer status in the Transport Community. On energy, Moldova has made good progress: it had the highest progress performance rate among the Contracting Parties in the Energy Community Annual Implementation Report in 2022.

CHAPTER 2. THE EUROPEAN PERSPECTIVE AND REGIONAL SECURITY

2.1 Instruments for cooperation with the European Union in strengthening national security

According to the European Commission's Comprehensive Report on Good Neighbourly Relations and Regional Cooperation, Moldova maintains a good dialogue and actively participates in various regional cooperation platforms. These include the Central European Initiative (CEI), the Black Sea Economic Cooperation Organisation (BSEC), the Organisation for Democracy and Economic Development (GUAM), the South East European Cooperation Process (SEECP) and the Regional Cooperation Council (RCC). The country also contributes to the implementation of the Central European Free Trade Agreement (CEFTA). Moldova chaired the GUAM meeting in 2022 and the BSEC in the second half of 2022 and assumed the CIS presidency in January 2023[25] .

If we refer directly to the context of the regional security environment and the governance of the security sector, we can point out that since the beginning of Russia's aggression in Ukraine, the European Union has actively contributed to the strengthening of Moldova's security and defence sector, reinforcing cooperation with Moldova in security and defence matters. On the one hand, EU leaders understood that if Russia occupied Ukraine, the next target would be Moldova, and this would bring the Russian Federation to the EU and NATO borders, in Romania's neighbourhood. On the other hand, until the military invasion of Ukraine, instruments were developed to strengthen the EU's Common Security and Defence Policy, including the external assistance dimension, which allowed increased investment in the development of Moldova's security and defence sector. That is why, during the last period, the European Union through its external financing instruments has also supported the institutions of force, such as the Ministry of Defence (MoD) and the Ministry of Internal Affairs (MAI).

The MFA has been and is being assisted as a priority in the field of migration and asylum, but also in border defence. The assistance has been financial, material and in the form of secondment of FRONTEX experts for advice, training and direct cooperation at border crossing points and the management of refugee flows from Ukraine. In November 2022,

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25   The European Commission's first comprehensive report was published on 8 November 2023. Available: https://neighbourhood-enlargement.ec.europa.eu/moldova-report-2023_en

an operational mechanism called the European Union Security Centre for Internal Security and State Border Management of Moldova, also known as the EU Security HUB, was established. The HUB is intended to enhance the capacity of the MAI's subdivisions to deal with the alarming increase in cross-border crime and hybrid threats, which have become more numerous and sophisticated since the start of the war in Ukraine.

It should be recalled that the Republic of Moldova signed the Association Agreement in 2014, and this has contributed to the harmonization of Moldova's legislation with that of the EU over the last 9 years, as well as to the Security Sector Reform. Thus, in some areas of security quite a lot of progress has been made. The fact that the EU has provided considerable support to the Ministry of Internal Affairs and its subdivisions, the fulfilment of commitments in the areas of public order and rule of law, the fight against corruption and organised crime and other relevant areas have already advanced the implementation of actions in the accession process compared to other sectors. Thus, EU assistance to the MoI was substantial even up to the war in Ukraine. The EU has always supported the development of a genuine rule of law, with law enforcement bodies equipped with the necessary capabilities to defend public order, ensure state border security and respond to exceptional situations in different areas.

In the defence sector, the EU and Moldova initially had very modest cooperation. This consisted in the participation of Moldovan military in EU training missions on the African continent (e.g. EUTM Mali, EUMAM in the Central African Republic). National Army (NA) military and civilian personnel benefit from training conducted under the EU CSDP. In the period 2014-2021, 9 national experts were deployed on EU crisis management missions[26]. In the same context, the representatives of the Ministry of Defence wanted to enhance military cooperation through participation in *Permanent Practical Cooperation* (PESCO) projects and *European Defence Agency* (EDA) activities, as well as by joining the *European Peace Facility* (EPF) *Instrument*.

It is worth noting that in March 2021, the *European Peace Facility/European Peace Facility* was established to finance all Common Foreign and Security Policy (CFSP) actions[27] in the military and defence fields, with the aim of preventing conflict, maintaining peace and strengthening security by enhancing the defence capabilities of third countries. With the

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26   See: Common Security and Defence Policy. Available: https://mfa.gov.md/ro/content/politica-europeana-de-aparare-si-securitate-comuna
27   NOTE: It should be noted that Moldova's rate of alignment with CFSP declarations and restrictive measures has fluctuated between 50 and 80% in recent years. In: *Analytical Report following the Communication from the Commission to the European Parliament, the European Council and the Council Commission Opinion on the Republic of Moldova's application for membership of the European Union,* p. 50, Available: *https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-02/ SWD_2023_32_%20Moldova.pdf*

launch of the EPF, a new impetus has been given in the field of defence, although the EPF was designed to contribute to making the EU's External Action more effective by strengthening the capabilities of peace support operations and managing the flow of illegal migrants from the African continent. However, the EPF also aims to strengthen the capacities of third countries and partner organisations in military and defence matters. Respectively, in the field of defence, for the year 2021, the European Council approved assistance measures (€7 million) for Moldova, directed towards strengthening the medical capabilities of the National Army and increasing the capabilities of the engineers. In the context of the military invasion of Ukraine, the EU needed to strengthen the effectiveness of the EPF financial instrument, so the EU also became the largest contributor to strengthening Moldova's defence capacity. In June 2022, the Council adopted an EPF assistance measure worth EUR 40 million for the benefit of the Armed Forces of Moldova. This assistance measure contributes to strengthening the capabilities of the logistics, mobility, command and control, cyber defence, unmanned aerial reconnaissance (long-range mobile ground surveillance radar) and tactical communications units of the Moldovan NA, through the provision of non-lethal equipment, supplies and relevant services, including equipment-related training.

Thus, cooperation in the field of security and defence has increased substantially in 2023, especially in the segment related to the modernisation of the army and the increase of military capabilities with which Moldova intends to contribute to international security operations under the aegis of the UN, NATO and the EU. Moreover, the efficiency and speed of financing military equipment programmes through the European Peace Facility Instrument have exceeded the expectations of defence specialists. Thus, the European Union has consciously taken on the role of complementing NATO's cooperative security efforts.

However, there are limits to institutional capacity: despite the progress made under the European Instrument for Peace, the European Commission's 2022 report points out that there are significant capacity challenges[28] . It highlights shortcomings in infrastructure, human capital and, most importantly, in performance in terms of reforms and state modernisation. The reform process faces domestic budgetary and political constraints, indicating limited institutional capacity to develop a preventive attitude to challenges to national security and defence. At the same time, **dependence on external support highlights a reduced capacity for self-reliance in the security sector.**

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28   NOTE: The June 2022 report of the European Commission analysing Moldova's level of preparedness in terms of standards submitted to EU member states indicated the country's modest performance on reform issues. According to that report, referring to security, there was **some level of preparedness** in the area of *Justice, Freedom and Security* (Chapter 24) and **a moderate level of preparedness** in three areas, one of which concerns *Foreign Policy, Security and Defence* (Chapter 31).

Last but not least, it should be mentioned that a priority element in terms of security and defence becomes the countering of hybrid threats, and the plan specifically stipulates that the review of strategic defence planning documents must take place, including through the prism of hybrid threats. Moreover, it is planned to draw up an Operational Protocol for Countering Hybrid Threats. Another aspect of the plan is the commitment to participate with a military contingent in one of the EU's crisis management missions. At present, the Republic of Moldova has no contingent deployed in EU missions.

In this context, it should be noted that the European Union Partnership Mission to Moldova (EUPM Moldova) was opened on 24 April 2023 by the Council of the European Union. EUPM Moldova was established under the Common Security and Defence Policy. The objective of this civilian mission is to enhance the resilience of the country's security sector in the area of crisis management and hybrid threats, including cyber security and countering foreign intelligence manipulation and interference. The mission will provide strategic advice on strategy and policy development and identify needs to strengthen capabilities for early warning, detection, identification, threat attribution and response to hybrid threats. EUPM Moldova will also implement projects in these areas. Hence the expectations of the Moldovan authorities to develop concrete steps to strengthen cybersecurity with EU assistance. Cybersecurity is another basic pillar for strengthening Moldova's security and defence sector, especially since the *Law on Cybersecurity of the Republic of Moldova* was adopted with EU support on 2 May 2023. The law aims to improve resilience to hybrid threats and increase the cyber resilience of public sector organisations and critical infrastructure in the country. Continued security cooperation with the EU reflects a positive development with the establishment of the Centre for Strategic Communication and Countering Disinformation, which is a prerequisite for strengthening the state's capacity to ensure the security of the information space and increase the resilience of society to hybrid threats.

EU support for the security and defence sector is not possible without adequate development instruments, nor without a constant political dialogue both with representatives of EU institutions in Moldova and through platforms such as the European Political Community (EPC). This platform gives the country access to a wide range of European leaders, such as the major military powers - the UK and Turkey, or the major energy suppliers - Azerbaijan or Norway, or to the experience of colleagues in the Western Balkans who are also in the process of joining the EU. The EPC Summit held in Moldova on 1 June 2023 provided the necessary framework for Moldova to understand the positions and reasoning of the participating countries, to advocate for its defence needs, but also to develop initiatives in areas of common interest, such as climate change, AI growth, energy sustainability, migration

or research and innovation. At the same time, this event is a vote of confidence by the EPC in the democratic path of European governance reforms.

Speeding up the implementation of reforms, developing and strengthening institutional capacities, as well as making use of partnerships and other instruments of regional cooperation are essential to move forward in the EU accession process. Recently, the Minister of Defence signed the document on Moldova's accession to the South East Europe Defence Ministers' Meeting (SEDM) as a full member (since 2003 Moldova has held observer status). As a candidate country for EU membership, Moldova, by signing this document, has expressed its interest in contributing concrete steps towards regional security and stability, which is in line with the objectives of the SEDM process. All these efforts to ensure the opening of negotiations on Moldova's accession to the EU must not neglect the role of the whole society in this process, or it is in the national interest that this effort contributes to increasing citizens' confidence in the institutional capacities to ensure national security.

2.2 The EU accession process: challenges and opportunities

The war in Ukraine has caused many vulnerabilities in Moldova, making it more fragile and threatened. In the same context, Russia's war against Ukraine has created a strong political as well as geopolitical motivation for Moldova, Ukraine and Georgia to join the EU. The EU's strong message to offer Moldova the European perspective of integration was backed by 529 overwhelming votes out of 558 MEPs, granting candidate status to Moldova creating, according to the President of the European Council, Charles Michel, a historic moment for the EU as well.

On 23 June 2022, the European Council recognised the European perspective of the Republic of Moldova and decided to grant it the status of candidate country for accession to the European Union. Moldova would be part of a community that supports and promotes democratic values, the rule of law and human rights. This would serve to strengthen institutions, democratic processes and promote greater political stability. In the same context, it would open up more opportunities for financing and investment in critical sectors of the economy which would help stimulate development and raise living standards.

Thus, the status of candidate country for accession, beyond being a fundamental desire of the government's internal and external policy, implies the increase of a significant potential for social and economic development of the country and facilitates social cohesion, but also ensures national security. Moreover, **among the security objectives included in**

the new National Security Strategy of the Republic of Moldova, voted in Parliament on 15 December 2023, there **is also that of "accession to the European Union",** plus the adopted Strategy aims at gradually aligning the Republic of Moldova with the provisions of **the "Strategic compass for strengthening EU security and defence in the next decade".** [29]

Candidate country status gives us a clear prospect of membership of the European Union, with clearly defined elements of development including :

- fair justice;

- resilient public institutions, sustainable development;

- economic and energy independence, attractiveness for foreign investors;

- assistance and support for reforms in key areas;

- direct access to European programmes.

The EU accession process is complex and multi-stage, involving various criteria and pre-set conditions. This allows any country to progress on its own merits, but it also means that steps towards the EU can be blocked or even reversed if the basic conditions are no longer met. The European Commission's June 2022 report, which analyses our country's readiness in terms of the standards submitted to EU member states, indicates Moldova's modest performance on reform issues.

Fig.1 *European Commission's assessment of preparedness[30]*

Beginner level training

A certain level of training

Moderate level of training

Good level of training

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29   See: A Strategic Compass for a stronger EU security and defence in the next decade. Available: https://www.consilium.europa.eu/en/press/press-releases/2022/03/21/a-strategic-compass-for-a-stronger-eu-security-and-defence-in-the-next-decade/

30   Publishes Analytical Reports on Alignment with the Acquis, EC. Available: https://civil.ge/archives/523783

Thus, according to the Report presented in June 2022, the Republic of Moldova is at the next level of implementation[31] :

Entry level training in 12 areas (Chapter 5: Public Procurement, Chapter 32: Financial Control, Chapter 2: Free Movement of Workers, Chapter 6: Company Law, Chapter 9: Financial Services, Chapter 16: Taxation, Chapter 19: Social Policy and Employment, Chapter 27: Environment and Climate Change, Chapter 11: Agriculture and Rural Development, Chapter 13: Fisheries, Chapter 22: Regional Policy and Coordination of Structural Instruments, Chapter 33: Financial and Budgetary Provisions);

a certain level of preparedness in 17 areas (Chapter 24: Justice, Freedom and Security, Chapter 18: Statistics, Chapter 1: Free Movement of Goods, Chapter 3: Right of Establishment and Freedom to Provide Services, Chapter 4: Free Movement of Capital, Chapter 7: Intellectual Property Law, Chapter 8: Competition Policy, Chapter 28: Consumer and health protection, Chapter 10: Digital transformation and media, Chapter 17: Economic and monetary policy, Chapter 20: Enterprise and industrial policy, Chapter 26: Education and culture, Chapter 29: Customs union, Chapter 14: Transport, Chapter 15: Energy, Chapter 21: Trans-European networks, Chapter 12: Food safety, veterinary and phytosanitary policy);

Moderate level of training in three areas (Chapter 25: Science and Research, Chapter 30: Foreign Affairs, Chapter 31: Foreign Policy, Security and Defence).

The Republic of Moldova has accelerated reform processes, aiming at rapid European integration with the ultimate goal of EU membership, by implementing the nine conditions that the European Council set for the opening of EU accession negotiations. Focusing on systemic reforms, in particular in the justice sector, improving administrative capacities and strengthening economic, social and security resilience. It also remains important to improve the business environment, increase investment, ensure energy independence, as well as migration and border management, fight organised crime and strengthen cyber security.

Almost a year after the Republic of Moldova obtained the status of candidate country to the European Union, according to the EU Preliminary Report, the country has managed to fully implement three of the nine conditionalities of the European Commission.[32] The three fully implemented conditionalities relate to changes in electoral legislation **(commitment 2)**,

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31   Scoreboard - The true state of accession - What the Commission assessments reveal, ESI, p.16. Available: https://www.esiweb.org/publications/scoreboard-true-state-accession-what-commission-assessments-reveal

32   Press remarks by Neighbourhood and Enlargement Commissioner Olivér Várhelyi, following the informal General Affairs Council, European Commission, 22 June 2023. Available: https://ec.europa.eu/commission/presscorner/detail/en/speech_23_3458

the involvement of civil society in the decision-making process **(commitment 8)** and ensuring the protection of human rights **(commitment 9)**.[33] According to the EC, the current leadership of the Republic of Moldova has made important progress on its reform agenda. At the same time, it has increasingly faced direct threats to its stability from both domestic interest groups and Russia.

Good progress has been made in three other areas, namely justice reform, deoligarchisation and public finance management reforms. On **commitment 3**, which concerns the fight against corruption, some progress has been made, but more active involvement of the General Prosecutor's Office and specialised institutions is needed. On deoligarchisation (**commitment 4**), Moldova has made good progress and on organised crime (**commitment 5**), Moldova has made some progress. The same assessment was given to public administration reform (**commitment 6**) and public finance management (**commitment 7**).

The recommendations came largely in the area of **justice reforms**, with reference to the legislative changes already adopted following the Venice Commission's recommendations for the appointment of a Prosecutor General through a transparent and merit-based procedure to fill the remaining vacancies in the Superior Council of Magistracy and to ensure the functioning of the Supreme Court of Justice.

On **deregulation**, Moldova needs to address all the recommendations of the Venice Commission, strengthen competition policy, including the capacity of the Competition Council, and further demonstrate the effectiveness of the Audio-visual Council.

As regards the **fight against corruption**, the Republic of Moldova needs to ensure effective action by the Anti-Corruption Prosecutor's Office and the National Anti-Corruption Centre, to focus on fighting corruption now, on fighting organised crime where they have made some progress. In this regard, the Republic of Moldova needs to adopt secondary legislation for the Law on the Prevention and Combating of Money Laundering and Terrorist Financing and adopt legislative amendments to implement the civil forfeiture mechanism.

With reference to **public administration reform**, the Republic of Moldova needs to complete the functional review of ministries and continue the reform of the merit-based civil service and salary system. Progress made for the reference period 2022-2023, was reflected in the EU Enlargement Policy Report, published in autumn 2023[34] .

If we refer to tangential security actions, the following actions and results have been achieved by area on the commitments made in the EU accession process.

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33   Ibid
34   Republic of Moldova 2023 Report, Commission Staff Working Document, 2023. Available: SWD_2023_698 Moldova report.pdf (europa.eu)

Commitment 1: *On justice reform*, the report presented shows partially good results, thus out of six planned actions, one action has been implemented without shortcomings, four actions have been implemented with some reservations, and one action has been initiated and is still in the process of implementation.

Planned actions	Fully realized	Realised with certain reservations	In progress
6	1	4	1

In the area of justice we note that most of the actions planned by the authorities have been implemented with some reservations **(4 out of 5)**. Thus, achievements include the adoption of Law No 120/2021 on the amendment of the Constitution and related legislation to improve the regulation of the judiciary. Also, in July 2022, legislation to implement the constitutional amendments was adopted, based on the recommendations of the Venice Commission set out in Opinion No 1082 of 20 June 2022. Of particular importance was the adoption of Law No 5/2023, which strengthened the work of the Judicial Inspectorate and adjusted the mechanism for disciplinary liability of judges. Another draft law on the selection and career of judges was voted in final reading by Parliament on 9 June 2023 and entered into force on 21 June 2023. Law 280/2022 on the amendment of the Law on the Prosecutor's Office and the adoption of Law No 26/2022, with a view to the extraordinary assessment of candidates for the SCM and the PSC (pre-vetting) were two very important laws in the context of European accession.

Commitment 3: *on reform to fight corruption,* out of 9 planned actions one action has been implemented, five actions are implemented with some reservations and three others are in the process of implementation, to be completed by the end of September 2023.

Planned actions	Fully realized	Realised with certain reservations	In progress
9	1	5	3

In the area of reform in the fight against justice, some relatively good results have been achieved **(3.77 out of 5),** in particular, at the legislative level, on 14 July 2022, amendments to Law No. 189/2022 on the implementation of the new mechanism for the prosecution, trial and sentencing in absentia of persons who evade participation in criminal proceedings were adopted. In addition, on 22 June 2023, the Law on the Protection of Whistle-blowers, which transposes EU Directive 2019/1937 on the protection of whistle-blowers, was adopted in final reading.

Commitment 4: *which refers to deoligarchisation reform* by eliminating the excessive influence of private interests on economic, political and public life has achieved average to good results. Thus, out of 10 planned actions, of which by the end of June 2023, two have been implemented without shortcomings, four actions have been implemented with some reservations, three actions are in the process of implementation, one action has been implemented with substantial reservations.

Planned actions	Fully realized	Realised with certain reservations	Realised with substantial reserves	In progress
10	2	4	1	3

On the deoligarchisation reform segment **(3.7 p out of 5)** some moderate results have been achieved in particular as a result of consultations between state institutions and the Venice Commission. At the level of the Central Electoral Commission (CEC), where the Directorate for Supervision and Control of the Financing of Political Parties and Electoral Campaigns was established. The Audio-visual Council has analysed 68 reports in the field of television, for the year 2022, and has created a specialised area called "Transparency of media ownership" on its official website. At the same time, the Competition Council has taken several steps to improve and update competition and state aid legislation.

Commitment 5: on the *reform of the fight against organised crime* shows good results, i.e. out of 14 planned actions, of which by the end of June 2023, seven have been implemented without shortcomings, five actions are implemented with some reservations and two others are in the process of implementation.

Planned actions	Fully realized	Realised with certain reservations	In progress
14	7	5	2

Good results were achieved in the chapter on combating organised crime as an important aspect of national security **(4.35 out of 5),** in particular, the approval of the Strategy for the Development of the Home Affairs Sector (2022-2030), as well as six sectoral programmes for the implementation of the Strategy for the years 2022-2025, in the areas of integrated border management, management of migration flows, asylum and integration of foreigners, prevention and management of emergency and exceptional situations, prevention of and fight against crime, public order and security, strengthening the safety of citizens and digitisation of the home affairs system. The new strategy is in line with best practice in the field of strategic planning. In addition, a National Contact Point for Arms and Ammunition has been established within the IGP.

The process of preparing for EU membership includes important reforms in these security-related areas, and this is already helping to increase the efficiency and transparency of state institutions.

Obviously, the accession process is a complex one, even though in April 2023 the European Parliament called for negotiations with Moldova on EU accession to start by the end of 2023, the country is not exempt from fulfilling the nine steps identified by the European Commission as necessary for the opening of negotiations. The authorities in Chisinau note that this recommendation results from the successful implementation of reforms and actions that have contributed to Moldova's resilience and consolidation. But Brussels also considers the country's accession to be a geostrategic investment in a united and strong Europe, stressing the importance of continuing the reform process in Moldova not only to achieve the political goal of EU accession, but first and foremost to tangibly improve the living standards of its citizens. Becoming a strategic priority for the current government, the opening of accession negotiations for Moldova was recommended by the European Commission and approved by the European Council in December 2023. The prospect of opening accession negotiations calls for a pragmatic and realistic approach in all areas, including security and defence.

Each EU candidate country's progress depends on its own merits in meeting the Copenhagen criteria adopted in 1993, but also on the EU's capacity to absorb new members. The last country to join the EU was Croatia in 2013, and accession negotiations lasted seven years. For Moldova, the start of negotiations would be an advanced stage in the accession process, as in the EU's historical enlargement process, acquiring candidate status for EU membership does not mean starting negotiations. An example of this is Albania, which although it achieved candidate status in 2014, it was only in March 2020 that the members of the European Council endorsed the decision of the General Affairs Council to open accession negotiations. Montenegro obtained candidate status in 2010, but accession negotiations were opened in June 2012.

In order to prepare the country for EU accession, the National Action Plan for the Accession of the Republic of Moldova to the European Union 2024-2027 (NAP) was developed. According to the information note of the draft Government Decision, the NAP is a new document, which unlike the National Action Plans for the Implementation of the Association Agreement, comprises 6 clusters oriented on the 33 chapters and 2 criteria, covering the entire EU acquis. The plan provides for a number of measures to align national legislation with the EU

acquis. The NAP expressly includes the area of security in Chapters 24 and 31, although in view of the broader approach to security and resilience issues, several chapters cover this segment. Thus, economic stability, energy security, infrastructure, food and epidemiological security are all important areas that strengthen the state's defence capacity and resilience. However, in the classical sense of the definition of security, the most important provisions aimed at strengthening and developing force structures are to be found in Chapter 31.

It is important to note that the European Union perceives and promotes security enhancement in an integrated way and the same principle is reflected in the NAP. The importance of fighting corruption, preventing money laundering, reforming the judicial system and other important aspects for the resilience and security of the state can be deduced from the plan.

However, in the context of Moldova's accession to the EU, capacity building in the security and defence segment remains an issue that requires more autonomy through an increased defence budget. In this respect, it is important that aspects of defence planning, such as the adjustment of the National Defence Strategy and the Military Strategy, have been included in the NAP. Similarly, the plan also includes the aspect of strengthening the National Army's capacity to manage crisis situations through the use of the European Instrument for Peace. This instrument will, in fact, substantially reduce the financial burden on the national budget. At the same time, the use of this financing instrument alone also presents a degree of risk in view of the EU's priorities as a result of the challenges in the current security environment, including the effects of the Middle East crisis. Thus, should EU priorities change, it is very likely that some of these funds will be redirected to other needs.

Moreover, in the context of the European Council's decision of 14 December 2023 to start accession negotiations, which is a historic one for the Republic of Moldova, the reform and modernization of the National Army and increasing the resilience of our country to new security challenges will depend very much on the funds that will come in the form of projects for the acquisition of weapons systems, capabilities and services. Of course, this will increase the professionalism of the Moldovan military and the transformation of the defence institution into a security provider, but the Moldovan force structures should develop capacities for planning and absorbing these funds, which is a problem that is more obvious for the Ministry of Defence. From 2022, in particular, the EU is contributing substantial funds to the development of the National Army, but a concrete result or a concrete capability already operationalised is difficult to identify. This is because the expectation is in immediate results,

but the problem is in the cost and time of equipping the National Army with the weapons systems needed to strengthen defence capability and in recruiting and training the personnel needed to operate the acquired systems. This situation is similar to the problem of Ukraine, which during the war, expecting direct military aid from NATO and EU countries, faced both operational and bureaucratic or even political issues. In this context, there is a need to find a strategy that would align national and EU efforts to develop certain military capabilities. Also, in the context of ensuring the continuity of the National Army's armament programmes, the Moldovan authorities, although the defence budget has been increased, should allocate more resources to the attractiveness of military service on contract, so that if the security priorities of EU countries change, the armament programmes are not jeopardised.

2.3 Assessment of the European integration effort and alignment with the acquis communautaire

Assessment of the progress in the alignment with the acquis communautaire, EU norms and recommendations. The assessment of the European Commission Report on the alignment of the Republic of Moldova with the acquis communautaire in the area of foreign, security and defence policy is a topical issue. In this report, the examination focuses on identifying areas of progress and problem areas, thus providing a comprehensive picture of the current state of play.

The European Commission's report on the alignment of the Republic of Moldova with the acquis communautaire[35] on foreign, security and defence policy reveals a complex reality, with significant elements that require careful examination. While the Report shows a set of clear progress in some areas, such as high-level dialogue and participation in military missions, gaps are also elucidated, such as the fluctuating rates of alignment with the EU's restrictive Common Foreign and Security Policy (CFSP) measures.

Progress Domain Analysis. The report presents three areas of positive developments in the cooperation between the Republic of Moldova and the European Union:

Political and Security Dialogue: The establishment of a high-level dialogue and the resumption of annual consultations is presented as a validation of Moldova's involvement in coordinating relations with the EU on this dimension. The report elucidates this as a maturing of the discourse and an openness to collaboration that can be capitalised upon in the future.

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35   Opinion on the Republic of Moldova's application for membership of the European Union, Analytical Report following the Communication from the Commission to the European Parliament, the European Council and the Council Commission, Available: https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-02/SWD_2023_32_%20Moldova.pdf

Participation in CSDP missions: Moldova's engagement in missions, such as those in the Central African Republic and Mali, is not only a sign of commitment, but also a practical demonstration of international commitments (the approach stated by several officials in the Ministry of Defence that Moldova is to transform itself from a "security consumer" to a "security provider"[36]). It provides an opportunity to develop expertise and improve adjustment to EU standards.

Legal instruments and non-proliferation: ratification of a number of relevant international instruments and engagement in non-proliferation activities indicates a long-term commitment to align with international norms.

Problem Area Analysis. In terms of the more problematic areas, these can be grouped as follows:

Fluctuations in CFSP alignment: an alignment rate ranging between 50% and 80% is not only an indicator of inconsistency but also a signal of possible political and strategic constraints, in particular in relation to Russia. This fluctuation could be interpreted as ambivalence or as a strategic calculation, but either of these two options raises alarm bells and lowers the level of confidence of partners.

Gaps in sanctions implementation: non-alignment with decisions on sanctions against Russia and Belarus shows a deficit in Moldova's geopolitical and security approach, and calls into question the credibility of its commitment to the EU's aspirational values and goals.

Institutional capacity: despite the progress made under the European Instrument for Peace, the report points to significant capacity challenges. This includes shortcomings in infrastructure, human capital and, most importantly, performance in terms of reforms and state modernisation.

Final Considerations. In the context of a fluctuating rate of alignment and non-alignment with EU sanctions, the Republic of Moldova appears to face a complex set of challenges to its full alignment with the EU acquis. In this landscape, distancing itself from collective EU decisions could in the long run compromise the effectiveness of the EU integration process.

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36   Ministry of Defence of the Republic of Moldova,
        https://www.army.md/?lng=3&action=show&cat=124&obj=1570

In order to improve alignment with the EU acquis, it is necessary:

Continuous monitoring of the rate of alignment with the CFSP: It is crucial that Moldova establishes a robust mechanism for monitoring the rate of alignment with the European Union's Common Foreign and Security Policy (CFSP). This mechanism should include a system of indicators, regular reports and an impact assessment protocol. This constant monitoring will help to identify shortcomings in a timely manner and allow them to be addressed through a well-defined strategy.

Intensify bilateral dialogue with EU Member States: given the importance of close coordination with EU Member States, the Republic of Moldova should initiate more bilateral dialogue platforms focusing on security and defence. This will not only enhance cohesion with the EU, but also provide a platform to address strategic constraints, including those concerning the relationship with Russia.

Reviewing and strengthening the position on the implementation of sanctions against Russia: An important step in strengthening the geopolitical and security posture is to review the position on the implementation of sanctions. This is necessary to ensure compliance with international standards and obligations, as well as to demonstrate a general lack of opportunism in relations with the EU.

Strengthening institutional capacities: Given that the Report has identified gaps in institutional capacities, policy-makers' efforts need to focus on strengthening security sector infrastructure, including through specialised training and technological upgrading.

While the Republic of Moldova has demonstrated increasing engagement under the European Instrument for Peace in addressing hybrid and cyber threats, it is essential to examine how prepared the Republic of Moldova is to deal with these emerging threats. A holistic view on security should also include the capacity to counter disinformation and information manipulation, especially given Russia's involvement in the region.

Assessing the capacity of security sector institutions to address systemic vulnerabilities in the European integration process. The analysis presented in this chapter has been carried out by examining relevant legislation, assessing institutional reforms initiated in the security sector and analysing official reports on Moldova's European integration process. Interactions with international and regional actors and their involvement in national security and institutional capacity building were also considered. The methodological approach

includes identifying strengths and weaknesses, analysing challenges and formulating recommendations for mitigating vulnerabilities and accelerating the European integration process.

Capacity of the institutions

Strong points:

The EU civilian mission, established in 2023, represents a clear commitment by the EU to strengthen the resilience of Moldova's security sector, underlining a growing institutional capacity to work with international actors.[37]

Continued security cooperation with the EU reflects a positive development of institutional capabilities in the defence and cyber security sector.[38]

Weak Points:

The reform process faces domestic budgetary and political constraints, indicating limited institutional capacity to respond promptly to security challenges.

Although reforms have been initiated in the security sector, their effectiveness and degree of implementation remain sub-optimal, pointing to a lack of institutional capacity that may hamper the European integration process.

The dependence on external support, highlights a reduced capacity for autonomy in the security sector.

Transnistrian conflict

Strong points: The European integration process can serve as a catalyst for the reintegration of Transnistria, although the two processes are moving at different "speeds".[39]

37   Republic of Moldova: EU establishes civilian mission to strengthen resilience of security sector. Available: https://www.consilium.europa.eu/ro/press/press-releases/2023/04/24/moldova-eu-sets-up-a-civilian-mission-to-strengthen-the-resilience-of-the-security-sector/#:~:text=Press%20Press%20Communication%20from%20the%20Council,Languages%20from%20outside%20the%20EU%3A%20Russian
38   Republic of Moldova - European Union security consultations. Available: https://mfa.gov.md/ro/content/consultarile-republica-moldova-uniunea-europeana-domeniul-securitatii#:~:text=Secretary%20of%20state%20Vladimir%20Cuc,management%20of%20crisis%20-situations%2C%20etc
39   EU integration process key to solving Transnistria conflict, Moldovan official, Available: https://www.euractiv.com/section/politics/news/eu-integration-process-key-to-solving-transnistria-conflict-moldovan-official/#:~:text=Moldova's%20European%20integration%20process%20can,according-ng%20to%20the%20Speaker%20of

<u>Weak Points:</u> The situation on the left bank of the Dniester River presents constant challenges to national security and defence and remains one of the key obstacles to European integration.[40]

It is important to recall that Transnistrian separatism has been supported and fuelled by the Russian Federation in order to keep Moldova in its sphere of influence, i.e. to make it impossible to join the EU and/or NATO. And based on the statements made by officials in Brussels, we deduce that the Transnistrian dispute is becoming an instrument in Russia's foreign policy arsenal, which no longer has the weight it once had. Thus, the authorities in Chisinau mentioned that the resolution of the Transnistrian conflict is not a condition imposed by Brussels for Moldova's accession to the EU, but we cannot overlook the lack of concrete answers regarding the accession option in the context of an unresolved conflict whose negotiation process is not functional. The main limits in the settlement of the Transnistrian conflict are complex, and any formulation of proposals or solutions may present a challenge in itself for the European integration process. But this does not limit Moldova's progress in harmonising its legislation with international and European standards in the field of national security and defence.

Thus, the implementation of actions on the fulfilment of EU accession commitments can serve as a catalyst for the reintegration of the Transnistrian region, although the two processes may proceed at different *speeds*. Or, it is argued that the EU accession process could facilitate constructive dialogue and international cooperation to find a lasting solution to the Transnistrian conflict, while promoting the security and stability necessary for Moldova's accession. On the other hand, the situation on the left bank of the Dniester River presents constant challenges to national security and defence and remains one of the key obstacles to European integration. Although previously the case of Cyprus, which joined the EU with an unresolved territorial conflict, was not considered a model that could be applied to Moldova, today experts and European authorities such as Josep Borrell, High Representative of the Union for Foreign Affairs and Security Policy, say that Moldova could join the EU according to this example.

However, the Transnistrian problem is not considered to be a stumbling block in the accession process, but we cannot neglect that its settlement depends on both external factors, such as developments in the security environment and the war situation in Ukraine, and internal factors, as EU membership is granted to the state but not to the territory, i.e. progress in reforms counts.

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40   Transnistrian conflict: Moldova's European integration faces a rocky road, says EU Ambassador. Available: https://moldovalive.md/transnistrian-conflict-moldovas-european-integration-faces-a-rocky-road-says-eu-ambassador/#

To address the challenges identified, the following **recommendations** are proposed:

Speeding up implementation of reforms: It is essential to speed up the implementation of security sector reforms to ensure compliance with European standards and requirements. This may include reviewing and updating the legislative framework, improving institutional practices and procedures in line with EU requirements.

Internal capacity building: investment in internal capacity building is crucial. This can include training, continuing education for security staff, the acquisition of modern technology and the creation of a robust framework for managing and responding to security incidents.

Strengthening regional and international cooperation: Continuing and expanding cooperation with regional and international partners can help strengthen national security and share best practices. Multilateral collaboration can provide a platform for improving capabilities and responding to security challenges.

Settlement of the Transnistrian conflict: this issue is complex, so formulating a general recommendation remains a challenge. However, it is recommended to harmonise Moldova's legislation with international and European standards on national security and defence. This can facilitate a constructive dialogue and international cooperation to find a lasting solution to the Transnistrian conflict, while promoting the security and stability necessary for Moldova's European integration.

CHAPTER 3. STRATEGIC VISION AND INSTITUTIONAL REGULATORY FRAMEWORK

3.1 National Security Strategy 2023

The National Security Strategy of the Republic of Moldova was adopted by the Parliament on 15 December 2023[41] . The *National Security Strategy* is a medium-term strategic planning document that outlines a country's approach to ensuring national security and protecting its interests. It is a guiding framework for a nation's overall security policy, providing a coherent and strategic framework for policy makers and government agencies in the defence and security system.

The strategy affirms the *national commitment to a European, democratic and prosperous country* and sets out a comprehensive vision of national security, inspired by the modern concept of human security, with the citizen at its centre[42] . The document defines national security objectives, sets out the principles guiding the promotion of these objectives, describes the global and regional security environment, identifies threats, risks and vulnerabilities, which endanger national security, and sets out the necessary courses of action to counter them.

Although such documents are regularly updated to take account of geopolitical developments and the emergence of new threats, ensuring that the country's security posture remains relevant and effective over time, Moldova's previous national security strategy dated back to 2011. In 2016, another draft was prepared, but was rejected by the country's then president. This new strategy, adopted in December 2023, was therefore a necessity, given that since 2014, with Russia's invasion of Crimea, Moldova's security context was one defined by instability and unpredictability.

Discussions on the need to develop a new National Security Strategy have intensified since 2021, both at civil society and institutional level, in particular in the Supreme Security Council. However, difficulties in reaching consensus on prioritising national security risks and threats have made it difficult to clearly define security needs and the strategic vision for Moldova's future.

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41   See: Parliament's decision was adopted by a vote of 59 MEPs. Available :https://multimedia.parlament.md/parlamentul-a-adoptat-strategia-securitatii-nationale-a-republicii-moldova/

42   National Security Strategy of the Republic of Moldova, Decision No. 391 of 15-12-2023 approved by the Parliament of the Republic of Moldova. Available online: https://www.legis.md/cautare/getResults?doc_id=141253&lang=ro

Only after almost two years of war, in its immediate neighbourhood and after accepting its status as a candidate state for EU membership, Moldova adopted a Strategy that focuses on increasing its capacity to prevent security risks as well as ensuring the EU integration process. The document states in no uncertain terms that the main threats to national security are Russia's aggressive policy in the region and corruption, boldly and unambiguously indicating the future that the country wants: a strengthened and prosperous democracy that creates favourable conditions for the fulfilment of its citizens' needs, that contributes to the sustainability of the European project and that protects the environment and contributes to the preservation of nature for future generations.

The NSS is adopted for a period of six years and will form the basis for drafting, completing and amending laws and other legislation in the field of national security and defence.

In terms of content, the NSS integrates from a pragmatic perspective the dimensions of national security, priority areas of intervention and measures needed to ensure national security and counter risks and vulnerabilities arising from the current security environment.

To understand the value of the recently adopted document, several significant differences from previous policy documents on national security should be noted.

First and foremost, this strategy focuses on human security and addresses "national security in a **holistic and multidimensional** way, in terms of both the diverse nature of the security challenges faced by the Republic of Moldova and the variety of multi-pronged coordinated actions needed to combat or prevent them". Previous documents had a more traditional and unilateral approach, focusing more on state security. For example, the *Concept of National Security of* the Republic of Moldova (Concept), adopted in 2008, stated that *national security is a fundamental condition for the existence of the people of the Republic of Moldova, of the Moldovan state and is an objective of the country.*[43] The national security objectives referred only tangentially and in a general way to the security needs of citizens, emphasising instead the assurance of sovereignty, territorial integrity and internal stability. The security risks and threats mentioned in this document, like those contained in the 2011 strategy, are outdated due to the new security context, where hybrid risks, corruption, cyber threats or climate change have become highly relevant for national, regional and global security.

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[43]   The concept of national security. Law No 112 of 22.05.2008 approved by the Parliament of the Republic of Moldova. In: Official Monitor of the Republic of Moldova, no. 97-98 of 03.06.2008.

Secondly, the Strategy proposes an **inclusive** approach to security, emphasising both the need for synchronisation and synergy between security sector institutions and the need for a sustainable public-private partnership that ensures citizen participation and information and contributes to strengthening social cohesion and a culture of security. In this context, it is worth highlighting that the process of developing the NSS has been inclusive, participatory and transparent, in full accordance with the democratic principle that security policy must take into account the diverse needs and perspectives of the population. The development of the NSS went through the following stages:

On 29 November 2022, Moldovan President Maia Sandu signed the decree on the establishment of the Commission for the elaboration of the National Security Strategy. This Commission has drawn up its own rules of procedure and established the modus operandi of the interdepartmental working group with the involvement of experts from NGOs providing assistance. As a result, a comprehensive analysis of the country's security situation and identification of solutions and means of ensuring security was carried out. In this regard, beyond the fact that the conflict in Ukraine was a rather strong signal to the political class in Moldova in the need to reassess the new dangers and threats against the background of the energy crisis, one problem identified is the existence of a political-legal gap in the planning of the security and defence sector, where it would be clearly established who, what develops and how to implement. Moreover, there was **a consensus on the need to formulate a clear strategic vision to underpin national security needs by harnessing commitments in the European integration process.**

Thus, political commitments, national consensus on the basic objectives and coordination between the actors involved, broad consultations with the involvement of society - all these are prerequisites for a successful national security policy. And **a National Security Strategy can only be successful if there is a strong and continuous commitment at national level, a process in which national and local authorities, the legislator and civil society are actively involved.**

On 12 April 2023, the first discussion forum was held on the *Strategic Vision on National Security in the context of the elaboration of the National Security Strategy* with the participation of the country's leadership, security and defence experts, external partners, ministers, state secretaries and civil society representatives. The forum discussed issues related to the security profile in the context of the major challenges of the internal and

external security environment, as well as the needs for strengthening the national security system. The security priorities of the Republic of Moldova were also addressed in line with the needs of citizens to raise awareness of the importance of the phenomenon of resilience in ensuring national security from several perspectives, such as the issue of energy security and societal cohesion. The Forum contributed to the process of drafting the National Security Strategy.

On 11 October 2023, the President of the Republic of Moldova presented the draft National Security Strategy at the meeting of the Supreme Security Council. The head of state noted that the mission presented in the National Security Strategy is based on 3 essential objectives: protecting and guaranteeing the safety of all citizens; creating a strong and respected state; joining the European Union, where peace is guaranteed. In order to achieve these objectives, the following directions of action have been established:

(-) increasing investment and strengthening the defence and security sector,

(-) gradual progress towards the settlement of the Transnistrian conflict;

(-) developing security partnerships with the most developed and prosperous democratic countries of the world;

(-) intensify the fight against corruption and strengthen law enforcement institutions;

(-) ensuring that the Republic of Moldova will contribute to regional and international security.

On 16 October 2023, the draft of the new National Security Strategy was presented to the public at an event attended by experts, representatives of civil society and the media. At the event, the draft was generally welcomed. At the same time, several aspects of the Strategy were discussed and suggestions for improvement were put forward.

Subsequently, a series of consultations were held with experts and representatives of international organisations and research centres, reflecting the importance of the expertise provided by civil society and academia, as well as the general public's views on national security priorities, thus promoting societal cohesion.

Another important aspect that allows at this stage to analyse the new Strategy concerns its structure. During the public consultations it was pointed out that according to the national legislative framework, the NSS is a public policy document and has the following

structure: (1) introduction; (2) situation analysis; (3) objectives (description of expected results in the field of activity); (4) priority directions (description of planned activities in the field of activity to achieve each objective); (5) impact; (6) monitoring and evaluation indicators; (7) implementation risks; (8) responsible authorities/institutions; (9) reporting procedures[44] .

However, the structure of an NSS, from the perspective of classical strategic thinking, is determined by the fact that the Strategy is rational-linear in nature and that it must contain three matching variables with a complex of simultaneous answers to three types of questions:

(1 what are the goals to be achieved;

(2) what means are available (extensive or potential) that can be mobilised to achieve these goals;

(3) which means can be used to achieve the objectives[45] .

Within this framework, the consensus would be that alongside the national legal framework that sets the structure of strategic documents, the structure of an NSS is determined by a certain strategic logic and involves the application of the following five fundamental elements[46] :

(1) analysis of the strategic *situation* (its challenges and context);

(2) definition of desired goals (expected results), first defining the overall policy objective and then the specific objectives needed to achieve it;

(3) identification and/or development of the *means* (resources and capabilities) needed to implement the NSS;

(4) Designing *ways* to use the means to achieve desired goals;

(5) assessment of *costs/risks* associated with the strategy.

Items four and five are less in the adopted document.

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44   Planning, elaboration, approval, implementation, monitoring and evaluation of public policy documents, Decision No. HG386/2020 of 17.06.2020 approved by the Government of the Republic of Moldova. Published: 26.06.2020 in the Official Gazette No. 153-158 art. 509.

45   See: Boone J. Bartholomees. Guide to National Security Policy and Strategy. U.S. Army War College. Available: https://press.armywarcollege.edu/monographs/78/

46   A National Security Strategy Primer. U. S. Army War College, 2020, p. 1-2. Available: https://nwc.ndu.edu/Portals/71/Documents/Publications/NWC%20Primer%202020%20Final.pdf?ver=NKiGA4Ocm119DU5GveImYw%3D%3D

The NSS starts with the President's vision of the security domain, setting aspirations, identifying challenges and providing the vision for achieving aspirations. The basic text of the NSS contains: introduction, chapters on security objectives and principles; security environment; security threats, risks and vulnerabilities; methods and directions for action by security domain and final provisions.

Most national and international experts are positive about the content of the new National Security Strategy, which they consider to be well adapted to the current geopolitical context, characterised by instability and unpredictability. The fact that Moldova has an updated and relevant strategic planning document will bring clarity to the country's security policy and predictability to domestic and foreign policy decisions.

For the first time, an official strategic document recognizes that the main threat to Moldova's national security is the Russian Federation, reflecting the fact that "the Russian Federation will not soon give up its hostile actions against Moldova: therefore, we must learn to live under the conditions of a long-lasting and high-intensity hybrid war". The NSS thus marks a paradigm shift in (-) accepting that Moldova faces threats it cannot cope with and (-) adapting to the new realities of the security environment by developing national resilience.

The objectives of the Strategy are clearly defined and establish the need to increase the state's capacity to prevent and counter the materialization of national security risks, the main threat being the Russian Federation, and to ensure the EU accession process, as well as cooperation with partner states for international security and stability. It is also important that the adoption of the new Strategy raises awareness of the need to strengthen, develop and modernise the national defence system in order to guarantee the sovereignty and integrity of the country, and increasing national resilience to hybrid threats is a valuable factor in strengthening the security culture. Beyond the fact that accession to the EU is one of the main security objectives of the Strategy in line with the national interest, however, there needs to be a common approach at both strategic and operational levels that negotiation will be a long process for the Republic of Moldova, and the security sector is not reformed by attractive declarations alone.

Although the new Strategy is not a vague document, there are nevertheless certain limitations arising from the fact that it does not set out an allocation of funds to achieve its objectives and actions, with the exception of a gradual increase in budgetary allocations for national defence, with the aim of reaching 1% of GDP during the current decade[47] . The strategy does not explain which agencies or bodies will be responsible for its implementation, but specifies

47   National Security Strategy of the Republic of Moldova, point 28. 1)

the institution responsible for coordinating and monitoring its implementation, which is the Supreme Security Council.

In this context, it is important that the institutions responsible for the implementation of the Strategy are aware of the significance of the *holistic* approach to security, which, from the perspective of security sector governance, contributes to the creation of conditions conducive to sustainable socio-economic development.

The strategy reflects the fact that current policy actions and responses are based on a situational understanding of the complexity of the current security environment and aims to increase national resilience to hybrid threats and strengthen the security culture.

Although the Strategy states that "only through a joint effort involving all segments of society can the continuity of the country's strategic course and thus sustainable and comprehensive national security be ensured", it is not made clear what the mechanism or instrument is that will ensure *sustainable public-private partnership in ensuring national security*. From the practice of other countries in supporting/promote a comprehensive security model supported by countries, such as Finland, national security is built in close, trust-based cooperation between authorities, members of the business community, non-governmental organisations and citizens, developing an inherently inclusive model.

Last but not least, although one of the lessons learned from the perspective of national security policy documents concerns the lack of clarity in the formulation of **national interest** or **security interests,** which are often formal or neglected as a value, and the new Strategy has avoided listing them directly, limiting itself to **security objectives,** which are often also perceived as security interests*.* However, a statement of values and principles that should guide the implementation of security policy, including international obligations such as respect for human rights and ensuring inclusive security, is usually confirmed in an NSS. Thus, in the *National Defence Strategy* of the Republic of Moldova for 2018-2022, we find that the national interests concern: (1) ensuring the sovereign, independent, unitary and indivisible character of the state; (2) guaranteeing the stable and sustainable development of the state; (3) European integration; (4) territorial reintegration; (5) prosperity of citizens; (6) participation in ensuring international security[48] . However, in order for the values and interests defined to reflect the state's determination to establish an environment in which citizens can live in security and prosperity, the decision-maker must take responsibility for ensuring that these aspirations are heard, and in order to acquire practical value, they must

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[48]   National Defence Strategy of the Republic of Moldova. Parliament Decision No. HP134/2018 of 19.07.2018. In: Official Monitor of the Republic of Moldova, art. 441, no. 285-294 of 03.08.2018.

be operationalised. The practical value of the national interest can be related to the need to develop *a strategic culture*[49] and to shape/remodel political behaviour in line with security interests. Moreover, we cannot neglect that the NSS is a public document and thus, indirectly, it is one of strategic communication both in its relationship with the citizens, by winning the public in achieving the national interest or security objectives, and from the perspective of cooperation with partners in strengthening capabilities for ensuring national security and defence. Hence the relevance of assessing and understanding public perception on security and defence issues of the country.

3.2 Regulatory and institutional framework of the national security system

Given the meaning of national security that we are working with in this Report, and the number and diversity of the components of the security sector that we agreed in the introduction, the related framework (regulatory and institutional) is both imposing and varied. The directory of basic legislation related to the security sector is contained in the Annex to this Report and the analysis of the most relevant legislation is contained in the chapters dedicated to the components of the security sector. Thus, in this chapter we only aim to illustrate some shortcomings and suggest solutions to improve the situation, starting from generalities, on the basis of an example - the security sector framework.

In the Republic of Moldova, the regulatory framework for the security sector is constitutionally based. In particular, Articles 1-3 and 11 of the Constitution of the Republic of Moldova[50] are relevant. According to them, the Republic of Moldova is declared to be a sovereign and independent, unitary and indivisible, constitutional and democratic state. Human dignity, human rights and freedoms, free development of human personality, justice and political pluralism are guaranteed as supreme values. National sovereignty belongs to the people, who exercise it directly and through their representative bodies, in the forms laid down by the Constitution. No private person, no part of the people, no social group, no political party or other public body may exercise state power in its own name. The usurpation of state power is the most serious crime against the people. The territory of the country is inalienable. Borders are established by organic law, in accordance with the unanimously recognised principles and rules of international law. The Republic of Moldova has proclaimed

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49   Note: Here, *strategic culture* in the sense of strategic decisions on providing the framework for the development and security of the state - establishing the development vector of the country, clear identification of partners and space for collaboration on the security dimension.

50   Constitution of the Republic of Moldova, no. 1 of 29.07.1994. In: Official Monitor of the Republic of Moldova, No. 78/140 of 29.03.2016.

its permanent neutrality and the deployment of military troops of other states on its territory is inadmissible.

These principles are guaranteed by the constitutional establishment of fundamental individual rights, freedoms and duties, by establishing the organisation and functioning of public authorities, and by regulating key aspects of the national economy and public finances.

Constitutional norms are developed through a multitude of infra-constitutional normative acts. Among these, two laws serve as framework laws in the field of state security, part of national security.

Firstly, we refer to the State Security Act, No 618/1995[51] . Starting from the preamble, this law was determined by the need to establish the basis of state security, the competence of the supreme public authorities in this field, the system of state security bodies, the rights and obligations of citizens, as well as of economic units in ensuring state security.

This law defines and specifies the threats to state security, sets out the main directions of state security activity and the principles guaranteed for this purpose. It provides general rules on the contribution of public associations and citizens to ensuring state security, the defence of information in the field of ensuring state security, as well as rules on liability for violations of state security legislation.

Law No 618/1995 specifies the entities that constitute supreme public authorities in the field of ensuring state security, as well as those that are part of the system of state security bodies.

They constitute supreme public authorities in the field of ensuring state security:	They are part of the system of state security bodies:
Parliament; President of the Republic of Moldova; Government; Supreme Security Council	Intelligence and Security Service; State Protection and Security Service; Border Police; Customs Service

The system also includes educational institutions and other non-militarised institutions and organisations of state security bodies. It should be noted that the list of state security bodies is clearly outdated, as the approach to security has broadened considerably in recent years.

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51   State Security Act, No 618 of 31.10.1995. In: Official Gazette of the Republic of Moldova, No. 10-11/117 of 13.02.1997.

Secondly, we refer to the Law No 619/1995 on State Security Bodies[52] , which, developing the Law No 618/1995, specifies the status of State Security Bodies, specifying:

- the powers and principles of activity of state security bodies;

- obligations and rights of state security bodies and their employees;

- the system of state security bodies and the organisation of their work;

- legal and social protection of employees.

- The specialised body in this field is the Intelligence and Security Service.

Obviously, the status of the entities that constitute supreme public authorities in the field of ensuring state security, but also form part of the system of state security bodies, is developed, starting from the Constitution, by special normative acts.

3.3 Problems identified:

With reference to the regulatory and institutional framework for the security sector, the following shortcomings need to be addressed.

The concept of national security is not normatively developed.

The regulatory framework in this area does not clarify the concept of national security. For the purposes of Law 618/1995, state security means the protection of the sovereignty, independence and territorial integrity of the country, its constitutional regime, its economic, technical-scientific and defensive potential, the legitimate rights and freedoms of the individual against the intelligence and subversive activity of special services and foreign organisations, against criminal attacks by particular groups or individuals. State security is ensured by the establishment and implementation by the state of a system of economic, political, military, organisational and other measures aimed at the timely detection, prevention and counteraction of threats to state security. State security is an integral part of national security.

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52   Law on State Security Bodies, No 619 of 31.10.1995. In: Official Monitor of the Republic of Moldova, No. 10-11/115 of 13.02.1997.

Thus, from the understanding of the normative text, state security is a narrower concept than that of national security, the latter concept remaining undefined normatively.

From the National Security Concept of the Republic of Moldova, approved by the Law no. 112/2008[53], we could deduce that national security, in addition to state security, has as components the security of society and the security of citizens. At the same time, the Concept, as well as the National Security Strategy of the Republic of Moldova, approved by Parliament Decision No 153/2011[54], operates with the notion of security dimensions (economic, social, energy, environmental, demographic, pharmaceutical, informational, societal, food, military). However, public policy documents do not provide sufficient clarity and do not fill the normative vacuum.

It is questionable whether national security can be adequately ensured as long as there is no clear vision of the concept.

Law No 618/1995 and Law No 619/1995 are obsolete.

Law No 618/1995 and Law No 619/1995 have been in force for more than 25 years. They have obviously ceased to serve as reliable benchmarks in regulating the related legal relationships. However, there have been essential changes at the time, including a change in the architecture of the bodies responsible for this area. Under these circumstances, it is imperative to re-examine Law No 618/1995 and Law No 619/1995. Moreover, this is also a prerequisite for a genuine law-making process. According to Article 76 of the Law No 100/20017 on normative acts[55] , the review of normative acts consists in the analysis of their content by assessing their compatibility with the Constitution of the Republic of Moldova, with other normative acts in force at the time of the review, as well as with the regulations of the European Union legislation, in accordance with the international commitments of the Republic of Moldova. The review of normative acts must be carried out by the authorities responsible for the implementation of the provisions of the respective normative acts. Following the review, proposals could be made to amend the acts in order to update them, including the identification of obsolete provisions that should be repealed.

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53   National Security Concept of the Republic of Moldova, Law no. 112 of 22.05.2008 approved by the Parliament of the Republic of Moldova. In: Official Monitor of the Republic of Moldova, No. 97-98/357 of 03.06.2008.

54   National Security Strategy of the Republic of Moldova, Parliament Decision No 153 of 15.07.2011. In: Official Monitor of the Republic of Moldova, No 170-175/499 of 14.10.2011.

55   Law on normative acts, No. 100 of 22.12.2017. In: Official Monitor of the Republic of Moldova, No. 7-17/34 of 12.01.2018.

The review should be carried out in accordance with the standards of legislative creation, standards which, regrettably, have not always been respected in the development of the regulatory framework for the security sector.

When developing the regulatory framework in this area, the standards of the law-making process are not always respected.

By way of example, the most recent regulatory intervention in the field - the adoption of laws related to the work of the SIS - could serve as an example.

First of all, it would be preferable to promote such large-scale projects through the government. The legislative initiatives were put forward by a group of MEPs. Under Article 23 para. (2) of Law no. 100/2017, draft legislative acts may be initiated by the authorized subjects, within the limits of competence and in accordance with their powers and field of activity. According to Article 4 letter k) of Law No. 136/2017 on the Government[56] , national security is one of the fields of activity of the Government. According to Art. 45 para. (1) letter r) of the above-mentioned law, the Government may submit to the Parliament, as a legislative initiative, draft normative acts in the field of competence of the SIS, upon its proposal.

Secondly, the projects were not sufficiently well founded. Despite the requirements of Art. 25 para. (2) of Law 100/2017, the projects were not preceded by a research study (ex ante analysis / regulatory impact analysis). This condition was to be met, especially in view of the impact of the projects on the public budget, but also on entrepreneurial activity.

The content and quality of the drafts have been criticised, including by the Council of Europe's European Commission for Democracy through Law (Venice Commission).[57] However, it should be noted that several of their shortcomings have been overcome thanks to the public consultations organised and conducted by the permanent parliamentary committee responsible - the Committee on National Security, Defence and Public Order.

The institutional framework in this area needs to be reconsidered.

In reviewing the regulatory framework in this area, more attention should be paid to rules related to the reconsideration of the institutional framework.

Law No 619/1995 lists some tasks in ensuring state security which are also within the mandate of entities that have not been included in the system of state security bodies, such as: the Ministry of Defence, the Ministry of Internal Affairs, the National Anti-Corruption Centre.

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56   Law on the Government, No. 136 of 07.07.2017. In: Official Monitor of the Republic of Moldova, No. 252/412 of 19.07.2017.

57   Opinion on the draft law on the Intelligence and Security Service, as well as on the draft on counterintelligence and external intelligence activity, adopted by the Venice Commission at its 134th Plenary Session (Venice, 10-11 March 2023), CDL-AD(2023)008-e, https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)008-e.

The law contains provisions relating to institutions, which have long since been replaced by others. We refer to the Border Guard Department, which was reorganised into the Border Police (now the General Inspectorate of Border Police).

There are provisions on military counter-intelligence bodies, which have remained unused.

According to the law, the state security bodies have powers to combat/counteract crimes, although no entity in the state security body system has prosecution powers.

There are also problems caused by inadequate implementation of laws, failure to honour commitments made in public policy documents, failure to take account of cyclical changes. For example, the unclear status of the Carabinieri is a problem. Another example would be the SIS and the SPPS, which are excluded from the government's remit, even though national security is the government's area of activity. In the same vein, the example of the CSS could also be invoked, which seems more appropriate alongside the Prime Minister.

The reconsideration of the regulatory and institutional framework in the field must take into account the specificity of the security sector in the Republic of Moldova, determined by the status of neutrality, modest allocated resources and non-immune capabilities.

3.4 Recommendations

As a general conclusion, it should be noted that the framework (regulatory and institutional) is not suited to the current (internal and external) situation. Both the regulatory and institutional frameworks have long since become more nuanced and no longer meet needs.

In order to improve the situation, it is recommended:

- normative development of the concept of national security;

- Re-examination of Law No 618/1995 and Law No 619/1995;

- compliance with the standards of the law-making process in the development of the regulatory framework;

- based on the shortcomings identified, reconsidering the institutional framework in this area.

CHAPTER 4. PUBLIC PERCEPTION OF SECURITY

4.1 Public perceptions of the role of the European Union and development partners

Assessing citizens' perceptions of European integration has been and is the focus of national opinion polls. However, for this report, their perceptions will be assessed from a national security perspective, especially as support among Moldovan citizens for EU membership has increased during the current year. This positive dynamic is due both to the increased quality of the government's public discourse, but also to the EU's role in overcoming the challenges related to the energy crisis and its support for pushing forward key reforms at national level. In addition, the organisation of the two major events - the National Assembly "Moldova Europeană" and the European Political Community Summit - have increased public awareness and interest in Moldova's relations with the EU. However, an in-depth analysis of the polling results may reveal some exaggerated expectations in perceptions of the estimated duration of the whole EU accession process, stemming from a lack of confidence in the government's ability to negotiate, but also to cope with security risks and threats.

In this context, the results of the survey "Citizens' perception of the European integration process of the Republic of Moldova"[58] of 11 July 2023 are relevant. In the question *What will Moldova get after joining the EU?*[59] , approximately 16.5% of respondents selected the option *Peace, safety, security*, ranking second in importance. This option is closely surpassed by an almost similar percentage of respondents (16.6%), who indicated a preference for *less corruption*. A more detailed examination of the disaggregated data associated with the category "Peace, safety, security" reveals some important trends.

> ### *Demographic Analysis*

A first notable observation is the limited but significant variation between the responses given by men and women. 17.1% of women and 15.8% of men express confidence that

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58   Citizens' perception of Moldova's European integration process, Survey, IPRE, 2023. Available: https://ipre.md/wp-content/uploads/2023/07/Sondaj-de-opinie-publica-IPRE-CBS-AXA_11.07.2023_fin.pdf
59   Ibid, pp. 22-23.

EU membership will lead to a climate of peace and security. This closeness of outlook suggests a general convergence of public opinion, with women slightly more optimistic. Data disaggregated by age group reveal a higher sense of optimism among the 30-44 age group (19%) and older age groups (21.4%). This trend implies that a favourable perception of the European Union may be correlated with greater maturity and geopolitical understanding. In contrast, the younger (18-29 years) and middle-aged (45-59 years) groups show a lower level of optimism, with percentages of 13.5% and 11.2% respectively.

An analysis of the influence of education level and type of economic employment on perceptions shows no significant variations. However, people with a technical vocational education show a slightly higher degree of confidence (18.5%), closely followed by those with higher education (17.1%).

Socio-Cultural Analysis

There is a significant gap between the responses of Romanian speakers (20.7%) and Russian and other languages (5.4%). This discrepancy merits detailed investigation, as it may suggest deeper divisions in terms of cultural identity and access to information. As expected, respondents with a pro-Western geopolitical orientation are significantly more optimistic (23.6%) about the security benefits of EU membership compared to those who are pro-European (6.4%) or undecided (8.9%). This observation underlines the need for a segmented approach in information and communication strategies. Another finding relates to the higher level of optimism among the rural population (20.8%) compared to the urban population (11.7%). This suggests that security issues may vary depending on the environment and should therefore be specifically addressed in communication and information strategies.

A next question in this survey is: **To the *best of your knowledge, to what extent has the EU helped the Republic of Moldova in the following areas*** (closed question, with the option to select answers)?[60]

In general, EU assistance is perceived as beneficial in various areas of development in the Republic of Moldova. With regard to security and defence, the data show a notable appreciation from respondents. Specifically, 21.3% of respondents consider that the European Union has helped "a lot", while 45.3% responded with "a lot". These figures underline a positive perception of the European Union's role in strengthening Moldova's security and

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60   Ibid, pp. 47-48.

defence capabilities. Examination of the data among the respondents who rated this option shows the following trends.

Demographic Analysis

Men (65.1%) are more likely to have a positive view compared to women (59.0%). These results underline the importance of a gender-sensitive approach in communication and programme implementation strategies. Significant variations are observed between the different age groups. Young people (18-29 years, with 57.8%) and older people (60+ years, with 65.2%) have the lowest and highest approval rates respectively. Respondents with higher levels of education show a more favourable perception (65.0%) compared to those with secondary or technical vocational education (between 59.1% and 63.0%). The economically active population is slightly more pessimistic about EU support (58.8%) compared to the economically inactive population (64.5%).

Socio-Cultural Analysis

There is a clear split between respondents who communicate in Romanian (67.4%) and those who use Russian or other languages (39.0%). There is a positive trend among respondents with Western geopolitical preferences (71.6%), which contrasts sharply with the orientation of respondents with Eastern geopolitical preferences (33.5%), as well as with the undecided segment of the population (34.5%). The difference between urban (60.0%) and rural (63.9%) is insignificant, suggesting a relatively homogeneous geographical perception.

A practically similar question, but measuring the perception of the support provided by the Russian Federation is: *To your knowledge, to what extent has the Russian Federation helped the Republic of Moldova in the following areas?* (closed question, with the option to select answers)

In the area of strengthening the security and defence capabilities of the Republic of Moldova, the data presented indicate a moderate level of perception of the aid coming from the Russian Federation. More specifically, 6.6% of respondents consider Russian assistance to have been significant, while 33.8% see it as minimal or non-existent. These figures suggest a certain reserve or scepticism among the population about Russia's role in strengthening Moldova's security. This could reflect a variety of factors, such as the history of bilateral relations, geopolitical realities, security dependency concerns, military aggression in Ukraine. Further disaggregated analysis provides valuable insights to elucidate the complex dynamics influencing this perception.

Demographic Analysis

In contrast to the EU data, women (42.0%) have a slightly more favourable perception than men (38.2%) in this particular context. Respondents aged between 30 and 44 (43.8%) are more positive about the appreciation of the Russian Federation's support, while respondents aged between 45 and 59 (35.1%) are more reserved. Education levels do not seem to exert a significant influence on perceptions, with modest fluctuations between 33.3% and 42.5%. Respondents with economically active status (45.4%) are more inclined towards a positive perception than those economically inactive (37.4%).

Socio-Cultural Analysis

A significantly higher percentage of respondents who communicate in Russian or other languages (48.5%) have a favourable perception, compared to Romanian speakers (34.6%). There is a notable gap between the pro-European (45.5%) and pro-Western (24.0%) orientation. The undecided segment of the population (45.1%) with positive assessments is significantly higher. Urban residents (44.2%) are more positive than rural residents (37.6%).

A final question under consideration is: **What do you think would be the best solution to ensure the security of our country?**[61]

According to the data presented in the survey, public opinion on ensuring Moldova's national security is polarised. The most popular option is to maintain a neutral stance without investing in the country's defence and security, with 30.6%. This is followed by joining the European Union, with 19.2% support. Interestingly, however, a significant percentage, 11.7%, favour joining NATO. The options of neutrality with increased investment in defence and national security (7.2%), union with Romania (2.7%) and a military cooperation agreement between Moldova and Romania (1.3%) received less support.

Demographic Analysis

Women show a stronger preference for maintaining a neutral position without additional defence investment (33.5%). Men are more likely to favour options such as NATO membership (10.6%) and unification with Romania (9.4%). Younger groups, aged 18-29, are more open to NATO membership (11.4%) and a potential military agreement with Romania (6.8%). In contrast, respondents in the 60+ age group show a preference for neutrality, especially without additional allocations for defence (35.8%). Respondents with an advanced level

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61   Ibid, pp. 67-68.

of education are more likely to support membership of the European Union (22.5%) and NATO (10.0%). Those with lower levels of education are more likely to identify themselves as undecided (29.9%). Respondents who are economically active are more likely to support military cooperation with Romania (4.4%) and NATO membership (6.7%).

Socio-Cultural Analysis

Russian speakers tend to favour a neutrality approach without additional defence investment (48.0%), while Romanian speakers lean towards EU membership (23.8%). Respondents with a pro-East geopolitical orientation overwhelmingly favour neutrality (56.4%), while groups with a pro-West orientation express a preference for EU (32.6%) and NATO (11.6%) membership. Subjects with a high socio-economic status are more likely to consider military cooperation with Romania (4.6%) and integration into the European Union (21.1%). Urban and rural residents do not show major differences in their preferences, except for a slight tendency of the urban population towards NATO membership (9.5%).

4.2 Public perception of security and defence institutions

Following the description of the security state of the international and regional security environment, as well as the external and internal factors that have direct implications on the state of national security, there is also a set of vulnerabilities that diminish the ability to respond to threats, which can diminish citizens' trust in state institutions. As a result, public perception could be considered one of the indicators of the quality of governance of the security sector, i.e. the extent to which citizens feel safe or are satisfied with the work of national security institutions.

The analysis of the perceptions and attitudes of the population is particularly important in the current context of the security environment of the Republic of Moldova and for the democratic governance of the security and defence sector. Citizens' perceptions of security, defence, the security environment, threats and risks need to be taken into account in order to understand the mechanisms that would help reduce the disruptive factors that fuel division in society and confidence in the functioning and transparency of accountable institutions. Thus, the importance of general awareness of security and defence issues, attitudes towards certain institutions empowered in the areas, the necessity and importance of the security sector in the democratic development of the state, as well as those based on personal experiences, such as family, community and place of living, security status, are crucial aspects to be

measured and understood in the governance of the security and defence sector. Perceptions of security vary among citizens and are influenced by personal experiences and context.

The main categories into which these perceptions can be grouped are: personal security, community safety, national security, the connection between security and peace, and trust in authorities. From the analysis of the perceptions of threats and risks we could conclude that there would be a critical mass of the population, including ethnic minorities, for the promotion and strengthening of national and territorial identity.

In this sense, the problems, risks and threats in the perception of citizens are more of an economic or family welfare nature. Prices (63.1%), energy security, poverty (44.8%), corruption (29.5%) are among the top concerns of citizens. Corruption is among the top ranked threats and risks despite the fact that the government is heavily promoting the successes of the fight against corruption at all levels.

A hybrid attack on state order is a risk that Moldovans practically disregard (8%), which highlights the lack of information and a low level of security culture. Disinformation, fake news and propaganda is one of the concerns of respondents (27.8%). The basic findings of the analysis of recent sociological surveys[62] demonstrate feelings of fatalism in the sense that the country's military potential is very small, a low level of security culture and the fact that citizens still do not perceive security as a national effort, where all institutions, national leaders and the whole population of the country are responsible for security.

In ensuring a sense of security among the population, it is very important both to *trust* the institutions and to ensure that the population has a representation of their roles and functions. Confidence in the security and defence sector institutions: as far as confidence in the security and defence sector institutions is concerned, we could highlight the Police (26.5%) and the National Army (18.5%), which are considered the main institutions ensuring national security. We also note that the Police and the Army are followed by the Ministry of Internal Affairs (MAI) with 14.0% and the Ministry of Defence (MA) with 11.5%, SIS with 11%.

For example, the National Army is seen as having less potential to solve the security problems facing Moldova. *This is consistent with the lower level of trust in this institution.* When asked

62 Public perceptions of the security and defence system of the Republic of Moldova, Survey. CBS-Axa Research, October 2022. Available: https://pisa.md/wp-content/uploads/2023/02/6_Studiu-Sociologic-Perceptii-publice-asupra-sistemului-de-securitate-si-aparare-al-RM.pdf
Barometer of Public Opinion, Survey. CBS-Axa Research, 2023. Available: https://ipp.md/wp-content/uploads/2023/09/BOP_08.2023.pdf

how much trust you have in state institutions, such as the Parliament, the President of the country, the Government, the Border Police, the People's Police, the Intelligence and Security Service, the Ministry of Defence, the Ministry of Internal Affairs, the National Army, the Justice System, the National Anti-Corruption Centre, it is *concluded that the population has rather low trust in the mentioned institutions*. [63]At the same time, it is shown that the institutions in which Moldovans have more confidence are the institutions of force - the Ministry of Internal Affairs and the Ministry of Defence. The presidency is also at the top of citizens' trust with 36%, mainly due to the positive image of the President, who is also the Supreme Commander of the Armed Forces. Here too there is a tendency that more visible and transparent institutions inspire more confidence.

We can see that the respondents show a high level of trust in the Fire Brigade and SMURD (82.4%), which are part of the Ministry of Interior. This is due to the very fact that the given subdivisions are engaged in saving citizens' lives and saving property in times of *force majeure* situations (fires, natural disasters, etc.), which provides them with a positive image. At the other end of the spectrum, we can see that the justice sector institutions are very unreliable.

An additional factor causing a lack of trust in statutory institutions is the impact of misinformation, which aims to diminish compliance with the rules and laws imposed by government institutions, discredit officials and impose an idea of a failed state.

The majority of respondents see the basic role of the National Army as that of defending the country's borders. Respondents' perception of the current state of the army is negative. The respondents' opinion about the *functionality* (efficiency) of the National Army is more negative. Thus, to the question whether Moldova has a functional army, which corresponds to the country's defence needs, 31.1% of respondents answered - definitely not, and 34.9% - rather not. At the same time, it should be noted that the functionality, needs and capacity of the army to defend the country were rarely discussed in the public space until the winter of 2022. Respectively, if with the invasion of the Russian Federation in Ukraine, citizens began to understand *the responsibilities* of the National Army in ensuring national security, at the same time, they also began to realize the need to increase its effectiveness.

On the basis of the above, we can conclude that the population, in general, understands the specific role and tasks of the security and defence institutions. It can also be said that the

63   Public perceptions of the security and defence system of the Republic of Moldova, p. 54. Available: https://pisa.md/wp-content/uploads/2023/02/5_Sondaj-Perceptii-publice-asupra-sistemului-de-securitate-si-aparare-a-Republicii-Moldova.pdf

respondents are aware of the state of affairs in the field of defence and that the institutions of force, especially the National Army, need to be strengthened.

This can be explained by the low level of information on certain topics, sometimes lack of transparency of the institutions that do not provide access to the information requested by civil society and the media, poor communication[64] , lack of clear communication strategies based on influence.

Plus, we cannot neglect the low interest and knowledge of the Moldovan media. Moldovan citizens do not really understand how relations between states work, what happens in case of war, what are the rules governing the actions of states and international organizations. Many answers reveal the extremely strong influence of Russian propaganda narratives. The conspiracy clichés sown by Russian propaganda over the years influence the way people think about national and regional security.

The results of surveys conducted by the Centre for Social Studies and Marketing "CBS Research" in 2022[65] and 2023[66] show, however, that some Moldovan citizens manage to identify the right actions from the perspective of national interests, such as the need to strengthen the defence system or integration into the EU. EU countries are perceived as safer, and the Russian Federation - a less safe place to live.

According to socio-demographic criteria, to a greater extent younger respondents, those with higher education and higher socio-economic level, consider that the Republic of Moldova is orienting its foreign policy towards the EU. In 2022, citizens overwhelmingly preferred joining the European Union (53%) to the Russian-led Eurasian Union (under 23%). The 2023[67] polls show 59.2% support for European membership.

However, there are certain subjects on which misinformation and manipulation of public opinion have had such a great impact that they have provoked behaviour contrary to national interests. For example, the issue *of neutrality*, which is wrongly perceived as a solution to protect us from potential aggression. If we talk about solutions for the security of the country, we note that over the years the percentage of those who believe that neutrality would be the solution remains in first place, in 2022 it is 44%, and polls in 2023 showed that

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64   Conceptualization of strategic communication in the security and defence sector of the Republic of Moldova. PISA, 2023, p. 4. Available: https://pisa.md/wp-content/uploads/2023/02/7_Conceptualizarea-comunicarii-strategice-in-sectorul-de-securitate-si-aparare-al-RM-1.pdf

65   Public perceptions of the security and defence system of the Republic of Moldova, Survey. CBS-Axa Research, October 2022. Available: https://pisa.md/wp-content/uploads/2023/02/6_Studiu-Sociologic-Perceptii-publice-asupra-sistemului-de-securitate-si-aparare-al-RM.pdf

66   Barometer of Public Opinion, Survey. CBS-Axa Research, 2023, https://ipp.md/wp-content/uploads/2023/09/BOP_08.2023.pdf

67   See : Citizens' perception of Moldova's European integration process, Survey, IPRE, CBS Axa, July 2023. Available: https://ipre.md/wp-content/uploads/2023/07/Sondaj-de-opinie-publica-IPRE-CBS-AXA_11.07.2023_fin.pd

citizens believe that the best solution for ensuring the security of our country continues to be neutrality, of which 30, 6% are those who advocate that there is no need for investment in the defence and security of the country and 18, 6% that neutrality is the solution accompanied by increased investment in defence and national security. Membership of the EU is identified by 19.2% of respondents as one of the solutions for our security, while far fewer are in favour of military alliances with Russia (11%) or joining NATO (5%).[68]

However, the war in Ukraine has led to growing support for Moldova's accession to NATO. According to the Public Opinion Barometer, in August more than 26% supported joining the North Atlantic Alliance, then the WatchDog.MD poll showed more than 33% support. However, the number of people who don't want NATO membership has been consistently higher than those who see the alliance as protective and secure. In August, 54% were against NATO membership. This is the result of a discrediting discourse of the Alliance, carried since Soviet times, but also the lack of a clear vision of the authorities in Chisinau on cooperation with NATO[69] . Moreover, although the NATO Liaison Office has been operating in Chisinau since 2017, it was only in 2022, at the Madrid Summit, that NATO decided to provide a more comprehensive package of assistance to Moldova.

In the context of the neutrality status in the Constitution, but also the lack of broad popular support for NATO membership, the discourse of the government and state leadership is moderate towards the North Atlantic Alliance. For these reasons, there is more talk about cooperation and its benefits, and the subject of eventual membership is almost non-existent. Smaller parties can afford to talk about membership, as they target a narrower audience and have little to lose in terms of ratings. Plus, in the context of the election campaign, NATO can remain the traditional subject of political discourse from a geopolitical perspective, either as an opportunity or a threat.

Thus, according to some civil society observations, NATO is a much more popular topic among Russian-language postings than Romanian-language ones. Of all posts mentioning the EU or NATO in Romanian, less than 5% are about the North Atlantic Alliance. In contrast, for posts in Russian, the figure rises to over 55% and the vast majority of these contain negative messages towards NATO.

Accession to the European Union is also perceived by respondents as a catalyst for national security. Being part of a Community political construction, security is no longer just a national

68   See : Public perceptions of the security and defence system of the Republic of Moldova, Study. PISA, 2023. Available: https://pisa.md/wp-content/uploads/2023/02/6_Studiu-Sociologic-Perceptii-publice-asupra-sistemului-de-securitate-si-aparare-al-RM.pdf

69   EU and NATO: who dominates the battle of narratives on Moldovan Facebook? Available: https://watchdog.md/analyzes/208008/ue-si-nato-cine-domina-batalia-narativelor-pe-facebook-ul-moldovenesc/?fbclid=IwAR2budSFJDO0SixJamq5CM2TBMDBz5Y836LCW6tdeNmTy6RsU4R-41yK354

issue, but a Community issue. However, stereotypes and misinformation prevail regarding Moldova's European course and what EU membership means[70] . The contradictory opinions in various sociological studies reveal the strong confusion in the perceptions of Moldovan citizens caused by the low level of security culture and the impact of toxic propaganda of the Kremlin and its agents of influence in Moldova. Thus, people with a low level of education and socio-economic status are the most vulnerable to the successive crises that the Republic of Moldova is going through. Foreign propaganda is an effective tool of manipulation, especially when insufficient information of citizens about the EU can become one of the obstacles to Moldova's accession to the EU, according to the survey conducted in July 2023 by IPRE/CBS AXA[71] .

There is a segment of the population that *shows a lack of confidence that the Moldovan state has the necessary capacity to ensure the security of its citizens, thus 13.4% of* respondents do not know or do not want to answer the question, and 13.5% believe that no organization ensures national security.

The most trusted institutions are those of force, namely the police and the army. At the same time, it shows that the institutions most trusted by citizens are the institutions of force - the Ministry of Internal Affairs and the Ministry of Defence. The presidency is also at the top of the list of trusted institutions with 36%, mainly due to the positive image of the President, who is also the Supreme Commander of the Armed Forces. Additionally, we can see that the field of justice has the lowest level of trust.

We can see that the respondents show *a high level of trust in* the Fire Brigade and SMURD (82.4%), which are part of the Ministry of Interior. The National Army and the Police also remain at the top of the trust, with 55.1% and 50.3% respectively. Respondents to the sociological surveys are very positive about the impact of the National Army's participation in peacekeeping missions. The survey shows that a total of 65.1% of respondents have a very positive or somewhat positive view of the impact of the National Army's participation in peacekeeping missions. The majority of respondents believe that the Republic of Moldova needs help in reforming the security sector.

Despite the perpetuation of false narratives that foreign assistance to Moldova for security sector reform constitutes interference in domestic affairs. And contrary to the message from

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70   Opinions and perceptions on public order, state security and cooperation of the Republic of Moldova with the European Union and NATO. PISA, 2023. Available: https://pisa.md/wp-content/uploads/2023/06/Opinii-si-perceptii-privind-ordinea-publica-securitatea-statului-si-colaborarea-cu-Republicii-Moldova-cu-Uniunea-Europeana-si-NATO.pdf

71   Majority of Moldovan citizens support the country's accession to the European Union, IPRE Analytical Note, 2023. Available: https://ipre.md/2023/12/13/nota-analitica-ipre-majoritatea-cetatenilor-republicii-moldova-sustin-aderarea-tarii-la-uniunea-europeananota-analitica-ipre-majoritatea-cetatenilor-republicii-moldova-sustin-aderarea-tarii-la-uniun/

various governments in Chisinau about the lack of public support for the development of defence partnerships with NATO, the EU and strategic partners, the majority of respondents (66%) were definitely yes and more likely to say yes in favour of foreign assistance for sector reform. This is a consequence of the war in Ukraine, which has changed the Moldovan population's perception of international defence assistance.

The majority of respondents (70%) are in favour of strengthening the National Army. When asked whether the Republic of Moldova needs to strengthen its army, the majority of respondents (36.9%) answered definitely yes, and 33.7% of respondents answered rather yes. The number of respondents, who are in favour of strengthening the army is a significant change in people's perceptions of defence and security.

On the basis of the above, we can conclude that the population, in general, understands the specific role and tasks of the security and defence institutions. It can also be said that the respondents are aware of the state of affairs in the field of defence and that the institutions of force, in particular the National Army, need to be strengthened. A positive development is that the majority of respondents believe that external aid for the development of the security sector is welcome and that international peacekeeping operations have a positive impact on the population.

4.3 General conclusions and recommendations

The importance of popularising security issues and linking them to the development of the country: perceptions of security vary among citizens, influenced by personal experiences and context. In addition, there is a low level of awareness on certain topics, sometimes a lack of transparency of institutions that do not provide access to information requested by civil society and the media, poor communication, lack of clear communication strategies based on influencing, and low interest and knowledge on the part of the population. Thus, there is a need to ensure general awareness of security and defence issues, attitudes towards certain institutions empowered in the areas, the necessity and importance of the security sector in the democratic development of the state, as well as those based on personal experiences, such as family, community and place of living, security status, which are crucial aspects to be measured and understood in the governance of the security and defence sector.

Perception and Importance of Cooperation with the EU and NATO: we can observe that over the years, the information space in the Republic of Moldova has been massively under the influence of the Russian Federation, with Russian narratives being widespread. There is a general note of optimism about the potential for peace and security that EU

membership can bring. From the GSS perspective, this underlines the importance of transnational and regional collaboration in addressing security challenges. In comparison, NATO is still perceived in the Republic of Moldova more as a politico-military bloc with an enlargement agenda than as a development and modernisation partner in the field of security and defence.

Role and Perception of External Actors: development partners play a significant role in public perception of security and defence, while the contribution of the Russian Federation remains relevant for certain demographic segments. This underlines the increased role of the EU, NATO in the GSS structures, while the position of the Russian Federation remains significant for certain segments of the population, highlighting that polarisation in society can pose a risk to national security. The Republic of Moldova fully benefits from cooperation with NATO, with the agenda being guided by Moldova's national interests and its specific requests. At present, we cannot identify a more viable and constructive partnership that would contribute to the development of military capabilities, as well as security and defence. In this regard for positive and objective promotion of NATO, continuous and objective information through various tools of engagement with the public is needed.

National Security Strategies and Approaches: there is a plurality of views on the optimal strategy to guarantee national security, ranging from political neutrality to integration into the European Union and NATO. However, the predominant option remains to maintain a position of neutrality, avoiding investment in defence and national security. This approach raises concerns about a distorted public perception of how to ensure national security and defence. Among the proposals for developing a security culture and understanding the benefits of cooperation with such organisations as NATO and the EU is the need for communication of implemented projects, transparency in the presentation of project results and official visits.

The need for Information and Communication: the low level of information, especially in rural areas, emphasises the need for well-defined and participatory communication strategies that include all segments of the population.

Civil Society Involvement: the results of the surveys examined indicate a clear need for the active involvement of civil society, non-governmental organisations and public institutions in the process of reforming and modernising the security and defence sector.

Communication and Information Adapted to Linguistic and Cultural Diversity: given linguistic and cultural diversity, it is essential that communication and information strategies are adapted and available in Romanian and Russian.

PART II

SECTOR ANALYSIS

PART II. SECTOR ANALYSIS

The second part is dedicated to the sectoral analysis and is the central section of the report. It looks at security providers in the national defence, public order and intelligence system as well as private security providers. With reference to them, it briefly analyses the regulatory basis of their activity, the performance achieved and the reform processes, where appropriate.

Although the responsibility for the military security of the Republic of Moldova lies with the Armed Forces, the defence of the territory and citizens is achieved through efforts and resources that transcend the capacity of this entity, being perceived as elements of a more complex architecture, called the national defence system. The first chapter examines this system and in particular the need for reform.

Various international rankings consider the Republic of Moldova to be a safe country, and in the chapter "public order and security", it ranks better than other components determining national security. The military conflict in Ukraine, which is in close proximity, the increased flow of migrants generated, and the uncertainty regarding its resolution, require a review of concepts and policies in order to ensure a high level of public security.

In the field of ensuring the national security of the Republic of Moldova, an important role is played by the Intelligence and Security Service (SIS) - a specialized state body with direct competence in this field. Recent changes in the legislation governing this component of the sector dictate a consistent approach to the internal reform of the institution.

Next, the management and control entities in the security sector are examined. Executive control is represented by the country's President, Government and Supreme Security Council, each of which has key roles in task setting and good governance. Parliamentary oversight or legislative control provided by Parliament provides the key instruments of democratic governance through its legislative, budgetary or representative functions.

Judicial control, as well as control by other independent institutions, ensures fine-tuning of the functioning of the security mechanism. Multiple institutions and procedures oversee

the most important aspects of the functioning of the security sector, such as compliance with laws or reporting and sanctioning of misconduct.

Each of the components of the security sector analysed in Part 2 was assessed in terms of compliance with the principles of good governance, i.e. the achievement of the democratic security mission.

CHAPTER 1. NATIONAL DEFENCE SYSTEM

1.1 Structure and mission of the national defence system

The national legislation in this field defines the national defence system as the leadership, the set of forces, means and elements of the infrastructure, as well as the totality of actions aimed at ensuring the defence of the country[72] . Although the responsibility for the military security of the Republic of Moldova lies with the Armed Forces, the defence of the territory and citizens is achieved through efforts and resources that transcend the capacity of this entity, being perceived as elements of a more complex architecture, called the national defence system.

This comprehensive approach to defence is characteristic of the Republic of Moldova, in particular, for two major reasons. First, it is related to the permanent neutrality declared in Art. 11 of the Constitution and the choice of a defensive foreign policy (the policy of defensiveness being stipulated in HP No. 482 of 06-06-1995), which states that the Republic of Moldova "...does not accept war (except in cases of self-defence) as a means to achieve political goals..."[73] . This approach has contributed to the articulation of a public perception that leans towards *total* defence, a concept that assumes that any external armed aggression will be repelled by mobilising the full range of available national resources.

The second consideration, interdependent with the first, is the de facto absence of the principle of self-sufficiency in the Armed Forces' ability to independently ensure the defence of national territory and citizens. The latter has been further amplified by the mismanagement of military reform and chronic underfunding of the Armed Forces - the governance aspects of which are discussed in the conclusions section of this chapter.

State activity in the defence field is regulated by Law No 345 of 25 July 2003 on national defence. It establishes the structure of the national defence system, the basis for the organisation and provision of the country's defence, the duties and responsibilities of the public authorities in the field of defence, the management, organisation, allocation of the forces of the national defence system and national defence planning[74] . According to the same law, the forces intended for national defence - the Armed Forces - are composed of the National Army and the General Inspectorate of Carabinieri.

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72   Law on National Defence, No 345 of 25-07-2003, Art. 2. Available: https://www.legis.md/cautare/getResults?doc_id=110393&lang=ro

73   Military Doctrine of the Republic of Moldova, Decision of the Parliament of the Republic of Moldova, No 482 of 06-06-1995 on HP482/1995. Available: https://www.legis.md/cautare/getResults?doc_id=60538&lang=ro

74   Law on national defence, art. 1. LP345/2003 (legis.md)

Until 2012, in addition to the Army and Carabinieri, the Armed Forces also included the Border Guard Service. In accordance with the provisions of Law No 283 of 28 December 2011 on the Border Police, the Border Guard Service is transformed into the Border Police under the Ministry of Internal Affairs. This transformation leads to the demilitarisation of the staff of the newly created structure - the General Inspectorate of Border Police - and to the de facto transfer / handover of defence tasks, particularly concerning to state border protection, to the National Army. If in terms of state border management the reform in question has had its arguments and benefits, it has generated a vacuum in the national military capacity on the defence dimension. The conclusion section describes the negative effects of the reform on the national defence system.

System leadership. According to the provisions of the national defence legislation, the entities responsible for the management and supervision of the sector are the Parliament of the Republic of Moldova, the President, the Supreme Security Council, the Government and the Ministry of Defence. At the same time, during both peace and war, the military leadership of the Armed Forces is carried out by the Supreme Command of the Armed Forces headed by the President of the Republic of Moldova – who serves as the Supreme Commander of the Armed Forces. The General Staff of the Armed Forces - headed by the Chief of the General Staff of the National Army - is the main body that provides the Supreme Command, in peacetime and wartime, with planning, organization, command and control of the Armed Forces troops in their preparation and execution of the country's defence missions.[75]

The National Army is the basic component of the Armed Forces, which ensures, in times of peace and war, the integration of all the forces participating in the defence of the country into a unified concept. Its mission is to ensure national defence by preventing, countering and neutralizing military threats and aggression against the country. Direct leadership of the National Army is exercised by the Minister of Defence through the General Staff of the National Army. The composition of the National Army includes:

- **task forces** (with permanent intervention capability) - military units (sub-units) equipped with manpower, armament and technique at a level that ensures the execution of specific missions;

- **small forces** (with reduced intervention capability) - large military units and units (sub-units), bases, depots for the storage of weapons, equipment and military assets, which require supplementation with personnel, weapons and equipment, as well as interoperability to fulfil their missions;

- **newly formed** (reserve) **units -** newly formed units that include combat and assurance military units that are formed according to the Armed Forces Mobilization Plan. [76]

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75   Ibid, Art. III
76   Ibid, Art. IV

Carabinieri General Inspectorate. The activity of the Carabinieri Corps is regulated by the Parliament Act No. 219 of 08-11-2018 on the General Inspectorate of Carabinieri. According to it, the Inspectorate General of Carabinieri is a specialized state authority, with military status, subordinated to the Ministry of Internal Affairs. Its mission is to protect the fundamental rights and freedoms of the person by maintaining, ensuring and restoring public order, preventing and detecting crimes and offences, protecting objectives of particular importance, preventing and combating terrorism, ensuring the regime of emergency, siege or war. At the same time, the General Inspectorate of Carabinieri performs, in peacetime, police duties, and in time of siege or war, the specific duties of the Armed Forces under the conditions provided for by this law and the regulations in force. [77]

According to Law 345, art. 31, (2), "...when a state of siege or war is declared, the units (sub-units) of the Carabinieri General Inspectorate participate in operations (actions) for the defence of the country under the direction of the General Staff of the Armed Forces". At the same time, the Inspectorate General of Carabinieri participates in the planning of the use of its subordinate subdivisions in defence operations (combat actions) carried out by the General Staff of the Armed Forces and conducts trainings for the subdivisions to execute defence missions on the basis of approved training programmes. [78]

Although the legislative provisions regarding the activity of the two entities expressly mention the involvement of the Inspector General of Carabinieri in defence operations, they they do not address the subject of peacetime interaction, which is crucial for the quality of the act of providing security. Even though the duties of the General Inspectorate of Carabinieri during peacetime are focused on contributing to the public order system, this does not exclude the need for joint training and the development of interoperability with the basic entity of the defence system - the National Army.

Based on the above, we can conclude that of the two entities of the Armed Forces, de facto only one - the National Army - is fully dedicated to national defence.

The role and responsibilities of other national entities. In addition to the aforementioned, the legislative framework contains other provisions governing the work and structure of the national defence system. Thus, as previously noted, the system is not limited to the resources under the Armed Forces. According to Article 4 of Law 345, the organisation of national defence includes:

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77   Law on the General Inspectorate of Carabinieri, no. 219/2018. art. 2. Available: https://www.legis.md/cautare/getResults?doc_id=120688&lang=ro
78   Ibid, Art. 22 (8)

> k) preparing of wartime mobilisation reserves;
>
> l) organising the mobilisation of the national economy, public authorities, public institutions, economic agents, population and territory for defence;
>
> m) training citizens for the defence of the Homeland;

Chapter V of the same law outlines the powers of public authorities, public institutions and economic agents as well as the rights and obligations of citizens in the field of national defence. In this respect, the Intelligence and Security Service, the Ministry of Internal Affairs and the State Protection and Security Service are responsible for planning, carrying out activities and providing necessary information for the organisation of national defence. These institutions, in accordance with their duties when declaring a state of siege or war, coordinate with the General Staff of the Armed Forces the measures for maintaining the state of siege or war regime, and participate in ensuring the country's defence operations.[79]

At the same time, the ministries and departments involved in ensuring national defence are responsible, in accordance with their duties, for carrying out actions to ensure the defence of the country, for delivering the necessary production for the defence and mobilization readiness of the respective branch and taking measures to ensure its stable operation during wartime in accordance with the National Economy Mobilization Plan. [80]

The forms, conditions and training of citizens of the Republic of Moldova for the defence of the Motherland are stipulated in Law No. 1245 of 18-07-2002. According to it, public authorities, public institutions and economic agents have a number of responsibilities regarding the preparation of citizens for the defence of the homeland. At the same time, the subjects covered by the concept of training for the defence of the homeland include recruits military personnel performing military service in the Armed Forces, and reservists on military records. [81]

Other acts that complement the regulatory and operational framework of the national defence system are Law No. 162 of 22-07-2005 on the status of the military and Law No. 1244 of 18-07-2002 on the reserve of the Armed Forces. The first normative act, establishes the legal status of the military and the way of performing military service. The second act outlines, the purpose the destination, formation and structure of the Armed Forces Reserve, the forms of training reservists, the management of the Armed Forces Reserve, as well as the rights and guarantees of citizens in the Armed Forces Reserve.

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79   Law No. 345 of 25-07-2003 on national defence, chap. V, art. 37: LP345/2003 (legis.md)
80   Ibid, art. 38.
81   Law on training citizens for the defence of the homeland, No. 1245 of 18-07-2002. Available: https://www.legis.md/cautare/getResults?doc_id=121249&lang=ro

In practical terms, legislative provisions on the mobilisation of other national areas for defence confirm the national defence policy of supplementing the efforts of the Armed Forces, which are directly responsible for military security, with secondary responsibilities established for other public authorities.

1.2 Defence reform

The reform of the defence sector of the Republic of Moldova aims to transform and transition the Armed Forces from the configuration of forces and means inherited from the Soviet period to a modern defence system, aligned with Western military standards capable of addressing challenges of contemporary security.

As a result of the process of sharing the USSR's military patrimony, the Republic of Moldova received fragments of conventional capabilities, originally intended for classical military action - a concept imposed by the experiences of World War II. In the meantime, the security context has changed drastically, rendering much of the military equipment outdated in terms of timing and technical characteristics. Therefore, the transformation of today's forces, involves a transition from certain weapons systems and methods of executing military actions to new concepts and means, whose configuration is tailored to the current security environment. At the same time, the new force structure needs to be flexible and adaptable, criteria imposed by the fluctuations in the contemporary security environment, which give rise to threats that are difficult to anticipate and counter. The process involves the development of command, control, combat and logistical support systems, airspace control capability, the modernisation of training centres, and the maintenance and modernisation of military equipment, armaments and ammunition[82] .

As a first step, defence reform entails the establishment and development of a national defence planning and decision-making mechanism, and its linkage and subsequent linkage to the budgetary framework and national security policy. This is to be achieved through the guidance from Western experts, the import and exchange of best practices with development partners, the development of doctrines, methodologies and standard operating procedures for planning, decision-making and execution of military missions/actions. At the same time, the process aims at transferring knowledge and ensuring its assimilation by the staff of defence institutions.

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82   Moldova-NATO Individual Partnership Action Plan (IPAP) 2022 - 2023. Available: https://mfa.gov.md/ sites/default/files/individual_partnership_action_plan_ipap_republic_of_moldova_-_nato_for_2022- 2023.pdf

In the subsequent phase, which is expected to be longer (about 10 years), efforts will be focused on developing the forces of the National Army -which serves as the core of the national defence system. This process is governed by the Long Term Military Capability Development Plan (2020 - 2030) and involves transforming the existing forces into an efficient, highly responsive and mobile structure capable of fulfilling the constitutional defence mission.

Although military reform was initiated in the early 2000s, its focus and direction became more pronounced in 2006, when the North Atlantic Council (NAC) and the Government of the Republic of Moldova approved the Moldova-NATO Individual Partnership Action Plan (IPAP). Since then, the IPAP has become the main framework for cooperation between the Republic of Moldova and NATO serving as a comprehensive mechanism that facilitates Moldova's military and overall security reform. Under this cooperation, national entities are supported through the following projects/initiatives: 'Partnership Planning and Review Process (PARP)', 'Defence Capabilities Building Initiative (DCBI)', Integrity Building Programme (IB), Professional Development Programme (PDP), Science for Peace and Security Programme (SPS), Defence Education Enhancement Programme (DEEP) and Interoperability Platform (IP). [83]

At the same time, in addition to IPAP, on the military and security reform dimension, the Republic of Moldova cooperates with other states and international organizations, including the US, EU, Romania, Germany, Italy, UK, etc.

A key element of external defence assistance is the US International Military Education and Training (IMET) programme, which has been a valuable source of investment in the human dimension of the defence system for several decades by providing education and training opportunities .[84]

1.3 Achievements and shortcomings in good governance

Accountability. Although the structure, responsibilities and functioning of the national defence system are clearly defined, it faces a number of functional shortcomings. From a sector governance perspective, it can be concluded that the national defence system has not been well governed because, until the beginning of the war in Ukraine, its core entities were neglected and underfunded.

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83   Ibid, p. 2.
84   International Military Education and Training (IMET): Available: https://www.state.gov/wp-content/uploads/2021/08/Moldova_FY-2020-Country-Assistance-Fact-Sheet.pdf

According to statistics from the judicial system, there is a low number of referrals of crimes committed in or in connection with the Armed Forces. There is a low level of convictions of Armed Forces personnel compared to other categories of criminal subjects. The low rate of military offences can be deduced from the comparative analysis of offences obtained from the court administration page.[85] Additional sources in this respect are the data from the National Anti-Corruption Centre, which confirms the low rate of offences in the Armed Forces[86] .

According to the Public Opinion Barometer, society's trust in the Armed Forces is low compared to other public institutions. It is important to note that this trust has declined in the last two years, following a long period of remaining high, despite the underfunding of the military system.[87] Compared to the military, trust in the police (Ministry of Internal Affairs) has increased in confidence surveys over the same period, mainly due to public investment in this institution in recent years. In addition to adverse effects, this comparison demonstrates the importance of adequate budgetary support and its impact on the image and effectiveness of security sector institutions.

Transparency. The examination of the transparency of the defence institution is based on the information obtained from the official website of the Ministry of Defence. This includes integrity reports, decision transparency reports and other relevant information. The source provides external communication contacts, lists of subdivisions and draft public documents proposed for public consultation. In addition, the institution offers other information sources, such as multimedia: "On Duty", "Infoarmat", "Shield of the Fatherland", "Oastea Moldovei", "Cohorta" or social media networks. Despite the specific nature of the defence institution activities, which often fall under the laws on state secrecy, there are shortcomings in the transparency of this entity, in particular in relation to the statistics regarding the increase in the proportion of women recruited into military service. Another shortcoming is the lack of annual activity reports with systematic and clear information on the means of its activity and results.[88]

Legality. Defence legislation is poorly developed, in particular on the strategic planning dimension and linking strategic planning efforts to the national budgetary framework and national security policy. The fact that the principles of Good Democratic Governance are virtually not reflected in the specific legislation is another legal deficiency. Internal regulations minimally address aspects of democratic governance, such as internal and external control, efficiency and effectiveness. Regulations in this area therefore need substantial improvement.

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85   Ministry of Justice, website: https://aaij.justice.md/
86   National Anti-Corruption Centre, website: https://www.cna.md/
87   Public Opinion Barometer. Website: http://bop.ipp.md/
88   Ministry of Defence, website: https://www.army.md/

Participation. In recent years, the defence establishment has made some progress in ensuring gender equality among employees. However there are some limitations in ensuring opportunities for participation in decision making processes. The acceptance of girls as students at the Military Academy "Alexandru cel Bun'', where they are incorporated for studies in all types of weapons - infantry, artillery and transmissions - offers them the opportunity to be in command and leadership positions within the units of the National Army, such as positions of platoon commanders. Another positive indicator on this dimension is the increasing share of participation of military women in international UN peacekeeping missions/operations as military observers and staff officers. Thus, out of the total number of positions allocated to the Republic of Moldova, 20% are exclusively offered to women serving in the National Army. Both men and women can apply for the remaining positions, provided they are military personnel under contract. The institution's work on the participation dimension is regulated by the National Programme for the implementation of UN Security Council Resolution 1325 on Women, Peace and Security. In accordance with the commitments made therein, the Ministry strives to achieve a quota of at least 10% of its employees being female. [89]

Despite these efforts, accurate statistics on women in the military are elusive and virtually non-existent. Likewise, the data presented virtually does not reflect the situation with regard to other social groups, such as ethnic, linguistic, religious, and sexual minorities, etc. Scandals and controversies about the inclusion of groups such as sexual minorities are circulating in the public space (for example, see case of a young military man who came to public attention at the end of 2021 after he made his sexual orientation public on a social network and announced that he would not return to the army). In conclusion, this entity remains a monolithic structure regarding the aspect of participation, although it is trending towards cohesion and social inclusion.

Responsiveness. The official website of the Ministry of Defence provides Integrity Reports with information on the inquiries from citizens. There is also a high response rate to external inquires within the system. However, while the level of responsiveness per sector is satisfactory, the same cannot be said for the administration and supervision components. The failure of these components to use and incorporate military expertise into governance agendas is a strategic weakness of the system. Poor governance of the sector has, over time, led to the diminished importance of the defence institution and limited its contribution to political agendas. Moreover, it has prevented the defence institution from participating in the national security discourse, depriving it of the opportunity to provide the necessary

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[89]   Ibid.

expertise on the scale of its responsibilities. As a result, governments have shaped security discourses that correspond to their interests and available resources, avoiding the real issues of the security sector, including military ones. Substituting military expertise on some critical issues (the presence of foreign troops on the territory of the country, constraints imposed by the status of neutrality, importance of the military instrument in policies to promote national interests) with issues of information security, public order, economic issues etc., has gradually become a norm. The limited involvement of the military sector in security governance is also evident in the absence of prominent military figures (former war veterans, former high-ranking military leaders) in governments or political initiatives. As a result, the low level of responsiveness from the sector's management and oversight components has limited the formal and informal contribution of the military system to the national security act, thereby affecting its quality.

At the same time, the conditions of maximum austerity have limited the defence establishment's ability to procure military equipment and invest in military infrastructure Governmental neglect has virtually brought the defence institution into an informal state of self-governance, as it struggles to carry out its constitutionally mandated missions while operating on the edge of its existence. Under these circumstances, the ministry has been compelled to prioritize its efforts on the human and procedural dimension, exploring opportunities for education and participation in training activities and missions. The technical dimension, on the other hand involving, the provision of equipment and systems that are viable to the rigours of security, has been the most affected, limited to processes of repair, renewal, or remodelling through cannibalisation[90] of equipment systems inherited from the Soviet period. However, even the international commitments of the defence establishment have been systematically undermined by political inconsistency, resulting from power-sharing between political classes with opposing visions of the foreign policy vector.

90   Note: The term cannibalisation in military jargon is defined as 'the removal of usable materials or components from one piece of equipment for installation in another piece of equipment to return the latter to serviceable condition'. Source: Bogdanowicz P. (2013:5) Cannibalization in the Military: A Viable Sustainment Strategy? Available: extension://efaidnbmnnnibpcajpcglclefindmkaj/https://ndiastorage. blob.core.usgovcloudapi.net/ndia/2013/system/WBogdanowicz.pdf

Principles	Sources	Evaluation	Points
Accountability	Low level of corruption in the sector. Low trust in society - Barometer of Public Opinion, page: bop.ipp.md.	medium	3
Transparency	Army.md page provides Integrity Reports; Decision-making Transparency Reports; Press service is active, with sufficient information; Contacts; Subdivision lists; Annual activity reports are missing.	medium	3
Legality	Defence legislation is poorly developed, in particular on the strategic planning dimension and the linking of strategic planning efforts to the national budgetary framework and national security policy. The principles of Good Democratic Governance are hardly reflected in the specific legislation. Internal regulations minimally address the aspects of democratic governance, including internal and external control, efficiency and effectiveness.	low	2
Participation	Statistics on women and other social groups in the Army are elusive and suggest poor participation; Social group attendance statistics - suggest poor attendance; page: statistics.gov.md;	low	2
Responsiveness	Page: Army.md contains Integrity reports with address information; High response rate; Low level of responsiveness from management and oversight components	medium	3
Efficiency	State budget, comparative analysis on efficient use of limited resources in conditions of reduced budget; page: cna.md; low corruption acts.	high	4
Effectiveness	Global Peace Index, page: visionofhumanity.org; Most peaceful (one of) nation in the region; Low military capacity, Military power ranking - page: globalfirepower.com.	medium	3
Total		**Medium**	**20**

Respect the principles of Good Governance
in the Armed Forces

Accountability ■ Transparency ■ Legality ■ Participation ■ Responsiveness ■ Efficiency ■ Effectiveness

1.4 Conclusions

Although the structure, responsibilities and functioning of the national defence system are clearly defined, it faces a number of functional shortcomings. From a sector governance perspective, we can conclude that the national defence system has not been well governed because, until the beginning of the war in Ukraine, its basic entities were neglected and underfunded. Despite expectations of military reform, those responsible for overseeing the defence sector have not intervened effectively to ensure that the provider institutions, in particular, the core of the system - the National Army - possess the necessary capabilities to fulfil the constitutional defence mission. The neglect of the effects of the reform on state border management (transformation of the Border Guard Department into the Border Police) is a clear and example of bad governance, as no measures were taken to compensate for the capacity gap in the system.

From a military point of view, the forces of the Department of the Guerrilla Troops were trained and equipped with military equipment and techniques, capable of limited military action until the intervention of the main forces - the National Army and the *Carabinieri*. The geographical positioning of these forces was aimed at the immediate engagement in military action of a potential adversary/invader, deploying them and restricting their access to the depths of the national territory. At the same time, it ensured conditions for the organised

mobilisation and engagement in combat action of the basic forces and the military reserve. It should be noted that for Moldova, given its limited geographical size (which exposes strategic depth) and the absence of military allies (a condition imposed by the status of neutrality), this defence concept was based on optimal strategic rationale.[91]

Thus, the state border management reform has practically abolished the concept of defence existing until 2011, without offering an alternative. This is despite the fact that excluding the third entity (Border Guard/Border Police) from the Armed Forces requires the acceleration of the reaction time of the defence forces in case of a possible armed attack. At the same time, this implies (based on the aforementioned argument) that these forces, in addition to being equipped and trained, require additional personnel.

The uncertain status of the General Inspectorate of Carabinieri - *de jure* part of the national defence system - amplifies the problem of the capacity of the Armed Forces and therefore of the national defence system. This is because there is currently no effective mechanism for interaction and increased interoperability between the National Army and the General Inspectorate of Carabinieri Troops during . [92]

Chronic underfunding of the National Army has delayed the implementation of military legislation, strategies, regulations and best practices, including those developed with resources from external partners. Integration of military expertise and issues into security agendas has been consistently ignored. As a result, the expertise of the military system has been less and less sought after and incorporated into government programmes. National priorities have fluctuated from government to another, but addressing military security has been avoided. Ignorance of real security problems has facilitated their perpetuation, and governments unwilling to identify and address them have created security discourses that align with available interests and resources.[93]

Politicians' ignorance has affected the quality of security management from a sector oversight perspective thereby limiting the application of good governance practices to the defence dimension. At the same time, there has been an inconsistency in institutional policy within the sector, which has not been clearly articulated and disseminated either to system staff the primary beneficiaries or to the public/citizens - the ultimate beneficiaries. Limiting the participation of the defence institution in the act of national governance hassled to the

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91   Euro-Atlantic Institute for Resilience Building: https://euroatlantic.md/ro/

92   Ibid

93   Strategic deficiencies in the security and defence sector of the Republic of Moldova: Lessons to be learned. Analytical Note, Platform for Security and Defence Initiatives, 2023, p. 3. Available: https://pisa.md/wp-content/uploads/2023/04/DEFICIENTELE-STRATEGICE-IN-SECTORUL-DE-SECURITATE-SI-APARARE-AL-REPUBLICII-MOLDOVA-LECTII-DE-INSUSIT-1.pdf

discrediting of its image over time. Without political and budgetary support the Ministry of Defence has not been able to articulate a clear and coherent policy. This has led to a decline in public interest in defence policies to wane. At the same time, the phenomenon of neglect has contributed to the inhibition of the defence institution and its distance from both politics and society. This has made it possible for the defence institution to operate for a fairly long period without viable mechanisms for cooperation and collaboration with civil society, citizens, and other public authorities. Even if, against the backdrop of the regional security situation, these mechanisms have begun to be articulated and strengthened, the processes initiated require external expertise and time. There has also been a slight improvement in cooperation with civil society and the media, including their involvement in drafting policy documents and facilitating civil society with access to information relevant to the security and defence sector. However, due to the long-standing isolation of the military (a phenomenon explained above), re-establishing trust and mutual openness to cooperation between the defence establishment on the one hand and society and public institutions on the other will require time and coordinated and sustained multidimensional efforts. [94]

Another strategic shortcoming of the national defence system is the lack of mutual trust and cooperation/ between its actors/subjects. The problem is also partly reflected in the evolution of the individual and group mentality of Moldovan society in relation to the choice of social structure. The current social predisposition can be perceived as a result of the transition from socialist dogma which was biased toward the concept of state security - to liberal thinking based on human security. In this sense, both in the institutional and social architecture the effects of the vertical/centralised system still persist, the horizontal system being underdeveloped, which also affects the efficiency of inter-institutional cooperation/ mechanisms. Due to the discrepancy in the perception of the difference between state security and human security, the human factor continues to face discrimination within state institutions. Although the problem is a global one for Moldovan society, it persists particularly within the security and defence sector.

At present, the primary fighting force dedicated to direct military action is the National Army, which, objectively speaking, is not large enough (leaving aside the issue of equipment) in relation to current security risks and threats. The problem is getting even more complex, when considering the numerical size of the active fighting forces. As it is often ignored that a significant percentage of them consists of military personnel on a term basis, with a level of training below that of contract soldiers. At the same time, the annual rotation of personnel

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94   Republic of Moldova-NATO Individual Partnership Action Plan (IPAP) 2022 - 2023 (p.5) Available: // mfa.gov.md/sites/default/files/individual_partnership_action_plan_ipap_republic_of_moldova_-_nato_ for_2022-2023.pdf

on term significantly impacts the overall training and institutional memory of an already numerically limited military force. The reform of the Border Police (as explained above) transfers the responsibility for military protection of the state border from the Department of Border Guard Troops to the national defence system - implicitly to the National Army. Although virtually unnoticed (explained only as an unacceptable error in the governance of the security and defence sector), this reform has fundamental implications for state defence doctrine. In addition to burdening the National Army with additional responsibilities, at a time when it was already chronically underfunded and under-resourced, the state border reform does not make up for the capability shortfall/gap created.[95]

The new national security strategy adopted in December 2023 states that "Moldova needs a modern, adequately equipped, sustainable, well-prepared and highly interoperable Armed Forces with external partners" and commits the Government to a gradual increase in defence investment to reach 1% of GDP for defence during this decade[96] . This would represent a substantial increase in the defence budget, which in 2023, represented 0.55% of GDP, and in 2022, 0.38%[97] and would contribute significantly to advancing reforms and developing the country's defence potential.

The contribution of strategic partners has been crucial in keeping Moldova's military system afloat (e.g. Western education and training assistance programmes IMET, IPAP, DCBI). This has helped the Ministry of Defence in developing its human and procedural dimensions - by exploring joint education and training opportunities. Although the technical dimension - equipping with equipment and systems viable to security rigours - has been neglected due to lack of funding, continuing to maintain and develop the human dimension is the formula for the survival of the indigenous military system. The new security strategy encourages increased bi- and multilateral partnerships and an increase in military exercises with strategic partners.

The European Commission's country report published in November 2023, praises the cooperation between EU-Moldova, noting Moldova's participation in EU crisis management missions under the Common Security and Defence Policy since 2014. Moldovan armed forces also participate in missions under the aegis of the UN and NATO[98] .

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95   Euro-Atlantic Institute for Resilience Building: https://euroatlantic.md/ro/
96   See: National Security Strategy of the Republic of Moldova, Decision No. 391 of 15-12-2023 approved by the Parliament of the Republic of Moldova. Published: 17-01-2024 in the Official Gazette No. 17-19 art. 28, point 4 of the preamble and point 28.
97   Moldova's defence budget, 6 January 2023. Available: https://pisa.md/bugetul-republicii-moldova-pentru-aparare/
98   Published Country Report, 8 November 2023, p. 116. Available: https://neighbourhood-enlargement.ec.europa.eu/moldova-report-2023_en

1.5 Recommendations

The exclusion of the military instrument from the act of government - an issue with historical implications - is the trigger for many state problems, including those outside the security and defence sphere. The military dimension, alongside the diplomatic, informational and economic dimensions, are the pillars of the state mechanism. The functionality of this mechanism is conditional on the correlated and synchronised application of these elements, which has not been possible in the case of the Republic of Moldova. Reintegrating of the military dimension into the state system is a strategic necessity, with far-reaching benefits. while it requires time and multidimensional efforts, this strategic measure is imperative given its implications for a number of public domains, such as security, economic, political, diplomatic, social and informational spheres.

Another recommendation involves realizing and exploring the potential of the defence institution in strengthening public policies. Given its central role in the national security system, the institution requires its involvement in shaping security discourses and agendas. The institution's expertise, accumulated as a result of participation in regional and international security activities, training and exercises/missions, places its staff at the top of national expertise in security, strategic planning, international cooperation and institutional management. Ensuring this transfer of knowledge can substantially shape the culture of strategic and political thinking in Moldova.

The exclusion of the military dimension from public planning and policy-making processes has also affected the quality of the national security culture. Over time, the absence of military input has, over time, created a deficit of practical value in the field of national security study and application. Attempting to compensate for this practicality deficit with theoretical and academic expertise has proven to be a failure. The effects of this failure are visible in the low level of security culture both within society and within national institutions and elites. This problem is closely linked to the exclusion of the military instrument. It requires complementary efforts to develop and promote a security culture at all levels of the social structure (starting with the strategic level). Including practical expertise in promoting security culture will increase the effectiveness and value of the governance of the security and defence sector. This contribution will boost the process of informing and educating the public, a phenomenon which will in time lead to empowerment of decision-makers in creating objective security discourses, free from personal or group interests.

Currently the low level of security culture also affects the functionality of inter-institutional/inter-sectoral mechanisms which require articulation in terms of responsibilities, trained staff and technical capacities. Unified strategic planning mechanisms need to be established at the level of public institutions. At the same time, integrated standards for practical work and planning should be introduced in the operational systems of all security and defence institutions (not just the Armed Forces), to ensure a sufficient level of interoperability. These measures, once implemented, will ensure a systemic, participatory and inclusive approach to the development and implementation of public policies in the field of security and defence.

Similarly, at the legislative and inter-institutional level, there is a need for clear division of the responsibilities of the institutions in the security and defence sphere, including their roles in different working groups (e.g. "leading" or "supporting"). This would imply clarifying the areas of activity of national institutions within the "security" and "defence" spheres, including the theoretical and practical implications of these two spheres in the case of the Republic of Moldova (where there is currently no consensus at the practical or academic level).

CHAPTER 2. PUBLIC ORDER AND SECURITY SYSTEM

2.1 Current state of safety, public order and security

In recent years, we have witnessed various social, political and economic changes and transformations that are influencing the national security system particularly in the field of public order and security.

Various international rankings consider the Republic of Moldova a safe country, and in the chapter "public order and security", we are much better placed than in other components that determine national security. Thus, the Rule of Law Index (Rule of Law Indicator developed by the World Justice Project) ranks the Republic of Moldova, in the "public order and security" section, on the 39th position out of 140 countries subject to evaluation, which has been a constant result for the last years (2015-2022), ahead of countries such as Georgia, France, Portugal, North Macedonia and others.

Similarly, compared to other indicators, our ranking is much better, e.g. in the chapter "integrity and anti-corruption" we are in 105th place, in terms of "implementation of legal regulations" we are in 97th place, and in the chapter "respect for fundamental rights" we are in 66th place.[99]

Another ranking, covering the "Democracy Index" states that "three Eastern European countries - Moldova, Montenegro and North Macedonia, moved up in 2021 from the category of "hybrid regimes" to "flawed democracy". Our country's score rose from 6.10 points in 2021 to 6.23 points in 2022 (out of a maximum of 10.00 points), with improvements in the electoral process as well as political pluralism. However, unlike most other Eastern European countries, the civil liberties score has not improved, due to a worsening of citizen security. The Russia-Ukraine war has led to a deterioration of the security situation, given Moldova's 1 222 km land border with Ukraine. The conflict has again raised tensions in the separatist pro-Russian region of Transnistria and sparked fears that the war in Ukraine could spill over into Moldova.[100]

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99 Countries Scored by Order and Security. Available: https://worldjusticeproject.org/rule-of-law-index/global/2022/Moldova/Order%20and%20Security/ranking

100 Democracy Index 2022, Frontline Democracy and the battle for Ukraine, The Economist Intelligence Unit Limited 2023, p. 52. Available: https://www.eiu.com/n/campaigns/democracy-index-2022/

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The military conflict in Ukraine, which is in close proximity, along with the increased flow of migrants it has generated as well as the uncertainty about its resolution, require a review of concepts and policies to ensure a high level of public security climate.

Negative phenomena affecting the rule of law, public order and security are constantly changing, which can lead to various crises in the field and put enormous pressure on police structures worldwide.

Crime is constantly changing, new types of crime are emerging and the online environment is becoming more and more 'tempting' for lawbreakers. Transnational criminal groups are either migrating to other regions or 'testing' new specialisations. However, authorities responsible for preventing and combating crime often adopt a reactive rather than proactive approach.

The trend of increasing crime, risks and threats to national security, public order and public safety expected to persist in the future, as these phenomena can never be eliminated, only mitigated. Therefore, it is necessary to improve the system for ensuring the safety of the individual and public order and security. There is an urgent need to organise and manage as effectively as possible the authorities/entities that act as 'security providers' in the field of public order and security, and to establish clear and precise procedures for managing crisis situations in this area.

In turn, public order and security are treated as part of the general concept of national security, and ensuring state security is one of the national priorities, which, through its specialized entities, such as the Ministry of Internal Affairs (hereinafter - MAI), seeks to identify and apply the most effective forms and ways of achieving this objective.

Although public order and security are areas of major importance for the Republic of Moldova, as evidenced by numerous policy documents dedicated to these areas and the increased attention from all actors with competences in the field, the provisions regulating these areas are scattered in different normative acts, which makes it difficult to define, understand and implement them. At the same time, some provisions are outdated, such as those related to assemblies, which urgently require revision for the state to better ensure human rights and freedoms in this context and to adjust to changes in society.[101]

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101 See: Exercising the right to peaceful assembly versus managing the organisation of public assemblies. Promo-LEX Association, Chisinau 2016; ERHAN, Janus. Ensuring the right to freedom of assembly in the context of public order and security. In State, security and human rights: in the digital era, 8-9 December 2021, Chisinau. Chisinau: CEP USM, 2022, Available: https://ibn.idsi.md/sites/default/files/imag_file/p-178-190.pd

On the other hand, there are several systemic problems that exponentially decrease the effectiveness and efficiency of the competent entities, a situation that has persisted since independence until today, such as: underfunding of the field, lack of facilities, outdated infrastructure not complying with modern standards, staff turnover, unattractiveness of the profession, cases of corruption[102] , overlapping competences, etc.

With the commencement of EU accession negotiations, public order and security will serve as the fundamental pillars in ensuring legality and stability for both Moldovan and EU citizens, thereby guaranteeing the full enjoyment of their freedoms. Likewise, a high level of public security reflects the credibility, dedication and professionalism of the national authorities, -a crucial determinant on the path to the European integration of our country.

At the same time as granting this status, the European Commission also submitted to the European Council a list of measures for our country. Regarding the field of public order and security, there is an emphasis on strengthening the fight against organised crime (commitment 5 out of 9 commitments in total). This involves conducting detailed threat assessments, enhancing cooperation with regional, EU and international partners and improving the coordination of law enforcement bodies.[103]

According to assessments by civil society representatives, notable progress has been made towards fulfilling commitments. In September 2022 of the Home Affairs Development Strategy (2022-2030),received approval, accompanied by six Sectoral Programmes designed operationalise the Strategy for 2022-2025[104]. Additionally, a roadmap outlining eight priority actions in the field of home affairs[105] was established.

The development of these strategic planning documents attests to the institutional capacity of the MFA to define and initiate long-term modernisation processes. It also reflects the political will for change at the leadership level of the Ministry and the IPG. Maintaining the pace of reform and the support of employees for these changes are crucial, considering that implementing these programmes, along with their ongoing evaluation and adaptation to new realities, will be a lengthy and comprehensive process.

102   Note: For a detailed analysis of the situation in the MFA with regard to human resources management and integrity see Development Strategy for Home Affairs 2022/2030, pp. 26-31.
103   European Observatory, no. 34, June 2022, p. 4. Available: https://www.parlament.md/Portals/0/Documents/DIA/OBSERVATORUL%20EUROPEAN_Iunie.pdf
104   Note: the six programmes follow the main lines of action necessary to increase the safety of all persons on the territory of the Republic of Moldova: 1) public order and security, 2) preventing and combating crime, 3) border management, 4) migration and asylum, 5) civil protection and exceptional situations, 6) vocational training, integrity and digitisation. The strategy and the six programmes . Available : https://mai.gov.md/ro/documente-de-politici
105   Home Affairs Development Strategy for 2022-2030. Available: https://gov.md/ro/content/strategia-de-dezvoltare-domeniului-afacerilor-interne-pentru-anii-2022-2030-aprobata-de

The strategy has granted appreciation from external partners as "it adheres to best practice in strategic planning, comprehensively covering all sub-domains of home affairs.[106] The country report published by the European Commission in November 2023 refers repeatedly to this strategy and notes that Moldova's level of preparedness for implementing the European acquis in the realm of justice, freedom and security[107] . The same document recognizes Moldova's progress in fulfilling commitment five of the nine measures outlined in the European Commission's Opinion of March 2022 in e fight against organised crime. Notable steps include the adoption of the Programme dedicated to preventing and combating organised crime for the period 2022-2025, aligning with and supporting the implementation of the Home Affairs Strategy[108] .

Obtaining the status of candidate country for accession does not nullify the Association Agreement[109] which remains in force and applicable until the entry into force of the Accession Treaty. Until that stage it establishes and regulates the relations between the associated parties, for which reason the continued application of the provisions related to the field of public order and security is a priority process to guarantee the continued security climate and the fulfilment of the undertaken commitments.

At the same time, the lengthy negotiation process requires the compilation of chapters of the Accession Agreement/Treaty in stages to achieve closure, meaning . fulfilling all the conditions put forward for each of the areas covered by the Agreement.

There is no obligation to negotiate the chapters in chronological order. For example, the EU applied the new accession strategy launched in 2012 to Montenegro, it was decided to start negotiations directly with the most demanding chapters of the acquis, namely Chapter 23 (Justice and Fundamental Rights) and Chapter 24 (Justice, Freedom and Security).[110]

Thus, the most complex and voluminous chapters, as demonstrated in the process of accession negotiations with the Western Balkan states (Albania, Northern Macedonia, Montenegro, Serbia) are chapters 23 and 24, which include public order and security.

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106 Alternative Report No. 1: Realization of the Action Plan for the implementation of the measures proposed by the European Commission in its Opinion on Moldova's application for EU membership, Available: https://www.expert-grup.org/ro/biblioteca/item/2529-raport-alternativ-nr-1-realizarea-planului-de-ac%C8%9Biuni-pentru-implementarea-m%C4%83surilor-propuse-de-comisia-european%C4%83-%C3%AEn-avizul-s%C4%83u-privind-cererea-de-aderare-a-republicii-moldova-la-ue
107 Country Report, 2023. pg.44
108 Ibid, p.10
109 See: Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part. In: Official Journal of the European Union L260/4 of 30.08.2014
110 Gheorghe Anglițoiu, Miruna Troncotă. The Europeanization of the Western Balkans. Political experiments and lessons not yet learned. In Europenization: Governance and Security Studies, Bucharest, 2015, p. 176.

These chapters will require increased attention and effort from all actors involved, especially security providers.

2.2 Organisational aspect of public order and security

Public order is a social necessity, carried out through specific activities by special bodies – known as public order forces. These authorities with powers and duties in the field of public order and, by law, they are tasked with exercising the state's right to police.

In turn, public order and security are ensured by all measures taken by law enforcement agencies to achieve, maintain and ultimately restore public order. The police forces represent the institutional framework of the public order and security system. from the analysis of their competences we highlight two public authorities, namely the Police and the General Inspectorate of Carabinieri (hereafter - IGC).

The Border Police functions as a supporting body, exercising powers and implementing state policy in the field of integrated management of the state border, combating illegal migration and cross-border crime. At the same time, it ensures public security in order to maintain the state border regime, the border area regime, as well as the public order and regime at the state border crossing points.[111]

The State Protection and Guard Service has more restricted competences, with "special powers in the field of state security, specializing in the protection of dignitaries of the Republic of Moldova, foreign dignitaries during their stay in the Republic of Moldova, their family members, within the limits of legal competences, as well as in ensuring the security of their working premises and residences", with the obligation to maintain "within the limits of competence, public order in places of permanent or temporary stay of persons benefiting from state protection and to exclude causes that prevent the maintenance of this order".[112]

The contribution of this authority to the public order and security component is limited to the implementation of the competences described both independently and in cooperation with the authorities indicated above. On the other hand, interaction between them is essential, with inter-institutional support and assistance mechanisms being established.

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111   Law on Border Police, No. 283 of 28.12.2011. In: Official Gazette No. 76-80 of 20.04.2012, art. 245..
112   Law on the State Protection and Guard Service, No. 134 of 13.06.2008. In: Official Gazette No. 361-369 of 31.12.2015, art. 673.

The police is a specialized public institution of the state, subordinated to the Ministry of Interior, whose mission is to protect the fundamental rights and freedoms of individuals by maintaining, ensuring and restoring public order and security, as well as preventing, investigating and detecting crimes and offences.[113]

Policing in a rule of law state based on the rule of law is extremely important. The police in the Republic of Moldova follow the organisational and operational model of most police structures in the world. That is to say, it has similar powers, and operates based on the same principles and rules of operation applicable in a democratic state governed by the rule of law.

The IGC is a specialized authority of the state, with military status, subordinated to the Ministry of Interior, which has the mission to protect the fundamental rights and freedoms of individuals[114] and exercises its powers throughout the Republic of Moldova.

It is unanimously recognised that the IGC has a dual status and is part of both the national system of public order and security and the national defence system, i.e. in peacetime it performs police duties and in times of siege or war it performs duties specific to the Armed Forces under the conditions laid down by law.

At the same time, the legislation establishes and prioritises the tasks of the IGC in the following areas of activity:

- maintaining, ensuring and restoring public order and security, protecting the legitimate rights and freedoms of the individual and the community;

- preventing and detecting offences and contraventions;

- preventing and combating terrorism;

- securing and protecting important objectives and transport;

- ensuring emergency, curfew and war regime.

As we can see, the first two areas of activity are common to those of the Police, while other areas determine the distinct and separate character of the IGC, being the subdivision of the MIA that carries them out, with small exceptions, exclusively.

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113   Law on Police Activity and the Status of the Police Officer, no. 320 of 27.12. 2012. In: Official Gazette no. 42-47 of 01.03.2013, art.2.
114   Law on the General Inspectorate of Carabinieri, no. 219 of 08.11.2018. In: Official Monitor of the Republic of Moldova no. 462-466 of 12.12.2018, art. 770.

Internal regulations state that the Police and Border Police are to participate in the preparation and conduct of law enforcement and public order restoration actions according to the competences established by law under the direction of the Carabinieri,[115] but so far there are no detailed procedures that would implement these provisions.

The main mission of the Police is maintaining public order, which is carried out through specific activities by the responsible subdivisions, and restoring public order is the main mission of the IGC. Maintaining public order (particularly at public events) is the secondary mission for both the Police and Carabinieri which can be carried out independently or through mutual support.

Regarding the Border Police, even though with the entry into force of Law no. 283 of 28.12.2011,[116] it was reorganized from the Border Guard Service (with military status) and transferred to the Ministry of Interior, it obtained police competences (criminal prosecution and special investigative activity regarding cross-border offences, forensic examination of travel documents, detection and examination of contraventions, etc.), the activity is primarily focused on the effective implementation of an integrated management of the state border. In this order of ideas, this process has led to a shift from guarding (defending) the state border (based on military tactics) to controlling the state border (based on police tactics), based on risk analysis of phenomena that may threaten the state of legality at the border, as well as the accumulation of operational information with an impact on border security.

The model chosen by the Republic of Moldova was conditioned by the European integration commitments undertaken, in particular, those aimed at establishing a liberalised visa regime between the European Union and the Republic of Moldova, as well as the implementation of provisions compatible with the Schengen acquis.

On the other hand, the vulnerability of borders to certain significant challenges (such as the increased flow of illegal migrants, armed attacks, penetrability for various criminal groups and/or criminal phenomena) can condition certain national security crises. Similarly, the resources and capacities of the Border Police are limited, and in the event of the outbreak of major crises, it will have to request the support of other entities, either the Police in the case of criminal phenomena, or the National Army in the case of attacks/armed attacks, or possibly both institutions at the same time.

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115   See: Order of the Ministry of Internal Affairs No 515 of 08.12.2021 "On the approval of the Instruction on the organization and execution of activities for maintaining, ensuring and restoring public order"
116   Law on Border Police, No. 283 of 28.12.2011. In: Official Gazette No. 76-80 of 20.04.2012, art. 245

2.3 Public order and security policy documents

The continuous development of public order and security is a process addressed through public policy documents, and currently, in the Republic of Moldova there is a relevant policy framework covering this area.

The National Development Strategy "European Moldova 2030", (which serves as the main strategic planning document of the country) for the next decade, aims to increase the well-being, safety and quality of life of citizens. Also, it determines "the efficiency of measures to maintain and ensure public order and improve the community-police relationship through joint work to solve problems related to crime and public security; rapid and qualitative response of authorities and services for maintaining public order to citizens' calls to ensure a safe environment of public order and security."[117]

The achievement of General Objective 9 (Promoting a peaceful and safe society), which is made up of 3 specific objectives, is largely the responsibility of the Interior Ministry and covers a whole range of activities in the field of public order and security, such as: reducing violence in society in all its manifestations and aspects, and reducing vulnerability to threats and risks of all kinds. In addition, in alignment to the commitments on sustainable development, the following strategic targets are to be implemented by 2030:

- continuously and dynamically reducing all forms of violence, in particular domestic violence and sexual violence;

- putting an end to child abuse, neglect, exploitation, trafficking and all forms of violence and torture;

- combating all forms of organised crime and arms trafficking.

The new **National Security Strategy,** adopted on 15 December 2023, sets out a planning framework for the next six years and identifies 13 lines of action to achieve public order and security[118] . These action lines relate to legislative harmonisation with European standards and increasing the capacity of public order institutions, but they also concern the allocation of resources or the increase of the security culture by informing and educating citizens,

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117 National Development Strategy "European Moldova 2030", Law No 315 of 17.11.2022. In: Official Gazette No. 409-410 of 21.12.2022, art. 758.
118 See point 28. 2) of the strategy.

which is necessary to prevent and combat organised crime, corruption and cybercrime. The strategy identifies the lack of an integrated crisis management and early warning system for the population as a vulnerability to national security and emphasises the need for a proactive and integrated approach to protect citizens, principles relevant to the public order system.

The Government's programme of activities "A prosperous, secure, European Moldova", right from the first lines, determines that "The security risks in the region are high, with serious consequences for the Republic of Moldova. Our country is the target of unprecedented threats and destabilisation attempts. The government will prioritise public order and the safety of citizens, preserving the stability and unity of the country through cohesion policies and an active foreign policy, as well as through the modernisation of force structures."[119]

The Government Action Plan has been established for the implementation of the Programme. F the year 2023,it outlined plans to reinforce the capacities of the public order and security system through strategic reorganisation to ensure a professional, efficient and rapid response to specific challenges. Additionally, there is a focus on the improvement of the education and training processes within the internal affairs system by optimising capacities in accordance with best practices.[120] The Government's Action Plan for 2024 foresees 19 measures in the area of Home Affairs, including the reorganisation of the public order and security system to increase the response and intervention capacity of the Police, the strengthening of the national crisis management and resilience system, measures to prevent and combat domestic violence, and measures to standardise and digitise the contravention and criminal process[121] .

Looking back not so far, the first and most complex national policy document in this field was the National Strategy for Public Order and Security for the years 2017-2020, and the general objective was to strengthen the protection of the individual, the safety of society and the state by achieving a modern, dual, integrated, interoperable, compatible, strengthened public order and security system in terms of concept, regulatory, organizational and functional framework, human resources, staff integrity, funding, equipment and sustainability measures.[122]

119   The Government's Programme of Activities "A prosperous, secure, European Moldova", Parliament Decision No 28 of 16.02.2023. In: Official Gazette No. 49-52 of 17.02.2023, art. 86.
120   Government Action Plan for 2023, Government Decision No 90 of 28.02.2023. In: Official Gazette no. 108-111 of 31.03.2023, art. 238
121   See: Measures 173-191 of the Government Action Plan for 2024 adopted by Government Decision No. 887/2023, published in the Official Gazette of the Republic of Moldova, 2023, No. 515-518, Art. 1273 of 30 December 2023.
122   National Strategy for Public Order and Security for 2017-2020 and the Action Plan for its implementation, Government Decision No. 354 of 31.05.2017. In: Official Gazette No. 171-180 of 02.06.2017, art. 430.

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The document aimed to improve the quality of public order and security services, including by involving civil society in the fight against crime. At the same time, the aim was to develop the training system for law enforcement officials and to establish a modern public order and security system capable of increasing public confidence and strengthening the protection of society.

The achieved results were driven by several factors, including the implementation of important institutional reforms and the commitments resulting from the Strategy, which materialised through:

- completing the professionalisation and institutionalisation of the IGC;

- obtaining the powers of investigation and examination of offences by the Carabinieri;

- launching the process of delimitation of the competences of ensuring and restoring public order between the Police and Carabinieri;

- creating the National Public Security Inspectorate (hereinafter - INSP);

- implementing in a dedicated and comprehensive way the community policing;

- developing of the analytical component, accumulating information analysing and managing;

- establishing dedicated force and resource planning algorithms and implementing new tactics and operating procedures;

- completing the process of effective force coordination and proper mass management;

- appropriate provisioning of high-performance equipment;

- modifying the training and education process by adapting it to the best international models and practices.

The policy document in question was applied in parallel with two other policy documents dedicated which were dedicated, in particular, to the institutional and functional aspect of the two basic entities with competences in the field of public order and security, namely,

the Carabinieri Reform Strategy for 2017-2020 and its implementation plan[123] and the Police Development Strategy for 2016-2020 and its implementation action plan.[124]

Each of these policy documents has played a role, to varying extents, in advancing public order and security, leading to tangible achievements[125]. At the same time, the demilitarisation and professionalisation of the two entities concerned have diminished the state's capacity and resources to respond to armed/terrorist attacks or other military challenges.

From the internal assessments, the most significant unresolved problems since the previous public policy documents include: completing of the process of delimitation of competences for ensuring public order and security between the Police and Carabinieri; developing of the operational management system, which affects the integrated coordination of forces and means, internal cooperation and interoperability with other institutions; implementing of the concept of regionalisation of the Police; developing the electronic system for recording and registering contraventions; creating a single platform of automated information systems for recording public events in the area of competence of the Ministry of Interior.

In September 2022, the MFA developed a new cycle of policy documents to ensure the continuity of processes launched years ago, while being adapted to the new public policy regulations.

The novelty is primarily due to the change in the concept of drafting and implementing public policy documents, as well as to the integrated approach taken by the implementing authority, being an opportunity, correctly and comprehensively exploited by the Ministry of Interior, to include, with small exceptions, all areas under its responsibility.

In this regard, the Home Affairs Development Strategy 2022-2030,[126] is implemented through dedicated programmes for the component subdomains, developed for the period 2022-2025, namely:

123   Strategy for the reform of the Carabinieri Corps for the years 2017-2020 and the Action Plan for its implementation, Government Decision no. 357 of 31.05.2017. In: Official Gazette no. 181-189 of 09.06.2017, art. 474

124   Police Development Strategy for 2016-2020 and the Action Plan for its implementation, Government Decision No. 587 of 12.05.2016. In: Official Gazette No. 134-139 of 20.05.2016, art. 645

125   A se vedea: Nota anuală de activitate a Ministerului Afacerilor Interne pentru anul 2020, Chișinău, 2021. Disponibil: https://mai.gov.md › rapoarte › rapoarte 2020.pdf

126   Strategy for the development of home affairs for the years 2022-2030, Government Decision no. 658 of 23.09.2022. In: Official Gazette no. 334-341 of 28.10.2022, art. 797

- Public Order and Security Programme, [127]

- Crime Prevention and Control Programme, [128]

- Programme for building confidence and security in society through training, integrity and digitisation of the home affairs system, [129]

- Integrated State Border Management Programme, [130]

- Emergency and exceptional situations prevention and management programme, [131]

- Programme on migration management, asylum and integration of foreigners.[132]

Quantitatively, the Strategy comprises 6 programmes, 26 general objectives, 84 specific objectives and 168 actions.

The strategy states that "Public security is an area where the competences of the Police and Carabinieri intersect. The Police exercise their powers by virtue of their mandate to maintain public order and thus reduce the crime rate, while the Carabinieri - have the function of maintaining, ensuring and restoring public order, in the context of public order events, i involving the participation of a large number of citizens."[133]

Recognition by the implementing authority of the problems and their description in the form of quantitative result indicators gives credibility to the commitments made, namely:

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127 Public order and security programme for the years 2022 - 2025, Government Decision No 913 of 21.12.2022. In: Official Gazette no. 75-78 of 07.03.2022, art. 147

128 Crime prevention and control programme for the years 2022-2025, Government Decision No 948 of 28.12.2022. In: Official Gazette no. 35-38 of 09.02.2023, art. 78

129 Programme for strengthening trust and security of society through training, integrity and digitisation of the internal affairs system for the years 2022-2025, Government Decision No 947 of 28.12.2022. In: Official Gazette no. 53-56 of 18.02.2023, art. 90

130 Integrated State Border Management Programme for the years 2022-2025, Government Decision No 792 of 16.11.2022. In: Official Gazette no. 402-408 of 16.12.2022, art. 996

131 Programme for prevention and management of emergency and exceptional situations for the years 2022-2025, Government Decision No 846 of 07.12.2022. In: Official Gazette no. 438-439 of 29.12.2022, art. 1036

132 Programme on the management of migration flows, asylum and integration of foreigners for the years 2022-2025, Government Decision No 808 of 23.11.2022. In: Official Gazette no. 10-12 of 19.01.2023, art. 21

133 Strategy for the development of home affairs for the years 2022-2030, Government Decision no. 658 of 23.09.2022. In: Official Gazette no. 334-341 of 28.10.2022, art. 797

- 49% increase in the number of patrol and operational response teams by 2023;

- average response time to 112 calls reduced by 13 minutes by the end of 2024;

- a 68% increase in the number of premises needed to guarantee respect for human rights;

- 25% reduction in the rate of speed-related road accidents;

- 15% reduction in the rate of road accidents involving children.

The Public Order and Security Programme for the years 2022-2025 directly addresses the alarming rate of road traffic accidents, domestic and sexual violence, scams and thefts, which have collectively led to an erosion of citizens' confidence in the ability of law enforcement to respond and to a perception that the response to these incidents is formal and insufficient.

The impact of this Programme aims "to generate more safety for people in all environments and situations where they carry out their activities, whether at home, on the street, in public places, in traffic or online, at any time of the day or night. To achieve this impact, interventions have been designed, which will have the effect of modernising and enhancing the capacity of public order and security services with a focus on increasing the quality of the services offered and bringing them closer to the population.[134] "

The given indicators and the set impact are quite ambitious, especially in the context of multiple constraints at institutional level. Consistent and committed steps are needed to implement the priorities and visions set in order not to remain just a declarative ploy.

Major results of the implementation of the new public policy cycle in the area of home affairs cannot be highlighted yet, as the impact will be felt/perceived/understood over a certain period of time. A mid-term evaluation and the development of the 2nd planning cycle is set for 2025 with the 2nd phase of implementation in 2026 to start in, and a final evaluation in 2030.

But from the current evaluations we can deduce some important results. Thus, a set of draft legislation has been prepared to ensure the improvement and simplification of the process of automated recording of offences and the creation of a new single mechanism for recording criminal offences at national level.

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134   See: Public order and security programme for the years 2022 - 2025

Separately, the amendments to the Contravention Code include the implementation of a mechanism for applicating complementary contravention sanctions. This involves the suspension of the special right to drive vehicles, including the withdrawal of the driving licence for specific contraventions. Notable examples include exceeding the speed limit designated for a particular road sector (Art. 236, para. 4-7 Contravention Code), repeated commission of contravention such as failure to give legal priority to pedestrians or cyclists within the same year (Art. 238, para. 3[1] Contravention Code). additionally, the contravention penalty for a contravention outlined in Chapters XII (transport contraventions) and XIII (road traffic contraventions) may lead to the accumulation of 15 penalty points or more .[135]

On 29.06.2022, by Government Decision No. 441, the Concept of the Portable Video Surveillance Information System "Body Camera" and the Regulation on its organization and operation were approved.[136] The given system allows to achieve several objectives, such as increasing the level of protection of the rights and freedoms of citizens, and Police employees; increasing the level of discipline and transparency in activity; preventing and reducing corruption; increasing the professionalism of employees.

Another important achievement is the creation of the National Contact Point for Arms and Ammunition, which, according to the recommendations of the European Commission, mainly involves the institutionalisation of the concept and the development of a data management system for firearms trafficked or illegally held.

The point will be permanently active and will have the status of a specialised directorate under the IGP and is designed to hold information on both criminal and ballistic (civilian regime) weapons and to analyse that data in order to produce strategic, tactical and operational intelligence summaries.[137]

Another result is the implementation of the Government Decision No 882 of 14.12.2022 to approve the Information System "Recruitment and Evaluation of Human Resources in the System of Internal Affairs" and the Regulation on the organization and functioning of this information system.[138]

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135 Contravention Code of the Republic of Moldova, Law No 218 of 24.10.2008, republished in: Official Gazette No 78-84 of 17.03.2017, art. 100
136 Activity Note of the Ministry of Internal Affairs for 2022, Chisinau, 2023, p. 11.
137   National Focal Point for Firearms (NFFP) - an important step towards EU accession, Ministry of Interior, September 2022. Available: https://www.mai.gov.md/ro/node/7120
138 Concept of the Information System "Recruitment and evaluation of human resources in the internal affairs system" and the Regulation on the organization and functioning of the Information System "Recruitment and evaluation of human resources in the internal affairs system", Government Decision No 882 of 14.12.2022. In: Official Gazette No. 39-41 of 10.02.2023, Art. 82.

These provisions aim to introduce a new merit-based, competitive and transparent recruitment, selection and promotion mechanism, taking into account gender equality and diversity, and to address gender stereotypes in access to senior management positions.

The recruitment process itself will have several mandatory steps in the hiring process, including online applications testing general knowledge, professional skills, psychological testing, physical fitness testing, and a medical check-up.

The implementation and operationalization of this system is a first step towards modernizing existing processes and ensuring the application of good governance principles. It brings several benefits, such as: providing public access to depersonalized statistical information; ensuring transparency and legality of recruitment and evaluation processes of human resources of the Ministry of Internal Affairs; excluding risks of abuse and corruption in the recruitment processes of human resources; and enabling objective and transparent evaluation of human resources.

In the same context, the achievement we consider important is the revival of the work of the Community Safety Councils, initially launched in 2018, as a platform in which the Police and local public authorities cooperate to jointly address public safety issues specific to each community.

The members of these councils, headed by the sector police officer, meet regularly to discuss local issues. During community meetings, through opinion polls, public discussions, petitions or analysis of statistics, the most pressing concerns of the people are identified and solved through a joint action plan, joint interventions and close cooperation between police, local authorities and community members.

According to the information provided by the MAI, during 2022, 193 Community Safety Councils were established, 898 meetings were held with their members and 1395 community opinion surveys were conducted, and during 2023, 104 Community Safety Councils were established, with 269 working meetings held. Out of 229 community issues identified in the process of the councils' work, 44 were resolved. [139]

139   Community Safety Councils - activism and mobilisation of local resources for public safety in each locality. Available: https://mai.gov.md/ro/node/7581

2.4 Priorities for public order and security reforms.

The problems identified with an impact on public order and security, that are be addressed, concern the work of the MAI subdivisions responsible for this area.

In their operational activities the police and other subdivisions of the MAI encounter two types of challenges. Firstly, there are issues that these entities are mandated to address, originating from citizens complaints, referrals, and requests. The nature of problems brought to the attention of the police and the manner in which they are handled serve as critical indicators to assess the responsiveness and effectiveness of the police force.

On the other hand, , there are ongoing discussions today about the problems in the work of the police, namely, their ability to face the challenges   they are exposed to, as well as the constant increase in the level of trust from citizens. The analysis of the problems raised by the citizens allows us to determine the most pressing concerns of the society, as well as to give the leaders/managers the possibility to focus on solving them.

Public trust is a necessary precondition for effective policing. Without this trust, the public will not be willing to report crime and provide police with the information they need to work productively.

The second category encompasses problems faced by the police system, as well as the employees in the system. Despite the investments made in the development of infrastructure and facilities, they still remain urgent need to ensure that police units are fully equipped, and some institutional and functional problems persist in police work.

A major influence on police work is political interference. Thus, democratic police practice requires that the police remain outside politics and simultaneously protect democratic political activities and processes (e.g. freedom of expression, public meetings and demonstrations). Otherwise, democracy will be threatened.[140]

Another element that determines the effectiveness of police work is the implementation of *the Police Equal Performance Concept*. It is rightfully considered that public order and security structures are uneven and disproportionate in terms of organisation, staffing and equipment. As a result, the conditions under which duties are carried out differ and the

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140   Police Integrity Training Manual, DCAF, 2015. p. 44.

quality of police service to the community is uneven, making it difficult to implement the above mentioned concept.[141]

The equitable distribution of human and logistical resources is essential to facilitate the effective implementation of this concept. Failure to achieve proportionality may result in vulnerabilities and negative phenomena migrating to territories and communities that are inadequately covered in this regard.

Presence on the ground is one of the most pressing issues. In this respect, it would be advisable to redeploy existing forces and resources in order to increase the number of staff working on public order and security. Thus, the number of employees in the police sectors, as well as those involved in carrying out patrolling missions and operational response to incidents and emergency calls otherwise, community policing, increased mobility and reduced response time to calls and citizen complaints will remain only declarative commitments.

As for the Carabinieri are concerned, their territorial distribution is modest and falls short of being representative. Addressing issues related to the organization of activities and the fulfilment of competences, the Functional Analysis of the Ministry of Internal Affairs, conducted in 2015, explicitly highlighted – Carabinieri's challenges in the organizational system (unsatisfactory territorial coverage);personnel (deficit, inadequate utilization, slow professionalization pace); and technical-material infrastructure (insufficiency, accentuated wear).[142]

In turn, the 2019 IGC Functional Analysis Report indicates the following issues: Carabinieri units' deployment in large cities and lack of mobility favour the service provision in urban communities, with rural areas currently under-covered; there is no fluid interdepartmental mechanism for cooperation with the Police in maintaining public order and security (exchange of information, analysis of the situation, planning of joint actions in relation to needs, which ensures effectiveness/efficiency of action, excludes overlaps, undue concentration of forces and means, waste of time and resources; the IGC does not have a proactive attitude, but a reactive one, generated by the fact that it was/is a provider of resources to the Police and not an equal partner.[143]

The identified issues are still absolutely valid today and have not been resolved despite several dedicated activities have been carried out, namely, the completion of the Carabinieri

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141 Report on the Functional Analysis of the Ministry of Internal Affairs of the Republic of Moldova, Chisinau 2015, p. 66.
142 Ibid, p. 109.
143 Report on the functional analysis of the General Inspectorate of Carabinieri, Chisinau, 2019, p. 105-108

professionalization process, the improvement of equipment, the development of certain operating procedures, regulations and instructions.

This situation stems from the state's insufficient capacity to empower the Carabinieri with adequate human resources, as well as to provide the necessary equipment and financial coverage. As a result, the IGC is currently constrained in its ability to fully carry out its competences, particularly those associated with the restoration of public order.

It would be advisable to create territorial subdivisions in municipalities, as well as in the cities of residence of the administrative-territorial units in order to implement the competences concerning public order by the IGC.

Moreover, it is proposed to reorganise the public order and security subdivisions, with a clear separation of roles and responsibilities, uniform territorial redistribution of public order forces, which as a result will lead to shorter response times to emergency calls. This will increase the sense of public security, particularly in rural areas further away from district centres.

At the same time, the planned actions are geared towards instigating a qualitative shift in law enforcement operations, transitioning from a reactive to a proactive approach across all levels of activity. This transformation involves fostering an intelligence-led analytical culture to serve as a foundation for decisions at all levels (operational, tactical and strategic).[144] Despite the ongoing transfer of police competences at public events to the IGC since 2021, the integrated intervention at such events lacks clear delineation. It is imperative finalize this process by explicitly defining the roles and limitations of the competences of the MAI subdivisions.

At the same time, there are still some issues with the implementation of the Law on public gatherings,[145] such as: the legal framework does not cover all types of public events,; it does not clearly establish the obligation of the local public authority to include the Carabinieri in the commission for the approval of public gatherings; the information of the Carabinieri by the organizers of public events is not regulated, the staff is partially trained for security missions and is able to ensure the management of public meetings with low and medium risk. For high-risk public gatherings, conceptual support, tactics, techniques and procedures, trained personnel, adequate equipment, and facilities are needed.

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144   Public order and security programme for the years 2022 - 2025, Government Decision No. 913 of 21.12.2022. In: Official Gazette No. 75-78 of 07.03.2022, art. 147
145   Law on Meetings No 26 of 22.02.2008, in: Official Gazette No 80 of 22.04.2008, Art. 261

Lastly, the incipient state of data and information quality, coupled with limitations in the mechanisms for obtaining and analysing them, hampers the ability to plan, organize, and coordinate forces effectively within the framework of public order at the desired level.

As for the Border Police, human resources management is notably lacking, impacting the border control system with systemic shortages in both personnel and modern equipment. Additionally, employee reluctance to work in a subdivision lacking predictability and career stability further contributes to these challenges.

2.5 Good governance in the field of public order and security

In terms of compliance with the principles of good governance, it can be noted that these are largely respected, with dedicated procedures developed and implemented.

Accountability implies the commitment of the Ministry of Interior, but especially of the Police, to deliver a high level of public security for the benefit of citizens and entire society, expressed through different states: legality, normality, peace and order, guarantee and protection of human rights and freedoms. On the other hand, improving police accountability and integrity is primarily intended to establish, restore or enhance public confidence and (re) build legitimacy, which is a precondition for effective policing.

Citizens want an accountable, transparent and professional police[146] but this can be achieved primarily through those transformations and investments in organisational and functional capabilities and capacities to deliver the assigned competencies.

Lastly, establishing responsibilities, both vertically (top-down) and horizontally, means assigning very clear and precise tasks and commitments to each hierarchical level, and equipping each of these with the necessary skills and resources.

Likewise, the responsibility shown through the performance of competencies directly influences the level of trust in the police, this being a determining factor by which its work is evaluated. Thus, it is believed that where there is trust, the rate of reporting crimes will increase; therefore, more crimes will be solved and citizens will feel vindicated when their rights or property are infringed.

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146   Police Development Strategy for 2016-2020 and the Action Plan for its implementation, Government Decision No. 587 of 12.05.2016. In: Official Gazette No. 134-139 of 20.05.2016

As the most visible representation of the state, the police play a crucial role in shaping public trust. Trust in the police is synonymous with trust in the state itself. Ineffectiveness, illegitimacy or unfairness in protecting people from crime and maintaining public order can erode this trust. On the other hand, the police will enhance the legitimacy of the state if they demonstrate sensitivity to the needs and expectations of society in their daily work and use the authority of the state in the interests of citizens.

According to the latest Barometer of Public Opinion, the Police is in fourth place in terms of "trust" out of 20 authorities and institutions included in the survey - after the Church, the City Hall and the media, accumulating 36.8%.at one point, however, it had trust of over 40% (December 2019-40%, June 2020-45%, October 2020-41%).[147]

In addition, accountability mechanisms are put in place to ensure that abusive behaviour is properly investigated, punished and, where necessary, redress provided to the victim.

From this perspective, accountability is the citizen's right to hold police employees accountable for their conduct in the performance of their duties. The Law on Police Activity and the Status of Police Officers expressly provides in Article 9 (Petitions on Police Actions) that individuals have the right to challenge the actions of the Police, in accordance with the procedures established by law. Individuals can go to the IGP, to the MAI, to any other authorized body with powers of control over Police activity and in court. The same applies to the Carabinieri and the Border Police.

Moreover, a civil servant with special status who culpably violates legal powers and duties is held liable for disciplinary, civil, administrative or criminal offences, depending on the seriousness of the situation.[148]

Multiple public opinion polls conducted by media and NGO representatives claim that civil society is mainly dissatisfied with the professional level of the police, corruption cases, police performance in relation to the public and therefore the quality of communication. [149]

The professionalism of police employees is a responsible and long-lasting process, involving many internal and external factors. The training and professional development of MIA

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147   Public Opinion Barometer, 2023. Available: https://ipp.md/wp-content/uploads/2023/09/BOP_08.2023_anexa.pdf

148   Law on civil servants with special status in the Ministry of Internal Affairs, No. 288 of 16.12.2016. In: Official Gazette No. 40-49 of 10.02.2017, Art. 85

149   Natasha Dimin, The role of the media in establishing the Police - Civil Society partnership, p. 118. In: Scientific Annals of the Academy "Stefan cel Mare" of MAIRM: legal sciences, 2009, no. IX, pp. 118-120.

employees begins immediately upon employment and lasts throughout their career, this being a continuous process. The diligence with which this goal is achieved is the deciding factor in terms of success or failure in professional growth.

Within the MIA there are mechanisms established to ensure the growth of professionalism which are always used, These include initial and continuous training, continuous and annual professional evaluation, setting and achieving performance indicators, granting incentives, applying disciplinary sanctions, etc.

Likewise, professionalism determines the quality of governance in the field of public order and security, and beneficiaries want to appreciate and determine that level of accountability, as well as how professionally and efficiently the police and other entities carry out their duties.

Having analysed the data and reports submitted by the NAC over the past years, several mentions are made regarding integrity within the MIA and subordinate administrative authorities. Thus, in 2019, , the Centre identified and criminally investigated 45 police employees for committing corruption and corruption-related offences.[150]

In 2020, the number of employees involved in committing corruption and corruption-related offences was 43.[151] Also for 2020, several joint prevention activities were reported, such as those carried out as part of the "We do not accept corruption in the police" campaign.[152] In 2021, for the same category of crimes, the Centre identified and criminally investigated 61 police inspectors."[153]

Collaborating with the Police and other subdivisions of MAI, various prevention activities were undertaken. Notably, "Denunciate! Your attitude counts!" information and awareness campaign was conducted in multiple police inspectorates and their respective localities.[154]

The NAC Activity Report for 2022 refers to 62 police employees who were subjects of corruption offences. At the same time, the assessment of institutional integrity was carried out, which takes place by identifying corruption risks in public entities and describing them, analysing the factors that generate them, and providing recommendations for improving the

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150   NAC Activity Report 2019, p. 10
151   NAC Activity Report 2020, p. 6
152   Ibid, p. 15
153   NAC Activity Report 2021, p. 15
154   Ibid, p. 41

institutional integrity climate. One of the authorities subject to this assessment was the INSP of the IGP which included the professional integrity testing phase.[155]

In this respect, one shortcoming reported concerns the lack of professional integrity of some public servants, an individual factor which has led to negative results in professional integrity tests. For example, 93 professional integrity test results were recorded in the NPHI as follows: 83 persons had a negative result on the professional integrity test; 2 persons had a positive result; 8 persons had an inconclusive result.[156]

According to the data provided by the IGP, in the period 2019-2022 in criminal cases initiated for corruption or corruption-related offences, 405 employees were targeted, with 13 suspended from their positions. Additionally, for repeated violations of service discipline within a year or for committing a serious violation, 111 employees were dismissed. Moreover during the same period 29 employees were dismissed due to convictions basis on a final sentence,

Even though effective procedures and mechanisms to prevent and combat corruption have been established in recent years, police employees are still very much exposed to various acts of corruption. This is due to a number of factors, including the low salary level, the behaviour of persons prone to offer undue favours, the ineffectiveness of the punishment/ sanctions system, an irresponsible attitude towards their duties, etc.

Transparency is manifested by openness towards all those interested in public policies, processes implemented, activities carried out and results achieved, as well as the implementation of competences, where possible, in the most transparent way.

As regards the department that aims to promote new draft legislation or those amending legislation, the MAI ensures transparency in the decision-making process, which the general public is informed about in advance and which is discussed on various platforms.

Public outings by leaders at various levels or employees responsible for communicating with the media are a normal occurrence, bringing the most important issues to the public's attention, whether they relate to a specific situation (a case/crime of increased relevance in society) or take the form of certain recommendations and useful information (e.g. regarding the holding of large public events or alerting citizens to certain special situations, such as: traffic restrictions, bad weather conditions, etc.).

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155   NAC Activity Report 2022, p. 17
156   Ibid, p. 21

Thus, during 2022, on the official page of the Police, 759 press releases were posted under the heading "News" and "Police in action", on a Facebook page titled "Police of the Republic of Moldova", 1,539 pieces of information were published. At the same time, 23 press conferences and briefings were organized with the participation of persons in positions of responsibility within the Police. There were 529 requests from journalists on the work of the National Public Security Inspectorate, statistical data, etc.[157]

The MAI subdivisions, responsible for the public order and security component, ensure the publication of reports and elaboration on them, information notes and statistical data presenting their activity (half-yearly/annual activity notes, dedicated reports, etc.). All subdivisions have official web pages where the necessary information and most important achievements are included , However, sometimes the information is presented with certain hesitations and delays or is incomplete and/or fragmentary, which raises suspicions in society about the validity of the actions carried out by the competent entities and the openness towards society.

Transparency, similarly, involves keeping citizens constantly informed about the community issues and collaboratively presenting proposals to address them. In this regard, there are certain deficiencies in communication with civil society and in establishing / organising various platforms to monitor civil society activities relating to the decision-making process, as well as the implementation of specific provisions or recommendations.

Legality determines the extent to which security providers comply with and ensure compliance with legal provisions and best practices, and whether they apply legal provisions uniformly and fairly. The principle of legality, which implies that powers are exercised only in accordance with legal provisions, is found in all the regulations governing the organisation and operation of the authorities responsible for public order and security.

As for international standards, in particular, those concerning human rights and freedoms, ethics and integrity have been successfully incorporated into the national normative framework, as well as the operating procedures of the IGP, IGC and IGPF. In this sense, legality implies the establishment of several mechanisms regarding the respect and protection of human rights by the Police, such as: implementing international provisions and standards, elaborating and application of codes of ethics and deontology, determining and establishing responsibilities, developing a police culture relevant to the existing social realities, training and professional preparation and implementing standard operating procedures.

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157   Report on Police Activity, year 2022, IGP, Chisinau 2023, pp. 24-25.

Moreover, in recent years the legal provisions have been adjusted to changes in various operational processes and compartments, or modified according to recommendations from civil society or national/international experts.

With reference to the legislation applied by the Border Police, it is largely in line with the Schengen acquis, the harmonization process being carried out at the stage of implementation of the Action Plan on visa liberalization between the European Union and the Republic of Moldova.

In terms of *participation,* the work within the Ministry of Interior, but in particular within the Police and Border Police, is inclusive, which means that a proportional number of people from different groups of Moldovan society (women and men, people of different ethnic groups, including from different regions, etc.) work in these entities, particularly in positions of responsibility, so that the diversity of society is also reflected within these entities. This helps to increase public confidence in these subdivisions and improve cooperation with them.

As regards increasing the number of women employed in the Police, this commitment was made some time ago and in recent years it has been achieved without any obstacles and is constantly increasing. The same holds true for the Carabinieri and Border Police. However, the increase in the number of women in the MFA's subdivisions does automatically eliminate barriers to ensuring opportunities for participation in the performance of their duties.

Referring to the commitments made to implement the EU Funding Agreement "Support for Police Reform", the IGP Order No 521/2017 approved the Action Plan on increasing the share and role of women in the Police for the period 2018-2020.[158] The Police Women's Association provided a separated opinion on it and participated in the implementation of the actions included in the plan, although the implementation of this program requires the involvement of all entities within the General Inspectorate of Police.

Thus, the share of women in the Police in 2020 was 23.29% of the total number of employees on the list, compared to 17.84% at the end of 2016.[159] Additionally, the ratio of female to male officers in the Police subdivisions occupying managerial positions at the end of 2020 constituted 10.74% of the total managerial positions on the payroll.

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158 Action Plan on increasing the share and role of women in the Police for the period 2018-2020. Available: https://politia.md/sites/default/files/raport_de_progres_cresterea_participarii_femeilor_in_politie_2020_ro.pdf

159 Report on developments in the police reform process (2016 - 2020), Chisinau 2021, p. 8.

At the end of 2022, the IGP reported that "in total, leadership positions are held by 844 men and 101 women. Of the total number of Police employees, the share of women is 23.18% or 1,846 employees (1,151 officers, 502 non-commissioned officers, 193 civilian employees)."[160]

While important and dedicated steps have been taken in terms of women's participation in the above-mentioned security providers, there is still a lot of work to be done to increase the attractiveness and willingness of women to work in law enforcement by creating equal opportunities and fulfilling national and international commitments (see Part III, Chapter 3).

In this regard, the Action Plan for the implementation of the National Programme for the implementation of UN Security Council Resolution 1325 on women, peace and security for the years 2023-2027 was recently approved by the Ministry of Interior.[161] The plan translates several general objectives into institutional commitments, such as: enhancing the participation and representation of women in the security and defence sector. It also aims at preventing inequalities, violence and harassment within the security and defence sector by mitigating risks and eliminating the consequences associated with discrimination.

The objectives are to be achieved through a variety of actions, the most important of which are carrying out various studies, analyses, research; conducting seminars, meetings and trainings, information campaigns, promotion in the media, including online, of materials on women in leadership positions; capacity building of institutions in the field of gender and promotion of gender culture at institutional level; Alignment and implementation of international standards for the respect and promotion of women's rights in times of peace or conflict; 'zero tolerance' of sexual and psychological violence and harassment in the workplace; revision or improvement of institutional mechanisms to prevent, identify, report, investigate and address cases of harassment and violence at institutional level.

Responsiveness is a characteristic that determines the activity of the targeted entities. In this chapter, it is noted that the police must be responsive to the whole community and strive to provide prompt service in an impartial and equal manner.

Today, the growing tendency to consider the police as a service provider for the community has an explanation and can be seen in the processes of structural reform that have taken place over the last decades in several countries, including in police organisations based on

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160   Report on Police Activity, year 2022, IGP, Chisinau 2023, p. 15
161   Action Plan on the implementation of the National Programme for the Implementation of UN Security Council Resolution 1325 on Women, Peace and Security for the years 2023-2027, MAI Order No. 381 of 23.08.2023

the traditional concept of force. This view takes into account essential elements of service delivery, including community policing, as well as more interactions with the public.

The police are responsive, by virtue of the state they hold, to all complaints and referrals from individuals, with dedicated subdivisions and approved processes established internally. For example, in 2022, around 21,456 petitions were received by the Police. The volume of petitions received increased by 8% compared to 2021.[162]

Regarding the request for police intervention, 268,191 calls were registered on the single emergency number 112 and 357,565 pieces of information on crimes and other incidents and 39,665 reports of crimes were registered in the Integrated Law Enforcement Information System during the reporting period.[163]

At the same time, an element of responsiveness is the openness to certain proposals and recommendations from civil society, as well as the joint solution of the most pressing problems concerning the safety of different communities.

Efficiency means allocating resources and using them. The planning, distribution and use of resources are committed and accountable process, and each evaluated entity has had mechanisms in place internally for several years to make the most efficient use of its budget and allocated resources.

Considering the limited resources available to the MIA, the correct and efficient utilisation of these resources is crucial. This ensures that subordinate subdivisions receive the minimum necessary to carry out their competences in a professional and responsible manner.

Thus, in the chapter "*Financial resources"*, as outlined in the Order of the Minister of Finance no.208/2015 on the budget classification", in Annex no.7, the funding programme "Home Affairs" has been approved, which consists of 7 sub-programmes: Home Affairs Policy and Management; Public Order and Security; Migration and Asylum; Carabinieri troops; Home Affairs Support Services; Border Management; Applied Scientific Research in Home Affairs.

From the MAI Activity Note in 2022[164] in the chapter "Financial resources" it is noted that the share of budget execution in 2022 was 96.8%, including projects from external sources and a share of budget execution without projects from external sources of 98.2%.

162   Report on Police Activity, year 2022, IGP, Chisinau 2023, p. 25
163   Report on Police Activity, year 2022, IGP, Chisinau 2023, p. 9
164   Activity Note of the Ministry of Internal Affairs for 2022, Chisinau, 2023, pp. 4-5

According to the State Budget Law for 2022[165] , the institutions subordinated to the Ministry of Interior were initially approved allocations for expenditure and non-financial assets in the amount of 3758.9 million lei. Subsequently, on 28 December 2022, the MAI budget was adjusted to 4027.8 million lei, with additional budget allocations in the amount of 268.9 million lei. At the same time based on the provisions of the Commission for Exceptional Situations and a Government Decision, additional financial means in the amount of 585.4 million lei were allocated from the intervention fund and the reserve fund. In total, the allocations increased by 969.4 million lei, representing 26% rise compared to the initially approved budget of MAI.[166]

Despite the obligation for institutions under the Ministry to manage budget allocations in line with the principles of good governance[167], and notwithstanding the redistribution of budgetary resources throughout the year, 12 institutions subordinated to the Ministry failed to execute allocations amounting to 150.5 million lei. The overall execution reached 96.8% (4577.7 million lei) of the specified budget, which was set at 4728.2 million lei.

In this respect, the Court of Auditors determined that "budget proposals had to be substantiated and classified based on real needs, with justification for the need for budgetary resources. As in previous years, there has been evidence of planning based on a lack of real and reasonable expenditure needs, with surpluses of budgetary means allocated. It should be noted that the expenditure reduced from some expenditure items and reallocated during 2022 to other expenditure items reached the amount of 115.6 million lei. All this influenced the transparent and efficient planning of procurement of goods, works and services, as well as the use of budget allocations at the end of the year."[168]

Having analysed the information presented by the IGP, in the given chapter, it appears that during 2022, the allocations were specified at the amount of 1965010,1 thousand lei, distributed as follows: 1570 205,6 thousand lei for personnel expenses; 105725,6 thousand lei for goods and services; 72294,4 thousand lei for social guarantees and enforceable documents; 2232,4 thousand lei for current expenses not allocated to other categories; 89323,9 thousand lei for maintenance of transport units; 125228,2 thousand lei are non-financial assets, of which - 23294,7 thousand lei for capital investments in progress. As of 31 December 2022, the budget has been contracted and executed 98.6% in relation to the specified plan.[169]

165   Law on the State Budget for 2022, no. 205 of 06.12.2021. In: Official Gazette no. 315-324 of 24.12.2021, art. 478
166   Audit report on the consolidated financial statements of the Ministry of Internal Affairs as at 31 December 2022, approved by the Court of Auditors' Decision No 34 of 29.06.2023
167   Legea finanțelor publice și responsabilității bugetar-fiscale, nr. 181 din 25.07.2014.În: Monitorul Oficial nr. 223-230 din 08.08.2014, art. 519
168   Audit Report on the Consolidated Financial Statements of the Ministry of Internal Affairs as at 31 December 2022, approved by the Decision of the Court of Auditors No 34 of 29.06.2023
169   Report on Police Activity, year 2022, IGP, Chisinau 2023, pp. 25-26

As evident, the majority of the allocated budget, approximately 80%, is earmarked for employee salaries and other staff costs. This allocation proves insufficient for development purposes, such as acquiring modern and efficient equipment, renovation and development of infrastructure, etc.

According to the provisions of Article 15, para. (1) of the Law no. 229/2010 on Public Internal Financial Control,[170] the manager of the public entity is responsible for organizing the internal management control (IMC) system in the public entity. In this regard, the Order of the Minister of Internal Affairs No. 350 of 05.08.2020[171] was approved, which regulates the manner of implementation and application of the provisions of the National Internal Control Standards to develop and strengthen the system of managerial internal control within the Ministry and organizational subdivisions within its sphere of competence.

Based on the results of the annual self-assessment of the internal management control system, the Ministry of Interior intends to further strengthen the activities initiated to implement the provisions of the National Internal Control Standards, so that the public funds allocated to achieve the strategic and operational objectives are used in conditions of transparency, economy, efficiency, effectiveness, legality, ethics and integrity.

The Court of Accounts has established that the implementation of the MIF is ongoing in the institutions under the Ministry of Interior. Thus, 8[172] out of 12 institutions have not completed the description of 137 operational processes, and the management internal control system partially complies with the National Public Sector Internal Control Standards, as confirmed by the Declaration of Good Governance. The analysis of the reports submitted by the public institutions subordinated to the Ministry shows that the IMC system in one public entity is compliant while in eleven public entities it is partially compliant. Therefore, the Ministry's CIM requires improvement.[173]

The effectiveness with which competencies are delivered by public security providers determines the success or failure in delivering the climate of security that beneficiaries expect. This compartment has shortcomings in order to assess both internally and externally the effectiveness of the responsible entities. Similarly, there is no developed procedure for clear and accurate assessment and determination of institutional performance, which needs to be implemented.

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170   Law on Public Internal Financial Control, No 229/2010. Available: https://www.legis.md/cautare/getResults?doc_id=125252&lang=ro

171   Regulation on the organization and functioning of the internal managerial control system within the Ministry of Internal Affairs approved by Order of the Minister of Internal Affairs No 350 of 5 August 2020

172   HQ of MAI, IGP, Inspectorate General of Carabinieri (IGC), ARM, STI, Inspectorate General for Migration (IGM), Operational Management Inspectorate (IMO) and MS.

173   Audit Report on the Consolidated Financial Statements of the Ministry of Internal Affairs as at 31 December 2022, approved by the Decision of the Court of Auditors No 34 of 29.06.2023

The police are accountable not only to the state, but also to the public, and their effectiveness depends to a large extent on the support of the public. Effective policing is not possible if certain sections of the population do not feel that the police protect and respect them. It is imperative that the police engage in confidence building and create appropriate structures for communicating with the public.

It is well known that well-trained personnel are one of the important actors in the work of law enforcement bodies, thanks to which human rights violations are reduced, crime is kept at a low level, and citizens gain confidence and a sense of security in society and the state.

At the core of an effective policing structure is a functioning Human Resource Management (HRM) system. Its absence or deterioration seriously compromises the fundamental principles of a modern police service, including the extent to which it achieves its objectives function and its integrity. The primary objective of Human Resource Management is to attract, recruit, train and retain the 'right people for the job', which in our context are people with a high level of integrity. To achieve this objective, the police institutions must create and sustain a principled and ethical work environment. A transparent, representative and accountable system aligned with democratic values and principles, which promotes respect for standards of integrity is essential.[174]

The Ministry of Internal Affairs remains one of the largest public authorities in the country with problems related to recruitment, placement and career development. Even though in recent years the legal provisions[175] and the subsequent regulatory framework[176] have been developed and adjusted in line with best practices and standards in the field, staff turnover is high and employees motivation and desire to work and pursue a career in the field of internal affairs remains low.

Today, the headcount of the MIA, administrative authorities and institutions subordinated to it, is 18,178 units, of which the number of vacant positions throughout the MIA system is 2057 units or 11.3% of the headcount, including 1942 units under moratorium. Of these 8648 (47%) are officers; 7962 (44%) non-commissioned officers, 1411 (7.8%) civilian employees and 157 (1.2%) civil servants. The staff deficit is decreasing compared to 3 years ago by almost 20% (2585 units in 2018). The average age of employees is 36.5 years compared to 37.8 in recent years. The most pronounced staff turnover (up to 35%) is in the category of employees up to 5 years old.[177]

174   Police Integrity Training Manual, DCAF,. DCAF. 2015. p. 175
175   Law on civil servants with special status in the Ministry of Internal Affairs, No 288 of 16.12.2016. In: Official Gazette No 40-49 of 10.02.2017, Art. 85
176   Government Decision No 460 for the implementation of the provisions of Law No 288/2016 on the civil servant with special status in the Ministry of Interior, in: Official Gazette No 304- 312 of 20.11.2020, art. 975
177   Activity note of the Ministry of Internal Affairs for 2022, Chisinau, 2023, p. 6

At the same time, there is a high degree of staff turnover, and the number of staff employed is significantly lower than that released from the MAI. During 2022, 1875 people were hired, but released - 2568 people, including 541 civil servants with special status resigned with the right to pension. All of this may affect the operational activities and achievement of the MAI objectives.[178]

Regarding the human resources involved in the public order and security component, it is noted that "the total number of personnel involved in the provision of public order and security services is composed of more than 1000 INSP police officers, more than 6000 employees of the Police Inspectorates and 1100 Carabinieri".[179]

According to the data presented by the IGP, most of the police employees work in the field of public order and security. As of 01.07.2023, out of 7630 employees in service, 3444 were involved in this field, followed by 1142 in crime investigation subdivisions, 597 in criminal prosecution, and 718 in administrative support subdivisions.

At the time of writing the Report also shows the highest number of vacancies in the last 5 years, i.e. 1526 posts, of which 674 were in the field of public order and security. The lack of predictability in career development and favouritism in promotion contribute to the decrease in the attractiveness of work in the IGP and lead many experienced employees to resign, to transfer to other subdivisions of the MIA or to other law enforcement authorities, where working conditions are more attractive, or to terminate their service relationship after having accumulated seniority, which entitles them to a pension. Recognising the existing problems concerning human resources is a first step, but activities specifically created to promote professionalism, meritocracy, fair competition, and access to managerial positions and positions exclusively through transparent and fair procedures are needed.

The biggest shortcoming related to human resources is the low salary level, and compared to other categories of personnel employed in national security entities (SIS, SPPS, SV, CNA), MAI employees (especially Police) have the lowest salaries, the salaries being disproportionate to the effort and professional risks, as well as to the exposure to various acts of corruption.

Quality services to society can only be provided by well-trained policemen, carabinieri, border guards, who must know, respect and correctly apply the laws, communicate effectively and

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178 Audit report on the consolidated financial statements of the Ministry of Internal Affairs as at 31 December 2022, approved by the Decision of the Court of Auditors No 34 of 29.06.2023.

179 Public order and security programme for the years 2022 - 2025, Government Decision No 913 of 21.12.2022. In: Official Gazette no. 75-78 of 07.03.2022, art. 147

resolve conflict situations, have appropriate physical and tactical training, and, whatever the circumstances, defend the rights and freedoms of citizens and be ready at any time to intervene and offer help to people at risk.

Employment in the aforementioned authorities follows the provisions outlined in the Regulation on the filling of public positions with special status within the Ministry of Internal Affairs (Annex no. 2 to GD no. 460/2017). Upon successful selection, the majority of employees, sourced externally undergo initial training courses following their appointment.

In order to achieve these provisions, during the last years, the activity of the MIA and its subordinate subdivisions have focused on the creation and implementation of an independent, efficient system of training and professional education of employees.[180]

Similarly, internal training and professional training capacities have been developed, so that today the MAI has the ability to deliver a qualitative initial training process, and an improved infrastructure allowing practical training on professional and tactical intervention (polygons, laboratories, shooting ranges, sports halls, etc.).

In 2018, the MAI approved the occupational standards of the role of the public order and security police non-commissioned officer, the Carabinieri non-commissioned officer and the border police non-commissioned officer, and in 2021, it approved the occupational standards of rescuers and firefighters. The occupational standards define the general competences and special competences to be possessed by employees in these categories.

The knowledge and skills that the junior NCO obtains in the initial training course represent their professional profile as a law enforcement officer, and today these employees are much better prepared to face the challenges and successfully achieve the knowledge, skills and abilities described above.

Recently the training programme was modified and the main arguments for this process were that the 4 month period was too short and did not allow the NCOs to obtain the minimum threshold of knowledge, skills and abilities necessary to perform their duties.

As a result, the training period has been extended from 4 months to 12 months, from 640 hours of training to 1395 hours, currently, the length is 6 months of training within the educational institution (initial training), 4 months of a probationary period (within the subdivision where the new employees are working) and 2 months of training within the educational institution (continuous training).

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180   Annual Activity Note of the Ministry of Internal Affairs, 2020, Chisinau, 2021, p. 2

At the same time, border police, rescue and firefighter NCOs only undergo *general training* at the "Stefan cel Mare" Academy of the MAI, lasting 4-7 weeks, together with NCOs from the Police and Carabinieri, while *specialized training* is carried out in departmental educational institutions: the Border Security Excellence Centre of the IGPF - for border police NCOs and the Republican Training Centre of the IGSU - for fire and rescue NCOs.

Principles	Sources	Evaluation	Points
Accountability	High degree of corruption in the sector. Low trust in society - Barometer of Public Opinion, page: bop.ipp.md.	low	2
Transparency	Pages: mai.gov.md; politia.md; carabinier. gov.md, border.gov.md Information on current work placed; most important achievements covered; press conferences and briefings held; new/amending legislation projects presented. These include: activity reports (annual, thematic, etc.); active press services with a lot of information; openness towards the media; bringing information of common/general interest to the attention of the general public; contacts established; list of subdivisions published.	high	4
Legality	Legal and regulatory framework established; internal procedures determined; commitments made; sector policy documents adopted; shortcomings in the implementation process of previous policy documents determined, lessons learned. Updated legislation; standard operating procedures/regulations/instructions approved and implemented; legislation in aligned with international standards and practices.	medium	3
Participation	Statistics on women in the Ministry of Interior and subordinate subdivisions show a wide participation; regulations and internal institutional mechanisms on gender policy are established; trainings, briefings, media activities are carried out.	medium	3

Responsive-ness	Procedures for receiving, registering and examining complaints, petitions, requests, referrals, addresses established; contact details indicated; possibility of submitting requests/addresses on-line; system for regular examination of complaints and addresses; mechanism for carrying out checks and controls established; high response rate.	medium	3
Efficiency	State budget largely correctly used, reports on use of resources presented; internal mechanisms in place (internal managerial control); high level of corruption; demotivating pay conditions, lack of meritocracy in career advancement.	medium	3
Effectiveness	Rule of Law Index (World Justice Project's Rule of Law Index) ranked 39 out of 140 countries assessed for «public order and security». The BOP ranks the police high in the trust of the listed authorities.	high	4
Total		**Medium**	**22**

Compliance with the principles of good governance in the Security and Public Order System
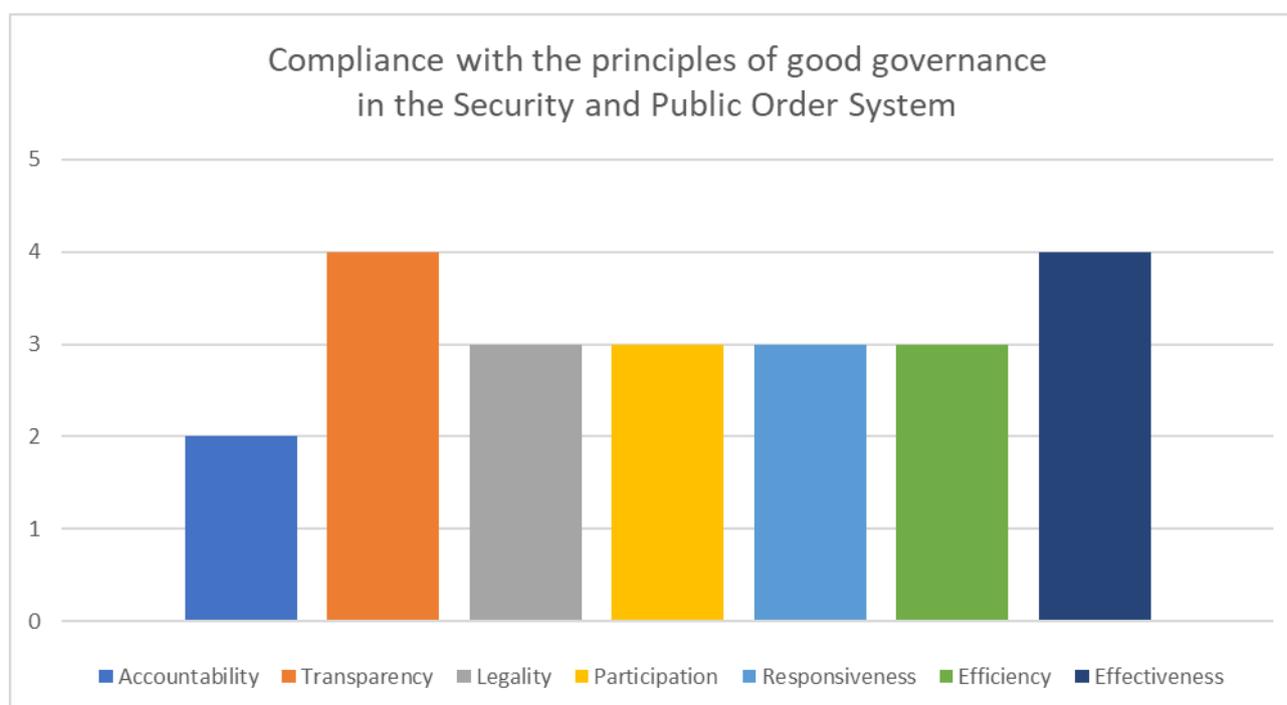
2.6 Problems identified

In assessing the implementation process of the policy and strategy framework with reference to public order and security, here are the following issues requiring immediate attention staff turnover and increasing vacancies;

- uncompetitive pay conditions;

- the existence of complex procedures for documenting cases detected by the police, their excessive bureaucracy;

- training police employees in improper activities (execution of seizure procedures, technical supervision and car inspection, etc.);

- the lack of a mechanism for assessing, evaluating, understanding and integrating the degree of public security into operational processes;

- the lack of a complex and integrated vision to increase the level of trust of citizens in the Police, IGC, IGPF;

- insufficient use of analytical products in operational activity;

- the lack of a viable mechanism for monitoring and evaluating the work of the police and other administrative authorities under the Ministry of Interior by civil society.

At the same time, the framework of issues highlighted above requires some clarification and calls for answers to the following questions:

- how to ensure the quality of the implementation process of sectoral policy documents and the achievement of the proposed objectives?

- community problems, how do we understand them, how do we assess them, classify them, and what solutions do we identify to alleviate them?

- how do we aim to improve the services provided and how do we assess the satisfaction of the beneficiaries of these services?

- how do we increase responsiveness?

- how do we make the profession of policemen, carabiniere, and border guards more appealing?

- how do we fill vacancies and do we have a vision or strategy for this?

2.7 Recommendations

As a result of the problems identified, certain recommendations are needed to improve the implementation process of policy documents relevant to public order and security, as well as to respond to the problems mentioned:

- striking a balance between ensuring a high level of public order and security on the one hand and guaranteeing the rights and freedoms of every individual on the other;

- aligning policy documents with the needs and expectations of society, ensuring that their implementation maximally and beneficially impact public order and security;

- enhancing situational awareness and anticipating negative phenomena that may threaten public order and security, as well as cause certain crises;

- demonstrating unconditional openness to proposals coming from society and fostering collaborative solutions to address issues and phenomena that pose threats to public order and security (a good example is community policing, the establishment and work of community safety councils, etc.);

- Emphasizing the analytical component at the forefront by producing specific analytical products that enable the effective management of limited police subdivision resources, fostering a proactive approach rather than a reactive one to address negative phenomena.

- establishing a strategy for filling vacant posts;

- identifying solutions to improve pay conditions;

- maintaining an open attitude towards citizens' needs and community problems;

- launching the process of taking inventory of all internal procedures, describing them and prioritising existing resources (public order, preventing and fighting crime, border management, etc.);

- calculating the forces and means required for each area of activity, with subsequent allocation according to existing priorities and vulnerabilities;

- developing infrastructure and providing the necessary facilities so that each employee has the minimum professional comfort required;

- implementing transparent, equitable and fair human resources management;

- facilitating continuous professional development through dedicated activities.

CHAPTER 3. INTELLIGENCE AND SECURITY SERVICE

3.1 The current context for evaluating the work of the Intelligence and Security Service

Effective governance of the security sector must be a primary objective for the state as ensuring the proper functioning of the security sector can positively influence national security, the resilience and health of the entire system of state bodies, and society as a whole.

In the field of ensuring the national security of the Republic of Moldova, Article 1 of the Law No.136 of 08.06.2023 on the Intelligence and Security Service of the Republic of Moldova, states that the Intelligence and Security Service (SIS), a specialized state body, plays an important role and has direct competence in ensuring national security.[181] The activities of the SIS, first and foremost, focus on maintaining functional and multidimensional security, to curb information-subversive attempts from abroad, to prevent the anti-constitutional activity of groups and formations both inside and outside the country, to combat organised crime, counter manifestations of corruption that undermine state security and terrorism, to ensure the economic stability of the country, and to increase the national defence potential. The areas listed are distinguished by their major importance for Moldovan society and the Moldovan state. Consequently, the responsibility of the SIS in this respect is extraordinary, since both the significance of the specified areas and the methods and means used to detect, prevent, and counteract phenomena with a negative impact on security are specific forms of activity, regulated by the legislation in force.

The purpose of SIS activity is to ensure internal and external security, to defend the constitutional order, the national economic system and defence capacity, as well as to fight terrorism and other threats to state security with preventive and special means of a non-military nature.

In order to fulfil their responsibilities in the field of national security, the SIS collects, verifies, evaluates, analyses, stores, preserves and utilizes information of importance for the security of the Republic of Moldova. The SIS also engages in the maintenance and development of the scientific, economic, defence and human resources potential, the promotion of domestic and foreign policy, as well as information for detecting, preventing and counteracting informational and subversive activities of foreign special services, anti-constitutional entities or structures, as well as distinct groups or individuals, whose actions are aimed at undermining state security[182] .

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181   Law on the Intelligence and Security Service of the Republic of Moldova No.136 of 08.06.2023. In: Official Gazette No. 204-207 of 21.06.2023.
182   Ibid, art.3

Following the provisions in the National Security Strategy, the Intelligence and Security Service has an important role in ensuring national security, but also in detecting, preventing and counteracting a wide range of criminal phenomena, mainly characterised by a high degree of social danger and directed against society and the state.

Developments in the security environment, particularly at a regional but also international level, have heightened attention to the need to protect the values and social relations within the state. Ensuring security at an individual, societal or state level is a primary objective for the entire system of state bodies. The new types of challenges faced by the Republic of Moldova also require the identification of levers and solutions that would enable their detection, prevention and counteraction.

In this context, one proposed solutions was to extend the powers of the competent bodies. Also, given the fact that it is often necessary to give the specialised subdivisions of the Intelligence and Security Service leverage to react promptly to threats to national security in order to achieve a positive result in their work, the proposal was made to empower them to operate under a security mandate.

In principle, obtaining a security mandate is nothing new for national security bodies, as such mandates have been implemented in most European states. The main issue that arose in this respect concerned the scope and/or volume of powers granted to a special service to decide and carry out/perform independently a certain spectrum of activities.

In the context of the present study, we consider it is important to note that in 2014, the European Commission for Democracy through Law (the Venice Commission) adopted an opinion on the draft law to amend and supplement certain legislative acts, supported by the Intelligence and Security Service, drafted jointly with the Directorate of Human Rights of the Directorate General of Human Rights and the Rule of Law of the Council of Europe. The aim of the draft law was to establish a procedure allowing the Intelligence and Security Service of the Republic of Moldova to carry out special investigative activities outside the criminal framework (so-called "security warrant") under the supervision of a judge. Subsequently, in the Opinion No 878/2017 issued on 14 March 2017 by these institutions, it was noted that this draft law, which reconfirms the intention of the Moldovan authorities to introduce the "security warrant" mechanism, could be seen as a step further to the draft law examined in the context of the 2014 Opinion[183] .

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[183]   Joint opinion of the Venice Commission, the Information Society and Fight against Crime Directorate and the Human Rights Directorate of the Directorate General of Human Rights and the Rule of Law of the Council of Europe on the draft law No. 281 amending and supplementing Moldovan legislation on the so-called "security mandate" adopted by the committee at its 110th plenary session (Venice, 10-11 March 2017), https://parlament.md/LinkClick.aspx?filetick-et=rfvjEsLD1Ac%3D&tabid=90&languge+ro-RO

PART II

The Commission acknowledged the complex security context in the region, which has a deep impact on the Republic of Moldova and justifies the serious concerns of the Moldovan authorities about potential threats to the security of the state and in particular to its territorial integrity. Despite these justified concerns, the draft law raises a fundamental question: to what extent are the new instruments (criminal and investigative powers) necessary when existing acts, such as the Law on Special Investigative Activity and the Law on Extremism, which are specifically designed to provide the police and the Intelligence and Security Service with the necessary investigative tools.

The Commission also specified that whatever choices will be made (among different drafts) by the Moldovan legislator, it will be essential to propose - as a framework for recourse to special investigative measures and for the functioning of the intelligence service – clear and coherent regulations, based on consistently defined concepts and procedures, underpinned by a coherent institutional framework and accompanied by adequate human rights guarantees. The comments made in relation to intelligence measures in the 2017 and previous reports, as well as the criticism expressed in relation to "security mandates", are applicable to many provisions contained in these drafts/laws and should be given due consideration.

At the same time, in the context of the implementation of the security mandate the Venice Commission has made the following recommendations:

- provide sufficiently clear and precise conditions for the judicial authorisation of the security warrant, requiring, *inter alia*, concrete indications of criminal activity, reasonable suspicion, and a narrower definition of the categories of persons targeted by the special investigation under the security warrant;

- specify the circumstances for emergency authorisation and providing a reasonable timeframe for subsequent review by a judge;

- better specification of the grounds for postponing the notification of the person concerned by a security warrant and strengthening the related safeguards, including through appropriate mechanisms for regular review of the decision not to notify and an effective right to challenge this decision and the decision to issue the security warrant.

The law on counterintelligence and foreign intelligence activity is clearly aimed at improving and strengthening Moldova's legal framework for the protection of state security in the

context of increasing threats in these areas. It regulates the use of counter-intelligence measures outside criminal proceedings, under the authority of a "security warrant" issued by a judge, a new mechanism for security investigations for the Intelligence and Security Service of the Republic of Moldova.

3.2 New laws on the Intelligence and Security Service and its Activities

On 8 June 2023, the Parliament voted in final reading the Law on the Intelligence and Security Service[184] . The amendments introduced *inter alia* the aim to ensure the independence of the work of the SIS, to revise the mandate of the management of the institution and to clarify its tasks. On 7 July 2023, the Law on counterintelligence and external intelligence activity[185] was also voted on in the final reading. The new law establishes the legal framework, the manner and conditions for ordering and carrying out counterintelligence and external intelligence measures by the SIS, as well as the verification of the legality of these measures.

The process of drafting the laws in Parliament was an inclusive one, with broad participation of representatives of public authorities, national and international experts, including the Venice Commission and the Geneva Centre for Security Sector Governance, DCAF [186],[187].

Although it is necessary and justified to adopt the above-mentioned laws, especially in the current context, we nevertheless consider it necessary to point out some aspects that could create some confusion at the stage of implementation of these laws: one of the basic conditions of a law is its predictability and comprehensiveness. In this regard, we note that a long-standing problem - the delimitation and concrete specification of the competences of a special service - has not been resolved. Thus, instead of drawing up a comprehensive list of powers, the way was chosen to refer to other normative acts, such as the Law on State Security No. 618/1995, Law No. 120/2017 on preventing and combating terrorism, Law No. 245/2008 on state secrecy, Law No. 271/2008 on the verification of holders and candidates for public office, Law No. 325/2013 on the evaluation of institutional integrity, Law no. 124/2022 on electronic identification and trust services, etc. In such a situation, we

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184   Law on the Intelligence and Security Service of the Republic of Moldova No 136/2023. Available: https://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/6252/language/ro-RO/Default.aspx

185   Law on counterintelligence and foreign intelligence activity, No 179/2023. Available: https://www.parlament.md/ProcesulLegislativ/Proiectedeactelegislative/tabid/61/LegislativId/6254/language/ro-RO/Default.aspx

186   Consultation of SIS Laws in Parliament, Opinions and Opinions presented. Available: Draft normative acts (parlament.md)

187   Expert Opinion on draft Law on SIS and Law on CI. DCAF. 2023. Available: DCAF Word Template

consider that the probability of conflicts of competence with other bodies for the protection of the rule of law, as well as of circumvention of obligations, persists, since imprecision in the wording generates the possibility of evasion or, even worse, of ignoring the fulfilment of duties. Moreover, the reference to Article 4(2)(2) of the Law on State Security can also be challenged on the ground that its provisions are of a general nature, whereas the Law on the SIS should have specified the threats to State security, addressing them through the prism of the specific criminal law. In such a case, it would have been possible to identify precisely the area of competence and to minimise the possibility of evasion of duties and transfer of competence.

Another aspect which, in our opinion, is deficient is the procedure for authorising external counterintelligence and intelligence measures. Thus, according to the Law on counterintelligence and external intelligence activity, the Director of SIS or the Deputy Director authorised for this purpose, authorises the implementation of the counterintelligence measure provided for in Article 9 para. (1) (1) by order, on the basis of the request of the head of the sub-unit, who carries out counter-intelligence activity in a special file opened and registered.

At the same time, in regards to the tasks of the SIS Director, the SIS Act stipulates in Article 16(i) that he shall authorise, in accordance with the Act on counterintelligence and external intelligence activity, the _conduct of external intelligence measures_. As we can see, there is no mention of its power to authorise counterintelligence measures and to issue orders to this effect (Article 11(1) of the Law on Counter-Intelligence and External Intelligence Activity). Moreover, the order, in this case, must be perceived as a procedural act drawn up in accordance with the criminal procedural law.

In general, counter-information measures, as specified in Article 9 of the Law on Counter-Intelligence and External Information Activity, may be authorised, for the most part, by a judge of the Court of Appeal. Thus, out of 12 counterintelligence measures, 11 are authorised by the judge of the Court of Appeal through a court warrant, which is the authorisation to carry out in a special file opened and registered, the counterintelligence measures outlined in in Art. 9 para. (1)(2).

On a comparative point of view, we note that under the adopted law, judicial authorization is required for 11 counterinformation measures, namely:

a) search of the home and/or, where appropriate, installation of video/audio surveillance, photography or fact-finding equipment.

b) surveillance of the home using technical means.

c) interception of communications.

d) gaining access to and/or monitoring information held or processed in a computer system, on communication devices or equipment.

e) the collection of information from providers of electronic communications services.

f) the detention, search, surrender, search or seizure of postal items.

g) video/audio recording of the content of communications.

h) blocking access to electronic communications networks for a computer system, device or equipment or for an information society, blocking of electronic communications services.

i) operational lifting.

j) obtaining access to financial information or monitoring financial transactions;

k) visual tracking and/or documentation using technical methods and means, as well as location or tracking by GPS or other technical means.[188]

The only remaining counter-intelligence measure within the remit of the SIS Director is the identification of the subscriber or user of an electronic communications network or information society service.

Another less clear aspect, in our opinion, concerns the content of paragraph. (4) of Article 18 of the same Law, which states that: "The results of counterintelligence measures shall not be admitted as evidence in criminal proceedings". In the context of this provision, the use of the information gathered must be specified.

Another question, no less important, - is how this information will be managed and protected? We believe that, in this case, it is necessary to specify and clarify the role of the judge authorising the specific counter-information measure.

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188   Ibid, art.9

Referring to the areas of regulation of the SIS package of laws, we specify that previously there was no separate piece of legislation in national legislation regulating the conduct of external counterintelligence and intelligence activities carried out by the SIS, which were authorized under the legislation on special investigative activity. Parliament has requested the opinion of the Venice Commission on both draft laws. Among the Commission's main observations are the risks that the head of SIS is politically subordinate and that the institution is given very broad and vaguely defined powers[189] . For its part, civil society also made several proposals for improvement, including various risks posed by some provisions of the drafts. Although the existence of regional threats, including to national security, is not denied, the initial version of the drafts nevertheless seeks to over-extend the powers of the SIS, jeopardising the guarantees of human rights protection[190] , and the internal and external control mechanisms for the work of the SIS are not sufficiently detailed and effective[191] .

After approximately 20 meetings of the working group set up by Parliament, these draft laws underwent substantially revisions. The draft law on the SIS saw significant adjustment to the powers of the institution and role of its director. The main changes in the draft law on counter-intelligence and external intelligence activities include the reduction of the list of counter-intelligence measures that can be carried out by the SIS; the introduction of authorisation of counter-intelligence measures by a judge in most cases; a clearer demarcation of SIS activities to prevent threats to state security from criminal investigations by prosecutors; the introduction of an *ex-post* control mechanism and a more rigorous mechanism for securing information; the further development of parliamentary control of SIS activities and the establishment of special guarantees for lawyers and journalists. Counter-intelligence measures will be authorised by a judge of the Chisinau Court of Appeal and appeals will be examined by a panel of three judges of the Supreme Court of Justice.

The legislative amendments to the security package were advocated in response to the risks and threats to Moldova's national security. However, many provisions of the law remain rather somewhat general and may not preclude potential abuses. For example, the parliamentary control mechanism. It stipulated that the parliamentary sub-committee on control of the SIS will receive a report on intelligence and counter-intelligence activities, which must include information on the total number of counter-intelligence measures ordered, carried out and rejected for each measure, the number of special files initiated and closed, the number

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189   Opinion of the Venice Commission adopted at the 134th Plenary Session on 10-11 March 2023. Available: https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)008-e

190   Legal opinion on the draft law on counterintelligence and foreign intelligence activity, CMJR. Available at: https://crjm.org/wp-content/uploads/2023/05/2023-05-01-CRJM-Op-reform-SIS-masuri.pdf

191   Geneva Centre for Security Sector Governance - DCAF, Expert Opinion. Available at: https://www.parlament.md/LegislationDocument.aspx?Id=2fe36584-7e72-4923-8d7c-30effa8f0a48

of individuals informed of counter-intelligence measures taken against them, and data on possible violations of the law by intelligence officers. The given subcommittee will be able to submit questions on the work carried out, SIS recommendations, request the initiation of a parliamentary inquiry or refer the matter to the Prosecutor General.

As stated in para. (2), art. 1 of the Law No.136 of 08.06.2023 on the Intelligence and Security Service of the Republic of Moldova, the purpose of its activity is to ensure the internal and external security of the state, defend the constitutional order, contribute to the defence of the national economic system ensure the defence capacity of the state, combat terrorism and other threats to state security, using preventive and of a non-military special means . At the same time, Article 3 of the above-mentioned Law stipulates that in order to ensure state security, identify, reduce or counteract vulnerabilities, risk factors and threats to the security of the Republic of Moldova, the Service is entrusted with a number of tasks for ensuring national security. These tasks also include identifying, preventing, counteracting and detecting a wide range of criminal phenomena, mainly characterised by a high degree of social danger and directed against society and the state.

Generalizing, we consider it necessary to note the positive aspects, which have contributed essentially to improving the draft laws and ensuring the regulation of aspects of major importance for ensuring the functioning of the SIS. Thus, in this context, we specify the following moments:

- The list of counter-intelligence measures to be carried out by the SIS has been conceptually revised and reduced.

- The procedure for authorising counter-intelligence measures has been revised, so that all will be authorised by a judge with the exception of the identification of the subscriber/user of an electronic communications network or an information society service which could be authorised by the Director of the service.

- SIS activities to prevent threats to state security have been more clearly distinguished from criminal investigations. Thus, it has been expressly established that activities carried out with a court warrant cannot be used as evidence in a criminal case, and if it is established in the context of counter-intelligence activity that a crime has been committed, the SIS will refer the matter to the Public Prosecutor's Office for prosecution. The investigation of that criminal act will be carried out exclusively through the CPP mechanisms and under the direction of a prosecutor.

- An ex-post control mechanism has been introduced. Thus, after the counter-information measures have been carried out, the minutes recording the data of

the measure and all the information obtained will be handed over to the judge who authorised the measure for verification of the legality of the actions taken and the compliance with the warrant issued. If the judge finds that the measure is illegal, he will declare it null and void and refer the matter to the Public Prosecutor's Office for investigation of the irregularities admitted.

- A more rigorous and effective mechanism for securing information has been introduced. Thus, it has been established that the original medium on which the audio/video information obtained in the framework of the measure is recorded after verification of legality by the judge will be sealed and kept separately from the special file. Therefore, It will be possible during a review to ensure that the original volume of the collected information can be checked against the existing information processed in the special file.

- The mechanism for carrying out counter-intelligence measures in electronic communication networks has been revised Thus the text of the law has been adjusted according to the proposals and in agreement with the electronic communication providers, excluding the possibility of collecting information in a volume exceeding the issued warrant.

3.3 Compliance with the principles of Good Governance in the Intelligence and Security Service

Accountability: According to statistics from the court system, there is a low number of referrals of crimes committed within or by SIS employees; court sentences of conviction of SIS employees are at a low level compared or other categories of subjects; Information is accumulated from the administration page courts, (source: aaij.justice.md), which provides a comparative analysis, with low rate of crimes committed by that category of persons. Similarly, data from the National Anti-Corruption Centre is used as a source, which confirms the low rate of crimes committed by SIS personnel (source: cna.md). However, a few cases have disturbed public opinion by their scale - reports of interception and tracking of opinion leaders or by the level of involvement of Service employees in the illegal expulsion of Turkish teachers[192] . These cases, although committed several years ago, have not been investigated and communicated to the general public until now. At the same time, we

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192   Press release, Prosecutor General's Office, 9.09.2020. Available: procuratura.md/news.

specify that according to the data of the Barometer of Public Opinion, (source: pisa.md) - the comparative trust of the society in the Intelligence and Security Service is low – with only 38.6% of the respondents specifying that they trust the SIS (page 55). At the same time, only 11% mentioned the Intelligence and Security Service as a responsible institution in the field of ensuring national security.

Transparency: The transparency of the Intelligence and Security Service is ensured in several ways. The website: contains general information on the SIS and its main areas of activity; legislative acts and regulations subordinate to the law; job vacancies; decision-making transparency compartment made up of sub-compartments: announcement of the initiation of decision-making; projects subject to public consultation; declaration of managerial responsibility; SIS opinions on projects by other public authorities; decisions adopted; annual report; regulations; results of public consultation; public procurement; financial activity; activity reports; other relevant information. The press service is active, presenting information on a regular basis, particularly on social networks; external communication contacts are posted; list of subdivisions; (source: sis.md). Additionally, other sources of information, such as the websites of the Anti-Terrorist Centre and the National Intelligence and Security Institute, contribute to available data. The primary limitation, however, lies in the absence of Annual Activity Reports, along with a deficiency in systematized and clear information on the means of activity and recorded. results It is noteworthy that during period 2020-2023, most sections of the website have not been updated.

Legality: The security legislation needs improvement, particularly in terms of aligning legislation and clearly delimiting powers and responsibilities. There is a lack of data on internal legislation and its quality, which leads to the conclusion that internal regulations are poorly developed. The situation has seen considerable improvement with the approval of the new laws governing the work of the Security and Intelligence Service, including principles of good democratic governance. However, internal regulations minimally address aspects of democratic governance, including internal and external control, efficiency and effectiveness. While there has been recent progress in generalising regulations from the perspective of Good Governance, there is a need for expansion into regulations subordinate to special laws (source: legis.md) .

Participation: statistical data on the Security and Intelligence Service and the composition of its employees, such as gender criteria, ethnic groups, linguistic minorities, adherents of religious denominations, etc. is practically non-existent; there is also a lack of statistical data on minority social groups presented in the SIS, (source: statistica.gov.md). The SIS remains

a closed, rigid and non-transparent structure regarding social participation, although it should aim at social cohesion between all groups.

Responsiveness: The official website (source: sis.md) does not provide integrated reports with information on addresses; the system does not reflect quantitative and qualitative indicators on external addresses and the ways of responding to them.

Efficiency: Criteria for objective evaluation of SIS employees, promotion and transfer are not specified; financial resources are allocated from the State Budget according to the Budget Plan and based on the requests submitted; based on the lack of data on requests for budget revision in the sense of an increase, it can be concluded that the amount of financial means allocated is sufficient. At the same time, the systems for controlling the use of resources need to be substantially improved, respecting the rigours of confidentiality, including through internal control mechanisms. An analysis of the data on the official SIS website concerning certain operations carried out by or with the participation of SIS subdivisions leads to a conclusion regarding the professionalism of some SIS officers. The level of corruption, according to data from the National Anti-Corruption Centre, is low (source: cna.md).

Effectiveness: According to the Global Peace Index, the Republic of Moldova ranks 57th in the world, with an index of 2.13 out of 5 in the security and safety category (source: visionofhumanity.org); Moldova belongs to the category of countries with an average security and safety rating. A low level of security and safety is mentioned by the special reports and communications of the Service, the objectives are not achieved.

Compliance with the principles of good governance in Information and Security System
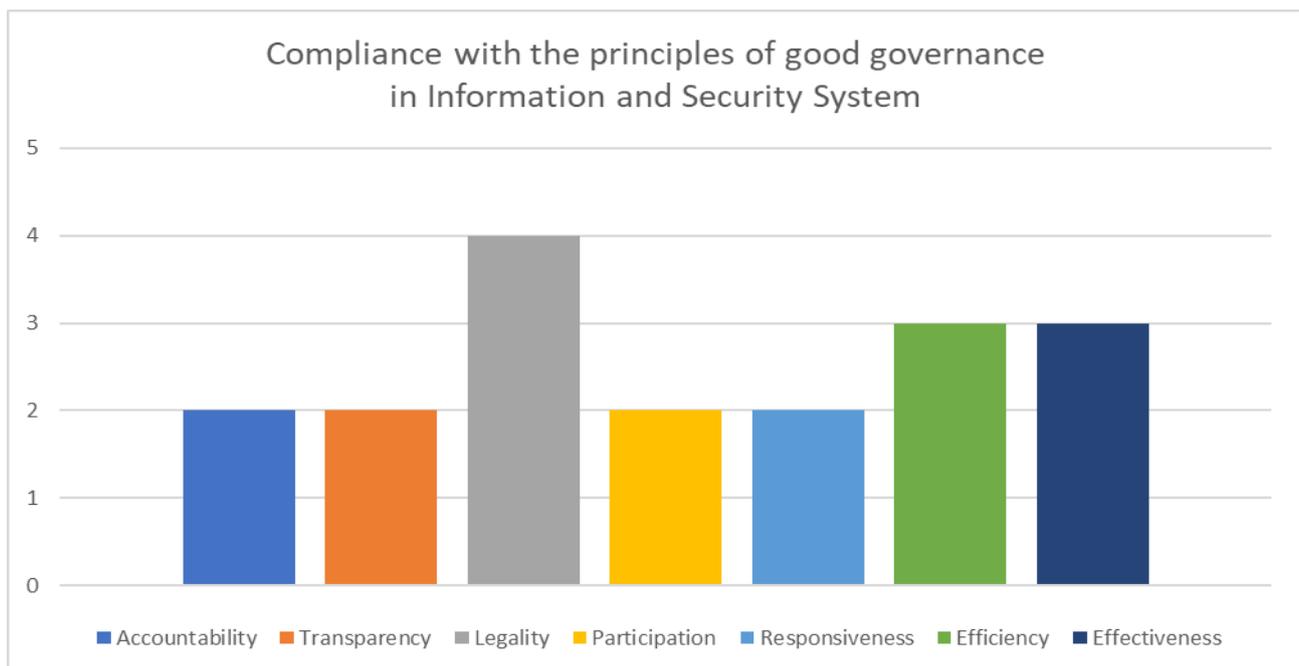
Principles	Sources	Evaluation	Points
Accountability	High-profile offences committed by SIS employees and management; lack of information on employee accountability; low trust in society, Public Opinion Barometer, page: bop.ipp.md; pisa.md.	low	2
Transparency	Page: sis.md; Missing: Annual activity reports; Integrity reports; Decision-making transparency reports; Press service presents internal communication scraps.	low	2
Legality	New legislation in line with international standards; need to improve regulations in the field and to align with new laws.	high	4
Participation	Statistics on social groups, gender criteria in SIS non-existent; from available information poorly presented.	low	2
Responsiveness	Page: sis.md; Addressing data is sparse and does not provide a comprehensive picture. A certain number of addresses is examined.	low	2
Efficiency	Some objectives are achieved with limited means; the use of available resources is not confirmed.	medium	3
Effectiveness	Global Peace Index, page: visionofhumanity.org; low level of security and safety; goals are partially met.	medium	3
Total		**Medium**	**18**

3.4 Conclusions and recommendations

Before the adoption of the new laws , the Intelligence and Security Service of the Republic of Moldova, faced limitations in effectively, independently, coordination with the prosecutor's office or the court, along with the need for their approval, was necessary for most actions, reducing task efficiency. Moreover, this arrangement prevented the Service from assuming responsibility for the measures taken, as it de facto functioned as the subject of special investigative activity and the body responsible for establishing offences under its purview. In cases of serious crimes with a high social impact, the Service could only provide assistance to the competent investigating bodies and inform the country's decision-makers, tasks which were fully performed.

New laws adopted on the work of the Intelligence and Security Service and on counterintelligence and foreign intelligence work could spur major changes in the work of the Service. However, in order to achieve these objectives, it is necessary to establish precisely the competences and areas of responsibility of the Service, as well as the legal levers offered for the qualitative and full performance of its tasks. One of the most important questions to be answered is, what is the Intelligence and Security Service? Is it a law enforcement body or an intelligence body? Depending on the answer to these questions, it will be possible to identify the place of the Intelligence and Security Service in the system of state bodies.

At the next stage, a thorough review of internal regulations and related legislation is required, with the main focus on the quality and comprehensiveness of departmental legislation. An important role in this respect would be played by the establishment of effective levers for controlling the process of drafting, adoption and implementation of internal regulations, since the extent to which they comply with national legislation will to a largely depends on the legality of the activities carried out by the Service.

CHAPTER 4. PRIVATE SECURITY PROVIDERS

4.1 Regulation

The legal provisions establishing the conditions for this type of activity are laid down in Law no. 283 of 04.07.2003[193] , which defines "*private security activity*" as "the type of activity authorised to provide security services for the protection of life, health and property by persons specialised in this field, on a contractual basis, in accordance with the conditions of authorisation".

One of the primary aims of developing the legislative framework in this area was to counter crime in this market. This was because at the time, illegal debt collection and extortion activities were being carried out under the "cover" of private agencies. The law has since been improved several times, but experts still point to flaws. Its limitations often cause dissatisfaction among people doing this kind of work in Moldova.[194]

The subsequent regulatory framework detailing the conditions of authorization and activity of private security agencies is established by Government Decision no. 667 of 08.07.2005.[195]

In accordance with the legal provisions, the National Public Security Inspectorate of the IGP, according to the assigned competences, is the only entity that ensures the implementation of state policies in the field of authorization, registration, supervision and control of legal entities providing security services, as well as exploits their potential for cooperation with the Police in the area of maintaining public order, prevention and counteracting crime.

Thus, legal entities, regardless of the form of organization, which intend to carry out security guard activity, must submit an application for the issuance or, where appropriate, extension of the permit, authorization for private security guard activity" to which they attach the documents provided for in Article 22^2 of Law No 283/2003. The application can be submitted at the Inspectorate counter or online via the public services portal.

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193   Law on private detective and security activity, No 283 of 04.07.2003. In: Official Gazette No 200-203 of 19.09.2003, art. 769.
194   Victor Surugiu, What goes on under the "roof" of private detective and security agencies? Available: https://noi.md/md/societate/ce-se-intimpla-sub-acoperisul-agentiilor-de-detectivi-si-de-paza-private
195   Decision of the Government of the Republic of Moldova no. 667 of 08.07.2005 on measures to implement the Law no. 283-XV of 04.07.2003 on private detective and guard activity, in: Official Gazette no. 98-100 of 22.07.2005, art. 748

The following services are allowed in the private security business: protection of life and health, guarding of property, performance of bodyguard duty; physical and technical guarding of premises and territories; design, installation and maintenance of alarm systems, their components, and operation of alarm monitoring dispatchers; collecting (cashing) valuables, as well as transporting, guarding and escorting important loads/valuables and personal belongings; patrolling, together with law enforcement agencies, crime-prone areas; assisting law enforcement agencies in maintaining public order, ensuring people's safety; informing the public on matters of protection against unlawful actions.

4.2 Performance

The activity of private security providers is a growing phenomenon worldwide. They are usually private or state-owned companies offering a wide range of security services for a fee/ benefit, including: security guards, protection of persons or property and regulating access to private property or commercial premises, conducting surveillance and investigations online and in person (private detectives); improving the security of infrastructure targets (access barriers, fencing, surveillance equipment, etc.); as well as providing security training services for state or private security services.

In countries such as the US, the work of these entities is an essential and indispensable component of the security industry. The services of private security providers are in demand not only in the protection and guarding of critical infrastructure institutions and systems, but also in the protection of intellectual property and sensitive corporate information.[196]

Overall, the private security industry is an evolving phenomenon, with its presence and activities beyond national public realms and sometimes impacting the foreign interests of states. Over time, this has led to a shift in the role of private security entities from activities associated with crime prevention and protection to assuming a more proactive position at national level This shift involves services and activities that straddle the local and international legislative framework. In a broader context, the demand for the services of private security providers has gradually expanded not only from private to public but also from internal security and protection to military activity and interference in foreign affairs. From Western private companies in theatres of operations in Iraq and Afghanistan, to participation in

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196   Kevin Strom et al. The Private Security Industry: A Review of the Definitions, Available Data Sources, and Paths Moving Forward. Office of Justice Programs, 2010, p. 1-1. Available: https://www.ojp.gov/pdffiles1/bjs/grants/232781.pdf

massive combat actions as part of conventional warfare - the Wagner group in Russia's war against Ukraine. As the presence of these actors increases, so does their importance, given that the impact of their activity is not only in the commercial sphere, but also in the foreign policy sphere of state and non-state actors.

National legislation currently defines several forms of activity, namely private (private) security activity and that carried out by entities organised as state-owned enterprises. According to the records for the first six months of 2023, 108 organizations hold "authorization for private security activity", including three state enterprises, as follows: ÎS ,,Guard Services" of MAI, ÎS ,,Paramilitary Guard Detachment" and ÎS "Energy Shield". These 108 organisations provide security for 56186 objectives, of which 900 are physical security sites and 55286 are technical security sites, including apartments and houses.

Out of the total number, 25 security organisations are in possession of 1639 firearms, including : 1033 units of rifled guns; 46 units of gas guns; 520 units of rubber ball guns, and 40 units of training guns.

The largest operator on the security services market is the State Enterprise "Security Services" of the MFA, which was founded in 2010 as a result of the reorganization of the State Security Service of the MFA (founded in 1952) and took over its rights and obligations under the Government Decision no. 2 of 16.01.2010.[197] At present, the State Security Service of the Ministry of Interior is the only state-owned enterprise on the security services market, operating throughout the country and offering the full range of security services. The structure of the Enterprise includes 26 regional branches (covering 32 districts), as well as the Directorate of Operational Reaction and Physical Security in Md. Chisinau. In this process, more than 1,000 public guards are trained in physical security and 432 guards are included in 54 mobile operational groups operating 24 hours a day.

On 21 February 2022, amendments were made to Law no. 283/2003 on private security activity and Law 845/1992 on entrepreneurship and enterprises, which prohibited private security at a number of state objectives and invested state-owned enterprises with the exclusive right to guard these objectives, namely: ministries and organisational structures within their sphere of competence; central administrative authorities subordinated to the Government and organisational structures within their sphere of competence; autonomous administrative authorities; public institutions founded by the Government or the Parliament; local public administration authorities, including institutions founded by them; courts and

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197   Establishment of a State Enterprise, Government Decision No 2 of 16.01.2010. In: Official Gazette No 5-7 of 19.01.2010, art. 28

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prosecutorial bodies; state-owned enterprises and/or companies with state capital and companies with majority state capital; the National Bank of Moldova; storage and keeping of arms, ammunition, explosive materials and radioactive substances; storage and keeping of narcotic drugs, psychotropic substances and precursors (except medical institutions and private pharmacies).

In addition to the aforementioned objectives, state-owned enterprises have the exclusive rights and obligations to ensure the security of the objectives of the judicial expertise established by Article 79 of the Law No. 68 of 14.04.2016 "On judicial expertise and the status of the judicial expert".[198] At the same time, according to item 13[199] of the Plan of additional measures for centralized storage and subsequent neutralization of unusable and banned pesticides, approved by Government Decision No. 1543/2002 these enterprises ensure the guarding of centralized storage depots for storing obsolete pesticides.

Moreover, until 2016, private detective and security organizations were not entitled to provide services for state institutions, which was excluded by the adoption of Law No. 232 of 10.12.2015 on amending and supplementing certain legislative acts,[200] according to which they were entitled to provide services to any state objective, except for the National Bank of Moldova, weapons and ammunition depots, radioactive, toxic and dangerous substances.

After the change in legislation, some of these entities, suspected of connections with national decision-makers, gained access to a huge volume of lucrative service contracts, to the outrage of other competitors in the sector.[201]

Similarly, the same private security providers have obtained contracts with several important state and private institutions, including the Constitutional Court, the national telephone operator Moldtelecom, the Moldovan Post Office, Moldova-Gaz, the Public Services Agency, the Main State Tax Inspectorate and the Customs Service.[202]

Respectively, taking into account the fact that the provision of security services by private organizations could create premises in jeopardizing the activity of the above-mentioned state institutions, it was considered appropriate and rational to reinstate the ban. This prohibition

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198   Law on forensic expertise and the status of the forensic expert, No. 68 of 14 April 2016. In: Official Gazette No. 157-162 of 10.06.2016, art. 316

199   Additional measures for the centralised storage and neutralisation of unusable and banned pesticides, Government Decision No 1543/2002. In: Official Gazette No 178-181 of 27.12.2002, art. 1787

200   Law for amending and supplementing some legislative acts, No 232 of 10.12.2015. In: Official Gazette No 2-12 of 15.01.2016, art. 23

201   The security of the main state institutions, provided by companies with criminal background from the entourage of Vlad Plahotniuc and the thief in law Makena. Available: https://anticoruptie.md/ro/investigatii/justitie/paza-principalelor-institutii-de-stat-asigurata-de-firme-cu-trecut-penal-din-anturajul-lui-vlad-plahotniuc-si-al-hotului-in-lege-makena

202   Ibid

prevents private companies from offering security services at strategically important state facilities, returning to the previous situation before the changes made at the end of 2015, as mentioned above.

Likewise, the legislative changes had as a basic argument, the involvement of politically affiliated companies, which have been targeted in dubious schemes, torture cases, application of force, abusive interception and other serious acts, having the possibility to provide security for all types of targets, including those in the field of justice.

4.3 Compliance with good governance principles

According to the statistics for the six months of this year, 5120 people are employed in the Moldovan security agencies. The number varies from year to year but does not change significantly.

According to the legal provisions, the activity of a "security guard" in security organisations can only be carried out by persons who have completed an initial training/certification/ qualification course by the time of employment or within three months of employment. The responsibility for fulfilling these mandatory legal requirements lies with the head of the security organisation. The training, continuous training, and certification of the staff of security organizations in accordance with the normative acts[203] is carried out within the Academy "*Stefan cel Mare*" of the MIA. During the academic year 2022-2023*,* training for 125 security guards was provided.

Another important component in the work of security guards is continuous training (further training), aimed at deepening theoretical knowledge and developing practical skills. This training is mandatory for all security guards, after 3 years of activity in a private security organization. It is carried out on a contract basis, by educational institutions licensed and accredited in the manner established by law, with a minimum duration of 120 hours.

The security officers/agents in private security organisations, in accordance with the **provisions of national law** as well as internal instructions, have the responsibility of: compliance with the legislation in force regarding human rights and freedoms, guarding objects, goods and valuables, detaining and handing over to the police persons suspected of committing crimes committed on the territory of the guarded premises, taking measures for the rescue of persons, goods, valuables, in case of damage and natural disasters, knowledge

203   Decision of the Government of the Republic of Moldova no. 667 of 08.07.2005 on measures to implement the Law no. 283-XV of 04.07.2003 on private detective and guard activity and the MAI Order no. 337 of 19.09.2005 ,,On the training of personnel of private detective and guard organizations".

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of the procedures for the use of technical means of fire-fighting signalling, guarding and telecommunication means, protecting goods against theft, damage, natural disasters, etc.

With reference to the first half of the current year, 991 security guards underwent training to maintain public order jointly with police forces., a result of these joint actions 157 persons were detained for committing property crimes and offences against public order and public security.

During this period, as a result of the checks carried out and findings of non-compliance with licensing conditions, 13 enforceable prescriptions were issued and sent to the administrators of security agencies. In addition, 10 incidents involving security guards were recorded during the period in question, resulting in 8 enforceable orders aimed at preventing future cases of non-compliance with the provisions of the legislation.

However, the impact that private security agencies have is not essential, as their primarily focuses in attracting new clients and retraining existing ones, ones, enhancing the quality of services for beneficiaries, and investing in equipment and high-performance technologies. In light of escalating competition and a declining client base, only a few agencies in this sector remain competitive, capable of offering the complete range of services demanded by the market. If in the case of countries such as the USA or Russia the experience of using private companies in support of national interests has led to the formation of a public opinion on the role of these actors. In the case of the Republic of Moldova, society hardly associates the activity of private companies with national security. This is because, more than a quarter of a century after the establishment of the regulatory framework for the activity of private security providers, the state still has difficulties in monitoring and managing the field.

Among the most common breaches are: lack of service contracts, failure to comply with obligations, abuse of authority, and non-compliance with the regulations for processing personal data. Agencies often

hire individuals lacking the required qualifications or with insufficient health conditions. In many instances, market participants themselves take the initiative for inspections, asserting that competitors fail to adhere to legal regulations and professional ethics. .[204]

Regarding the problems and shortcomings observed in the work of these agencies, we can mention: a lack of trained staff, questionable profile of hired individuals (in conflict with the law, with criminal records, etc.), insufficient equipment, failure to integrate planning and monitoring systems of mobile teams with those existing within the Police, low mobility, and modest territorial coverage, etc.

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204 Victor Surugiu, What goes on under the "roof" of private detective and security agencies? Available: https://noi.md/md/societate/ce-se-intimpla-sub-acoperisul-agentiilor-de-detectivi-si-de-paza-private

At the same time, following the analysis of the incidents recorded at the objectives provided with security, it shows that in the event of the alarm signal being triggered by the security guards, often the correct reaction measures are not taken at the objective, namely: in the event of obvious signs of entry to the objective, it is necessary to notify, first, the police and then the beneficiary of the service, and until the arrival of the law enforcement authorities to ensure the security of the objective and not to allow access to persons in order not to destroy the traces of the crime.

Another observation is that elderly people are involved as security guards and, in the case of checks, do not know the vulnerable points of the guarded objectives. The problem is due to the low level of pay for security guards, which is an unattractive activity for young people and qualified staff.

Principles	Sources	Evaluation	Points
Accountability	Determined and assumed contractual commitments; high accountability to licensing body and beneficiaries; high degree of trust.	high	4
Transparency	Licensing conditions and activity made public; most large companies have websites or social media pages; little public information about private security activity.	medium	3
Legality	Established legal and regulatory framework; legal provisions in line with international standards and good practice.	medium	3
Participation	Low level of representation of different social groups. Low representation of women.	insufficient	1
Responsiveness	Inquiries and requests reception system in place but poorly managed; customer support established.	medium	3
Efficiency	The exploitation of resources takes place according to existing availability, with all operators operating on market economy principles.	high	4
Effectiveness	Non-essential impact in terms of law enforcement; modest results in terms of preventing and counteracting illegality.	low	2
Total		Medium	20

Compliance with the principles of good governance
by Private Security Providers

Accountability ■ Transparency ■ Legality ■ Participation ■ Responsiveness ■ Efficiency ■ Effectiveness
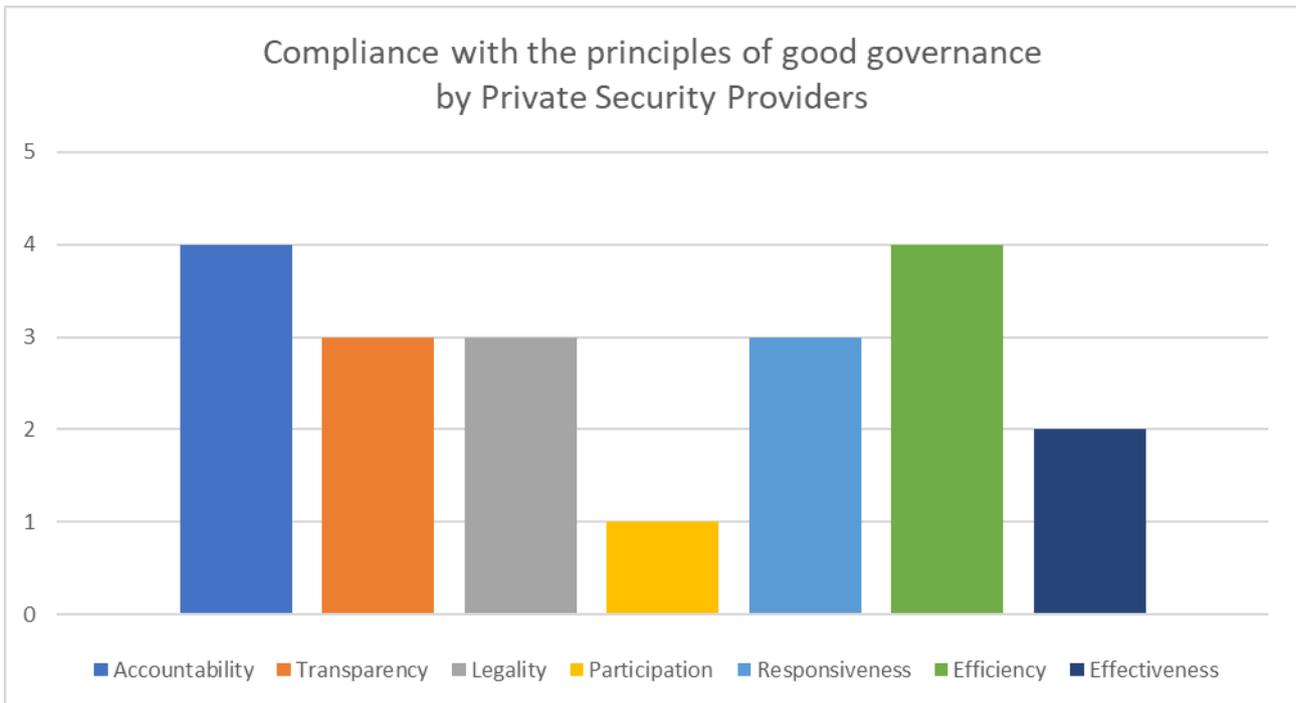
4.4 Recommendations

To ensure the development of the activity of private security agencies, it is crucial not only for the state to regulate and authorize this industry but also to place greater emphasis on the on the quality of the services provided and the people employed in this field.

On the commercial side, the tendency of suppliers to profit must be perceived as a natural phenomenon and accepted by the state and society. The state simply has to ensure that the obligations undertaken by these players are respected in accordance with the legislation in force.

At the same time, the Republic of Moldova must strive to educate and professionalize the market. This is because the phenomenon in question, supported by international practice, will continue to exist. National efforts in this regard will be aimed at increasing the quality of supervision and management of private security providers so that their work is synchronised with the national security interest.

CHAPTER 5. PRESIDENCY, GOVERNMENT AND EXECUTIVE CONTROL

5.1 President of the Republic of Moldova

According to Article 77 of the Constitution of the Republic of Moldova[205] , the President of the Republic of Moldova is the Head of State. The President represents the State and is the guarantor of the sovereignty, national independence, unity and territorial integrity of the country. Articles 86-88 of the Constitution specify the powers of the President, which include:

- foreign policy;

- defence;

- other duties.

In the field of defence, the President is the supreme commander of the armed forces. The President may declare, with the prior approval of Parliament, partial or general mobilisation. In the event of armed aggression directed against the country, the President takes measures to repel aggression, declares a state of war and promptly brings this to the attention of Parliament. The President may also take other measures to ensure national security and public order, within the limits and under the conditions of the law.

The powers of the President are outlined and regulated by laws. Article 10 of the State Security Act, No 618/1995[206] , specifies the powers in the field of state security as follows:

- exercising overall leadership of state security activities, with the President being responsible for the state of state security within the limits of the powers established by law;

- taking the necessary measures to ensure State security in accordance with the law;

- ensuring the cooperation of public authorities in the field of state security;

- establishing and administrating, in accordance with the law, advisory bodies for state security matters;

- issuing normative decrees on matters of state security;

- conducting negotiations and concluding international treaties on behalf of the Republic of Moldova related to ensuring the security of the state.

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205   Constitution of the Republic of Moldova, no. 1 of 29.07.1994. In: Official Monitor of the Republic of Moldova, No. 78/140 of 29.03.2016.

206   State Security Act, No 618 of 31.10.1995. In: Official Monitor of the Republic of Moldova, No. 10-11/117 of 13.02.1997.

A new power of the President introduced in this article by the Law No. 260 of 17 August 2023, which completes it, concerns the coordination of the work of the state security bodies:

- establishing, prioritising and reviewing national security interests and objectives, determining how they are to be achieved, by examining and assessing policy documents and legislation relating to national security, and by presenting those views.

5.2 Government

The implementation of the State's domestic and foreign policy, as well as the exercise of the general management of the public administration, fall within the competence of the Government. In the exercise of its powers, the Government is guided by its programme of activity, accepted by Parliament. The role of the Government is enshrined in Article 96 of the Constitution and is further developed by the Law on the Government, No. 136/2017[207] , as well as by the Law on Central Specialised Public Administration, No. 98/2012[208] .

Law No 136/2017 establishes the organisation and functioning of the Government, its areas of activity, competence, structure and legal relations with other public authorities. For the purposes of Article 4 of Law No 136/2017, the areas of activity of the Government include internal affairs, public order and civil protection, as well as defence and national security.

In accordance with Article 5, in order to carry out its programme of activities, the Government shall perform the following basic functions:

- organisation and strategic planning;

- regulatory;

- property management and public finance;

- management and delivery of public services;

- representation of the state internally and externally;

- ensuring the implementation and enforcement of regulations in the areas of activity;

- other functions.

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207   Law on the Government, No. 136 of 07.07.2017. In: Official Monitor of the Republic of Moldova, No. 252/412 of 19.07.2017.
208   Law on Specialized Central Public Administration, No. 98 of 04.05.2012. In: Official Monitor of the Republic of Moldova, No. 160-164/537 of 03.08.2012.

In order to perform these functions, the Government has been delegated certain powers (Article 6 of Law No 136/2017) and duties (Article 7 of Law No 136/2017).

With regard to Law No 98/2012, the legislative act establishes the institutional system, the fundamental principles of organisation and functioning, the regime of the activity of the specialised central public administration, as well as regulates the legal relations arising from the activity of the ministries, the State Chancellery and other central administrative authorities.

Similar to other authorities, the Government's powers in different areas of activity are specified in other laws. By way of example, Article 11 of Law No 618/1995 specifies the powers in the field of state security, which are:

- exercising leadership in the work of public administration authorities in ensuring state security;

- issuing decisions and provisions on matters relating to ensuring state security, exercising control over their implementation by the ministries and other central administrative authorities subordinate to it;

- establishing, in accordance with legislation, of state security bodies, determining of their structure, functions, volume of budgetary allocations for their maintenance;

- adopting, in accordance with the legislation, decisions on the pension, social and legal protection of collaborators of state security bodies and persons in reserve, members of their families, as well as members of the families of citizens who lost their lives defending state security;

- promoting foreign and domestic policy in the interests of ensuring state security.

5.3 Supreme Security Council

A special role in the security sector is played by the Supreme Security Council. Its status is enshrined in Article 12 of Law 618/1995. In accordance with the above-mentioned provisions, the SSC is a consultative body that reviews the work of ministries and other central administrative authorities in the field of ensuring national security and submits recommendations to the President of the Republic of Moldova on matters of foreign and domestic policy.

The President of the SSC is the President of the Republic of Moldova. The numerical and nominal composition, tasks and work programme of the SSC shall be approved by the President of the Republic of Moldova.

According to Article 7 of the Regulations of the Supreme Security Council, approved by Presidential Decree No. 58/2021, meetings are convened by the Chairman of the SSC and are usually held quarterly. These meetings of the SSC, as a rule, must be held in accordance with the annual activity plan, which formulated based on the proposals submitted by the members of the SSC and state institutions and approved at the first annual meeting of the SSC. Extraordinary meetings may be convened if necessary. The draft agenda of the meeting is approved by the Chairperson of the SSC and is brought to the attention of the members of the SSC before the meeting is convened.

With its diverse and inclusive membership, SSC stands out from similar institutions in Europe. Its members represent the executive, the legislature, civil society and independent institutions such as the National Bank. The membership of the SSC includes, ex officio:

- President of the Parliament;

- Prime Minister;

- Chairman of Parliament's Committee on National Security, Defence and Public Order;

- Minister of Defence;

- Minister of internal affairs;

- SIS Director;

- Attorney General;

- Governor of the NBM.

The current nominal composition of the SSC was approved by the Decree of the President of the Republic of Moldova on the establishment of the Supreme Security Council, no. 1112/2023[209] . In addition to the members listed above, who are ex officio members of the SSC, there are members appointed by the President:

209　Decree of the President of the Republic of Moldova on the establishment of the Supreme Security Council, No. 1112 of 12.09.2023. In: Official Monitor of the Republic of Moldova, No. 347-350/619 of 14.09.2023.

- Seven ministers (economic development, foreign affairs, reintegration, justice, energy, infrastructure, health portfolios)

- Chair of the Legal Committee of the Parliament

- Three advisers to the President (responsible for foreign policy, economy, public communication)

- First Deputy Governor of the NBM

- Head of the Prime Minister's Office

- Two civil society representatives.

Members of the SSC have no additional decision-making powers and are not authorized to issue provisions that exceed the powers conferred by their office. By way of derogation from the general provisions, the NBM shall apply the decisions of the SSC to the extent that they do not prejudice its status and autonomy established by law. In our view, this legal exception is unjustified and unnecessary.

Central public authorities, as well as those subordinated to the Government and organisational structures within their sphere of competence, including those in which the central administrative authority has the status of founder (enterprises, institutions and organisations, regardless of the type of ownership), and autonomous public legal persons are obliged to provide on request or ex officio any data and information, including those constituting state, banking or commercial secrets, concerning national security, defence and public order, for use in the preparation of SSC decisions. By way of derogation from these provisions, the NBM may provide information and data on the terms outlined in an agreement concluded with the SSC, and in certain cases with the consent of the competent third authorities, if they originate from another State.

The provisions of the law are developed by the Regulation of the Supreme Security Council, approved by Presidential Decree No. 58/2021[210] .

According to Article 4 of the above-mentioned normative act, the SSC has the following tasks:

- assisting the President of the Republic of Moldova exercising his constitutional powers to defend the sovereignty, independence and territorial integrity of the Republic of Moldova;

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210   Decree of the President of the Republic of Moldova on the approval of the Regulation of the Supreme Security Council, No. 58 of 29.03.2021. In: Official Monitor of the Republic of Moldova, No. 88-95/89 of 02.04.2021.

- providing consultation to the President of the Republic of Moldova on domestic and foreign policy issues concerning national security and defence;

- coordinating and monitors policy documents in the field of national security and defence;

- analysing threats and risks to national security and defence and draws up proposals to prevent and combat them;

- formulating proposals to the President of the Republic of Moldova to optimise the national security and defence system;

- submitting proposals and recommendations to the public authorities on matters relating to national security and defence;

- developing an effective system of analysis, expertise and strategic planning to ensure national security and defence, including in crisis situations.

To carry out its tasks, the SSC is invested with the functions of:

- drafting and approval of decisions and recommendations;

- examining policy documents, interaction plans, draft international treaties and normative acts, reports, information, plans, etc..;

- analysing the problems, related to the activities of public authorities and state institutions, the degree of combat readiness and mobilization of the forces of the national defence system, situations requiring the declaration of a state of emergency, siege and war, etc..;

- monitoring the implementation of the National Security Strategy of the Republic of Moldova, the implementation of sectoral concepts, doctrines and strategies related to national security and defence, the execution of decisions adopted by the SSC and decrees of the President of the Republic of Moldova related to national security and defence.

The above-mentioned normative act contains provisions that specify the organisation and functioning of the SSC, the SSC Service, the SSC Secretary. The SSC Service is a specialized structure within the Apparatus of the President of the Republic of Moldova, which ensures the organization of the SSC activity. A citizen of the Republic of Moldova with a higher education, no criminal record, irreproachable reputation and not a member of any

political party may be appointed as Secretary of the SSC. The Head of the SSC shall be appointed and dismissed by decree of the President of the Republic of Moldova. The staff of the SSC Service shall be appointed and dismissed by order of the Secretary General of the Presidential Apparatus of the Republic of Moldova, with the consent of the President of the Republic of Moldova.

The new National Security Strategy adopted by the Parliament in December 2023 brings the SSC to the forefront, giving it important responsibilities in coordinating the unified application and monitoring the implementation of the Strategy, in informing the Parliament annually about the progress achieved in the implementation of the Strategy, and in regularly reviewing the security situation[211] . Achieving these tasks requires the development of clear methodologies for monitoring and evaluating policy implementation, which will require strengthening the institutional capacity and legal mandate of the SSC.

It is worth mentioning the active and beneficial role of the Supreme Security Council and its Service in the elaboration and prior consultation of the National Security Strategy. The publicity of the process and constant communication with the community of experts, public authorities and international partners gave the act solid legitimacy. The high quality of this policy document is appreciated by the professional community and enhances its credibility with civil society.

5.4 Compliance with good governance principles in executive control

Accountability: Based on the objectives of Executive Control, the accountability of the institutions that form it can be assessed as being at a medium level. The control mechanisms of the President or the Government are weak and need strengthening. The work of independent institutions designed to contribute to accountability, including the work of the justice system and other entities, is disrupted and massively influenced by politics - i.e. those bodies that independent institutions are supposed to control. The CSS is an advisory body made up of political exponents without a strong professional component. Based on the composition, political affiliation and qualifications of its members, the HSC is perceived as a body loyal to the President of the Republic of Moldova, and one from which adversarial and in-depth debates are not expected.

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211   See paragraphs 31 and 15 of the National Security Strategy 2023

Transparency: On the transparency side, Executive Control is quite poor. Most of the decisions to set security sector tasks are classified, although at least some of them - of a general nature - could be made public. In regard to the SSC, the official website of the President of the Republic of Moldova contains a section dedicated to the SSC, the information in the section refers to its composition, regulatory framework, National Security Strategy. Information on the activity is summarily provided in the press releases provided by the presidential administration in connection with the convening of the SSC.

Obviously, the entity is limited in providing information to the public if that information is classified. However, subject to legal requirements, annual plans and annual activity reports, certain analytical reports, minutes of meetings held, and decisions taken, unclassified parts of reports on monitoring the implementation of the National Security Strategy could be published.

Legality: The legal regulation of Executive Control entities in the security sector is outdated and needs fundamental revision. Starting with the need to revise the 1995 State Security Law, other legislation needs updating. The existing regulation of executive control is insufficient, plus discussions on the need for SSC reform are still ongoing.

Participation: In general, the representation of women in the Presidency and Government, i.e. the Executive Control of the security sector, is quite high. However, this finding is mainly at the top management level, while in middle management women's representation is much lower. In terms of participation in the SSC, of the 26 members of the SSC, 7 are women. As far as public opinion is concerned, topics related to CSS are not really found in such studies.

Responsiveness: The Presidency and the Government to some extent provide information requested and demonstrate responsiveness to some proposals made outside these entities. From practical experience of the drafting of the National Security Strategy (2003), the HSC organised public consultations on its draft, indirectly providing information on its work. However, based on the way in which it is convened, and the topics addressed in its meetings, the HSC could ask for analyses and proposals on the issues identified, drawing on the professional or academic expertise of civil society.

Efficiency: The efficiency of the components of Executive Control can be seen in the rational and professional use of otherwise limited resources. Retention of qualified staff in the Presidency and Government structures responsible for the smooth running of the security sector are essential but there is considerable fluctuation at this stage. Based on the statute, the SSC does not have its own budget. Expenditure related to its activities is covered from the ever-increasing budget allocated to the President's Office.

Budget allocated to the Apparatus of the President of the Republic of Moldova

Year	Allocated budget (thousand MDL)
2020	30.762,1
2021	31.915,8
2022	34.242,6
2023	40.442,6

Source: prepared by the author based on the annual state budget laws[212] .

In the case of the Presidential Apparatus of the Republic of Moldova, including the CSS, no audit of the financial reports of the Presidential Apparatus of the Republic of Moldova has been conducted since 2019.

Effectiveness: The basic purpose of the executive control function, that of formulating general tasks, setting priorities and controlling their execution, is achieved at a low level. Although the HSC, based on its powers established by law as an advisory body, provides recommendations to the relevant institutions, it nevertheless has certain limitations in the substantiation of the decisions and initiatives of the President of the Republic, which limits the impact of the decisions taken.

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212   Law on the State Budget for 2020, No 172 of 19.12.2019. In: Official Monitor of the Republic of Moldova, No. 393-399/321 of 27.12.2019; State Budget Law for 2021, No. 258 of 16.12.2020. In: Official Monitor of the Republic of Moldova, No. 353-357/290 of 22.12.2020; State Budget Law for 2022, No. 205 of 06.12.2021. In: Official Monitor of the Republic of Moldova, No. 315-324/478 of 24.12.2021; Law on the State Budget for 2023, No. 359 of 22.12.2022. In: Official Monitor of the Republic of Moldova, No. 435-437/807 of 22.12.2002.

Principle	Sources	Qualification	Quantification
Accountability	Complaints, public opinions, internal control mechanisms weak	medium	3
Transparency	Information provided, reports, communication established	high	4
Legality	Regulatory framework without principles of good governance well integrated	low	2
Participation	Favourable official data and statistics, with some short-comings	medium	3
Responsiveness	Responses to addresses given, low degree of integration of proposals from the environment professional	medium	3
Efficiency	Annual state budget laws; High degree of fluctuation of staff	medium	3
Effectiveness	Proposed aims; comments, not all executive control purposes achieved	medium	3
Total		**Medium**	**21**

5.5 Recommendations

Summarising the above, the following recommendations should be noted:

- The function of Executive Control must be strengthened by clearly setting tasks and priorities, first of all on the part primarily by the President – who serves as the Head of State and Supreme Commander, but also by the Government, which should take the lead in drafting new legislation. In this regard, the initiation of drafting and adopting the new National Security Strategy has started a valuable process of reset, which must extend into the responsibilities of security providers and oversight and control entities.

- reconsidering the place of SSC in the architecture of national security bodies. Both researchers and practitioners recognise a systemic imbalance in this regard.[213] One of the primary recommendations pertains to the professionalization of the SSC's composition, aiming to enhance its expertise as an advisory body. Simultaneously, its position within the system of supreme state security bodies should be adjusted to improve the efficiency of implementing adopted decisions.

- ensuring that the principles of good governance are respected in the work of all parts of the security sector. In particular, it is necessary to pursue the achievement of the proposed goals of effectiveness through the rational use of limited resources - efficiency. To ensure social cohesion, transparency and dialogue - responsiveness - are essential. In this respect, it would be important to publish, in compliance with the confidentiality requirements, the annual plans and annual activity reports, the minutes of meetings held and decisions taken, and reports on monitoring the implementation of the National Security Strategy in the dedicated section of the official websites.

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213   Vadim Enicov, The shortcomings of the cooperation of the supreme authorities in managing security crises. Supreme public authorities in the field of national security: Attributions and cooperation, Institute for Public Policy, National security, defence and public order: between realities and perspectives, Chisinau, 2020, p. 168.

CHAPTER 6. PARLIAMENT AND LEGISLATIVE SCRUTINY

6.1 Parliament's role in ensuring national security

For the purposes of Article 60 para. (1) of the Constitution of the Republic of Moldova[214] , the Parliament is the supreme representative body of the people of the Republic of Moldova and the sole legislative authority of the state. The basic powers of the Parliament are specified in Article 66 of the Constitution, namely:

- adoption of laws, resolutions and motions;

- declaration of referendums;

- interpreting laws and ensuring the unity of legislative regulations throughout the country;

- approval of the main directions of the state's domestic and foreign policy;

- approval of the state's military doctrine;

- the exercise of parliamentary control over the executive power, in the forms and within the limits laid down by the Constitution;

- ratification, denunciation, suspension and annulment of international treaties concluded by the Republic of Moldova;

- approving and controlling the state budget;

- exercise control over the granting of state loans, economic and other aid to foreign states, the conclusion of agreements on state loans and credits from foreign sources;

- election and appointment of state officials, in cases provided for by law;

- approval of the orders and medals of the Republic of Moldova;

- declaration of partial or general mobilisation;

- declaration of a state of emergency, siege and war;

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214   Constitution of the Republic of Moldova, no. 1 of 29.07.1994. In: Official Monitor of the Republic of Moldova, No. 78/140 of 29.03.2016.

- initiating investigations and hearings on any matters concerning the interests of society;

- suspension of the activity of local public administration bodies, in cases provided for by law;

- adoption of the amnesty acts;

- carrying out other duties, established by the Constitution and laws.

The constitutional rules on the statute of the Parliament are developed by the provisions of the Rules of Procedure of the Parliament, adopted by Law No 797/1996[215] . Parliament's Rules of Procedure detail the constitution and functioning of Parliament, including the conduct of Parliament's business, containing provisions on:

- the establishment of the Parliament;

- election of the President of the Parliament, Vice-Presidents and formation of the Standing Bureau of the Parliament;

- Parliament's committees;

- Parliament's sessions and sittings, agenda;

- legislative procedure;

- the special procedure for adopting laws amending the Constitution;

- voting procedure;

- the procedure for waiving parliamentary immunity;

- how Parliament's sittings are conducted;

- enforcement;

- motions and purely political acts of Parliament;

- questions, interpellations, hearings, reports;

- holidays, absences;

- bans and sanctions;

- Parliament Secretariat;

- Government.

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215   Law on the adoption of the Rules of Procedure of the Parliament, No. 797 of 02.04.1996. In: Official Monitor of the Republic of Moldova, No. 50/237 of 07.04.2007.

As far as security-relevant tasks are concerned, they are specified in special laws. By way of example, Article 9 of the State Security Act, No. 618/1995 lists the specific powers of the Parliament in the field of state security as follows:

- exercise of legislative regulation in the field of ensuring state security;

- approval of the national security concept;

- creating the legal basis for the establishment and activity of state security bodies;

- establishing the state border of the country;

- approving the volume of budgetary allocations for ensuring state security;

- ratification and denunciation of international treaties on ensuring state security.

6.2 Functions of the Committee on National Security, Defence and Public Order

The Parliament's working bodies, set up to carry out the Parliament's work, are the standing committees. The status of the standing committees is specified in Rules 16-31 of Parliament's Rules of Procedure. For the purposes of the legal provisions, in particular those contained in Article 27 of Parliament's Rules of Procedure, the standing committees perform a wide range of duties relating to the legislative and parliamentary control functions:

Legislative function	Examination of draft legislative acts and legislative proposals
	Issuing advisory opinions
Parliamentary oversight function	Conducting parliamentary inquiries
	Setting up and ensuring the work of subcommittees
	Hearings of competent central public authorities, including their activity reports
	Monitoring the implementation of laws, including contributing to the exercise of Constitutional Court rulings and addresses in the field

By Parliament Decision No 85/2021 on the establishment and numerical composition of Parliament's standing committees[216] , the current legislature of the Parliament established 11 standing committees, including the Committee on National Security, Defence and Public

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216　Establishment and numerical composition of Parliament's standing committees, Parliament Decision No 85 of 29.07.2021. In: Official Monitor of the Republic of Moldova, No. 186-189/197 of 06.08.2021.

Order, which was assigned 9 members. The nominal composition of the Committee was approved by Annex No. 3 to Parliament's Decision No. 86/2021 which approved the nominal composition of Parliament's standing committees[217] . As regards the areas of the activities of the Committee, these are specified by Parliament's Decision No 72/2019 on the areas of the activities of Parliament's standing committees[218] .

Thus, the Commission is responsible for:

- national security matters, service in the specialised structures of the executive branch that ensure national security;

- fighting crime, corruption and terrorism;

- ensuring public order and road safety;

- State border security and regime, powers of central and local public authorities in the field of state border security;

- reform of the Armed Forces (National Army, Border Police, Carabinieri General Inspectorate), service in the Armed Forces and civilian (alternative) service, social and legal protection of the military;

- service in customs, the prison system and civil protection and emergency services;

- protection of state secrecy;

- providing citizens with identity documents, personal data protection;

- monitoring and evaluation of the implementation of national strategies by policy area;

- execution of the decisions and addresses of the Constitutional Court in this field;

- the exercise of parliamentary scrutiny in these areas;

- examining the petitions assigned to it according to its field of activity and resolving them in accordance with the legislation in force.

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217 Approval of the nominal composition of the standing committees of the Parliament, Parliament Decision No 86 of 29.07.2021. In: Official Monitor of the Republic of Moldova, no. 186-189/198 of 06.08.2021.
218 Areas of activity of the standing committees of the Parliament, Parliament Decision No 72 of 29.11.2019. In: Official Monitor of the Republic of Moldova, No. 360-366/229 of 06.12.2019.

6.3 Compliance with the principles of good governance in parliamentary oversight

Accountability: According to Article 68 of the Constitution, in exercising their mandate, Members of Parliament are in the service of the people. Any imperative mandate is null and void. Thus, in practice, there are no other democratic tools for holding disgruntled voters accountable for unfit MPs besides political accountability – in other words, not holding (not voting) such persons/political forces accountable in the next election. The observation can also be made in relation to the parliamentary institution. Article 85 of the Constitution contains provisions on the dissolution of Parliament by the President of the Republic of Moldova. However, from the way it is used, this feature seems to be part of the arsenal of unfair political competition instead of sanctions applicable to the institution because of failure to find a rational compromise in regards to political activity. Obviously, MEPs can be held legally liable, but, in accordance with Article 71 of the Constitution, they cannot be held liable for votes or opinions expressed in the exercise of their mandate. Members enjoy a certain degree of immunity - in accordance with Article 71(2) of the Constitution. According to Section(3) of the Constitution, Members may not be detained, arrested, or searched, except in cases of flagrante delicto, or prosecuted without the consent of Parliament, after being heard. Statistics show that the waiver of immunity is most often applied to members of the parliamentary opposition and practically never applied to members of the parliamentary majority.[219] Moreover, the streamlining of the procedures for waiving immunity, as well as the adoption of rules of ethics for MPs, which would also include rules on communication with third parties, remain among the outstanding issues for the Republic of Moldova in the fourth round of evaluation by the Group of States against Corruption (GRECO).[220] .

Transparency: There are clear rules designed to ensure transparency in the decision-making process, which are applicable to Parliament. These are primarily the general framework provided by the Law on Transparency in Decision-Making[221] and the Law on Access to Information of Public Interest[222] , as well as the Platform for Dialogue and Civic Participation in Parliament's Decision-Making Process, which was created in June 2023[223] with the aim

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219   Transparency International - Moldova, Public Policy Observatory, no. 51, March 2023. Available: https://www.transparency.md/2023/03/14/observatorul-de-politici-publice-nr-51/.

220   Note: GRECO is a body established in 1999 to enhance the anti-corruption capacity of Member States through a dynamic process of mutual evaluation and pressure. For more details on GRECO and its evaluation reports, see the official GRECO website - https://www.coe.int/en/web/greco. For more details on the backlog of the Republic of Moldova in the fourth round of GRECO evaluation, see: Transparency International - Moldova, Public Policy Observatory, No. 36, December 2021, https://www.transparency.md/wp-content/uploads/2021/12/TI_Moldova_Observator_Politici_Publice_Nr.36_Decembrie_2021.pdf.

221   Law on Transparency in Decision-Making, No. 239 of 13.11.2008. In: Official Monitor of the Republic of Moldova, No. 215-217/798 of 05.12.2008.

222   Law on access to information of public interest, No 148 of 09-06-2023   https://www.legis.md/cautare/getResults?doc_id=137908&lang=ro

223   Platform for dialogue and civic participation in Parliament's decision-making process, Parliament Decision No 149 of 09.06.2023. In: Official Monitor of the Republic of Moldova, No. 200-203/345 of 20.06.2003.

of encouraging civic participation and initiatives, and contributing to the development of a participatory democracy. Even if the regulatory framework is not perfect[224] , its application can ensure a high level of transparency in the work of Parliament. However, monitoring reports on parliamentary activity[225] , including the European Commission's November 2023 Progress Report, indicate that the transparency of the legislature needs to be improved. A number of inconsistencies in ensuring transparency are also found in the work of the Commission:

- minutes of meetings are missing;

- there is no online transmission of sessions on certain topics of public interest, and audio/ video recordings cannot be posted on on Parliament's official website - sittings are transmitted online by some private operators (www.privesc.eu, www.realitatea.md);

- not all the material regarding the draft legislative acts is placed on Parliament's official website - in several cases, opinions and summaries of recommendations received are missing;

- important tools for ensuring transparency in decision-making are not fully exploited.

- there is no information on the Subcommittee for the exercise of parliamentary scrutiny over SIS activity (the status of the Subcommittee for the exercise of parliamentary scrutiny over SIS activity is enshrined in Rule 28 of Parliament's Rules of Procedure).

Legality: The existing legal framework is sufficient for the Committee on National Security, Defence and Public Order to perform its legislative and parliamentary control functions. However, more clarity regarding the legal rules and   Regulation could significantly improve the Commission's performance. In the legislative procedure, the Commission does not always follow the Regulation rigorously in terms of following all the stages and deadlines for consultation and endorsement of draft laws. Projects of great complexity and length, requiring specialised expertise, are introduced in Parliament as a legislative initiative of a group of Members (thus avoiding some endorsement procedures). One such example is the package of laws on the work of the Intelligence and Security Service, which were examined, debated and voted by the Commission in 2023, and on which expert opinions were sought from civil society, the Venice Commission and the Geneva Centre for Security Sector Governance - DCAF. As regards the parliamentary scrutiny function, the Commission organises hearings of the competent central public authorities, and analyses their activity reports - sometimes

224   Transparency International - Moldova, Public Policy Monitor, No. 54, June 2023, Available: https://www. transparency.md/wp-content/uploads/2023/06/Observatorul-de-Politici-Publice-Nr.-54.pdf.

225   Promo-Lex, How the Parliament implements the Law on Access to Information of Public Interest, February 2024, https://101.promolex.md/noutati/detalii/74
See also Mariana Kalughin, Anton Kalughin, Report on the evaluation of the activity of the Parliamentary Committee on National Security, Defence and Public Order of the Parliament of the Republic of Moldova (January-April, 2020), Institute for Public Policy, National Security, Defence and Public Order: between realities and perspectives, Chisinau, 2020, pp. 30-64.

with essential delays. Despite express provisions, the reports of several authorities do not reach the plenary of Parliament. The Commission does not seem to adequately follow the level of implementation of the recommendations made as decisions taken following the hearings.[226] The long-awaited update of Parliament's Rules of Procedure should bring a major improvement in terms of legality: a clear legal framework in line with European best practices to ensure the functionality of the sub-committee on SIS control.

Participation: The composition of the committee reflects the political structure of the parliament, with six members representing the parliamentary majority and three from the opposition party. In terms of women's representation, the committee does not excel, with only one woman out of nine members, while women's representation in the current legislature is at a record 40% of the total number of MEPs. On the positive side, however, the Commission's female Member is Vice-Chair. The Commission secretariat has a 50% representation of women.

Responsiveness: Organising public consultations has become a frequent practice of the Commission over the last year, especially for sensitive projects of high public interest and it has been important for the proper functioning of democratic institutions. It is also a frequent practice to seek the opinion of the European Commission for Democracy through Law (known as the Venice Commission) on draft legislation where European case law on democracy, human rights and the rule of law is relevant[227] . The Parliamentary Commission organises working groups and consultations with stakeholder representatives and civil society experts. An eloquent example is the debate on the legislative proposals regulating the work of the SIS, which in the first half of 2023 were debated on in 19 public consultations, which were open to the participation of non-governmental organisations that were interested and broadcasted live on the internet. A significant number of recommendations discussed during these consultations, and contained in the written opinions requested from the Venice Commission and DCAF, were incorporated into the text of the laws adopted by Parliament, contributing to the alignment of the legal framework with European standards and best practices. However, a significant number of proposals and objections from external sources or the opposition are not adequately considered in Parliament. In the period August 2022-July 2023, for example, not a single draft law authored solely by members of the parliamentary opposition was promoted and adopted[228] . Through this, the political majority fully assumes the act of government.

226   Ibid.
227   Note: In 2023 the Venice Commission adopted 11 opinions on draft laws in legislative procedure in the Moldovan Parliament. Of these, two opinions were requested by the Committee on National Security, Defence and Public Order on draft laws regulating the activity of the SIS.
       https://www.venice.coe.int/webforms/documents/?country=48&year=all
228   Monitoring the work of the Parliament of the 11th parliamentary term from August 2022 to July 2023. Report. Promo-Lex. 2023. Available: Promo-LEX | ANNUAL REPORT: Monitoring the activity of the Parliament of the XIth legislature, in the period August 2022 - July 2023 (promolex.md).

Efficiency: In fact, by efficiency we mean the rational and professional use of available resources. On the basis of the Staff Regulations, the Commission does not have its own budget. Expenditure related to day-to-day work is covered by Parliament's budget, and exceptional expenditure requested by the Commission for special parliamentary scrutiny activities must be approved by Parliament's leadership. Parliament's budget has been increasing in recent years, but this does not affect the support available to the Commission, which has had the same three consultants supporting its work for decades

Budget allocated to Parliament's work

Year	Allocated budget (thousands MDL)
Year 2020	153.442,8
Year 2021	169.959,8
Year 2022	171.393,5
Year 2023	190.022,7

Source: prepared by the author based on the annual state budget laws[229] .

We will rate efficiency at a medium level, taking into account the low use of human potential. It will be considered that no audit of the Parliament Secretariat's financial reports has been carried out since 2018.[230]

Effectiveness: Parliamentary activity has increased in intensity over the last two years, as evidenced by all publicly available parliamentary statistics. The number of Commission meetings has almost doubled (increasing from 27 in 2021 to more than 50 in 2022-23) and the number of substantive reports prepared by the Commission on draft laws increased from 27 in 2021 to 46 and 60 respectively in 2022 and 2023. The Commission's legislative work is likely to be further accelerated by the effort to harmonise with the European acquis. However, the performance and effective use of parliamentary control mechanisms raises questions. In conclusion, there are a number of areas for improvement in the Commission's effectiveness:

the quality of opinions/reports and decisions adopted following hearings - opinions and reports are often of a formalised nature, containing no information other than the number of members who voted for the debate of the draft in plenary. Worse still, the decisions adopted following the hearings often contain no more than a statement of the arguments/position of the audited authority and are not accompanied by any fundamental analysis of the situation that would be carried out by the Commission;

timeliness - this refers both to the way the legislative function is exercised and the way the parliamentary scrutiny function is exercised;

229   Law on the State Budget for 2020, No 172 of 19.12.2019. In: Official Monitor of the Republic of Moldova, No. 393-399/321 of 27.12.2019; State Budget Law for 2021, No. 258 of 16.12.2020. In: Official Monitor of the Republic of Moldova, No. 353-357/290 of 22.12.2020; State Budget Law for 2022, No. 205 of 06.12.2021. In: Official Monitor of the Republic of Moldova, No. 315-324/478 of 24.12.2021; Law on the State Budget for 2023, No. 359 of 22.12.2022. In: Official Monitor of the Republic of Moldova, No. 435-437/807 of 22.12.2002.

230   Court of Auditors page. Available : Court of Accounts of the Republic of Moldova (ccrm.md)

monitoring the implementation process of its own decisions and recommendations - there are many cases where these are ignored by the executive institutions without any reaction from the Commission;

The (non)functionality of the SIS Control Sub-Committee leaves a key service in the security sector in an undeniable democratic deficit.

Principle	Sources	Qualification	Quantification
Accountability	Complaints, reports, mechanisms for internal control mechanisms	low	2
Transparency	Public information; reports, communication established	high	4
Legality	Regulatory framework, reports, some legislative aspects need adjustment	medium	3
Participation	The composition of the Commission does not meet the requirements of equal opportunities	low	2
Responsiveness	Public consultations, Comments, grade low integration of proposals from professional environment and expertise	medium	3
Efficiency	Annual state budget laws, with low resource utilisation human resources	medium	3
Effectiveness	Reports submitted, not all parliamentary oversight purposes achieved	low	2
Total		**Medium**	**19**

Compliance with the principles of good governance in Parliamentary oversight
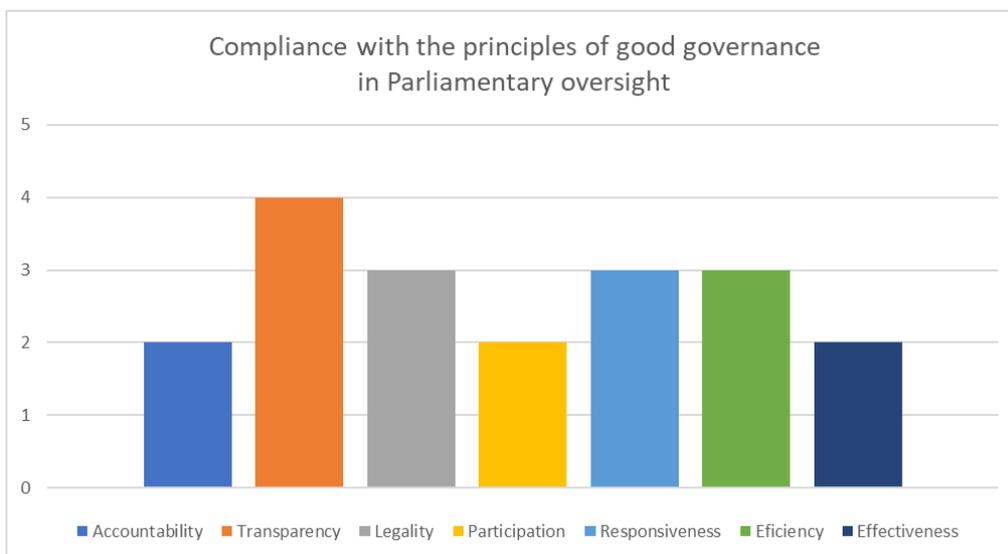
6.4 Recommendations

In sum, it would be advisable to recommend to Parliament, including the Commission:

– implementing all outstanding issues from the fourth round of GRECO's assessment of the Republic of Moldova (streamlining of procedures for waiving immunity, as well as adoption of ethics rules for MPs, which would also include rules on communication with third parties);

– respecting the deadlines for examining draft legislative acts and legislative proposals, for submitting comprehensive and fundamental reports and opinions on them;

– contributing to the correct and uniform application of laws by issuing advisory opinions;

– utilizing effectively and efficiently parliamentary scrutiny tools: analysis of reports, hearings, field visits, parliamentary inquiries;

– ensuring the functionality (including access to information) of the Subcommittee for the exercise of parliamentary scrutiny over the work of the SIS;

– ensuring effective and efficient hearings of the competent central public authorities, including their activity reports, within the deadlines set by law;

– ensuring the finality of the hearing process by publishing and monitoring the implementation process, decisions and recommendations adopted;

– monitoring, within the deadlines set by law, the implementation of laws, decisions and addressing the Constitutional Court, policy documents in the field;

– ensuring the publication of all materials related to draft legislative acts on the Parliament's official website;

– using all mechanisms available to ensure the transparency of the decision-making process, including the establishment and consultation of working groups of experts and specialists in the field, representing stakeholders;

– ensuring transparency of work by audio/video recording of sittings and publishing minutes and audio/video recordings of sittings on Parliament's official website.

CHAPTER 7. JUDICIAL CONTROL

7.1 Regulation

Judicial review means the review by the courts of acts, actions, inactions of the authorities and is carried out through the resolution of complaints by individuals, actions brought to examine the legality and merits of these acts, etc. This review is carried out by judges of common law (or specialised in administrative disputes). On the other hand, control of procedural actions carried out in the framework of criminal proceedings or special investigative activity is carried out by the investigating judge[231]. Appeals against the investigating judge's decision are examined by a panel of the Court of Appeal.

For these regulations there is special legislation on special investigative measures, their authorisation and control.

Counter-intelligence measures carried out by the Intelligence and Security Service (SIS) are authorised by a judge of the Chisinau Court of Appeal, and appeals will be examined by a panel of three judges of the Supreme Court of Justice (SCJ)[232] . Given the specific nature of this report, the evaluation of judicial review of the security sector will focus on the work of investigating judges.

7.2 Performance

Since 2003, there are investigating judges in every court in the Republic of Moldova. Since 2012, they have been integrated into the system of ordinary judges. Thus, the duties of the investigating judge are performed by ordinary judges appointed by the Superior Council of Magistracy. In recent years, an average of 42-45 basic investigating judges have been working in the court system. In determining their number, it was assumed that there should be at least one investigating judge in each court[233] .

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231   Note: The basic provisions on the activity of the investigating judge are Article 15[1] of the Law No. 514/1995 on the Organization of the Judiciary, which regulates the status and the manner of appointment of common law judges to exercise the powers of the investigating judge, and the Criminal Procedure Code of the Republic of Moldova No. 122/2003, which regulates the powers and the manner of exercising these powers, including the activity of the investigating judge when examining special investigative measures, procedural measures of constraint, criminal prosecution actions, as well as when ordering judicial review;

232   Law on Counterintelligence and Foreign Intelligence Activity, No 179/2023 available at: https://www.legis.md/cautare/getResults?doc_id=138152&lang=ro

233   15 years of activity of investigating magistrates - assessment and future prospects? Report. Legal Resources Centre of Moldova, 2018. Available: https://crjm.org/wp-content/uploads/2018/12/Judec%C4%83torii-de-instruc%C5%A3ie_RO_web.pdf.

In recent years, major efforts have been made to improve the legislation governing their activity. However, in practice, although the control carried out by investigating magistrates has the primary mission of ensuring the protection of the rights of the individual, the practice of excessive application of detention and the easy authorisation of interception and recording of communications[234] continues. For example, investigating judges admitted about 97% of the requests for interception and recording of communications examined (in 2021, out of 5863, 5652 (96.4%) were accepted, and in 2022, out of 7036 - accepted 8878 (97.8%)[235] .

The judicial control mechanism against the actions, inactions and acts of the prosecuting body and the body carrying out the special investigative activity seems equally ineffective. For example, in 2022 out of 4708 applications submitted 2725 (60%) were rejected[236] . The same picture emerges at the level of the courts of appeal, through the decisions they issue in appeal proceedings against the decisions of investigating judges.

Under judicial review of the "security warrant" (counter-intelligence measures), such an application is examined within 24 hours. During the examination of the request, at the request of the judge or on the initiative of the SIS, information and material justifying the need for the measure in question is presented, without revealing the identification data of the persons who are confidentially collaborating with the SIS. However, counter-intelligence measures may, by way of exception, be carried out without a court warrant, on the basis of a reasoned order by the SIS management, if there are exceptional circumstances which do not allow for its postponement and the court warrant cannot be obtained without exposing the person concerned to an essential risk of delay which could lead to the loss of relevant information or imminent danger to the security of the State or of individuals. In such a case, the judge shall be informed within 24 hours of the order for the counter-information measure of the conduct of the counter-information measure and shall be presented with the material arguing the necessity of the measure and the exceptional circumstances which did not allow its postponement. If there are sufficient grounds and reasons, the judge shall confirm, in a reasoned decision, the legality of the counter-information measure. Otherwise, he declares the measure unlawful and the measure is suspended. However, the decision given can of course be challenged by appeal to the SCJ.

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234 Activity of investigating judges in the Republic of Moldova, Normative and practical issues, Study, Council of Europe, 2022, Available at: https://rm.coe.int/studiu-activitatea-judecatorilor-de-instructie-in-rm/1680aa90b0
235 General reports, AAIJ, available at: https://aaij.justice.md/ro/reports
236 Report on the examination of complaints against the actions of the prosecuting body and the body carrying out operational investigative activity in 2022, AAIJ. Available at: https://aaij.justice.md/files/document/attachments/14.%20PI%C3%A2ngeri%20%C3%AEmpotriva%20ac%C8%9Biunilor%20organelor%20de%20urm%C4%83rire%20penal%C4%83%20%2810%29.pdf

The SIS shall, within 5 working days from the date of the closure of the case, inform the persons against whom the measures in question have been taken, notifying the judge who issued the warrant. However, the law allows the person not to be informed if there is reason to believe that doing so would put the life or health of persons at substantial risk, jeopardise another ongoing investigation, harm state security or prejudice the purpose for which the counter-intelligence measures were taken. In fact, this provision establishes "an excuse" to inform individuals rather rarely[237] . The intelligence officer who carried out the investigation of the case prepares a written report detailing the reasons and submits it to the Director of SIS for approval. If the report is approved, the Director of the Service shall request the judge who issued the warrant to authorise the non-information of the person. In turn, the judge may authorise **permanent** non-reporting or non-reporting for a specified period, but not exceeding 1 year. At the end of that period, the SIS is obliged to reassess the grounds for non-reporting and may request authorisation to non-report for a further period.

7.3 Compliance with good governance principles

Accountability. According to a recent survey, there is low trust in judges, which is due to their admitted illegalities and failure to apply sanctions for these misconduct[238] and low societal trust in the work of the SIS[239] . It appears that the mechanism of judicial control of SIS activity is not effective. In addition, the law also establishes the Parliament, the Prosecutor's Office and internal control of the SIS. The current role given to Parliament is insufficient. Parliamentary oversight will be carried out annually, when the SIS management will report to a closed meeting of the specialised subcommittee where statistical information on operations completed by the SIS will be presented, if their disclosure will not harm state security. Information on ongoing operations will not be presented. Statistical and other data that could speak to systemic problems in the SIS must be made public and the Subcommittee will issue a special report to draw the attention of the public and Parliament to activities that require an urgent response. If the Parliamentary Subcommittee finds that there is reasonable suspicion that serious breaches in the SIS's intelligence/counterintelligence work have occurred, it may request a parliamentary inquiry or refer the matter to the Attorney General. Regrettably,

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237   Legal opinion on the draft law on counterintelligence and external intelligence activity, CRJM, 2023Available at: https://crjm.org/wp-content/uploads/2023/05/2023-05-01-CRJM-Op-reform-SIS-masuri.pdf

238   Perceptions of judges, prosecutors and lawyers about justice and corruption, Survey, CRJM. July 2023. Available at: https://crjm.org/wp-content/uploads/2023/10/PPJ-2023-CRJM-RO-web.pdf

239   Public perceptions of the security and defence system of the Republic of Moldova, Survey, October 2022, PISA. MD. Available at: https://pisa.md/wp-content/uploads/2023/01/Perceptii-publice-asupra-sistemului-de-securitate-si-aparare-a-Republicii-Moldova.pdf

parliamentary oversight of the work of the SIS has proved insufficient and non-transparent in the past. The current law does not fully meet the requirements of accountability and it is not clear whether the statistical data submitted by the SIS will be used to identify possible abuses. Similarly, it is not clear how to verify the actual misconduct of SIS management and/or SIS officers who have carried out illegal counter-intelligence measures. If the law enforcement bodies (prosecutor's office) are unaware of any possible abuse, they will not even be able to investigate it.

Transparency. In exceptional circumstances, judges (pre-trial and ordinary) have the power to exclude the public, including the media, from all or parts of the trial. These exceptional situations are strictly limited to regulated cases, including "on grounds of respect for public order, morality or national security". Any such restriction must, however, be justified and rigorously assessed in each individual case, and subject to ongoing judicial scrutiny. However, in the majority of cases where "national security" is invoked, judges are more likely to allow such requests to be examined in closed session. The mechanism for informing the person about the measures is also very volatile and allows de facto that the person is never informed that he or she is under SIS surveillance. Moreover, information in the case of the SIS does not include access to the file. Similarly, the Statistical Reporting Module of the Integrated Case Management Programme (PIGD), managed by the Courts Administration Agency (AAIJ) does not generate statistical data with reference to the materials/remedies received by investigating judges from SIS officers, the number of materials admitted by the investigating judge in this respect, or how many and what types of actions/measures most often requested by SIS officers[240] . Although the AAIJ generates reports and data on the examination of the request for authorisation to carry out prosecution actions, operational investigative measures or application of procedural measures of constraint[241] , it does not provide disaggregated data on the subject/institution requesting these actions. Neither do the SIS annual reports provide such data. Since society will not be able to know which law enforcement institution is requesting such intrusive measures, this would create ample room for abuse by them.

Legality. A study of the conclusions of the investigating judges issued in the judicial review procedure shows that, in these cases too, the investigating judges, in support of their opinion,

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240   AAIJ response of August 2023 to a request for information
241   See, for example, the AAIJ Report for 2022. Available at: https://aaij.justice.md/files/document/attachments/15.%20Autorizarea%20judec%C4%83torilor%20de%20instruc%C8%9Bie%20%2811%2C12%2C13%29.pdf

operate with the arguments put forward by the prosecution[242] . Thus, in criminal proceedings, the investigating judge, instead of being the guarantor of the rights and freedoms of the individual in criminal proceedings, is given the impression that his role is exclusively to formalise the legality of the acts and actions of the prosecuting or investigating body.

Participation. The judicial system in general tends to respect the gender perspective (49% are women in the judiciary). Out of 45 existing investigating judges (basic and substitute), 22 were women in May 2023[243] . There is no other data collected on judges and the composition of court clerks according to other criteria, e.g. ethnic groups, languages, etc. On the other hand, courts, including investigating judges, are receptive to requests to participate in inter-institutional working groups, including in relation to civil society.

Responsiveness. A methodological indicator (research, analysis, etc.) on the degree of responsiveness of security providing institutions has not been identified. For the purposes of this article, we note that all requests for information sent to the relevant institutions were answered within the legal deadline.

Efficiency. External control over the expenditure of financial means allocated to ensure the implementation of the information/counter-information activity is carried out by the Court of Auditors, in closed session, under the conditions of the Law no. 245/2008 on state secrecy. This control shall be carried out within limits that do not allow the disclosure of the content, forms, tactics, methods and means of the informative/counter-informative activity, the identification data of persons who collaborate confidentially with the Service or the Ministry of Defence, the operations in progress and the operations that have been completed but whose disclosure could harm the state security.

Effectiveness. In view of the findings of the many research studies on the authorisation of custodial pre-trial measures and special investigative measures, namely the large number of authorisations of these measures and the shortcomings of the judges' conclusions in the part concerning the motivation of authorisation decisions, it could appear that they tend to "give justice" to the prosecution when examining the latter's requests[244] . The same picture emerges at the level of the Courts of Appeal, through the decisions they issue in appeal proceedings against the decisions of investigating judges[245] .

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242   The activity of investigating judges in the Republic of Moldova, Normative and practical problems, prenoted above, Study, p. 30.
243   List of investigating judges, SCM. Available: http://csm.md/files/Lista_judecatorilor/Lista_de_instructie.pdf
244   Daniel Goinic, Natalia Rosca, Activity of investigating judges in the Republic of Moldova, Normative and practical issues, 2022 Available at: https://rm.coe.int/studiu-activitatea-judecatorilor-de-instructie-in-rm/1680aa90b0
245   Ibid.

Principle	Sources	Evaluation	Points
Accountability	The low trust of citizens in judges is due to the illegalities admitted by them and the non-application of sanctions for these misconduct and, on the other hand, the low trust of society in the work of the SIS (CRJM and PISA survey); insufficient legislation establishing judicial, criminal and parliamentary control mechanisms over the work of the SIS (Law 179/2023).	medium	3
Transparency	The AAIJ website (www.aaij.md) lacks information on the subject/institution requesting the authorisation of investigative measures; the SIS annual reports do not have such data (www.sis.md); the «permanent» closed nature of court hearings on the subject of «state security» (CoE report).	medium	3
Legality	The need to improve the legislation, in particular, concerning the authorisation and control of special investigative measures; the lack of public judicial acts; the extremely low rate of refusal of requests for special investigative measures by investigating judges (AAIJ statistical reports); the lack of functional independence of investigating judges (CoE report).	low	2
Participation	Broad access of women to judgeships; statistics on social groups, gender criteria, etc. Involvement and participation in inter-institutional working groups, including with civil society.	high	4
Responsiveness	Half-yearly, annual and special reports are published on the AAIJ page from which relevant data can be extracted; requests for information sent to the relevant institutions were answered within the legal deadline.	high	4
Efficiency	Evaluation criteria are missing; the budget allocated to the courts has increased in 2022 compared to 2021 (www.csm.md); the use of available resources is not fully reflected.	medium	3
Effectiveness	Findings of multiple national and international research (cited above) on the authorisation of the huge number of custodial measures as well as special investigative measures; shortcomings characteristic of judges' findings; lack of conclusive reasoning.	low	2
Total Medium			**21**

Compliance with the principles of good governance
in Judicial review
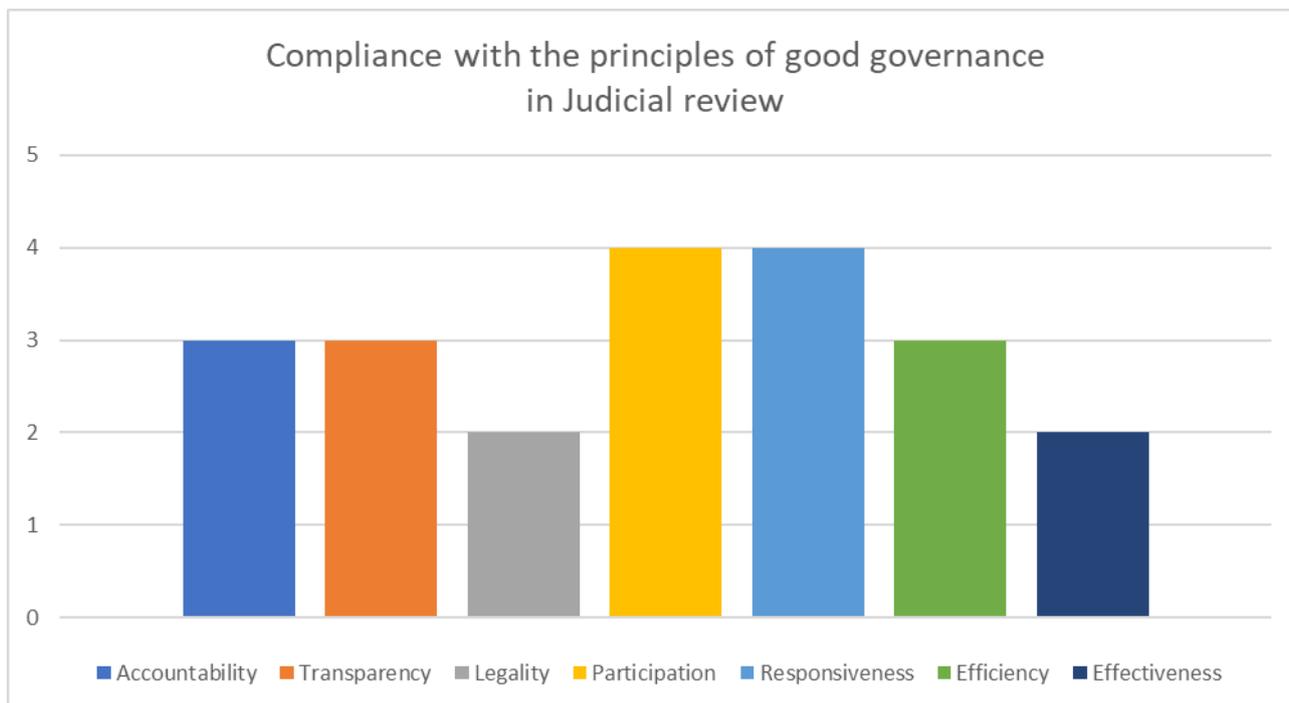
7.4 Recommendations

Adjust the PIGD Statistical Reporting module to generate information and data on the institution requesting authorisation to carry out prosecution actions, operational investigative measures. This is imperative, especially in the context of state security bodies (SIS, MAI, Prosecutor's Office, etc.).

Strengthen the capacity to effectively motivate the conclusions of investigating judges by regulating the public nature of the conclusions of the investigating judge, except in cases where the examination of the case was done in closed session - with the motivation of the closed nature of the session and the confidential nature of the conclusion.

Exclusion of the possibility for the investigating judge to authorise the permanent non-information of persons against whom counter-information measures of the SIS have been carried out (Article 20, al. 5 of Law 179/2023).

Monitor by relevant civil society organisations of the implementation of Law 179/2023, in particular of the provisions concerning the authorisation of counter-information measures of the SIS by the judges of the courts of appeal and the SCJ, and of the way in which the Parliament will perform its control function over the information/ counter-information activity of the SIS.

CHAPTER 8. INDEPENDENT INSTITUTIONS

8.1 Regulation

Independent institutions are responsible for ensuring independent control and supervision of the activities of security providers, i.e. compliance with important parts of the law in their activities. There can be several such independent institutions, but the most important are: the Court of Auditors, the National Centre for Personal Data Protection, the Ombudsman.

The role of independent institutions in the governance of the security sector is no less important than that of other actors in the sector. Effective oversight and control of sensitive issues in the work of security providers ensures high standards of democratic governance. Among these are respect for financial discipline and thus non-admission of corruption; protection of personal and universal human rights. Thus, independent institutions contribute to the rule of law in the work of security providers and to the accountability of decision-makers.

The Court of Accounts is the supreme audit institution in Moldova, which exercises control over the formation, management and use of public financial resources and public assets, including in the security sector and by security providers, by conducting external public audit. The Court of Accounts has organisational, functional, operational and financial independence. The Court of Auditors is an apolitical institution[246] .

An example of the powers of the Court of Auditors in relation to a security provider can be found in the recently adopted Law on the Intelligence and Security Service. It states that the external public audit of the Service's financial statements is carried out by the Court of Auditors. The Law on Counterintelligence and Foreign Intelligence Activity similarly establishes the obligation of the Court of Auditors to exercise external control over the expenditure of financial means allocated to ensure the performance of intelligence and counterintelligence activity. This control shall be carried out within limits that do not allow the disclosure of the content, forms, tactics, methods and means of information and counterintelligence activity, the identification data of persons who collaborate confidentially with the service or the Ministry of Defence, operations in progress and operations that have been completed but whose disclosure could harm the security of the state.

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246   Law on the Organization and Functioning of the Court of Accounts approved by the Parliament of the Republic of Moldova, No. 260 of 07-12-2017. In: Official Gazette No. 1-6 art. 18 of 05-01-2018.Available: LP260/2017 (legis.md)

The National Centre for Personal Data Protection (CNPDCP) is the body that exercises control over the compliance of the processing of personal data with the requirements of specialised legislation. The Centre acts impartially and independently[247] .

The NCCDP has powers of control over the processing of personal data within the framework of information and counter-information activities, under the conditions of the legislation on the protection of personal data, taking into account the particularities laid down by law.

The Ombudsman ensures respect for human rights and freedoms by public authorities, by organisations and enterprises, regardless of the type of ownership and legal form of organisation, and by persons in positions of responsibility at all levels. The Ombudsman contributes to the protection of human rights and freedoms by preventing their violation, by monitoring and reporting on the observance of fundamental human rights and freedoms at the national level, by improving legislation in the field of human rights and freedoms, by international cooperation in this field, by promoting human rights and freedoms and mechanisms for their protection, by applying the procedures regulated by this Law. The People's Advocate Institution is autonomous and independent from any public authority, legal person, regardless of the type of ownership and legal form of organization, and from any person with a position of responsibility at all levels[248] .

The Law on the Intelligence and Security Service stipulates that in its work the Service shall ensure respect for fundamental rights and freedoms. Limitation of fundamental rights and freedoms is not allowed except in cases provided for by law. Persons whose fundamental rights and freedoms have been violated by employees of the Service are entitled to complain about their actions in accordance with the law.

8.2 Assessment indicators in good governance

In order to estimate the collaboration and efficiency in the fulfilment of the legal mandate of the independent institutions, it has to be determined to what extent the powers of the statute, those with active powers to ensure state security and those with powers to maintain and ensure human rights, carry out their duties, in order to ensure the proportionality of these measures.

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247   Law on personal data protection approved by the Parliament of the Republic of Moldova, No. 133 of 08-07-2011. In: Official Gazette No. 170-175 art. 492 of 14-10-2011. Available: LP133/2011 (legis.md)
248   Law on the People's Advocate (Ombudsman) approved by the Parliament of the Republic of Moldova, No. 52 of 03-04-2014. Available: LP52/2014 (legis.md)

Thus, starting from the legal framework, we note that although we have a special law that underpins the concept of state security, in practice this regulatory framework does not clearly determine the scope of competence and the cooperation between these public authorities, both in terms of implementation and control, or the law indicated in Articles 9-12, which determines certain powers of the Parliament at the level of general principles, the President of the Republic of Moldova, the Government and the Supreme Security Council, while the work of other institutions remains opaque or in a distinguished view, on self-management.

We note that the Law on State Security No 618/1995 lacks the mandate of the subjects of law, such as the Ministry of Defence, the National Centre for Personal Data Protection, the People's Advocate, the Council for the Prevention and Elimination of Discrimination and Ensuring Equality, the National Bank of Moldova, the Court of Accounts, etc., which leads to the degeneration of the positive obligations of the state to effectively allocate tasks, but also to the involvement of the competent authorities in maintaining the protection of the assumed fundamental values.

Furthermore, the legislation of the public authorities listed does not provide clarity on the role and legal mandate of the responsible authorities in the context of state security, the exception to this being the Intelligence and Security Service (in view of the new legal framework that has recently entered into force - Law no. 136/2023[249]) and the Ministry of Defence (Law no. 345/2003 on national defence[250]). It should be noted that even in the case of these two institutions, the special normative acts operate with different notions and concepts: "state security" and "national security", which indicates an inconsistency in the regulatory act but also corroborated conduct from the perspective of the same protected values.

In addition to the inconsistencies regarding the legal mandate, another formal impediment, determined by the legal framework in the exercise of the prerogatives of independent institutions, is the access to classified information assigned to state secrets, since Article 17 of the State Security Law no. 618/1995 expressly determines that the subjects to whom the information assigned to state secrets may be made available are the President of the Republic of Moldova, the President of Parliament, the Prime Minister, the Supreme Court of Justice, the General Prosecutor's Office and other responsible persons of the security organs. Finally, by establishing this exhaustive list of subjects of law, we see a crass trick in terms of the unjustified limitation of making the relevant information available to, for example,

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249   Law on the Intelligence and Security Service of the Republic of Moldova, No. 136 of 08-06-2023. In: Official Gazette No. 204-207 art. 358 of 21-06-2023. Available: https://www.legis.md/cautare/getResults?doc_id=137512&lang=ro

250   Law on national defence, No 345/2003. Available: https://www.legis.md/cautare/getResults?doc_id=110393&lang=ro#

the lower courts, the National Centre for Personal Data Protection, the People's Advocate, the Court of Auditors, etc., for effective control, or it is not clear how these public authorities could realise their rights and responsibilities in the context of not being able to receive access to the specific information attributed to state secrets.

Another area of interference in regards to the perspective of regulation and coordination of autonomous public authorities is the prerogatives attributed to the Supreme Security Council as a consultative body, but which reviews the activities of ministries and central administrative authorities in the field of ensuring national security - which represents a *"quasi" control by the Supreme Security Council, whose composition includes the heads of representative institutions of the legislative, executive and judicial powers and which is chaired by the President of the Republic of Moldova in relation to the activity of autonomous public authorities such as: the Intelligence and Security Service, General Prosecutor's Office or National Bank, although the special laws of these autonomous public authorities expressly determine the inadmissibility of their interference or subordination in relation to other governmental structures or functions. In the same vein, by virtue of this concept determined by the National Security Law, the question arises as to what extent the Supreme Security Council, which includes representatives of the legislative, executive and judicial powers (ex officio), ensures respect for the separation of powers in the state based on Article 6 of the Constitution of the Republic of Moldova?*

Another legislative inconsistency concerns the interference of the legal regime of information attributed to state secrets, on the grounds that the State Security Law No 618/1995 establishes different requirements regarding the circulation and access to information attributed to state secrets which is different from Law No 245/2008 on state secrets.

Therefore, we note that the conception of the Law on State Security No 618/1995 seems to be outdated by time and regulatory effect, and the lack of clear regulations on the independent institutions responsible for ensuring state security but also for respecting fundamental human rights and non-discrimination leads to the assessment of redundant and contradictory solutions.

In support of the above conclusions regarding the lack of clear control and supervision mechanisms for the way in which the authorities of the state security system ensure the principles of legality, necessity and effectiveness as well as respect for fundamental human rights and non-discrimination, the activity reports of the competent authorities, for example, are useful:

- Ombudsman: 2020[251] , 2021[252] , 2022[253] - in which even if the activity of state security bodies is tangentially addressed, we regret not to find a clear objective to monitor their activity;

- National Centre for Personal Data Protection: 2020[254] , 2021[255] , 2022[256] - the activity of national security bodies is targeted, (SIS, PG, MAI etc.), with some cases of violation or lack of violations being presented, but also the number of accesses are compared for the last years (MAI - more than 1 million accesses, SIS - more than 60 thousand accesses, PG - more than 15 000 thousand, MA - more than 1000 accesses), but without giving a certain assessment of these systemic accesses, especially from the perspective of legality, the purpose pursued and the non-excessiveness of the data.

- General Prosecutor's Office of the Republic of Moldova: 2020[257] , 2021[258] , 2022[259] - the activity of the state security bodies is covered by the activity reports of the General Prosecutor's Office, in which certain statistical data are presented, including certain arguments regarding the limited nature of the control carried out under the Law no. 59/2012 on special investigative activity.

It should be noted that not all state security bodies have their activity reports available for public access, such as the Intelligence and Security Service (although there is a section on the website entitled Activity Reports[260] , but in reality, it does not contain relevant information).

In the same context, it should be noted that in recent years (2020, 2021, 2022), the presentation of activity reports by state security bodies took place in a formal manner, by sending reports to the addressees (Parliament, Government, Presidency) but without hearing the heads of these authorities in a public hearing.

The lack of an adequate legal framework regarding the powers, legal mandate and cooperation of national security bodies and in relation to civil society (adjusted to the current risks and needs), generates a new national "phenomenon" of approving various types of inter-institutional orders with normative force but which are not published in the Official Gazette

251   http://ombudsman.md/wp-content/uploads/2021/04/RAPORT2020romana.pdf
252   http://ombudsman.md/wp-content/uploads/2022/03/AP_raport_2021.pdf
253   http://ombudsman.md/wp-content/uploads/2023/06/Raport-DO_net_machetat.pdf
254   https://datepersonale.md/wp-content/uploads/2021/03/raport_de_activitate_2020cop.pdf
255   https://datepersonale.md/wp-content/uploads/2022/03/raport_de_activitate_2022_rom_01-03.pdf
256   https://datepersonale.md/wp-content/uploads/2023/03/raport_de_activitate_2022_rom.pdf
257   https://www.procuratura.md/sites/default/files/2023/04/Raport%20de%20activitate%20a%20 Procuraturii%20Republicii%20Moldova%20pentru%20anul%202020.pdf
258   //www.procuratura.md/sites/default/files/2023-01/2022-03-21_RAPORT%20de%20activitate%20 FINAL.pdf
259   https://www.procuratura.md/sites/default/files/2023-03/RAPORT%20DE%20ACTIVITATE%202022.pdf
260   https://sis.md/ro/rapoarte_de_activitate

or other public sources (such as the web page[261] of the Attorney General's Office where the main inter-institutional normative acts according to which the powers of the PG in relation to the CNA; SIS; IGP; etc. are carried out are missing.), or the signing of inter-institutional cooperation agreements (e.g.: Cooperation Agreement between the Court of Accounts of the Republic of Moldova and the Intelligence and Security Service[262]; the Court of Accounts of the Republic of Moldova and the Prosecutor General's Office[263], the Ministry of Defence and the Metropolitan of Moldova[264], the National Centre for Personal Data Protection and the General Inspectorate of Police[265]). Therefore, according to the reasoning of the ECtHR, cooperation between public authorities must take place on the basis of the law (normative act) and not on the basis of inter-institutional agreements. Simply put, it is not necessary to sign a cooperation agreement between 2 public authorities for the purpose of executing the legal mandate - tasks and duties designated by the normative acts.

Principle	Sources	Evaluation	Points
Accountability	High degree of accountability to Parliament; low level of corruption; high trust from society.	medium	3
Transparency	Activity reports are published on the official pages. Press services provide up-to-date information on important topics.	high	4
Legality	Mostly up-to-date legislation. Principles of good governance are poorly reflected. Needs improvement.	medium	3
Participation	Broad access of women and other groups to work and decisions; involvement and participation in inter-institutional working groups, including with civil society.	medium	3
Responsiveness	High level of response to addresses and proposals, with some shortcomings regarding communication.	high	4
Efficiency	Average level of professionalism in the use of available resources, most of which are sufficient. Needs to rationalise the use of resources.	medium	3
Effectiveness	The aims of independent control are poorly achieved because of the high dependence on political factors.	low	2
Total / Average		**Medium**	**22**

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261 https://www.procuratura.md/index.php/despre-noi/acte-departamentale.html
262 https://www.ccrm.md/ro/upload/6107ce2bb025d/1978/attached_files
263 https://www.ccrm.md/ro/upload/6107ce2bb4c72/1981/attached_files
264 https://mitropolia.md/biserica-si-ministerul-apararii-au-semnat-un-acord-de-colaborare/
265 https://politia.md/ru/node/20979

Compliance with the principles of good governance in Independent control
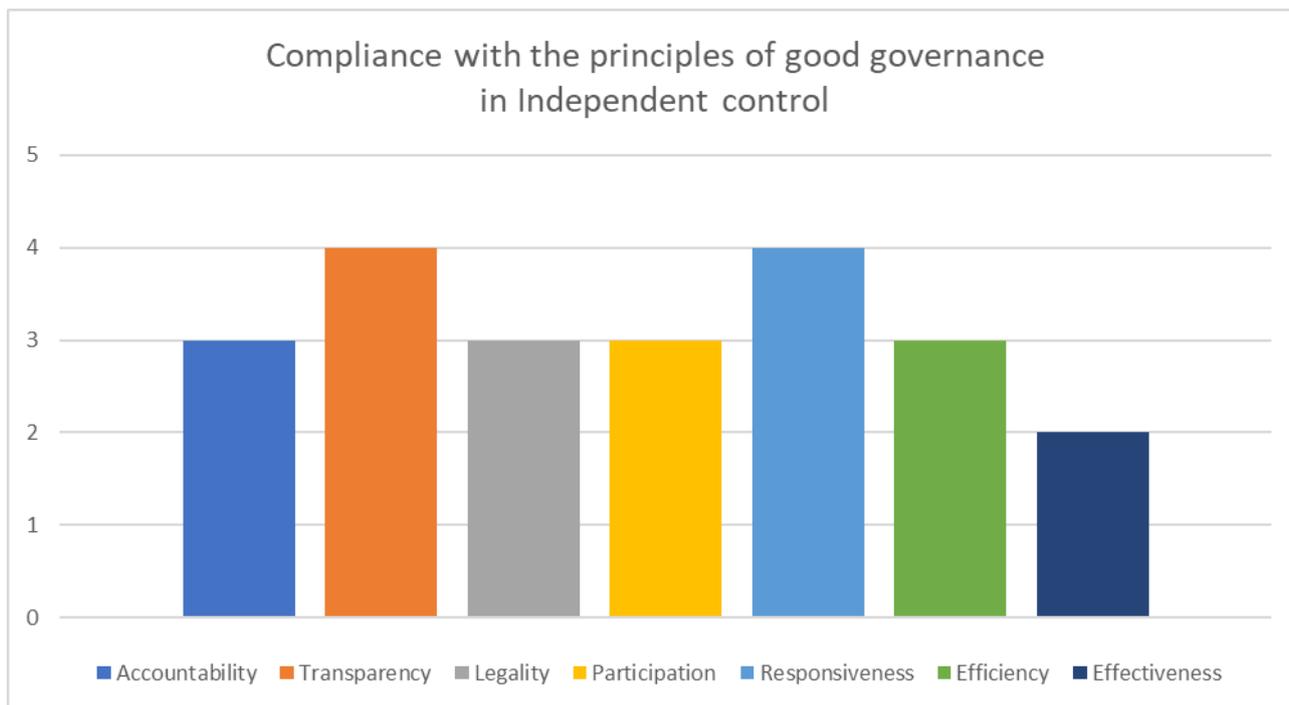
8.3 Conclusions

We note the outdated and obsolete nature of the basic normative acts that regulate the activity of ensuring state security, but also the interference of the concept "state security" and "national security", which to a large extent contradicts both the provisions of the Supreme Law[266] (art. 54, para. (4), but also various international conventions and treaties. Thus, it is recommended to make the necessary amendments to unify the concept in favour of "national security".

We also note that it clearly requires changes regarding the designation and adjustment of the list of competent authorities responsible for ensuring state security (such as the Ministry of Defence) but also for maintaining the balance of fundamental human rights, the requirements of legality, efficiency and necessity, by expressly determining the mandate of institutions such as the National Centre for the Protection of Personal Data, the People's Advocate, and the Court of Auditors.

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266   https://www.legis.md/cautare/getResults?doc_id=136130&lang=ro#

CHAPTER 9. CIVIL SOCIETY IN SECURITY SECTOR GOVERNANCE

9.1 Developing and strengthening civil society - an element of the democratic process

The complexity of the security and defence system, as well as the concept of democratic control over the security and defence sector, impose specific requirements to address national security issues, including the role of civil society in security sector governance.

By civil society we mean all foundations, non-governmental organisations (NGOs) and groups active in policy analysis, monitoring and oversight, including wider civil society (universities, trade unions, etc.). At the same time, it refers to all forms of social action undertaken by individuals or groups that are neither linked to nor managed by state authorities. Thus, civil society organisations are organisational structures whose members serve the general interest through a democratic process and which have a mediating role between public authorities and citizens. [267]

The development and consolidation of civil society is of key importance for the fundamental democratic and pluralist values of any country, but also for encouraging the involvement of citizens in the development processes of the country, on the one hand, and ensuring good governance on the other. The involvement of civil society in the process of government policy-making reaffirms the constitutional rights of citizens, including the right to freedom of association, freedom of assembly, freedom of expression and the right to information. Moreover, in today's security environment it is essential that governments include civil society as a full partner in democratising security sector governance. Through its work, civil society contributes to comprehensive development of the security sector by identifying security needs and monitoring the policy implementation process. Supporting civil society is a way to foster social cohesion and the creation of sustainable social capital. [268]

267   EUR-Lex - civil_society_organisation - EN - EUR-Lex (europa.eu), Article 15 of the Treaty on the Functioning of the European Union recognises the role of civil society in the good governance of the European Union (EU). Available: https://eur-lex.europa.eu/RO/legal-content/glossary/civil-society-organisation.html#:~:text=Civil%20society%C4%83%20is%20referred%C4%83%20to,not%20managed%20by%20it.
268   Civil society development strategy in the Republic of Moldova. Available at: https://msmps.gov.md/sites/default/files/strategia-de-dezvoltare-a-societ-ii-civile-din-republica-moldova-2012-2015.pdf

According to *the CSO Meter* 2023 *Country Report*[269] , developed by PromoLex, in 2023 there were several positive developments in the environment for civil society organisations, especially in terms of the right to participate in decision-making, state support, state-CSO cooperation and digital rights. The positive changes were largely influenced by the implementation of actions in line with EU conditionality for the opening of accession negotiations, focusing in particular on the involvement of civil society in decision-making processes at all levels. However, the report finds that the right to privacy has regressed compared to the previous year. In addition, CSOs continue to face challenges such as reduced transparency of decision-making processes, difficult access to alternative sources of funding and anti-CSO rhetoric in the public space. In this context, we can add that there are still discussions about the contribution or expertise of CSOs in security matters.

Relevant to the report given on the GSS is that positive developments in civil society activity may also reflect its capacity to engage in governance processes. Moreover, civil society is characterised by its independence from political power, but maintains a permanent dialogue with it in order to lay the foundations for inclusive and participatory governance. This is its role in governance in general and security governance in particular. However, there are significant challenges facing civil society in this process, particularly when it comes to national security issues. Civil society in the Republic of Moldova today is more active and organised than a few years ago, but a rather small number of civil society organisations specialise in security and defence issues. The fragile security environment has brought security issues to the public's attention and list of concerns, which has motivated more and more NGOs to concern themselves with them, or with issues adjacent to the sector. The rapprochement with the European Union has favoured the involvement of civil society representatives in consultation platforms with public institutions. Thus, society's access to discussions on various laws, strategies and public policies has lost its "elitist" character, and state institutions are obliged to involve civil society representatives and take into account their recommendations in the process of drawing up security policies.

9.2 The role and importance of civil society and non-commercial organisations in security sector governance

In the current security environment, it is essential that governments include civil society as a full partner in democratising security sector governance. Through its work, civil society

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[269] CSO METER. A compass for an enabling environment and empowering CSOs. Country Report. Republic of Moldova 2023. Available at: https://csometer.info/sites/default/files/2023-12/Moldova%202023%20CSO%20Meter%20Country%20Report%20RO_2.pdf

contributes to comprehensive security sector development by identifying security needs and monitoring the policy implementation process. At present, from both the public authorities' and civil society's point of view, we have a technical deficiency in terms of addressing the role of civil society. Thus, for the most part, civil society control is seen as policies and activities promoted by non-commercial organisations, although, in essence, the starting point and defining imperative must be "the power of control of a simple individual in the context of the exercise of rights and powers of public authorities.

Today, civil society actors have many tools at their disposal to make security and defence sector governance effective.[270] While accountability of security institutions is an important component of CSO work, CSOs should not limit themselves to oversight and criticism. At the same time, limited access to public information does not allow for adequate analysis and recommendations from CSOs, including academia, and as a consequence, there are currently a limited number of NGOs in the Republic of Moldova specialised in the security and defence segment providing quality products in this field. Strengthening the impact of civil society on security sector reform and governance through constructive partnerships, even when CSOs have a clear idea of their possible contributions to SSM, encounters bottlenecks when several factors may prevent effective engagement in these processes. Civil society fragmentation disperses efforts and prevents CSOs from optimising their work and impact[271] . In this respect, it would be necessary for them to present themselves as partners, proposing recommendations and advice, offering services that complement those provided by security institutions.

In the case of the Republic of Moldova, civil society in general has seen important developments in its ability to get involved in governance processes (inclusion in working groups drafting security policies and legislation related to state security, etc.). However, there are significant challenges faced by civil society in this process, particularly when it comes to national security issues. On the one hand, there is a history of mutual suspicion/ mistrust between government/security institutions and civil society, leading to a lack of willingness of civil society to engage in dialogue with the security sector. On the other hand, there is a lack of a functional civil society strengthening mechanism to increase the capacity to influence the security sector governance process.

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270 Note: The broad definition of security sector governance as a comprehensive process that aims to strengthen the institutions that provide security and justice, making them effective, transparent and accountable for ensuring the needs of the people and respect for their rights. Through these mechanisms, CSOs can make a practical contribution to improving security sector governance.

271 Mapping civil society in the national security sector. Available at: https://pisa.md/wp-content/uploads/2023/02/1_Cartografierea-societatii-civile-in-sectorul-securitatii-nationale-a-RM-1.pdf

Civil society is often seen as an important, albeit informal, mechanism for public oversight and accountability of security sector institutions. It is a crucial factor in empowering people, strengthening political accountability and improving quality and inclusiveness.

Finally, we can see with certainty that the level of democracy in a democratic state is directly proportional to the power of control of the individual to influence certain public processes and policies, which are intended to ensure safety and security.

Therefore, the instruments made available by the state must be focused on the individual (regardless of gender, political views, social affiliation, nationality, residence, etc.), not to be confused with the citizen (which is more of a discriminatory Soviet archaism). At the moment, we note that the individual is largely given the only instrument - the right to justice and the right of association, but his or her individual presence in matters that resonate with the public interest in the security segment is practically absent, such as: participation in public consultations, advisory councils, etc.

The ability of citizens to obtain the necessary information about the initiatives and policies of the institutions responsible for security and defence, and to analyse the impact of these programmes, policies and decisions on them, is a fundamental element of the concept of good governance.

The fragile regional and international security environment has brought the subject of security to the attention of experts and the general public and has become a topical agenda for several non-governmental organisations. Just as quite a few organisations have specialised expertise on security and defence issues, the issue here is their competence to produce quality products and their impact on influencing security policies. In this context, there is a need to develop civil society capacities in the field and to create functional mechanisms for cooperation with all actors in the sector, on the one hand, and to harness the potential and enthusiasm of civil society in strengthening the SSM process, on the other.

9.3 CSO and media capacity to influence public policy and advocacy

Despite the essential role played by civil society in the security sector, it is often difficult for CSOs to identify areas of cooperation, concrete topics for their contributions, and areas of common interest.

Recently, CSOs have made a number of important contributions by providing expertise for security policy making, contributing to the development and promotion of public policies in the field of security by: drafting analytical notes, studies, expressing views on policy documents, organising public and informal consultation sessions with key state and non-state actors, and organising and promoting public information and awareness-raising activities.

Non-governmental organisations have successful cooperation with the state in the following areas: joint projects on the implementation of the Association Agreement with the European Union, assistance in the development of security policies, programmes to eliminate discrimination, promotion of gender equality, provision of expertise on the settlement of the Transnistrian conflict, strengthening efforts to combat information warfare and propaganda. The partnership between the public and civil sectors is usually project-based, which means that this cooperation is exhausted after the project is completed. Civil society has limited opportunities to influence and push for certain changes, to influence security policies due to the lack of mandatory inclusion of comments received by state institutions and the lack of specific subject matter expertise of voluntary sector experts.

Journalists face many obstacles and challenges in reporting on the security sector and fulfilling their oversight function. Government institutions may restrict access to information or attempt to co-opt journalists, while the media may risk internalising official perspectives on perceived threats to national security. The mistrust and interpretation of official statements and lack of expertise on security issues can undermine the media's ability to act as a watchdog.[272] To play an effective role in security sector oversight, journalists must have a degree of distance from government and protection from intimidation and threats. National media organisations in Moldova, as well as international organisations, identify the restriction of access to information as one of the most significant problems facing journalists and media in the country. Over the past 20 years, organisations such as Freedom House and Reporters Without Borders have highlighted the following as the most significant challenges to the work of journalists and media in Moldova: (-) limited access to information; (-) intimidation; (-) physical attacks on journalists; (-) internal disinformation and external propaganda; (-) political and oligarchic control over regulatory and media institutions.[273]

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272   Marina Caparini. Media in Security and Governance: The Role of the News Media in Security', Nomos / Bonn International Center for Conversion (BICC) / Geneva Centre for the Democratic Control of Armed Forces (DCAF), 2004. Available at: https://gsdrc.org/document-library/media-in-security-and-governance-the-role-of-the-news-media-in-security/

273   Victor Gotisan, Natalia Ionel, Why access to information is still a problem in the Republic of Moldova, 2020. Available: https://freedomhouse.org/sites/default/files/2020-03/Ionel_and_Gotizan_FINAL_EN.pdf

9.4 Indicators on transparency, access to public information and public consultations

One of the most important tools to control and ensure the presence on issues of public interest is transparency in decision-making and access to information. In this context, a democratic society is essentially based on the principle of transparency, participation and accountability of actors, which determines the positive obligation of the state to act pro-actively and inform society on matters of public and private interest in strict compliance with the commitments undertaken in Article 34 para. (2) of the Supreme Law.

Among the main tools through which the State disseminates information of public interest are:

- Publication of information on the official website or social media platforms: press releases, guidelines, explanatory notes, draft legislation, public procurement, identification data and career path of management and contact details of responsible subdivisions; draft decisions, etc.

- Publication of information on specialised pages, e.g.: for court rulings www.instante.justice.md; for public procurement - www.achiziții.md; for open data - www.date.gov.md; for draft legislation - www.particip.gov.md, for administrative acts of local public authorities - www.actelocale.gov.md, for approved legislation - www.legis.md etc.

- Examination and resolution of individual requests for access to information of public interest or personal interest;

- Media - participation of public sector officials in public events: public debates, broadcasts, investigations, press clubs, etc.

Thus, in order to anchor good intention but also to hold the officials concerned accountable, the obligation to publish this information pro-actively and to settle individual cases is legislated in the normative acts, including: Law no. 982/2000 on access to information, Law no. 64/2010 on freedom of expression; Administrative Code, etc.

It should be noted that full compliance with these instruments is an imperative in the context of the security sector, as the impact of information on the individual is often more important than the sense of physical security or effective protection provided, and it is for this reason

that it is important to monitor how well the State fulfils these obligations. Moreover, given the technological progress that facilitates the consumption of information through various sources but also the increase in the volume of information that individuals need to know, transparency and providing access to official information that is of public interest should be a priority for state bodies in the field of national security.

In order to take stock of how well the State is performing the tasks undertaken for transparency, access to information and involvement of public opinion in administrative affairs, several reports on these challenges were consulted:

Access to Information Index: measuring the transparency of public institutions in the Republic of Moldova; 2022 Edition[274] ; Monitoring Report ,Transparency in Local Governance: between Process and Involution"[275] ; Journalists' access to information of public interest: from the law to the abuse of authorities[276] , according to which, although some positive trends are noted, the reports reflect some inconsistencies, gaps and sometimes even bad intentions of some decision makers, which impact all media. Thus, the most common inconsistencies being: Proactive non-publication of information on web pages, presence of outdated information, excessive depersonalization of administrative acts, failure to include acts and documents in specialized resources, un-editable format of documents placed in the public space, fake news, refusal to follow up on the examination of requests for access to information, examination beyond the legal deadline or provision of incomplete information, late reaction to events of strategic importance or for the correct information of the population on crisis situations, the rapid delay in the promotion of some decisions and lack of transparency.

The unavailability of truthful information on issues of public interest is one of the factors behind the growing consumption of disinformation in Moldova. The correlations between disinformation and access to public information, as well as access to investigative and independent journalism and media diversity and plurality are very strong and interrelated. While independent media have a low capacity to provide objective and qualitative information, misinformation and disinformation tendencies find a fertile background for the spread of false and manipulative information.

274   https://freedomhouse.org/sites/default/files/2022-11/fh-Moldova_Access-to-Info-Report-2022_
      Rom-v2.pdf
275   http://viitorul.org/files/library/Raport%20transparenta_site.pdf
276   https://cji.md/studiu-cji-accesul-jurnalistilor-la-informatiile-de-interes-public-de-la-buchea-legii-la-abuzul-
      autoritatilor/

These non-compliances reflect the unsatisfactory state of state bodies in fulfilling their positive obligation to inform on matters of public interest which consequently generates misunderstandings, false assumptions and suspicions about possible non-compliant actions/actions.

In the same context, despite the relatively active participation of civil society in the decision-making process and the high rate of proposals and recommendations accepted by government institutions, the consultation process of public authorities with civil society is often a formal one, on the part of state institutions, just to "tick off" compliance with the legal provisions regarding the obligation to consult. The authorities are not interested in consulting citizens, but rather civil society in the decision-making process.

9.5 Conclusions and recommendations

A well-organised and dynamic civil society helps to establish the basis for for good governance of the security sector:

- − by ensuring effectiveness, efficiency, transparency, accountability, responsibility, respect for human rights and the rule of law in this sector (essential attributes of good governance).
- − by advising and providing expertise to national authorities.

The mapping of civil society organisations[277] in the Republic of Moldova, in particular in in the national security and defence sector, reflects the fact that there are a number of challenges that hinder the proper functioning and fulfilment of the role of participation, involvement and oversight. We note that the current legislation needs further concrete amendments to be able to meet the needs and requirements of the civilian sector.

Thus, the basic challenges include the lack of a strategic document on CSO development, deficiencies in access to information and transparency in decision-making processes, lack of models and rules for the state budget funding at local and central level, privacy issues and the lack of a clear perspective for digital rights.

Although state institutions declare themselves open for cooperation with non-governmental organisations, launching in this respect various mechanisms (established partnerships, joint projects implemented, regular meetings, etc.), their results are quite modest and temporary, depending on the personal collaboration between officials and the administration of organizations . Despite the fact that there are a number of provisions in the legislation and

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277 https://pisa.md/wp-content/uploads/2023/02/1_Cartografierea-societatii-civile-in-sectorul-securitatii-nationale-a-RM-1.pdf

agreements, the Moldova-EU Action Plan, IPAP, etc. in the implementation of any strategy that also involves cooperation with civil society, there is a lack of openness and transparency on the part of government institutions. It is true that there have been initiatives to establish a constructive dialogue with the representatives of civil society, but these were based on periodic decisions, the support of society for certain projects and actions, but not necessarily on real awareness of their role in the democratic development of the country.

Even if in the Republic of Moldova there is this normative basis for ensuring interaction between public authorities and civil society in the decision-making process, practice often shows us that the biggest problems arise both due to the lack of coordination between the governmental and associative sectors as well as the passive involvement of civil society in the initiatives of governmental institutions.

The relatively low capacity of CSOs to contribute to the process of drafting and adopting public policy decision-making is a major barrier to participation. In addition, CSOs' limited knowledge in the participation process and insufficient willingness of public officials could also be factors undermining the effective involvement of civil society in the decision-making process.

Recommendations:

- We believe that increased level of cooperation will serve as an important step in encouraging direct participation, involvement and contribution to security sector governance. The effectiveness of communication with the public on security issues depends on the volume and accuracy of the information made public by Government, Parliament, development partners and their openness to civil society.

- Parliament should amend the legal framework on access to information of public interest under the Council of Europe Convention.

- Institutionalising partnerships with government authorities and Parliament would ensure continuity and sustainability of CSO collaboration with government institutions by establishing joint action plans.

- Capacity building and strengthening of civil society (especially in different regions of the country) is necessary to improve the ability to influence security and defence policy, thus civil society would become more informed about oversight processes and

gain more mechanisms to work with Parliament and other security sector oversight institutions.

– Developing cooperation with the media and educational institutions and research centres to strengthen the effort to influence, engage and disseminate information to the wider civil society.

– Civil society can continue to support access to information of public interest by focusing on "influencing" public authorities and increasing transparency and accountability in the use of public funds.

– Public authorities should be instructed on approaches to balancing the right to information of public interest with that of sensitive data.

– Promoting the legitimate and valuable role of journalists and the media in requesting public information and reporting it to citizens.

– Organising public engagement activities to raise awareness of the citizen's constitutional right to access and request information on security and defence issues.

CHAPTER 10. SUMMARY FOR EVALUATION

10.1 Summing up the security sector governance assessment

The Security Sector Governance Assessment is valuable in revealing gaps in each component of the sector, but also achievements to be replicated in other institutions. However, understanding the state of the sector as a whole is also necessary for setting the current stage and setting future solutions. In this respect, the sector assessment reveals a low level of governance of the security sector.

Accountability: According to statistics from the judiciary, with reference to the security sector there is a high number of referrals about offences committed; court sentences for corruption offences are at a high level; the sources are collected from the Courts Administration page, which provides a comparative analysis with high rate of corruption offences. Similarly, the data from the National Anti-Corruption Centre is used as a source, confirming the high rate of offences. At the same time, according to the data from the Barometer of Public Opinion (source: bop.ipp.md) - the comparative trust of society in the security sector entities is low.

Transparency: Transparency is ensured by several sources. The web pages contain Integrity Reports, Transparency in Decision-making Reports, other relevant information. Press services are active with much regular information, external communication contacts are provided, subdivision lists. There are other sources of information such as magazines or social networks. The biggest shortcoming is the lack of many Annual Activity Reports with systematised and clear information on means of activity and results.

Legality: Legislation in the security sector is poorly developed; principles of good democratic governance are practically not reflected in special legislation; internal regulations refer minimally to aspects of democratic governance, including internal and external control, efficiency and effectiveness; overall good governance regulations are weak (source: legis.md);

Participation: Statistics on women in security sector governance are elusive, i.e., can be interpreted depending on institutional interests, similarly, accessible statistics virtually do not refer to other social groups as non-existent: ethnic minorities; linguistic minorities, religious minorities, sexual minorities; and others. Statistics confirm that minority social groups are poorly presented in the security sector, (source: statistica.gov.md). This remains a monolithic area of social participation, although it should tend towards greater social cohesion.

Responsiveness: Official pages provide Integrity Reports with information on addresses; there is a high response rate to external addresses in the system. However, greater responsiveness to proposals and analysis from the professional and academic community would be welcome.

Efficiency: The state budget provides a comparative analysis of the low financial resources allocated to the security sector compared to other authorities or to other countries' standards. However, having low financial sources ensures efficient use of available resources and a high level of stability in the security sector.

Effectiveness: According to the Global Peace Index, (source: visionofhumanity.org); Moldova achieves its overall goal of ensuring peace and stability, with the rating of the most peaceful - one of - the most peaceful nation in the region; at the same time, objectively, security sector capabilities are low, as reflected by the Military Power Ranking (source: globalfirepower.com); security and public order are ensured at a comparatively high level. Per sector, the situation requires further attention and essential improvement.

10.2 Quantifying security sector governance

Principle	Armed Forces	Public Order	Intelligence Services	Private Security	Executive Control	Parliament	Courts	Independent Entities
Accountability	3	2	2	4	3	2	3	3
Transparency	3	4	2	3	4	4	3	4
Legality	2	3	4	3	2	3	2	3
Participation	2	3	2	1	3	2	4	3
Responsiveness	3	3	2	3	3	3	4	4
Efficiency	4	3	3	4	3	3	3	3
Effectiveness	3	4	3	2	3	2	2	2
Total	**20**	**22**	**18**	**20**	**21**	**19**	**21**	**22**
Grand total, average	**Low level – 2,9**							

Summarizing the main findings of the sectorial analysis, the governance of Moldova's security sector is evaluated at an average level of 2.9 points, from a maximum possible of 5 points. Despite the comprehensive revision of the legal framework governing intelligence activities, for the time being SIS compliance with the principles of good governance in the intelligence sector is rated at 18 points from a maximum total of 35, deficiencies being noted in terms of receptiveness, participation, transparency and accountability. Similarly, compliance with these principles within the Armed Forces is rated at 20 points from 35, indicating a need for legislative updates and increase of participation of social groups. Respecting principles of good governance by Private Security providers was rated 20 points out of 35, with shortcomings in participation and effectiveness in contributing to public order. Among providers security providers, Public Order and Security was rated 22 out of 35 points. demonstrating high achievement on many criteria, with the exception of accountability, from due to low levels of integrity.

Among the control and oversight entities, the Judicial Courts are rated 21 points from 35 for compliance with the principles of good governance in the judicial control function of the security sector, with several shortcomings in legality and effectiveness. Parliamentary Oversight scores 19 points from 35, indicating in particular shortcomings in the application of the principle of participation in security sector oversight, effectiveness, as well accountability of the whole legislative body. Executive Control is rated 21 points from 35 and indicates the need to include and ensure compliance with the principles of good governance in

legislation on the work of the executive. The highest score of 22 points from 35 is given to the independent oversight bodies - the Ombudsman, the National Centre for Personal Data Protection and the Court of Auditors, although they still have shortcomings in terms of effectiveness, i.e. achieving objectives.

The main proposals relate to the legal enshrinement of good governance principles in security sector legislation, which would substantially raise the quality of governance and gain society's trust. Among the recommended actions, the one with the greatest potential impact is the revision of obsolete legislation on state security and state security bodies. Similarly, the role of the Supreme Security Council as an advisory body should be strengthened, including its monitoring function in the sector.

Finally, if we assess this score of 2,9 from the perspective of the security situation in relation to the regional and international situation, we can see that this implies a situation where security is partially ensured. In the short term, some sectors remain vulnerable, although there is a tendency to maintain a *pro-active security* system and to develop a *preventive system*, there is still a case for a *reactive* approach. In the medium term, governance of the security sector tends to improve, following the revision of the legislative framework and the adoption of the National Security Strategy. However, the instability of the internal and external environment could diminish the ability to respond to threats, especially those of a hybrid nature.

Figure. Fragility trends in Moldova, 2006-2023
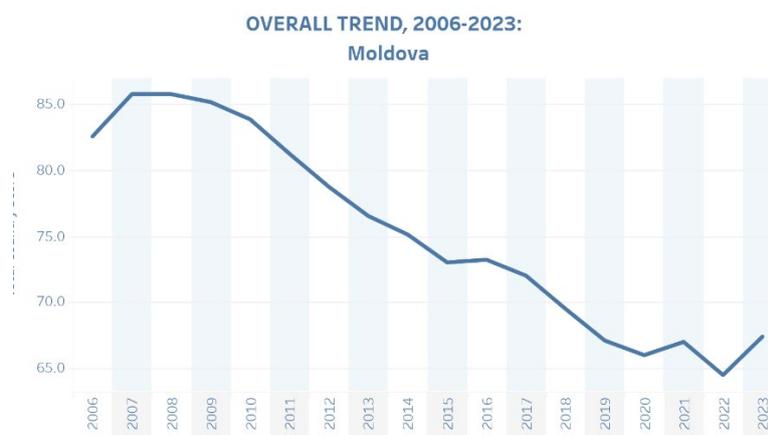
Source: Fragile State Index. Country Dashboard: Moldova. Available: https://fragilestatesindex.org/country-data/

In addition, it is worth mentioning that at the regional level the state of security can also be measured from the perspective of the fragility of the states[278] , according to the indicators in 2023, the Republic of Moldova was ranked 94th (out of 179 states), compared to 2022 the country was ranked 105th; in 2021 - 103rd place, 2020 - 101st place, and 2019 - 103rd place. At the regional level (Black Sea perspective) the most fragile states are: Ukraine (18th place, i.e. the higher the position in the ranking, the more fragile the country is), the Russian Federation (53rd place) and Turkey (52nd place), and Georgia ranked 79th. Romania, a NATO and EU member state, ranks 129 The State Fragility Indicator is relevant to the report given that the indicators that make up the final score also refer to the security *apparatus*, which is assessed according to specific questions and analysis from a GSS perspective[279] .

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278   Fragile State Index. The Found for Peace. Available: at https://fragilestatesindex.org/
279   Note: Questions being considered: Monopoly on the use of force - Is the military under civilian control? - - Is there paramilitary activity? - Are there private armies to protect assets? Relationship between security and citizens - Are police considered professionals? - Is violence often state-sponsored and politically motivated? - Does the government deal well with any insurgency or security situation? Force - Do the military and police behave appropriately in the use of force? - Are there allegations of police brutality?

PART III

TRANSVERSAL ISSUES

PART III. TRANSVERSAL ISSUES

The final part of the report reveals the cross-cutting issues in security sector governance that shape the operating climate and ensure public and institutional support. The subjects of integrity, transparency, respect for human rights and equal opportunities by its importance, but also by the special setting of the legislative regulations, require separate approach and careful analysis. The conclusions and recommendations of this part should contribute to improving the functioning of both the security sector and other sectors of social and state life.

External assistance in the area of security and defence completes the analysis of security sector governance, forming a comprehensive picture of the financial support and advice provided by international partners to the people and authorities of Moldova.

CHAPTER 1. INTEGRITY

1.1   Regulatory framework in the field

The Integrity Act, No 82/2017[280] , the framework law in the field of anti-corruption, makes a clear distinction between institutional integrity and professional (individual) integrity.

Institutional integrity means the professional integrity of all public officials within the public entity, cultivated, controlled and reinforced by the head of the public entity, and lack of tolerance for incidents of integrity admitted by public officials.

Professional integrity is the ability of public officials to carry out their in an ethical manner, free from improper influence and acts of corruption, respecting the public interest, the supremacy of the Constitution and the law.

The law regulates:

- integrity in the public sector at political, institutional and professional level;

- the responsibilities of public entities, anti-corruption authorities and other relevant authorities for cultivating, strengthening and controlling integrity in the public sector;

- cultivating integrity instruments in the private sector;

the method of sanctioning the lack of integrity. In accordance with the of Law No 82/2017, entities in the security sector are subjects of the law. These entities, along with the others, are obliged to ensure the integrity of their personnel by applying specific tools, the essential ones being:

- hiring and promoting employees on the basis of merit and professional integrity;

- verification of officeholders and candidates for public office;

- simulated behaviour detector (polygraph) testing;

- compliance with the rules governing assets and personal interests, conflicts of interest, incompatibilities, restrictions and limitations;

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280   Law on Integrity, No. 82 of 25.05.2017. In: Official Monitor of the Republic of Moldova, No. 229-243/360 of 07.07.2017.

- compliance with the rules of ethics and professional conduct;

- compliance with the legal standards for gifts;

- non-admission, reporting and dealing with undue influence;

- protection of integrity whistle-blowers.

The application of anti-corruption tools in the security sector is also important from the perspective of the anti-corruption authority status of some entities in the sector, as these entities have external integrity control functions. According to Law 82/2017, the following are anti-corruption authorities: the NAC; ANI; PA; SIS; MAI.

Moreover, corruption is recognised as a threat to national security by public policy framework documents approved in recent decades, such as the National Security Strategies of 2011 and 2023 or the National Security Concept of the Republic of Moldova of 2008. The National Security Strategy, adopted by Parliament in December 2023, stands out for the clarity by means of which it defines as security vulnerabilities both corruption within   legal authorities and the justice system and corrupt politicians used as intermediaries in hostile actions of the Russian Federation[281] .

Fighting corruption and ensuring the State of law are qualified as the most critical strategic imperatives for the country, indispensable for regaining people's confidence and strengthening some efficient government institutions. The fight against corruption is also one of the 10 security objectives of the Republic of Moldova[282] , being mentioned in six of the directions of actions outlined in this medium-term strategic planning document[283] .

Fighting corruption at all levels by taking decisive action to ensure proactive and effective investigations is one of the nine recommendations made by the European Commission when granting the status of candidate country to the Republic of Moldova in June 2022. The Country Report from November 2023 notes a significant number of legislative rules adopted by Moldova in response to this recommendation, including clarifying the competences of specialised anti-corruption institutions, protecting whistle-blowers or reforming special investigative activities and amending the Criminal Procedure Code to reduce the length of proceedings in corruption cases. These normative changes are meant to consolidate a trend suggesting a better functioning of anti-corruption institutions, a trend reflected by the increase in the number of investigations, sentences and prison sentences for corruption

281   National Security Strategy (2023), point 3.
282   National Security Strategy (2023), paragraph 8.
283   Ibid, paragraph 28, 2) b) c) and m), 3) e) g) and h).

cases in 2022. In addition, mechanisms for cooperation in staff training and information exchange have been agreed between the General Prosecutor's Office and the European Public Prosecutor's Office[284] . In order to sustain the positive trend in the fight against corruption, the necessary resources must be allocated to the functioning of specialised institutions.

According to the Corruption Perceptions Index 2023, the Republic of Moldova scored **42 points,** obtaining the 76st place out of 180 countries included in the ranking. The index reflects the level of corruption in the public sector, as perceived by experts and business people, and is calculated on a scale from 0 to 100, where "0" means total corruption and "100" - total lack of corruption. In the case of the Republic of Moldova, the index was calculated on the basis of 8 external sources - researches/studies by well-known organisations. Although the score shows an improvement, it is far from acceptable. For comparison, in 2021, the Republic of Moldova scored 36 points, ranking 107th out of 180 countries, in 2022 - 39, with 91st place, and 2023, as mentioned, score - 42 and 76th place.

At the same time, it is worth mentioning that citizens' opinions are more critical regarding the level of corruption. For example, according to the Global Corruption Barometer for Europe and Central Asia, 2016 edition, the respondents in the Republic of Moldova considered the Parliament (76% of respondents), the Presidency and the Government (71% of respondents), the Judiciary (67% of respondents) more affected by corruption.[285] These data suggest that all state powers are discredited. In fact, all these authorities are essential in ensuring national security.

It is worth noting that the situation is different in the case of specialised bodies in the field. Some of them encounter more public confidence. However, the employees of some of these bodies remain among the most targeted in corruption cases. As an example, in 2022, 64 employees of the internal affairs bodies appeared in corruption cases[286] , the staff of the internal affairs bodies are being also found in ANI statistics[287] .

If we refer to the recently published Corruption Perceptions Index for 2023, we can highlight that *globally, most governments are failing to reduce corruption, but at the national level,*

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284   Country Report, 8 November 2023, p. 9.
285   Global Corruption Barometer, Europe and Central Asia, Transparency International, 9th edition - 2016. Available at: https://www.transparency.org/en/gcb/europe-and-central-asia/europe-central-asia-2016.
286   Activity report for the year 2022, CNA. Available at: https://www.cna.md/public/files/RAPORT_CNA_2022.pdf.
287   Activity Report for 2022, ANI. Available at: https://ani.md/sites/default/files/Raportul%20ANI%202022%20(approved).pdf.

Moldova has recorded a CPI 2023 score of **42 points**, ranking **76th out of 180 countries** included in the ranking and registering **a 10-point increase over the last five years.** This is due to the fact that in Moldova the year 2023 was marked by the adoption of several important anti-corruption laws and public policy documents. However, some backlogs have been ascertained , although the number of cases against high-ranking officials has increased, the *conviction rate remains modest* [288]

1.2 Employment and promotion within security sector institutions

Hiring and promotion of employees of security sector entities should be based on merit and professional integrity.

According to some assessments in the field[289] , practically all entities in the security sector recruit staff under the conditions of a special regulatory framework, developed by normative acts subordinated to laws. For instance , the Ministry of Internal Affairs , including the PF, organises and conducts staff recruitment procedures in accordance with Law No. 288/2016 on the civil servant with special status in the Ministry of Internal Affairs [290] , but also on the basis of the Regulation on filling public positions with special status in the Ministry of Internal Affairs , approved by Government Decision No. 460/2017[291] .

It should be noted that information on the regulatory and institutional framework for careers is not always ensured through official websites. Although, there have been developed sections for this purpose, they usually only contain announcements of the launch of competition procedures. In most cases, the notices are also placed on the www.cariere.gov.md portal.

It would also be important to publish, in compliance with legal requirements, information on the conduct of competitions (list of candidates admitted to the competition, list of candidates admitted to the interview, list of candidates who successfully passed the competition) and the nominal composition of the competition committees - not knowing the nominal composition

288   Corruption Perceptions Index 2023: corruption out of control due to increasingly weak judicial systems. Available at: https://www.transparency.md/2024/01/30/indicele-perceptiei-coruptiei-2023-coruptie-necontrolata-din-cauza-sistemelor-judiciare-din-ce-in-ce-mai-slabe/
289   Monitoring anti-corruption policies in public and central authorities, Transparency International - Moldova, Chisinau, 2020, pp. 37-42. Available: https://www.transparency.md/wp-content/uploads/2020/10/Raport-monitorizare-generalizat-1.pdf.
290   Law on civil servants with special status in the Ministry of Internal Affairs, No 288 of 16.12.2016. In: Official Monitor of the Republic of Moldova, No 40-49/85 of 10.02.2017.
291   Government Decision on the implementation of the provisions of the Law No. 288 of 16 December 2016 on the civil servant with special status in the Ministry of Internal Affairs, No. 460 of 22.06.2017. In: Official Monitor of the Republic of Moldova, No. 214-215/538 of 23.06.2017.

of the competition committees creates the risk of inappropriate treatment of conflicts of interest in competition procedures.

Unfortunately, , the competition procedures do not apply to the positions of heads of entities. As an example, could serve, the provisions of Art. 5 para. (5) regarding the Border Police Act, No. 283/2011[292] . According to them, the Border Police is headed by the head of the IGPF, appointed by the Government, at the proposal of the Minister of Internal r Affairs, for a term of 5 years, with the possibility of appointing him for a further term.

The application of competition procedures would be in the spirit of international anti-corruption standards (Article 7 of the United Nations Convention against Corruption[293]), but also in the spirit of the jurisprudence of the Constitutional Court[294] .

From the perspective of the Constitutional Court, officials can be divided into two categories - officials who are representatives of a particular political interest and officials who are representatives of a particular public interest.

The first category includes persons who hold political office in political institutions and who, in the exercise of their duties, must show loyalty and consistency in pursuing political goals. An example would be the Minister of the Internal Affairs, who must show reliability, loyalty and political commitment to the government programme for the fulfilment of which they were invested in that position.

As for people in the second category, they require a certain degree of independence. The positional duties of these people do not imply direct involvement in the political activity of the State, but are related to the strict application of the law. The head of the IGPF could serve as an example in this respect.

Obviously, the application of competitive procedures in providing/offering positions is a condition for the independence, impartiality and integrity of law implementation agencies, including those in the security sector.

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292 Law on Border Police, No. 283 of 28.12.2011. In: Official Monitor of the Republic of Moldova, No. 76-80/245 of 20.04.2012.

293 United Nations Convention against Corruption. Available at: https://www.cna.md/public/files/conventia_onu_ro.pdf.

294 Judgment of the Constitutional Court on the exception of unconstitutionality of some provisions of the Annex to the Law on Administrative Litigation No. 793 of 10 February 2000 (access to justice of the head and deputy head of the territorial office of the State Chancellery (Complaint No. 69g/2015), No. 22 of 22.07.2016. In: Official Monitor of the Republic of Moldova, No. 256-264/67 of 12.08.2016; Judgment of the Constitutional Court on the constitutionality review of Law No. 95 of 21 May 2010 "On the amendment and completion of some legislative acts", No. 29 of 21.12.2010. In: Official Monitor of the Republic of Moldova, No. 1-4/01 of 07.01.2011; Judgment of the Constitutional Court for the revision of the Judgment of the Constitutional Court No. 16 of 28.05.1998 "On the interpretation of Article 20 of the Constitution of the Republic of Moldova" in the wording of Judgment No. 39 of 09.07.200, No. 10 of 16.04.2010. In: Official Monitor of the Republic of Moldova, No. 58-60/09 of 23.04.2010.

1.3 Verification of holders and candidates for public office

Vetting of office-holders and candidates for public office is a tool of the recruitment and evaluation process of personnel in the security sector. The principles, purposes, procedure, forms and methods of verification are laid down in Act No 271/2008 on the verification of public office -holders and candidates for public offices[295]. The legal provisions require revision, as sufficient experience has been gained in their application, which demonstrates shortcomings in implementation.[296]

According to the law, office-holders and candidates are subject to verification:

– to the positions of public dignity that are held by mandate obtained directly after elections, except for parliamentary or local elections, or indirectly by appointment, specified in the Law No. 199/2010 on the status of persons holding positions of public dignity[297] , except for candidates for the position of judge and judges in office;

– to senior management and senior civil service posts;

– to the positions held by military personnel under contract or other persons with special status within public authorities, where military or special service is provided for, corresponding to the categories of senior civil servants and leading civil servants;

– to the positions held by persons delegated to a diplomatic or consular mission as its head, and by persons selected to be delegated to a diplomatic or consular mission who have not previously held public office;

– to the positions held by integrity inspectors, as provided by Law No 132/2016 on the National Integrity Authority[298] .

The verification body is the SIS, which does not provide information on the implementation of the law. It appears that, in general, candidates for executive positions are subject to verification procedures, but also that there are confusions and parallels between these procedures and the procedures applied in the process of perfecting the right of access to state secrets under the terms of Law No 245/2008 on state secrets[299] .

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295   Law on verification of holders and candidates for public office, No. 271 of 18.12.2008. In: Official Monitor of the Republic of Moldova, No. 41-44/118 of 24.02.2009.

296   Mariana Kalughin, Anton Kalughin. Verification of incumbents and candidates for public office. National security, defence and public order: between realities and perspectives. Institute for Public Policy, Chisinau, 2020, pp. 118-135.

297   Law on the status of persons holding public office, No. 199 of 16.07.2010. In: Official Monitor of the Republic of Moldova, No. 194-196/637 of 05.10.2010.

298   Law on the National Integrity Authority, No. 132 of 17.06.2016. In: Official Gazette of the Republic of Moldova, No. 245-246/511 of 30.07.2016.

299   Law on State Secrecy, No. 245 of 27.11.2008. In: Official Monitor of the Republic of Moldova, No. 45-46/123 of 27.02.2009.

It is certain that Law No 271/2008 has been subject to revision for a long time, and it would be advisable for the verification body to publish annual information notes on the official website containing generalised information on the application of the legal provisions.

Simulated behaviour detector (polygraph) testing.

With regard to polygraph testing, the basic law is Law No. 269/2008 on the application of simulated behaviour detector testing (polygraph)[300] , which regulates the organisation, conduct, control and financing of the testing process.

Although it entered into force at the time of publication on 20 March 2009, Law No 269/2008 remained unimplemented for an unexpended period, as the regulatory framework under the law was not developed. The implementation of the legal provisions started only in the second half of 2014, with the adoption of Government Decision No 475/2014 on some measures for implementing Law No 269-XVI of 12 December 2008 on the application of simulated behaviour detector (polygraph) testing[301] .

Testing must be carried out in the following circumstances:

- when hiring and carrying out periodic or selective control of the activity within the MAI, CNA, SPPS, SIS, SV;

- in the competition for appointment to the position of a judge or prosecutor;

- as part of the service investigation;

- within the framework of special investigative work;

- if it is required by the employment contract;

- whether the person voluntarily wishes to be tested.

Polygraph testing must be carried out by polygraphists certified in accordance with the law. At present, there are 5 authorized polygraphists, working in the MAI, CNA, SIS.[302]

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300 Law on the Application of Simulated Behaviour Detector Testing (Polygraph), No. 269 of 12.12.2008. In: Official Monitor of the Republic of Moldova, No. 57-58/161 of 20.03.2009.
301 Government Decision on some measures to implement the Law No 269-XVI of 12 December 2008 on the application of the simulated behaviour detector test (polygraph), No 475 of 19.06.2014. In: Official Monitor of the Republic of Moldova, No 169-173/521 of 27.06.2014.
302 State Commission for Polygraph Testing, Certified Polygraphists. CNA. Available: https://www.cna.md/tabview.php?l=ro&idc=125&t=/Comisia-de-stat-pentru-testari-cu-utilizarea-poligrafului/Poligrafologii-atestati&.

The coordination of their activity, as well as of the process of conducting polygraph tests, is exercised by the State Commission for polygraph testing, which includes representatives of the SCM; SCP; PG; SIS; MAI; SV; CNA.[303]

According to the Commission's 2022 Activity Report[304] , 295 tests were carried out by:

MAI - 141 tests, including at the request of other authorities entitled to initiate tests;

CNA - 82 tests, including at the request of other authorities entitled to initiate tests;

SIS - 72 tests.

Regrettably, we cannot see the full and effective application of the instrument, as the reasons for this vary - from shortcomings in the legal framework to a lack of real will to apply the anti-corruption instrument[305] . A first step towards improving the situation would be to revise Law No 269/2008.

Compliance with the rules governing assets and personal interests, conflicts of interest, incompatibilities, restrictions and limitations

This anti-corruption instrument is implemented under the terms of Law no. 133/2016 on the declaration of wealth and personal interests[306] , which regulates the obligation and the manner of declaring wealth and personal interests by the subject of the declaration and family members, cohabitant/cohabitee Additionally, as the law establishes the mechanism for controlling the wealth acquired by the subject of the declaration and family members, cohabitant/cohabitee during the exercise of mandates, public office or public dignity and ensures compliance with the legal regime regarding conflicts of interest, incompatibilities, restrictions and limitations.

Essentially, employees of all entities in the security sector are subject to the legal provisions and are obliged to declare their personal assets and interests, manage conflicts of interest, and adhere to the regime of incompatibilities, restrictions and limitations.

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303   State Polygraph Testing Commission, About the Commission, Commission Members. NAC. Available: https://www.cna.md/tabview.php?l=ro&idc=109&t=/Comisia-de-stat-pentru-testari-cu-utilizarea-poligrafului/Despre-comisie&.

304   State Polygraph Testing Commission's progress report for 2022. CNA. Available: https://www.cna.md/public/files/Raport_de_activitate_al_CSTUP_pentru_anul_2022.pdf.

305   Mariana Kalughin, Anton Kalughin. Application of simulated behaviour detector (polygraph) testing, National security, defence and public order: between realities and perspectives. Institute for Public Policy, Chisinau, 2020, pp. 136-159.

306   Law on Declaration of Wealth and Personal Interests, No. 133 of 17.06.2016. In: Official Monitor of the Republic of Moldova, No. 245-246/513 of 30.07.2016.

The tasks of controlling compliance with legal provisions belong to ANI, the statute of which is specified by Law nr. 132/2016.In fact, ANI's activity started in December 2016, succeeding the National Integrity Commission. Unfortunately, the outcomes of ANI's efforts have not met expectations. While quantitative indicators have, to some extent, improved over the years, there has been a deterioration in qualitative indicators

According to the field evaluations [307] , several issues have been identifies, including:

 – share of rectified returns - in the first quarter of 2022, 8% of returns filed were repeat returns;[308]

 – share of verified declarations - in the first quarter of 2019, only 5% of submitted declarations were verified, in the first quarter of 2020 - 4%, in the first quarter of 2021 - 7%;

 – share of refusals to initiate control - the refusal rate increased from 25% of all control reports issued in 2018 to 77.5% in 2022;

 – share of closed control files - the closure rate has increased from 24% of all control documents issued in 2018 to 54% in 2022.

In this context, it would be advisable to fundamentally analyse the results of ANI's work, identify the causes of poor performance   and solutions to improve the situation.

Compliance with rules of ethics and professional conduct

According to some field evaluations [309] , entities, in terms of rules of ethics and deontology, are either guided by a pre-established regulatory framework (such as the Code of Ethics and Deontology of the Civil Servant with Special Status in the Ministry of Internal Affairs, approved by Government Decision No 629/2017[310] ; Disciplinary Statute of the Civil Servant with Special Status in the Ministry of Internal Affairs, approved by Government Decision No 409/2017[311]), or have developed specific regulations (departmental normative acts), that are not always easily accessible.

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307   Public Policy Monitor, No. 52, April 2023, Transparency International - Moldova, Available at: https://www.transparency.md/2023/04/28/observatorul-de-politici-publice-nr-52/.

308   The statistics are taken from ANI's annual activity reports. Available at: https://ani.md/ro/node/147.

309   Monitoring anti-corruption policies in public and central authorities, Transparency International - Moldova, Chisinau, 2020, pp. 37-42. Available at: https://www.transparency.md/wp-content/uploads/2020/10/Raport-monitorizare-generalizat-1.pdf.

310   Code of Ethics and Deontology of Civil Servants with Special Status in the Ministry of Internal Affairs, Government Decision No. 629 of 08.08.2017. In: Official Monitor of the Republic of Moldova, No. 289-300/729 of 11.08.2017.

311   Disciplinary status of civil servants with special status in the Ministry of Internal Affairs, Government Decision No 409 of 07.06.2017. In: Official Monitor of the Republic of Moldova, No 190-200/499 of 16.06.2017.

In terms of sanctioning infringements, the legal framework is essentially uniform. For this, entities establish and operate disciplinary committees. However, there is notable absence of accessible departmental regulations and information regarding the composition of these disciplinary committees.

Moreover, entities do not provide relevant details on sanctioning procedures or useful information for possible referral on their official websites. This could be one of the reasons for the limited application of sanctioning mechanisms for breaches of ethics and professional conduct.

All entities usually offer staff training on ethics rules, and there is a need for the development of e-learning modules.

In view of the above, it would be advisable for entities to develop, on their official websites, sections dedicated to ethics and deontology, which would contain:

- code of ethics and deontology ;

- regulations governing sanctioning procedures;

- the nominal composition of the Disciplinary Board;

- any other information that would be useful to the public in the event of a complaint concerning breaches by employees of the rules of ethics and professional conduct.

The development of e-Learning modules on ethics and professional conduct, accessible to the general public and employees, could be effective.

Compliance with the legal regime for gifts

The legal regime for gifts in security sector entities is consistent with that generally applicable to the public sector. The relevant provisions for the application of the instrument are outlined in Article 16 of Law No 82/2017. The legislative rules were formulated through Government Decision No 116/2020 on the legal regime of gifts[312] .

In general, according to the regulations pertaining to compliance with the legal regime of gifts, the head of the public entity is obliged to:

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312   Legal regime of gifts, Government Decision No 116 of 26.02.2020. In: Official Monitor of the Republic of Moldova, No 70-74/194 of 06.03.2020.

- adopt administrative acts that establish the rules for organising activities related to compliance with the legal regime on gifts within the public entity;

- appoint members of the committee for recording and evaluating gifts and ensure the necessary conditions for their work;

- maintain records in special registers of all gifts received by public officials;

- ensure the collection in the budget of the public entity of the amounts resulting from the redemption of eligible gifts;

- hand over to the responsible anti-corruption authority the inadmissible gift that was passed on to him;

- ensure the proper conduct of the professional activities of public officials who have been offered unacceptable gifts;

- guarantee the publication of the gift registers on the website;

- hold public officials who violate the legal regime of gifts in the entity they head liable to disciplinary action.

According to field assessments [313] , most of the monitored entities, including those in the security sector, adhere to the required rigours. Gift registers are maintained, designating responsible, individuals and gift evaluation committees are established. However, analysis of official websites shows that the conditions for publishing gift registers are not always respected. Not all entities maintain separate records for eligible and ineligible gifts. The regulations are not fully utilized and are not consistently understood by institutional employees and even members of the evaluation committees. Registers of admissible gifts still include gifts exempted from declaration, such as office and stationery items (data storage products, cloth bags, diaries, notebooks and notebooks in various forms, folders, pencils, pens, markers and similar items) received by public officials on the occasion of participation in training seminars, conferences, round tables and other similar events. Entities recognise the need for further training on the gifts regime. At the same time, some regulatory intervention is needed. The Gift Register form, annexed to Government Decision 116/2020, does not provide for a description of the gift, which requires correction..

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313   Evaluation of ordinary anti-corruption initiatives of public authorities in the Republic of Moldova: implementation of 10 policies in 2020, Report, NAC. Chisinau, 2021, pp. 10-11. Available: https://cna. md/public/files/RAPORT_EIA_2021__FINAL.pdf.

The following recommendations could thus be retained in this section:

- full implementation of the legal provisions relating to the gift regime;

- publication of gift registers on official websites;

- development of an e-Learning module on the gift regime;

- revision of the Gift Register form, annexed to Government Decision No 116/2020, so that the description of the gift is provided.

Non-admission, reporting and treatment of undue influence

Relevant provisions of this anti-corruption instrument are outlined in Article 17 of Law No 82/2017. According to them, the head of the public entity is obliged to:

- adopt administrative acts establishing rules for the organisation of whistleblowing activities and the treatment of improper influence by public officials;

- maintain a record in a special register of cases of improper influence on public officials;

- ensure that cases of undue influence can be reported in confidence;

- ensure the necessary conditions for the lawful performance of the activity by the public official and to verify the manner in which the duties for which the undue influence arose were performed;

- take preventive measures against cases of undue influence by being directly involved in their resolution;

- hold public officials accountable for disciplinary action if they engage in their professional activities without rejecting the improper influences to which they are subject or without reporting improper influences which they are unable to reject independently.

The rules outlined in the law were formulated by the Framework Regulation on the evidence of cases of improper influence, approved by Government Decision No 767/2014[314] .

314　Implementation of the Law No. 325 of 23 December 2013 on professional integrity testing, Government Decision No. 767 of 19.09.2014. In: Official Monitor of the Republic of Moldova, No. 325-332/945 of 31.10.2014.

According to field evaluations [315] , a good proportion of entities adhere to legal requirements. Registers of improper influence are maintained with designated individuals responsible for their upkeep. However, the effectiveness of the tool remains unproven with only one authority (MAI) invoking practices for recording and handling improper influence.

It would be advisable to promote the utilization of this tool through additional training, including the development of an e-learning module.

Protection of whistle-blowers

The basic law in this field is Law No 165/2023 on whistle-blowers[316] , which regulates the procedure for receiving, examining and resolving disclosures of violations of the law in both public and private entities. It delineates the rights and obligations of individuals making disclosures, outlines protective measures for them, specifies employers' obligations, and defines the responsibilities of competent authorities for examining disclosures and authorities for protecting whistle blowers. The instrument is applicable to entities within the security sector.

According to field evaluations [317] , only some of the subjects have developed the infrastructure for recording and investigating warnings. In fact, these include MA, but also MAI.

Unfortunately, the modest statistics on the disclosures reveal the non-use of the tool. The authorities' employees do not know/understand the essence of the integrity warning. The fear of retaliation also discourages the application of the tool. Certain prejudices and behavioural patterns contribute to perceiving the tool as unfair, unethical and disloyal, thus questioning about its usefulness and effectiveness. Moreover, some authorities fail to acknowledge that they might be facing integrity problems.

315   Evaluation of ordinary anti-corruption initiatives of public authorities in the Republic of Moldova: implementation of 10 policies in 2020, Report, NAC. Chisinau, 2021, p. 11. Available: https://cna.md/public/files/RAPORT_EIA_2021__FINAL.pdf.
316   Law on whistleblowers, No 165 of 22.06.2023. In: Official Monitor of the Republic of Moldova, 2023, No. 267-270/451 of 26.07.2023.
317   Evaluation of ordinary anti-corruption initiatives of public authorities in the Republic of Moldova: implementation of 10 policies in 2020, Report, NAC. Chisinau, 2021, p. 12. Available: https://cna.md/public/files/RAPORT_EIA_2021__FINAL.pdf.

1.4 Recommendations

Summing up, it should be noted that there is a framework (regulatory and institutional) to ensure integrity within the public sector. This framework is equally applicable to entities that are part of the security sector.

The situation could be improved by:

- informing the public, in compliance with legal requirements, via official websites, about the regulatory framework (in particular, internal rules) and institutional framework (composition of the competition committee) related to the career bracket, as well as about the organisation and conduct of competitions (notice of competition, list of successful candidates, list of candidates admitted to the competition, list of candidates admitted to the interview, list of successful candidates);

- implementing competition procedures for the positions of heads of entities with a revision of the relevant regulations;

- reviewing Law No 271/2008, in particular to exclude confusion and parallels with Law No 245/2008;

- requiring the SIS to publish by, annual information notes on its official website, providing generalised information on the application of the provisions of Law No 271/2008;

- reviewing Law No 269/2008 and full implementation of the legal provisions on polygraph testing;

- conducting a fundamental analysis of the results of ANI's work, identifying the causes unsatisfactory results and solutions to improve the situation;

- fully implementing provisions aimed at ensuring compliance with the regime of declaration of assets and personal interests, conflicts of interest, incompatibilities, restrictions and limitations;

- developing dedicated sections on the official web pages for ethics and professional conduct, including codes of ethics and professional conduct; the regulations on sanctioning procedures; the nominal composition of the disciplinary committees;

any other relevant information for the public in the event of a complaint regarding breaches of ethics and professional conduct;

- fully implementing legal provisions on the gift regime;

- ensuring the publication of gift registers on official websites;

- revision of the Gift Register form, annexed to Government Decision No 116/2020, to include a description of the gift;

- promoting awareness through additional training, particularly thereby developing and utilizing dedicated e-Learning modules, on policies related to ethics and professional conduct, the gift regime, integrity warnings, as well as on non-admission, whistleblowing and dealing with improper influence.

CHAPTER 2. TRANSPARENCY

2.1 Regulation

The right of access to information is a fundamental right, provided for in Article 34 of the Constitution of the country, and is one of the basic pillars ensuring the interaction of the individual (natural/legal) with the State. Therefore, the level of democracy in a state can also be determined by the extent to which the right of access to information is valued, because a democratic society is first and foremost an informed and free society, and the key elements in achieving this are: the right to seek, obtain and express views and opinions freely.

In this context, it is important to stress that the State's proactive obligation in terms of access to information is materialised by ensuring transparency in the decision-making process, publishing activities and events of public interest and involving civil society, including the business community, in the consultation of policies, strategies, regulations or administrative acts, as appropriate, in order to be able to take into account the needs of all stakeholders when assessing the discretionary power vested in a given decision-maker.

It should be noted that, in accordance with Article 34 para. (2) of the Supreme Law of the Republic of Moldova, the right to information must be ensured by the public authorities by informing citizens on matters of public interest or matters of personal interest.

In this context, the constitutional right of access to information can be:

> *of public interest* - provided by two basic legal acts: Law no. 982/2000 on access to information[318] and Law no. 64/2010 on freedom of expression[319] , but also reflected in other sectoral normative acts, such as the Administrative Code, approved by Law no. 116/2018[320] , Law no. 131/2015 on public procurement; Decision of the Superior Council of the Magistracy no. 658/2017 on the approval of the Regulation on how to publish court decisions on the single portal of the courts[321] etc.;

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318   Law on Access to Information, No. 982 of 11-05-2000, adopted by the Parliament of the Republic of Moldova. In: Official Gazette No. 88-90 art. 664 of 28-07-2000.
319   Law on Freedom of Expression, No. 64 of 23-04-2010, adopted by the Parliament of the Republic of Moldova. In the Official Gazette No. 117-118 art. 355 of 09-07-2010.
320   https://www.legis.md/cautare/getResults?doc_id=16072&lang=ro
321   https://www.legis.md/cautare/getResults?doc_id=104157&lang=ro

> ***of personal interest*** - ensured by Law No 133/2011 on the protection of personal data[322] , Law No 1069 on information technology[323] , Law No 71/2007 on registers[324] etc.

Both in the case of information of public interest and in the case of processing of personal data, the legal framework mentioned above has proactive information mechanisms, thus, the state security bodies are obliged to inform the citizen when personal data or information of public interest is processed.

Moreover, the right of access to information is an imperative proclaimed by the Council of Europe Convention on Access to Official Documents (Tromsø, 18.VI.2009), which the Republic of Moldova assumed by signing and ratifying this convention, including the obligation to harmonize the national legal framework to its requirements - a fact achieved by the approval on 09.06.2023 of the Law no.148 on access to information of public interest, which entered into force on 08.01.2024. At the same time, the same values can be found in Art. 15 para. (3) of the Treaty on the Functioning of the European Union (TFEU), but also in Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents.

2.2 Evaluation indicators

In order to determine the openness of the State to provide transparent and fair information on its activity in the security sector, the way in which information of public interest is reported, as well as the possibility for the individual to know the fact of the collection and use of data concerning him/her by the security sector bodies, should be assessed.

With regret, we note that, at the moment, the vast majority of the activity reports of state security bodies do not record as an objective, the presentation to the public of the number of cases concerning the realization of the right of access to information of public interest or personal interest, ex officio or upon request. This unfortunate situation is largely due to several loopholes that are present in the two laws, thus, in the case of Law no. 982/2000 in art. 7 para. (2) lit. a), it is mentioned that access to information attributed to state secrets may be restricted and, correspondingly, Art. 2 para. (4) lit. b) of Law no. 133/2011, according to which, the scope of this law does not apply to information attributed to state secrets, except for police purposes.

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322   https://www.legis.md/cautare/getResults?doc_id=136439&lang=ro#
323   https://www.legis.md/cautare/getResults?doc_id=108448&lang=ro
324   https://www.legis.md/cautare/getResults?doc_id=136368&lang=ro#

In this context, Article 8 of Law No 245/2008 on state secrecy[325] states that information such as facts that violate human rights, accidents, disasters and other natural phenomena, the state of the population's health, facts of violation of the law by public authorities and persons in positions of responsibility, the actual state of affairs in the field of law and order, etc. cannot be attributed to state secrecy.

However, even if the legal rules of reference certainly limit access to information of public interest only under certain specific conditions, at the practical level, state security bodies treat these "exemptions" as absolute requirements. However, currently, we cannot find any statistical data submitted by these information providers/personal data operators that would reflect the number of releases, briefing notes, media dissemination, etc.

With regard to the provision of information of personal interest, we note that, according to the data in the Activity Reports, for the years 2020-2022[326] , of the National Centre for Personal Data Protection, we do not identify any mention as to whether there have been any cases of information to the NCCDP regarding the restriction of the right to information and access to data, by the bodies of the police sector as expressly provided for by the rule in Art. 15 of the Law No. 133/2011 on the protection of personal data on how to apply restrictions and limitations of the rights of individuals, even though, according to the same activity reports, we note that state security bodies have made more than one million accesses to state information systems.

So, on the one hand, we have statistics on the number of accesses made, which is a good thing in order to have an overall view, but on the other hand, we do not know in how many cases, out of the more than one million accesses, the fundamental right of the person has been respected.

This situation is absolutely unacceptable and distressing, given the fact that the State of the Republic of Moldova bears considerable expenses for the financing of public authorities, which, in addition to the basic tasks with which they are invested, must ensure the positive obligation to ensure the right to privacy in relation to data processing.

In addition, it should be noted that in 2018 - current, with the entry into force of the provisions of Law No 142/2018 on data exchange and interoperability[327] , essential changes have occurred with regard to the consumption and exchange of data between public authorities.

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325   Law on state secrecy, No 245 of 27.11.2008. Available: https://www.legis.md/cautare/getResults?doc_id=135512&lang=ro#

326   National Centre for Personal Data Protection of the Republic of Moldova (CNPDCP). Available: https://datepersonale.md/about/sarcini/raport-anual/

327   https://www.legis.md/cautare/getResults?doc_id=124789&lang=ro

Thus, the new methods of data processing require public authorities to consume data exclusively through Mconnect[328] , a procedure, which has the task of unifying and facilitating the consumption of data to public authorities, but also to balance the respect for human rights by creating the tool Mcabinet[329] , with the help of which, the person can find out about the data that are known by the State of the Republic of Moldova towards its own citizen, but also the recipients of these data. Thus, even if at first glance, Mcabinet provides any person with the functionality that allows viewing the institutions and public authorities that have consumed/accessed personal data, with regret, we note that in this case, too, for the most part, the right to data protection and access to data, is mimicked, because the audit of access to personal data in automated mode does not display the accesses made by state security bodies (National Anti-Corruption Centre, Prosecutor General's Office, Intelligence and Security Service, etc..). even when the provisions of Law No 133/2011 are applied in accordance with the provisions of Art. 2 para. (2) letter d) - to the processing of personal data in the framework of actions for the prevention and investigation of criminal offences, enforcement of sentences and other actions in the framework of criminal or contravention proceedings under the law.

Therefore, although Law no. 133/2011 in Article 15 determines the right of these bodies to be able to limit temporarily (for the period necessary to achieve the purpose pursued), the individual's right to be informed, to access to data and to intervene, in all cases by informing the National Centre for Personal Data Protection about the application of these limitations corresponding to para. (4) of the same article, we note that both the CNPDCP and the state security bodies do NOT respect the imperative of these rules. As a result, no confirmation could be found that individuals are informed about the fact of accessing/using data after the period necessary to achieve the purpose for which the data are secreted has elapsed. In the same vein, complementary to these vulnerabilities, there is the defective and disproportionate application of the secrecy periods provided for in Law No 245/2008 on State secrecy, which gives the possibility to the entities concerned to keep the information secret for exorbitant periods of time - longer than necessary, 10, 15, 25 or even for unlimited periods. The most serious consequence of not informing the individual is the lack of any rights, including the right to justice, and not informing the individual of the fact of data processing is equivalent to the non-existence of that fact.

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328   https://mconnect.gov.md/#/
329   https://mcabinet.gov.md/

2.3 Conclusions

Regrettably, there has been a significant decline in the failure of security sector institutions to fulfil their constitutional obligations to inform society on matters of public interest and personal interest. It would seem that the activities carried out in this segment would by definition constitute a state secret, which cannot be made public, which is why society's distrust of the actions of the relevant bodies is growing, as is concern about respect for fundamental human rights.

At the same time, during the last 3 years, we do not identify enough prompt actions by public authorities to change this opaque paradigm, or the more information is kept secret, the less trust society has in the actions of security sector actors.

In order to exclude these vices characteristic of a "police state", it is necessary to eradicate these vicious practices by including clear requirements for the state security authorities, but also for those who ensure the supervision and control of the fulfilment of tasks and respect for human rights, to publish in their activity reports the number of cases of information or interventions in informing the public about cases of public interest, as well as the number of cases in which the rights of persons have been limited by non-information, including the number of cases of information of the persons concerned.

Subsequently, it is recommended to activate the interventions of the security sector authorities in official positions or public debates in order to improve state-citizen interaction and increase the culture of credit given by society. Last but not least, it is necessary to amend the specific legal framework by including decisive rules that change the reluctance or resistance of public authorities in the security sector to declassify and disclose information of public interest.

The new national security strategy, adopted in December 2023, has the potential to trigger a paradigm shift in institutional communication in the security sector. The strategy recommends public communication campaigns on security issues[330] and identifies "information resilience" as one of the 11 action lines needed to achieve national security objectives[331] . This shift in approach aims to increase the transparency of security institutions, strengthen their communication capacity, combat disinformation and increase cooperation between institutions, civil society and the media. Instead of being perceived as opaque or distant entities, by implementing the directions and sub-directions for action identified in the strategy,

330   See: National Security Strategy (2003), paragraph 26.
331   Idem, paragraph 28. 4).

security institutions could become more accessible and transparent to citizens. Greater transparency would provide citizens with tools to critically assess sources of information and an increased ability to recognise and resist external efforts to manipulate public opinion.

We anticipate that the implementation of the principles and action lines outlined in the strategy will promptly translate into tangible measures to enhance the transparency of security institutions. This, in turn, has the potential to garner public support for government decisions and reforms, fostering trust and mutual understanding between security institutions and the communities they serve.

CHAPTER 3. RESPECT FOR HUMAN RIGHTS

3.1 Regulation

The interception and recording of communications can only occur following authorisation by the investigating judge, based on requests submitted by the prosecutors. This process involves utilizing technical means to obtain the content of conversations between two or more individuals with the recorded information stored on a technical medium. Although changes have been made to the legislation (following the ECtHR ruling in the *Iordachi et al.* case) to ensure that human rights are respected when interception is carried out, in practice, the interception and recording of communications takes place with several shortcomings. These include the notably high number of interception authorizations granted by investigating judges, the procedures for post-interception judicial control, the notification process for individuals subject to interception, and the storage and destruction of materials obtained through interception.[332] .

Torture and ill-treatment - The Criminal Code of the Republic of Moldova stipulates what torture and ill-treatment are and the penalties for them[333] . According to several independent evaluations, these regulations are in line with international standards and there is no need to increase the penalties for these acts, but the penalties already provided for by law should be applied accordingly. Special legislation on the police, carabinieri and prison system prohibits employees from applying and tolerating torture. Other special representative rules for the structures of force (SIS, SV, SPPS, etc.) do not provide for commitments not to tolerate torture.[334] The procedure for identifying, recording and reporting alleged cases of torture, inhuman or degrading treatment is mentioned in the Joint Order No 77/2013 of the General Prosecutor's Office.

Use of lethal force - The grounds, conditions and limits for the use of physical force, special means and firearms by special subjects are regulated by special law[335] . Although this has been amended in recent years, there is still a need to refine the mechanism for recording,

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332   Wiretapping in Moldova: progress or regress? Report. Legal Resources Centre of Moldova, 2015. Available: https://crjm.org/wp-content/uploads/2016/01/CRJM-DA-Interceptari.pdf

333   https://www.legis.md/cautare/getResults?doc_id=22399&lang=ro

334   Report on respect for human rights and freedoms in the Republic of Moldova in 2022, Office of the People's Advocate, p. 65. Available: http://ombudsman.md/wp-content/uploads/2023/06/Raport-DO_net_machetat.pdf

335   Law on the application of physical force, special means and firearms, No 218 of 19-10-2012. Available: https://www.legis.md/cautare/getResults?doc_id=132062&lang=ro#

reporting and informing about the use of force and means; highlight the role of medical personnel in places of deprivation as well as civilian personnel in reporting and recording injuries or other allegations; establish clear criteria regarding the application of firearms by employees in the law; describe the principles of respect for human rights when applying physical force and special means[336] .

Detention - The high number of acts of violence with serious consequences between inmates raises questions about the degree of protection and the level of safety in prisons[337]. In addition to the poor conditions of detention, the violent and oppressive authoritarian structure of the hierarchy of prisoners leading to humiliation and aggression of vulnerable prisoners or those who do not obey the "informal rules" is perhaps the most worrying aspect of being in prison. The fight against the criminal subculture must be a priority, not only for the ANP, but also for the political factor, which must show firm, unconditional and prompt will in this regard. On the other hand, ignoring effective internal investigations and refusing to prosecute serious violence in prisons raises doubts about commitments to protect human rights.

According to ANP data, in 2022, about 3,239 prisoners were eligible for amnesty, but only 234 people were amnestied. Applications for amnesty are examined in alphabetical order and not according to eligible criteria. This is due to a lack of specified sequence in ANP regulations for the examination process.[338] . Some convicts, endure an unjustified wait of three to six months for the special commission's decision. As for the "compensatory mechanism", it appears increasingly ineffective for its intended purpose and is slated for review. The low rate of positive solutions, or the high rate of rejection of actions, suggests reservations from authorities and courts about the challenging situation in detention. Notable, the government lacks a public policy document outlining a clear state vision for depopulating the prison system[339] .

336 Report on respect for human rights and freedoms in the Republic of Moldova in 2022, Office of the People's Advocate, p. 67. Available at: http://ombudsman.md/wp-content/uploads/2023/06/Raport-DO_net_machetat.pdf

337 Note: 23 deaths (down 18 cases compared to 2021)182; 20 suicide attempts (down 13 cases compared to 2021); 383 serious cases of inmate-on-inmate violence (down 24 cases compared to 2021); 202 cases of self-harm (down 45 cases compared to 2021); 13 cases of assault on employees (decreasing by 15 cases compared to 2021); 29 cases of application of tear gas (increasing by 16 cases compared to 2021); 8 cases of application of physical force on female detainees (decreasing by 2 cases compared to 2021).

338 Framework Rules for the work of special commissions on the application of amnesty to convicted persons, Order No 44 of 18 February 2022. Available: https://www.legis.md/cautare/getResults?doc_id=131480&lang=ro#

339   Implementation of prison depopulation policies in Moldova in the context of the COVID-19 pandemic, Analytical Note, Promo-LEX, 2022. Available: https://promolex.md/wp-content/uploads/2022/07/Not%C4%83-analitic%C4%83-Implementarea-politicilor-de-depopulare-a-penitenciarelor-din-Republica-Moldova-%C3%AEn-contextul-pandemiei-de-COVID-19-2.pdf

Use of force and means on inmates - penitentiary institutions employed physical force for disobedience in 279 cases (compared to 475in 2021 -) and special means in 253 cases (compared to 389 in 2021). Firearms were not used. While these incidents were properly documented, it is important to note that the statistics do not encompass cases of verbal and psychological abuse, which occur on a daily basis[340] .

3.2 Performance:

Investigating judges have consistently approved about 96% of the examined interception and recording requests.

Year	Applications examined	Admitted applications	% of applications accepted out of those examined
2020	5290	5029	95.1%
2021	5863	5652	96.4%
2022	7036	6878	97.8%
Media			96,4%

Source: *Applications for authorisation to intercept communications under examination,* AAIJ[341]

These data reveal the continuation of the practice of automatically authorising prosecutors to intercept and record communications irrespective of their content. This practice is, among other factors, influenced by the process of examining requests for interception and recording of communications. The request is assessed by the investigating judge only in the presence of the prosecutor, given the confidential nature of special investigative measures. In these circumstances, the rationale behind the authorisations granted by investigating magistrates and the effectiveness of the judicial review mechanism come into question.

Acts of torture and ill-treatment usually take place at the offices of law enforcement offices. Witnesses to these acts are often the colleagues of the perpetrator, who, in a display of corporate solidarity, deny the existence of ill-treatment, making it challenging to detect the crime effectively.[342] . A recent study analysing over 70 irrevocable decisions from the CSJ, involving 102 individuals accused of torture or ill-treatment, revealed that 75% of the cases implicated police officers.[343]. The offenses they were charged with typically involved ill-treatment during detention, arrest, interviews (to coerce confessions), or generally while the

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340   Report on respect for human rights and freedoms in the Republic of Moldova in 2022, cited above, p. 74.
341   AAIJ, General reports. Available: https://aaij.justice.md/ro/reports
342   Reply of the Attorney General's Office to the request for information
343   Goinic Daniel, Judging and sanctioning torture and ill-treatment - analysis of judicial practice, Study, 2022. Available: https://crjm.org/wp-content/uploads/2022/12/Judecarea-si-sanctionarea-torturii_RO-1.pdf

person was in police custody. The relatively high number of charged police representatives is attributed to their collaborative nature (patrol teams, investigation groups) and the 'specific nature' of their work, which involves procedural activities and interaction with the public. This category is followed by representatives of private security services - 6%. Prison employees and public officials (representatives of the People's Guard and local elected officials, etc.) also use ill-treatment[344] .

Year	Complaints lodged about alleged torture/ ill-treatment	Criminal proceedings initiated	Proportion of complaints in which prosecution was initiated	Cases referred to court	Share of cases sent to court
2020	563	47	8%	22	2.6%
2021	511	46	9%	21	4.1%
2022	485	69	14%	15	3.1%

Source: *Annual activity reports of the General Prosecutor's Office*[345]

In 2022, the initiation and referral of related to complaints of ill-treatment had a remarkably low rate of 3%, contributing to a minimal conviction rate for torturers. Even when guilt is established , the penalties imposed are quite lenient, with half of the defendants receiving a suspended prison sentences[346] . Suspects of ill-treatment are seldom suspended from duty, and information on the application of these procedural measures is lacking. Moreover, prosecutors have identified the phenomenon of non-reporting ill-treatment incidents in prisons, contributing to increasing latent criminality[347] .

344   Ibid.
345   Annual activity reports of the Prosecutor's Office. Available: https://www.procuratura.md/index.php/activitate.html#item-3
346   Communication on the implementation of ECHR judgments (Levința v. Moldova group of cases), 2023. Available: https://crjm.org/comunicare-privind-implementarea-hotararilor-cedo-grupul-de-cauze-levinta-c-moldova-versiunea-originala-in-limba-engleza/
347   The phenomenon of torture: findings of the Attorney General's Office. Available: https://juridicemoldova.md/15893/fenomenul-torturii-constatarile-procuraturii-generale.html?fbclid=IwAR3_RAc8GRtiB81NXTzvk9CPhRgfdXbycTvCEBAHn_0N-8iLuhMPpNL_PQg ;

Evaluation:

> Torturers/abusers are rarely prosecuted or effectively sanctioned (Ombudsman, CPT and civil society reports);

> Investigating magistrates authorise a great deal of interception of communications (www.aaij.md);

> Criminal and criminal procedure legislation aligning with international standards (CoE), implementation flaws d persist (www.echr.coe.int);

> Poor prison conditions and lack of strategic vision on the depopulation of the prison system (civil society reports). This finding is also reflected in the European Commission's comprehensive report[348] .

The need to improve legislation:

While legislation specific to the police, Carabinieri and the penitentiary system prohibits torture and its tolerance by employees, specialized rules for other security structures (SIS, SV, SPPS, etc.) lack commitments against torture (Ombudsman Report);

Investigating judges show an extremely low rate of refusing requests for special investigative measures, raising concerns about their functional independence (CoE report).Apparently, gender equality is respected in the Prosecutor's Office, the Ministry of Internal affairs and the ANP, but men predominantly occupy managerial positions (civil society reports). Despite efforts for social cohesion, the lack of disaggregated statistical data hinders a comprehensive evaluation. Institutions engage in inter-institutional working groups, collaborating with civil society to develop and promote human rights protection policies.;

While institutions respond to information requests within legal deadlines, many issues are primarily raised by the Ombudsman's Office rather than the concerned institutions.

Findings of multiple national and international research (cited above) highlight concerns regarding the authorisation of a significant number of preventive measures leading to deprivation of liberty as well as issues with special investigative measures; common shortcomings identified include inadequacies in judges' decisions; a lack of conclusive reasoning and the need to standardise judicial practices in cases involving sensitive human rights (civil society reports); the right not to be subjected to torture and inhuman and

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348   The European Commission's first comprehensive report was published on 8 November 2023, p. 31. Available: https://neighbourhood-enlargement.ec.europa.eu/moldova-report-2023_en

degrading treatment for detainees and individuals in police custody is frequently violated (CBS-Research poll, 2021).

3.3 Conclusion to the chapter

Overall, the Republic of Moldova has ratified most of the key international human rights instruments, being a state party to all core UN human rights treaties except the Convention for the Protection of All Persons from Enforced Disappearance. Additionally, Moldova has ratified all core and governance conventions of the International Labour Organisation (ILO), 29 out of 176 ILO technical conventions and the Council of Europe Convention on preventing and combating violence against women and domestic violence (*Istanbul Convention*)[349]. While there has been on the regulatory front, some departmental legislation still raises concerns regarding the prevention of human rights violations. The practical application of human rights protection standards in the security sector is currently limited and requires improvement.

3.4 Recommendations

> Ensure the prompt and effective recording, investigation of any injury, trauma or other serious incident caused during the person's detention, arrest, custody, including during the performance of military service.

> Establish effective, safe and functional mechanisms for the protection of individuals (detainees, military, etc.) who report abuse. The Prosecutor's Office must ensure proactive control and sanctioning.

> Introduce subjects related to the protection of human rights into the initial and continuous professional training system for representatives of security-providing institutions (police, military, investigation officers, ANP officers), involving organizations and specialists in the field. This should include ensuring dignified and non-discriminatory treatment, safety, and security of enlisted persons. Organise trainings for officials in security providing institutions on how to incorporate the Human Rights Based Approach (HRBA) in the process of drafting policy acts and documents.

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349   Ibid.

CHAPTER 4. EQUAL OPPORTUNITIES IN PEACE AND CONFLICT PROCESSES

4.1 Gender equality and opportunities in the security sector: context

One of the basic principles of human rights is the principle of equality and non-discrimination, which means that we are all equally entitled to our rights without distinction based on sex, national or ethnic origin, colour, religion, spoken language, disability. The Constitution of the Republic of Moldova enshrines equality in Article 16 of Chapter I (entitled "General Provisions") of Title II ("Fundamental Rights, Freedoms and Duties"). Placing this article within the framework of general provisions, according to constitutionalists[350] , ensures the applicability of the principle of equality to all the fundamental rights, freedoms and duties in this title (and therefore also outlines its value as a guarantee). From the perspective of the security and defence sector, the issue of *equality* is a more sensitive subject when speaking from a *gender* perspective. In this area, the Republic of Moldova has made commitments to fulfil its international obligations regarding the implementation of the *Women, Peace and Security* Agenda. In addition, efforts have been made to implement the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). These efforts have included strengthening the mandates of the Equality Council and the Ombudsman in adopting programmes on strengthening gender equality.

Moreover, ensuring security and equal access to justice, including for disadvantaged or historically marginalised groups, underpins the security and justice sector's duty to protect people and the state within a framework of good governance. *Gender* is one of the most important factors defining inequality in society. It places people in different positions of power, risk, security and insecurity, with different possibilities of accessing the services of security and justice providers. Furthermore, integrating a gender perspective into Security Sector Reform increases accountability at the local level, improves the delivery of security and justice, and improves oversight and accountability of the security sector. In addition to the benefits, *gender* mainstreaming and the promotion of gender equality are obligations that are part of fulfilling national and international commitments to provide justice and security services in a non-discriminatory manner[351] .

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350 Constitution of the Republic of Moldova of 29.07.1994. Republished: Official Monitor of the Republic of Moldova No.78/140 of 29.03.2016 (with subsequent amendments and additions made by Law No. 256 of 25.11.2016 and Law No. 70 of 13.04.2017).
351 Security Sector Governance, Security Sector Reform and Gender. In: Gender and Security Toolkit. Geneva: DCAF, OSCE/ODIHR, UN Women, 2019 p. 5.

With traditional gender roles still prevailing in Moldova, a woman's decision to work in a male-dominated institution is mediated in two stages. Firstly, it is influenced by the population's perception of suitable professions for women, shaped by their socialisation and education within specific gender roles. Secondly, institutional decisions play a role in either facilitating or restricting their access to these professions. These issues are important, especially as there is a clear correlation between gender equality indicators in society and the level of accomplishment of this objective in the security sector, especially in the security and defence sector, especially when we are talking about the Armed Forces. For example, according to the study conducted by Mary Caprioli and Mark. A Boyer, states with a high level of national gender equality are less likely to resort to violence in conflict[352] .

Thus, gender mainstreaming is a cross-cutting analytical category that should be integrated into all areas of societal development - political, economic, environmental, social, cultural and institutional. In this context, security sector institutions are part of the governmental sector and interact with society, i.e. institutions should take into account that *ensuring gender equality* is not about producing documents that include information about women and men and provide evidence that a gender analysis has been carried out, but about leading to concrete actions that ensure increased potential for promoting equal opportunities[353] . For instance, addressing the presence of women in politics requires a thorough understanding of gender perspectives to determine the necessary actions for achieving gender equality among decision-makers.

Referring specifically to gender equality in the security and defence sector, it is worth mentioning the *Strategy for Ensuring Gender Equality in the Republic of Moldova for the years 2017- 2021*[354]., In addition to objectives, such as ensuring a comprehensive approach to gender equality through women's participation in decision-making, strengthening the institutional mechanism for ensuring gender equality, combating stereotypes in society and promoting non-violent communication, has established actions relevant to the field evaluated in this report. General objective 4 of the strategy emphasizes the need to promote gender equality in the security and defence sector (Specific objective 4.1: Ensuring women's access to managerial and executive positions in the security and defence sector; Specific objective 4.2: Mainstreaming gender in sectoral security and defence policies).

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352   Mary Caprioli and Mark. A Boyer, Gender, Violence, and International Crisis. In: Journal of Conflict Resolution, 2001, vol. 45, issue 4, pp. 503-518.
353   Carolyn Hannan, From concept to action: gender mainstreaming in operational activities, p. 5. Available: https://www.un.org/womenwatch/osagi/pdf/undppaper.PDF
354   https://www.legis.md/cautare/getResults?doc_id=99875&lang=ro

Within this framework, we highlight that the Strategy has been an important tool for ensuring *gender equality* - a concept that contributes to creating gender-sensitive institutions in the security and defence sector, effectively respond to the security needs of men, women, boys and girls, and ensuring an inclusive security and defence system. [355]

At the same time, we must bear in mind that gender mainstreaming in the security sector does not mean including more women in the sector. Although full and equal representation of women is an important step in ensuring gender equality, it does not guarantee that the gender perspective is taken into account. In this context, a good practice has been to approach gender *mainstreaming* as a *systematic strategy*, i.e. as a permanent objective of existing public policies. For example, in the National Defence Strategy, gender aspects have been introduced in Chapter IV *Resources for Defence Implementation,* paragraph 60, "The integration of gender perspective in the security and defence policies of the country will occur in accordance with the needs to supplement the national defence system with human resources both in peacetime and in war/conflict. At the same time, this will contribute to the implementation of the commitments undertaken by the Republic of Moldova on UN Security Council Resolution 1325"[356] .

4.2 Gender perspectives in peace and conflict processes

Resolution 1325, adopted on 31 October 2000, while not directly addressing gender equality, established a strong normative framework for ensuring the needs, voices and perspectives of women and girls in conflict prevention and resolution processes, contributing to building sustainable peace. The Republic of Moldova developed its first *National Programme for the Implementation of UNSCR 1325 on Women, Peace and Security* in March 2021 for the years 2018-2021, which identified two significant problems: (I) the low representation rate of women in the sector and (II) the fact that the sector is not sufficiently inclusive. And on 22 March 2023 the second *Programme,* for the years 2023-2027[357] , was approved, the main

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355   Note: In 2023 the Government approved a new Programme (Government Decision No 203/2023) which aims to promote equal opportunities between women and men in line with the priorities of the Council of Europe and European Union Strategy on Gender Equality. Also, Government Decision 332/2023 approved the National Programme on combating violence against women and domestic violence 2023-2027, through which the Government aims to contribute to ensuring gender equality and combating gender stereotypes; zero tolerance towards all forms of violence against women and domestic violence; ensuring effective multidisciplinary victim-centred response to cases of violence through the development of sufficient and appropriate social services to meet the needs of victims and effective justice system response to cases of violence by holding perpetrators accountable and developing programmes for perpetrators.

356   Ibid.

357   National programme for the implementation of UN Security Council Resolution 1325 on women, peace and security for the years 2023-2027. Available: https://gov.md/sites/default/files/document/attachments/subiect-14-nu-85-mai-2023_0.pdf

aim of which is to create a range of opportunities for qualitative representation of women in the security and defence sector internally and externally, including in the conflict negotiation process, in order to ensure the security of the whole society for both women and men.

Overall, the development of an Action Plan to implement Resolution 1325 lies in its prospect of reinforcing and strengthening the obligations of international law and, in particular, the role of *soft law* in the promotion of women's and girls' human rights in peace and conflict situations. In the current regional security environment, i.e. the existence of an armed war on the territory of the neighbouring state, Moldova is subject to several risks and threats, including from a human perspective, but it leads the state to be a provider of security both to its citizens and to foreigners, refugees due to the war. And with hybrid threats, the defence sector has to cope with sexual and gender-based violence, massive human rights violations, humanitarian crises, epidemics, sexual abuse, etc.

Furthermore, the 2030 Agenda and the Sustainable Development Goals (SDGs) recognise that the rule of law, good governance and development are necessary foundations for peace and security[358] . Effective governance is an important precondition for implementing sectoral reform and the fulfilling important commitments under the SDGs. Respectively, **Goal 16 *- peace, justice and strong institutions*** of the 2030 Agenda in Moldova, aims to develop effective, accountable and transparent institutions at all levels that will ensure responsive, inclusive, participatory and representative decision-making in the development of public policies and the use of public money. Equal access to public data and information is considered an asset and a tool for people in this process. In line with the principles of good governance, an important focus will be on reducing all forms of violence.[359]

In this context, it should be noted that, to enhance the prompt response to cases of sexual violence, the Ministry of Interior has developed and promoted the draft Government Decision No 223/2023 "On the approval of the Methodology and Working Instructions of the intervention team in cases of sexual violence". The rules outlined in the methodology and instructions for intervention in cases of sexual violence facilitate cooperation between all actors with competence in the field of preventing and combating violence. This includes police, social assistance, public health, forensic medicine, education and institutions in the voluntary sector. Thus, the sexual violence intervention teams are to become a mechanism for protecting victims of sexual violence and assisting them in an integrated, complex and

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358   Fast Facts - What is Sustainable Development? Available:
       https://www.un.org/sustainabledevelopment/blog/2023/08/what-is-sustainable-development/
359   See: Results of the nationalisation of SDG 16 indicators. Available: https://statistica.gov.md/ro/obiectivul-16-pace-justitie-si-institutii-puternice-183_4514.html

prompt approach to the phenomenon of gender-based violence.[360] Moreover, as part of the implementation of the National Programme with reference to Resolution 1325 on Women, Peace and Security for the years 2018-2021, the Ministry of Defence approved in June 2020, the *Regulation on the procedure for prevention, identification, registration, reporting and examination of cases of discrimination, sexual harassment and gender-based violence*.

In this context, we come back to the National Programme on the implementation of Resolution 1325. The **first Programme** focused, first of all, on the participation of women in the security and defence sectors, using three basic approaches: (1) reducing stereotypes about the role of women in the security sector; (2) developing an inclusive and proactive human resources management system; (3) strengthening transparency and the involvement of civil society in decisions taken by the security system. The **second Programme** focuses more on prevention. As the Republic of Moldova is an EU candidate country with an active border war, addressing the human rights perspective, combating all form of abuse and discrimination becomes crucial for ensuring peace and security. According to its provisions, women are not only recipients of security, but play an active role in shaping the security landscape.

It appears that the war in Ukraine has shaped the perception of security needs: 87% of refugees in Moldova are women and children. At the same time, the new Programme, adopted in 2023, acknowledges that without dedicated and measurable state action to address problems, risks and threats that can have a direct and negative impact, progress on impact outcomes will be uneven, with tendencies to discourage women's involvement in maintaining peace and security, with widening inequalities in the security and defence sector. These developments may proportionately contribute to the emergence of new barriers and gaps in gender mainstreaming in the security and defence sector.

Within this framework, the current Programme is focused on three dimensions: firstly, it aligns with existing commitments outlined in the National Development Strategy Moldova 2030 and the Sustainable Development Agenda Moldova 2030 (Goal 5); secondly, it responds to the current security environment, including challenges like the Covid-19 pandemic, the war in Ukraine, and various internal and external factors that may influence potential escalations or deteriorations of human rights; thirdly, it aims to prevent inequalities, violence, and harassment in the security and defence sector by reducing risks and eliminating the consequences associated with discrimination.

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360   Progress report on the implementation of the 2030 Agenda for Sustainable Development in the Republic of Moldova prepared with the support of the United Nations Development Programme (UNDP) and the United Nations Population Fund (UNFPA) with the contribution of national experts Veronica Cretu and Marcel Spătari, Chisinau 2023, pp. 186-187. Available: https://cancelaria.gov.md/sites/default/files/raport_de_progres_odd_2023_vf_15_09_2023_final.pdf

4.3 Evaluation

While the Republic of Moldova has made notable strides in policy implementation, legislative advancements, and institutional representation – such as achieving at least 40% women's representation in the Parliament, local, and municipal councils – there are areas highlighted in the European Commission's Comprehensive Report of November 2023 that warrant attention. Specifically, Moldova is urged to revisit the legal definition of discrimination against women and girls to ensure comprehensive coverage of all violations constituting discrimination under international law based on sex and gender. Concerns also persist regarding limited access to justice for women, insufficient financial and human resources to promote women's rights and the persistence of patriarchal attitudes and discriminatory stereotypes about the roles and responsibilities of women and men in the family and society.[361] These findings extend to the security and defence sector.

In the context of the security and defence sector, studies and reports in the field highlight that the main challenges in achieving equal opportunities and incorporating gender perspectives into sectoral policies can be categorized into 4 levels:

Organisational culture: (-) existing stereotypes regarding confidence in women's capabilities, particularly within the military; (-) limited recognition of women's potential as agents of change or providers of security, especially in the current situation of war on the territory of the neighbouring state; (-) inadequate acknowledgment of how inclusive processes can enhance operational effectiveness. (plus the combination of mismanagement and gender stereotypes limits the implementation of commitments made).

Technical capacity/capability: (-) Insufficient institutional capacity or qualification to execute the practical aspects of integrating equal opportunities, gender mainstreaming, etc., in organisational processes; (-) lack of a clearly defined monitoring system on the implementation of commitments made (here we could include the lack of a gender adviser both at government level and in ministries with more sensitive issues. This also extends to inadequate information on the training and education of state secretaries responsible for policies, human resources, or security and defence advisers regarding the gender perspective in security and defence.

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361   The European Commission's first comprehensive report was published on 8 November 2023, p. 40. Available:https://neighbourhood-enlargement.ec.europa.eu/moldova-report-2023_en

Accountability: (-) limited policies promoting equal participation in peace-building and negotiation processes (In the more than 30 years of the Transnistrian conflict settlement process, only two women chief negotiators have participated in the dialogue[362]); (-) the security system face challenges in ensuring transparency for the participation of civil society and women's organisations in the security and defence sector (e.g. influenced by health emergencies or the war situation in Ukraine). The assessment of accountability differs for different entities in the security and defence sector; first of all it has to be determined by whom the entity is constituted. Specific to the system is that the MoI is the *lead* institution implementing the Programme on UNSCR 1325, however it faces capacities limitations to monitor the implementation process without the support of development partners - low level of *ownership*.

Political will: While there is some support from leaders who regularly use their position of power to communicate and demonstrate their support, leadership, enthusiasm and commitment to gender equality at the national level, there is still limited, partly formal support from leaders within ministries and departments in the security sector and there is still the phenomenon of tokenism[363] . Moreover, security sector structures claim that all positions are open to women and it is their decision not to occupy certain hierarchical positions. However, within certain institutions there are invisible barriers, which through such an inexplicable action of the glass ceiling limit the promotion of women to senior positions. Bearing these aspects in mind, we cannot neglect the fact that there is a danger that the adoption of the Programme on the implementation of UNSCR 1325 at national level will be limited to ticking off international commitments as fulfilled or to promoting the SPF Agenda as an effective tool in promoting the image of the National Army and Police.

From the perspective of Security Sector Governance, we can also assess **efficiency.** Assessing this component from a cost-effectiveness perspective is problematic due to: (-)unavailability of relevant data on the financial resources allocated and consumed during the implementation of commitments, be it through programmes or strategies; (-) secondly, the ongoing practice of working with the existing budget. In this respect, most of the financial support for implementing actions to ensure equal opportunities and gender mainstreaming in peace and conflict processes has been provided by donors/external assistance (such as UN Women in Moldova, Swedish Embassy in Moldova, UNDP Programme, US Embassy in Moldova, Nordic Centre).

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362   https://www.facebook.com/photo/?fbid=619149917090879&set=a.547611944244677
363   Note: *Tokenism* - a social policy and practice of making symbolic gestures towards the inclusion of members of minority groups within the majority, usually applied to create the appearance of social inclusion and diversity (racial, religious, sexual, etc.) to deflect possible charges of discrimination.

At the same time, there is a sustainability of achievements at the public policy level, partly ensured by mainstreaming gender equality in policy and strategic documents for a fixed period of time, with some extending until 2022. The results of the interventions have been more visible at the level of internal regulations, such as the career guide or the subject of prevention and regulation of discrimination and paperwork. At the same time, although the adoption of a new Programme has been delayed, the process to develop the second UNSCR 1325 Implementation Programme was initiated as early as 2021.

In terms of institutionalizing the achieved results, the evaluation indicates their modest nature, consistent with existing institutional capacities. There is a correlation between the financial sustainability of the program's outcomes and their institutionalization. In essence, a well-established ownership would create financial conditions for an institutional mechanism's upkeep, like establishing a dedicated unit or appointing a gender adviser with dedicated resources. Significantly, certain institutions have not ensured the continuity of their activities after the program's completion.

4.4 Recommendations

In general, Moldova should enhance gender equality based on the legislative framework, by implementing , additional measures to eliminate gender-based violence, but also by adopting and implementing the new National Programme on Preventing and Combating Domestic Violence and Violence against Women for 2023-2027 and the new National Programme on Accelerating Gender Equality for 2023-2027 and the corresponding Action Plan[364] .

With reference to the National Programme for the Implementation of Resolution 1325 on Women, Peace and Security:

> Ensure the functionality of the inter-institutional platform for the implementation of the Programme with a concrete action plan on its work in phases, i.e. annually. Conduct a needs assessment for developing a Strategic Communication-focused Action Plan, especially for actions sensitive or facing significant barriers, to ensure an integrated approach. Although gender steering groups exist in all government institutions according to the Gender Equality Strategy, it is nevertheless relevant for certain institutions in the security sector, such as the Ministry of Defence, or even at government level to establish a sustainable mechanism to support the GSP Agenda, i.e. to have an advisor on security and GSP issues.

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364   The European Commission's first comprehensive report was published on 8 November 2023, p. 31. Available: https://neighbourhood-enlargement.ec.europa.eu/moldova-report-2023_en

To ensure a coordination and monitoring process, based on past experience, it is necessary to institutionalise an explicit mechanism for the implementation of the Programme. In this respect, beyond the collection of quantitative data, it is important to collect quantitative indicators to assess the impact of the actions undertaken, otherwise the Programme might be perceived as fulfilling commitments but may not align closely with national security needs.

At the same time, in terms of evaluation indicators, global indicators are gaining popularity as they consolidate a variety of complex information in a single source. Rankings by country or region can contribute to informing policy-making on more complex issues. Therefore, we could also recommend the use of global indicators as a way of assessing and comparing national progress not only against other countries, but also in support of the 2030 Agenda for Sustainable Development. In addition, the Women, Peace and Security Global Index proves to be relevant tool in assessing the implementation process of Resolution 1325. It encompasses three important dimensions of well-being: inclusion (economic, social, political); justice (formal laws and informal discrimination); and security of women and girls (at household (e.g. domestic violence), community and societal levels).

Involving other structures from security sector in the implementation of the Programme, such as the Parliamentary Committee on National Security and Public Order, the Supreme Security Council and the Reintegration Policy Bureau.

Continuing cooperation with civil society in the implementation of the programme with reference to Resolution 1325 and beyond. Here, it is essential to consider that, following certain incidents related to discrimination or other gender issues, security sector institutions can seek advice from specialized organizations. This proactive approach aims to prevent the escalation of gender-related challenges and, more broadly, address issues concerning human securityMore active involvement through programmes/projects of the media in promoting UNSCR 1325, perhaps by inviting them to participate in various trainings so that they understand the sensitivity of the subject and its effective promotion.

CHAPTER 5. EXTERNAL ASSISTANCE IN THE FIELD OF SECURITY AND DEFENCE

5.1 Description of the situation

In 2022, the Republic of Moldova experienced the greatest challenges to national security, caused by the destabilization of the regional and global security system. With the outbreak of war in Ukraine, hybrid threats intensified, fuelling a series of social, humanitarian, economic, energy and security crises, and negatively impacting citizens. In the context of the Republic of Moldova, the security and defence sector faces significant challenges and external assistance is a vital component in addressing these issues. Issues such as regional instability, hybrid threats and financial constraints impose the need to develop and strengthen national capabilities. Despite government efforts and partnerships with international organisations, there are still challenges related to transparency, accountability and effectiveness in the use of external assistance. Efficient management of resources, proper coordination among donors and the strengthening of a strategic framework are key to overcoming these challenges and ensuring sustainable security and stability in Moldova.

To face these challenges and to ensure its stability and security, the Republic of Moldova has sought external support and partnerships. The necessity and importance of foreign assistance and partnerships in the management of the security and defence sector in the Republic of Moldova cannot be underestimated, as they play a crucial role in developing and strengthening its security and defence capabilities and promoting democratic values. External assistance is of paramount importance for government institutions, given the lack of resources allocated from the state budget to improve and strengthen capacities, equip and improve infrastructure.

The security of the Republic of Moldova is a major concern, given its delicate geopolitical context. It is crucial to take into account the trends of revitalization within the informal group BRICS, the increasing influence of China, and the ramifications arising from the conflict in Ukraine, along with indirect confrontations involving the US. These dynamics have implications for the security of smaller states. Hence, fostering cooperation with international partners, including the EU, NATO, OSCE, and bilateral actors such as the US, Romania, and the UK, is vital to enhance security and effectively address contemporary challenges

while ensuring the development of national capabilities. This cooperation involves a range of mechanisms and tools, from political dialogue and practical cooperation to the implementation of concrete projects and the exchange of expertise. It is important that Moldova continues to work closely with its international partners to strengthen its capacity to manage security challenges and contribute to regional and global stability.

Partnerships with international organisations, such as NATO and the EU, also bring significant benefits to Moldova. These collaborations provide support in developing security and promoting reforms in the security and defence sector. Joining partnership programmes, such as NATO's Partnership for Peace, has helped to improve the interoperability of the Republic of Moldova's Armed Forces and to enhance international standards within the security and defence sector.

Another crucial aspect of external assistance and partnerships is the promotion of democratic values and good governance in the security and defence sector. In a democracy, civilian control over the armed forces and law enforcement agencies is essential to maintain balance and avoid abuses of power. Assistance and consultation from international partners in promoting transparency, accountability, respect for human rights in the security and defence sector, as well as inclusiveness are of crucial importance for the Republic of Moldova.

In the Republic of Moldova, the complexity of SSM requires an integrated governance approach, involving a clear division of responsibilities and priorities among donors, while ensuring effective coordination. By aligning strategies and priorities with international partners, a coherent and sustainable approach to security capacity building can be ensured, thus promoting transparency and accountability in resource management. This effective coordination between donors and local authorities is the foundation for robust governance in the security sector, essential to respond to the complex challenges of the regional and global geopolitical context.

5.2 Mechanisms for coordinating external assistance

In an attempt to address multifaceted security challenges, various platforms and mechanisms have been developed to coordinate assistance. These range from bilateral agreements to multilateral initiatives and multi-stakeholder dialogue platforms, such as the *Moldova Support Platform*, which was created in a context of regional instability generated by events in Ukraine. Prior to the establishment of this platform, there were no specific external assistance mechanisms to collectively and effectively address challenges in the security and defence sector of the Republic of Moldova. Thus, for the period prior to the creation of the Platform, which falls within a timeframe of 2-3 years, a lack of coordinated instruments and strengthened external support mechanisms can be observed. This absence of a coherent framework can be analysed in relation to the evolving security situation and can provide important insights into how external assistance has contributed to changes and adaptations in the security and defence sector of the Republic of Moldova.

The Republic of Moldova has established mechanisms that include representatives from various ministries and international organisations. These mechanisms aim to facilitate communication, information exchange and project coordination. Institutional strategic plans and policy documents are also being developed to ensure coherence and effectiveness of external assistance.

Within Ministries such as the Ministry of Internal Affairs, Ministry of Defence, Ministry of Health and others, Directorates have been created which are responsible for coordinating external assistance. Their role is to attract and negotiate external assistance projects and to match institutional needs with national and international strategic priorities.

In the Republic of Moldova, the Ministry of Finance is responsible for the coordination and management mechanism of external assistance and acts as a single point of contact/control in the relationship with external development partners and public authorities on proposals for external assistance projects/programmes. Through the *Platform for the Management of External Assistance*, operational information exchange on implemented assistance projects takes place[365] .

Within the Ministry of Internal Affairs , a formal working mechanism has been created through the *Together 4 Home Affairs* platform. This platform aims to inform the public and the donor community about progress in the implementation of assistance projects and programmes and to strengthen strategic partnership dialogue.

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365   Platform for the management of external assistance. Information on support provided by donor agencies in the security and defence sector. Available: https://amp.gov.md

In this context, we present the supporting mechanisms:

- The Support Platform for Moldova was established in response to the war in Ukraine, initiated by Romania, Germany, France, with the participation of the USA. It is a response mechanism to the consequences and crises generated by the war on the Republic of Moldova. The aim of the Platform is to mobilise, focus and coordinate political, technical and financial support from developed countries for the Republic of Moldova. In particular, it aims to generate immediate assistance as well as in-depth expertise for the democratic reform process from the institutions and member states of the European Union, G7 countries, international financial institutions and international organisations, and other development partners.

- European Union Partnership Mission to Moldova (EUPM Moldova) - established on 24 April 2023 by the Council of the European Union under the Common Security and Defence Policy. The objective of this civilian mission is to provide support and enhance the resilience of the country's security sector in the area of crisis management and hybrid threats, including cyber security and countering foreign intelligence manipulation and interference.

- NATO IPAP - One of the most constructive partnerships of the Republic of Moldova in the modernization of the national defence system is the collaboration with the North Atlantic Treaty Alliance. In this regard, the cooperation of the Republic of Moldova within the Partnership for Peace Programme has been exploited through the instruments and initiatives offered by NATO, such as: the Individual Partnership Action Plan (IPAP), the Strengthening Integrity Programme (BII), the Partnership Planning and Review Process (PARP), the Defence Capabilities Building Initiative (DCBI), which have played an undeniable role in the modernisation process of the National Army.

5.3 Overview of areas and main donors, partners in the security sector

External assistance is extended to beneficiaries in the Republic of Moldova along the following dimensions: defence capacity and capability development, transformation, defence modernisation, including security and defence policy development, security education; democratic governance, institution building, anti-corruption and integrity; human security, dialogue and conflict management, internal affairs, border security, security and crisis management, exceptional situations management; migration and refugee issues; cyber security; environmental security; nuclear security.

The security crisis resulting from Russia's war against Ukraine, a global challenge faced by international community, offers opportunities for the Republic of Moldova in the transformation process of the National Army not only through NATO programs, but also through the European Union, also through bilateral cooperation (with Romania, USA, France, Germany, etc.), as the willingness of partners to provide assistance has increased significantly.

International actors involved in security sector development contribute a wide range of mandates and expertise, through various means such as technical and financial assistance, addressing issues such as justice, anti-corruption, policing, defence, human rights and good governance. A key component of effective assistance is civilian oversight and democratic participation.

Domenii	FINANȚATORI (ORGANIZAȚII)										
	BERD	BM	CE	FFP	NATO	OMV	ONU	OSCE	PNUD	UE	USAID
Dezvoltarea capacităților, capabilităților de apărare și transformarea modernizarea sectorului apărării					■			■		■	
Dezvoltarea politicilor de securitate și apărare, educație de securitate									■	■	
Guvernare democratică, dezvoltarea instituțiilor și reziliența			■		■					■	■
Anticorupție și integritate					■			■		■	■
Securitatea umana: respectarea drepturilor omului, egalitate de gen							■		■	■	■
Dialog și conflict management							■		■	■	
Afaceri interne, siguranță și gestionarea crizelor, gestionarea situațiilor excepționale						■	■				
Securitatea frontierelor										■	
Migrație și problema refugiaților			■	■					■	■	■
Securitatea cibernetică	■	■								■	■
Securitatea energetic	■									■	■
Securitatea ecologică/de mediu		■								■	
Securitate nucleară										■	

Externally supported programmes enhance the state's capacity to create and use policy tools to mitigate vulnerabilities and more effectively prevent and address threats to national security.

Bilaterally, countries such as Austria, Japan, the Czech Republic, Estonia, France, Germany, Greece, Italy, Latvia, Lithuania, the Kingdom of the Netherlands, Romania, Slovakia, Switzerland, Sweden, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and the United States of America provide assistance in the following areas: training/courses in the fields of military logistics, military surveying, military medicine, general inspection, military observers, military refresher courses, military graduate studies, assistance in the field of cyber security, etc.

In the tense context of the geopolitical situation in Eastern Europe, reflected, in particular, by Russia's invasion of Ukraine on 24 February 2022, the Republic of Moldova has experienced profound changes and reconfigurations of cooperation with international organizations, especially in the field of security.

Domenii	FINANȚATORI (State)																				
	Austria	Cehia	Elveția	Estonia	Franța	Germania	Grecia	Italia	Japonia	Letonia	Lituania	Norvegia	Olanda	MB	Polonia	România	Slovacia	SUA	Suedia	Turcia	Ucraina
Dezvoltarea capacităților, capabilităților de apărare și transformarea modernizarea sectorului apărării	■	■	■	■	■	■	■	■		■	■	■	■			■	■	■	■	+	+
Dezvoltarea politicilor de securitate și apărare, educație de securitate						■													■		
Guvernare democratică, dezvoltarea instituțiilor și reziliența						■											■				
Anticorupție și integritate						■													■		
Securitatea umana: respectarea drepturilor omului, egalitate de gen			■			■			■										■		
Dialog și conflict management						■															
Afaceri interne, siguranță și gestionarea crizelor, gestionarea situațiilor excepționale	■		■			■						■				■	■				
Securitatea frontierelor																		■			
Migrație și problema refugiaților	■							■	■				■			■					
Securitatea cibernetică			■		■										■				■		
Securitatea energetic																		■			
Securitatea ecologică/de mediu																■			■		
Securitate nucleară													■		■			■			

The data analysis identified the following areas of support:

Enhancing democracy and the rule of law: External assistance has further focused on strengthening democratic institutions, keeping Moldova on the path of reform and bringing it closer to European values. Key areas of focus include: justice, fighting corruption and ensuring a free and pluralistic media.

Economic support: Increased support in the economic field, in particular due to the need to support Moldova in managing the refugee crisis, but also in view of the Russian Federation's economic retaliation against Moldova following the strengthening of its economic capacity in the context of EU accession. Initiatives such as the Free Trade Agreement with the EU have been actively promoted, providing Moldova with access to new and diversified markets.

Energy and diversification: Moldova's dependence on Russia for energy has been identified as a vulnerability. Thus, external assistance has included projects promoting diversification of energy sources and interconnection with European networks.

Diplomacy and mediation: the Republic of Moldova has also received support for initiatives aimed at ensuring regional stability and security of the Moldovan-Ukrainian border. This has included efforts to advance the settlement of the frozen conflict in Transnistria.

Humanitarian support: In the context of massive population and refugee movements from Ukraine due to the war, increased support has been provided to help Moldova manage refugee flows, ensuring proper integration into society and respecting their rights.

Developing defence capabilities: The security crisis faced by the international community provides opportunities for the Republic of Moldova to transform the National Army through NATO, European Union programmes, and also through bilateral cooperation (with Austria, Japan, Czech Republic, Estonia, France, Germany, Greece, Italy, Latvia, Lithuania, the Kingdom of the Netherlands, the United Kingdom of Great Britain and Northern Ireland, Romania, Slovakia, the United States of America, Sweden, Turkey, Switzerland, Ukraine, the USA, etc.), as the willingness of partners to provide assistance has increased significantly.

5.4 Effectiveness of external aid

Transparency and access to information

While Moldova's legislation remains generally in line with minimum international standards for this procedure, the assurance of effective access to requested information cannot be fully guaranteed by law alone. An adequate culture of transparency and commitment among public institutions is also needed. According to Freedom House, Moldova scored 14 out of 30 in 2022. These challenges were also encountered in the process of researching and collecting public data on foreign assistance to Moldova.

Freedom of Information Index		
SCORE	2021	2022
	12/30	14/30
Source: Freedom of Information Index. Measuring Transparency of Public Institutions in Moldova, Freedom House 2022[366]		

Analysing the *Freedom House* data and corroborating it with the data collection process, we give a rating of Medium, with 3 points, as a prerequisite for giving a High rating. Formal coordination mechanisms and dialogue platforms, as well as the involvement of various ministries in the management of external assistance, contribute to increased transparency. Informing the public and the donor community about the progress of projects through platforms such as Together 4 Home Affairs is a positive step. However, more clarity is needed regarding project implementation and improved visibility of achieved results.

Effectiveness

External assistance has helped improve defence capabilities and promote reforms. Participation in NATO and EU programmes has supported the modernisation of armed forces and the strengthening of international standards. There is a need for better alignment of external assistance with national needs and priorities, and better coordination between different donors. There are some limitations in assessing the effectiveness of external assistance in Moldova's defence sector, as no reports or evaluations have been carried out to analyse in detail the absorption capacity of external support in relation to institutional needs. This gap in evaluation may result in an incomplete picture of how external support has been

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[366] Measuring the transparency of public institutions in Moldova. Freedom of Information Index, Freedom House 2022. Available: https://freedomhouse.org/sites/default/files/2022-12/fh-Moldova_Access-to-Info-Report-2022_Eng-v5_0.pdf

absorbed and used in the defence sector. The absence of specific evaluations may also limit understanding of the long-term effectiveness of assistance projects and programmes. It is crucial to develop and implement monitoring and evaluation mechanisms in order to obtain a comprehensive picture of how external assistance contributes to improving institutional capacities and strengthening national security in Moldova.

Crisis and Hybrid Threat Management

Cooperation with the EU and NATO has increased Moldova's ability to deal with hybrid threats and manage crises effectively. We present the following examples: Shaping and mitigating social disasters caused by disasters and terrorism, NATO - Civil preparedness is an important area of NATO-Republic of Moldova cooperation, as it prepares authorities to cope with natural or man-made disasters and benefits the citizens of the Republic of Moldova. With the help of allies, the Republic of Moldova has worked to strengthen the legal framework for dealing with such emergencies and to establish a civil crisis information system by coordinating activities in emergencies. The aim of the project is to create complex methodologies and tools adapted for the detection, monitoring, modelling and mitigation of social disasters provided by the situational analysis centre created under the project. This will enhance the security of the country, in terms of social aspects, including possible social disasters caused by terrorism. Explosive Risk Reduction at Small Arms and Light Weapons (ALW) and Conventional Ammunition (CA) Stockpiles in the Republic of Moldova, funded by Norway, Germany, USA, Austria, Switzerland and running from 2018-2022. The objective of the project : to improve the overall safety of the citizens of the Republic of Moldova by increasing the capacity of relevant stakeholders in the field of addressing SALW and CA. Its goal is to minimize risks associated with weapons and explosive materials at ammunition storage sites [367] .

TENSOR Trusted biometric technologies to assist law enforcement authorities in the fight against terrorism and organised crime, funded by the European Commission with €4 562 975 and running from 01/02/2023 to 26/01/2026. TENSOR will empower law enforcement practitioners with new tools that will assist law enforcement authorities in identification, identity verification, intelligence and investigation processes and can be used to unlock criminals' mobile devices, share biometric data through secure, automated and scalable exchange of biometric information and forensic evidence between law enforcement authorities in a cross-border manner, enhancing interoperability between legacy systems owned by security practitioners and forensic institutions[368] .

367   Explosive Risk Mitigation at Small Arms Light Weapons (SALW) and Conventional Ammunition (CA) Depots in the Republic of Moldova. Available: https://salw.osce.org/Projects/ViewPage/3100306-explosive-risk-mitigation-at-small-arms-light-weapons-salw-and-conventional-ammunition-ca-depots-in-the-republic-of-moldova

368   Trusted biometric technologies to help law enforcement authorities in the fight against terrorism and organised crime. TENSOR. Available: https://amp.gov.md/aim/viewActivityPreview.do~public=true~pageId=2~activityId=1657~language=en

Assistance projects have had a significant impact in strengthening cyber security, a crucial area in the context of hybrid threats.

Development of Bilateral and Multilateral Relations

External assistance has strengthened Moldova's relations with international partners, providing a stable framework for security cooperation. Through participation in regional programmes and initiatives, the Republic of Moldova has strengthened its position.

On effectiveness, we give a High rating, taking into account how important and necessary external assistance in times of crisis is for Moldova.

5.5 Conclusions and recommendations

Coordination mechanisms between international donors and national authorities, absorption capacity of external assistance by various institutions.

Donor-National Coordination Mechanisms refers to the ways in which international donors and national authorities collaborate and coordinate efforts to implement external assistance. Coordination mechanisms involve the establishment of institutional structures and procedures that facilitate communication and exchange of information between donors and authorities, thus ensuring a coherent and effective approach to the management of external support.

The absorptive capacity of external assistance by different institutions refers to their ability, whether support governmental or non-governmental, to effectively manage the resources and support provided by external donors. Increased absorptive capacity implies not only the ability to receive funding or technical assistance, but also the ability to use these resources in an efficient way, tailored to the specific needs of the institutions concerned. Developing this capacity is essential to maximise the impact of external assistance and to avoid under-utilisation or inefficient allocation of resources.

The confluence of factors, such as Russia's brutal war against Ukraine, frozen conflict, European aspirations and external pressures, make effective governance of the security sector a pressing necessity. In this context, the war in Ukraine represents a significant shift in the regional security balance, amplifying the need for external assistance and multilateral cooperation.

The Republic of Moldova has witnessed a major change in the dynamics of its cooperation with international organisations, post-February 2022. This has materialised in an intensification of projects and programmes, an increased focus on security, refugees, border management and increased cooperation with external partners. The tense regional context has highlighted the importance of strengthening external relations and continuously adapting to changes in the security sphere.

Identifying needs for External Assistance

Moldova, being a country with distinct needs in the security sector, is actively crafting effective mechanisms to identify requirements and formulate external assistance projects or programs. This strategic approach requires close collaboration between government institutions and international partners. National institutions such as the Ministry of Interior, the Ministry of Defence, the Ministry of Foreign Affairs and European Integration constantly assess security and defence needs and vulnerabilities and communicate them to international partners. This ensures that external assistance is focused on Moldova's real priorities.

Importance of Coordination between Programmes and Donors

Coordination between programmes and donors is essential to avoid duplication of efforts and to facilitate effective absorption of external assistance by national beneficiaries. To this end, Moldova has, in part, established formal coordination mechanisms such as donor meetings and *Steering Groups*. For example, in the home affairs sector, the "*Together4 home affairs*" initiative has been developed to coordinate the actions and resources of different international partners and to ensure coherence of external assistance efforts.

The role of state institutions as coordinator and key actor in attracting and negotiating foreign assistance projects

A crucial aspect is the role of coordinator and key actor in attracting and negotiating external assistance projects. Government institutions play a key role in formulating impact objectives and actions in line with national and international strategic priorities. These institutions need to be well prepared to negotiate and establish effective partnerships with donors, ensuring that external assistance projects are aligned with Moldova's development and security objectives. From a governmental perspective, significant mechanisms are being developed to attract, manage and coordinate external assistance in the security sector.

However, the effectiveness of these mechanisms needs to be constantly assessed and improved to ensure efficient use of resources and to achieve the country's security and

defence objectives. It is crucial to maintain transparency and accountability in this process and to continue working closely with international partners to ensure security and stability in the region. By promoting transparency, an atmosphere of trust is created between government institutions and international partners, strengthening credibility and collaborative relations. These elements provide a climate conducive to preventing corruption, ensuring that resources and funding allocated to security are used efficiently and in the public interest. Transparency also enables effective evaluation of the impact and effectiveness of projects, providing the information needed to adjust and continuously improve strategies.

Accountability in the management of external assistance contributes to building a basis for the long-term sustainability of projects, as citizens and international partners are more willing to support initiatives that are managed transparently and accountably. In addition, a transparent approach facilitates more effective international collaboration, which is essential to counter regional and global security threats. Transparency and accountability are thus fundamental elements in promoting stability, security and sustainable development in the Republic of Moldova and throughout the region.

We recommend implementing the following policies:

Adapt external assistance to the specificities and real needs of the Republic of Moldova, avoiding the application of standard solutions or copying models that do not fit the local context.

Emphasize the development robust internal capacity, providing training and education for security institutions. This will enable them to effectively manage the resources and skills they have acquired

Improve the coordination mechanism for external assistance, ensuring that resources are allocated efficiently and that there is synergy between different programmes and initiatives.

Enhance transparency regarding how external funds are utilized and measure their impact. This will increase public confidence and ensure better accountability for results.

Involve civil society and encourage closer collaboration with civil society organisations, which can provide valuable feedback, monitor the implementation of reforms and identify areas for improvement.

Conduct regular evaluations to assess the impact and effectiveness of external assistance. This will enable adjustments and recalibrations of actions based on changes in the security environment and the emerging needs of the Republic of Moldova.

Foreign assistance and international partnerships play a vital role in strengthening Moldova's national security. They support the country's reintegration efforts, improve external cooperation, strengthen border security and enhance intelligence capacity. In this regard, it is imperative that the Republic of Moldova continues to develop and strengthen relations with international partners and receives the necessary assistance to address the security challenges it faces.