

Independent Reporting Mechanism (IRM): Moldova Design Report 2019-2020

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Executive Summary: Moldova

Moldova's fourth action plan continues initiatives on access to information and public services and also includes new commitments on the diaspora engagement and extending the network of paralegals. However, many milestones represent routine activities and fall short of transformative potential. To achieve more meaningful changes in opening government, the next action plan needs to consider measures to further improve public procurement practices, protect civic space, and increase transparency and integrity of the justice system.

The Open Government Partnership (OGP) is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. The Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Moldova joined OGP in 2012. Since, Moldova has implemented three action plans. This report evaluates the design of Moldova's fourth action plan.

General overview of action plan

Moldova has experienced political volatility and struggled to sustain its democratic achievements throughout 2017-2018. With the local election results in the capital city annulled, the country entered a period of protests, leading in 2019 to a political crisis affecting its reform agenda and long standing international commitments.

Since joining OGP, Moldova has made notable improvements in areas such as public procurement transparency, open data, and access to information. However, the implementation of anti-corruption legislation and improving the transparency and independence of the judiciary has remained challenging. The country's fourth OGP action plan, developed in 2018, addresses some priority areas, such as improvement of services, open data, and civil society participation in decision making. However, most commitment activities are derived from pre-existing programs and fall short of potentially transformative commitments.

During the development of the fourth action plan, the State Chancellery established the Coordination Committee to act as the country's multi-stakeholder forum. The co-creation

Table 1. At a glance

Participating since: 2012
Action plan under review: 4
Report type: Design
Number of commitments: 6

Action plan development

Is there a multi-stakeholder forum? Yes
Level of public influence: Involve
Acted contrary to OGP process: No

Action plan design

Commitments relevant to OGP values: 5 (83%)
Transformative commitments: 0
Potentially starred commitments: 0

Action plan implementation

Starred commitments: N/A
Completed commitments: N/A
Commitments with Major DIOG*: N/A
Commitments with Outstanding DIOG*: N/A

*DIOG: Did it Open Government?



process provided numerous opportunities for civil society to give input. However, according to civil society views, the government has not sufficiently prioritized the open government initiatives.

The commitments in Moldova’s fourth action plan focus mainly on access to information, open data, budget transparency, collaboration with civil society, and developing citizen-centered public services. All the commitments are linked to other national strategies and policy documents. While many of the activities are continued from the previous action plan, a new commitment in this plan envisions improving the involvement of Moldova’s diaspora in decision-making processes in the country.

Notable commitments include continuing to improve open data and access to information (Commitment 1) and extending Moldova’s network of paralegals in rural parts of the country (an activity under Commitment 6).

Table 2. Noteworthy commitments

Commitment description	Moving forward	Status at the end of implementation cycle.
<p>1. Access to information and use of open data</p> <p>Address issues related to publication of information and open data and publish information on government progress across sectors.</p>	<p>This commitment includes activities on both access to information and open data. On access to information, the IRM recommends improving enforcement of access to information legislation. On open data, it is recommended to conduct a technical assessment of data.gov.md and carry out a users’ needs assessment in order to standardize the publication of data.</p>	<p><i>Note: this will be assessed at the end of action plan cycle.</i></p>
<p>6. Citizen-centered public services</p> <p>Developing citizen-centered public services by optimizing and streamlining public service delivery processes.</p>	<p>In the area of access to justice, the IRM recommends further expanding the network of paralegals and integrating alternative dispute resolution mechanisms into the judicial system. To improve the transparency and independence of the country’s judicial system, IRM recommends transparency of the selection, promotion, and dismissal process for judges, and ensuring that all court cases are assigned randomly.</p>	<p><i>Note: this will be assessed at the end of action plan cycle.</i></p>

Recommendations

The IRM recommendations aim to inform the development of the next action plan and guide implementation of the current action plan.

Table 3. Five KEY IRM Recommendations

Conduct a more proactive OGP co-creation process and ensure ongoing monitoring of action plan implementation
Ensure commitments have targeted and specific activities with measurable indicators
Consider developing a component in MTender for the e-procurement of medicines or a new e-system for the sector
Commit to protecting civic space, particularly for journalists and civil society
Consider including commitments aimed at increasing the transparency and independence of the justice system

This report was written by IRM staff with contributions from Diana Mirza-Grisco, an independent researcher.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism (IRM) assesses development and implementation of national action plans to foster dialogue among stakeholders and improve accountability.



I. Introduction

The Open Government Partnership is a global partnership that brings together government reformers and civil society leaders to create action plans that make governments more inclusive, responsive, and accountable. Action plan commitments may build on existing efforts, identify new steps to complete ongoing reforms, or initiate action in an entirely new area. OGP's Independent Reporting Mechanism (IRM) monitors all action plans to ensure governments follow through on commitments. Civil society and government leaders use the evaluations to reflect on their own progress and determine if actions have made an impact on people's lives.

Moldova joined OGP in 2012. This report covers the development and design of Moldova's fourth action plan for 2019-2020.

The Independent Reporting Mechanism of OGP has partnered with Diana Mirza -Grisco to carry out this evaluation. The IRM aims to inform ongoing dialogue around development and implementation of future commitments. For a full description of the IRM's methodology please visit <https://www.opengovpartnership.org/about/independent-reporting-mechanism>

II. Open Government Context in Moldova

Since joining OGP, Moldova has made progress in important areas such as public procurement transparency, open data, and access to information. However, the country still struggles with implementing effective anti-corruption policies, increasing transparency and independence of the justice system, and protecting civic space. The fourth action plan addresses some priority areas, however most activities are derived from pre-existing programs and fall short of potentially transformative commitments to open government.

Background

Since joining OGP in 2012, Moldova has steadily increased access to information, transparency of public service and opportunities for civic participation.¹ Notably, the government launched data.gov.md, an open data governmental platform; particip.gov.md, a public consultations portal on draft legal acts; and MTender, an e-procurement system.² Moldova's previous OGP action plans have generally focused on access to information (particularly around open data and public procurement) and developing e-government, but less on strengthening public accountability or encouraging civic participation.³ The current, fourth action plan continues several policy areas from previous plans, such as budget transparency, open data, access to information, and quality public services. It also has some new commitments, including Moldova's diaspora in decision-making processes (Commitment 4) and extending a network of paralegals in rural parts of the country (milestone 6.6).

In 2014, Moldova ratified the EU-Moldova Association Agreement, a bilateral framework for cooperation that institutionalizes democratic norms within the country, such as administrative and budget transparency and public participation in decision-making processes. However, ongoing corruption scandals, deep political divisions, and a struggling economy continue to create barriers to open governance in Moldova.

Parliamentary elections on February 2019 left Moldova without a government for three months while negotiations were held among the winning parties.⁴ A political crisis emerged in June when the outgoing government refused to step down after the Socialist Party ultimately agreed to a coalition with the ACUM ("Now") bloc. This situation was amplified by a Moldovan Constitutional Court ruling to dissolve the Parliament.⁵ Eventually, a new government led by Prime Minister Maia Sandu (of the electoral bloc ACUM) took office.⁶ After disagreement between the two parties on the procedure of appointing the prosecutor-general, the coalition collapsed when the Parliament gave a non-confidence vote to the government in November 2019.⁷ A new government was approved by the Parliament in the same month.⁸ While the coalition between the two parties was short lived, it brought renewed impetus to implement the reform agenda as enshrined in the EU-Moldova Association Agreement and the resumption of the EU's budgetary support to Moldova.⁹ Therefore, the no-confidence motion was met with concern by the international community since there were high expectations for Moldova to pursue justice reform and anti-corruption policies.¹⁰ Additionally, a court decision in June 2018 canceled the result of the municipal elections in the capital city, Chisinau. In response, the EU suspended its macro-financial assistance to Moldova and froze a package of EUR 100 million that would have supported a variety of policy reforms.¹¹

Anti-corruption

While Moldova adopted anti-corruption reforms under its Association Agreement with the EU, the implementation of these reforms has proven challenging.¹² Notably, in the aftermath of the 2014 "billion-dollar theft", the Prime Minister at the time, Vlad Filat, became the first high-ranking Moldovan official to be indicted and sentenced to prison for corruption.¹³ Moldova approved a National Integrity and Anti-Corruption Strategy for 2017-2020.¹⁴ However, according to the UNDP

2019 study on the implementation of this strategy, public trust in government institutions remains low and the public mostly believe that anti-corruption laws are not applied equally to all citizens.¹⁵ In particular, political parties, healthcare institutions, and courts are considered by the general public as the most corrupt.

One of Moldova's main anti-corruption agencies, the National Integrity Authority (NIA), launched an e-integrity system for the submission of public officials' asset declarations in December 2017. However, the EU's 2018 report on the implementation of the EU-Moldova Association Agreement notes that there is a backlog of around 70,000 declarations of assets and conflict of interests not yet verified.¹⁶ Furthermore, international financial institutions have criticized the Moldovan government's recent approval of a "fiscal amnesty" that allows individuals to register assets without providing information of origin if they pay a 3 percent tax.¹⁷ The law was repealed later in 2019.¹⁸

Open contracting and public procurement

In July 2015, Parliament adopted a law on public procurement and, in 2017, the government launched a pilot of public procurement and procedures e-platforms for low value procurement.¹⁹ Moldova developed a Public Procurement System Development Strategy 2016–2020 in the context of the Association Agreement with the EU.²⁰ Notably, Commitment 1 in Moldova's third action plan (2016-2018) resulted in the opening of the entire public procurement process and making public tenders fully transparent on the country's MTender system (launched in October 2018). The MTender system is not yet fully developed, and not all planned functionalities are working. When it is finalized, it will allow the monitoring of the entire procurement cycle, and the viewing of all operations and transactions in real time.²¹ Prior to the implementation of the new MTender system, only limited information on the different stages of the public procurement process (particularly the awarding) was available to the public.²² While MTender is not included in the current action plan, Commitment 2 includes a milestone to ensure publication of reports on public procurement contracts monitoring.

Justice sector reforms

Despite ongoing reforms, Moldova's judicial sector continues to experience lack of due process and undue political influence.²³ Moldova ranked 130 out of 137 countries on judicial independence in the World Economic Forum's Global Competitive Report 2018.²⁴ Moldova elaborated a justice system reform strategy for 2011-2016, with EU funding.²⁵ However, progress on reform faltered in 2017, leading the EU to suspend its budgetary support for justice sector reforms in the country.²⁶ More recently, Moldova developed a new strategy for 2019-2022.²⁷ Major concerns related to the justice system in Moldova include the inconsistent application of laws, lack of transparency in judicial appointments, human rights infringements in detention and penitentiary treatment,²⁸ and high levels of corruption in the sector.²⁹

In addition, the World Bank has noted that access to justice in rural parts of the country, particularly for socially and economically vulnerable groups, remains a challenge. To this end, Commitment 6 in Moldova's fourth action plan includes extending the network of paralegals in rural areas in order to provide legal assistance to such groups.

Access to information

Access to public information in Moldova is a constitutional right³⁰ and is regulated by law.³¹ However, in practice, citizens and civil society often face challenges in exercising this right, such as refusal or delays in providing information or even obstruction of public information.³² Government officials often justify the refusal to provide data to citizens, civil society, or journalists through the law on personal data protection,³³ the State Secret³⁴ or Trade Secret Laws.³⁵ Moldova does not have an assigned body to enforce the law on access to public information.³⁶ The denial of access to information is also compounded by differing interpretations of the law's provision among

government officials.³⁷ Journalists and civil society³⁸ also cite a practice where public authorities provide vague or purposefully incomplete information to the requester.³⁹

Open data

Moldova enjoys a strong legal framework and infrastructure regarding open data and was among the first lower-income countries to develop a government-led open data portal (data.gov.md)⁴⁰. The data.gov.md portal represents a key component of the 2011 E-transformation strategic program.⁴¹ This program has set the basis for an open data culture in the government, with each ministry and government agency developing internal plans on what data is to be opened.⁴² This initiative is supported by a law on the reuse of public sector information,⁴³ and a law on open data.⁴⁴ In 2019, the E-Government Agency took over the management of the open data portal and launched a new version, which has aggregated three government initiatives: open datasets published by ministries and government agencies, a public database on companies, and data with authorized access.⁴⁵ Commitment 3a in Moldova's third action plan led to significant improvements to open data in the education sector.⁴⁶ Commitment 1 in the current action plan includes a number of activities (many routine) that pertain to access to information and open data.

Budget Transparency

In the International Budget Partnership's 2017 Open Budget Survey, Moldova received 58 out of 100 points on budget transparency, substantially higher than the global average score of 42.⁴⁷ The Ministry of Finance publishes budget data on its website and on the open data portal date.gov.md. However, open data standards are not always observed and the data on budget execution is not commonly categorized by program, but according to the economic and functional classification (line items).⁴⁸ In 2019, the Ministry of Finance launched a budget transparency portal (buget.mf.gov.md), which provides a clear visualization of budget execution data.⁴⁹ The Ministry of Finance has also published a Citizens' Budget annually since 2015. Commitment 2 in the current action plan includes several activities designed to further improve budget transparency.

Civic space

Moldova has an active and diverse civil society. In recent years, the legal framework for civil society has improved, including the amendment of the entrepreneurship law in 2017,⁵⁰ and by adopting a civil society development strategy for 2018-2020.⁵¹ In 2018, there was concern among civil society when the government tried to pass legislation that would have prohibited the involvement in the legislative and policy processes of NGOs receiving foreign funding.⁵² However, this piece of legislation was ultimately not adopted. The Civil Society Sustainability Index for Moldova notes that the civil society sector's financial viability improved slightly in 2018.⁵³ According to the "Law of the 2%", individual taxpayers can direct of 2 percent of their income tax to an accredited CSO of their choice⁵⁴, which has improved the overall financial viability of the civil society sector.⁵⁵

Despite these positive developments, civil society and civic space still face challenges. For example, the public image of CSOs worsened in 2018 due to government's negative rhetoric against organizations in the sector.⁵⁶ Moldova's score in Freedom House's Freedom in the World report declined from 4 to 3 on the question of freedom to express personal views on political or other sensitive topics without fear of surveillance or retribution.⁵⁷ Additionally, CIVICUS has noted that civic space in Moldova narrowed in 2019.⁵⁸ In March 2019, 20 Moldovan CSOs launched a report which documents actions undertaken by different actors to restrict civil society space in Moldova throughout 2018. The report documents legislative initiatives aimed at restricting the operational space of civil society, and declarations by government representatives or media that portray civil society as an actor promoting foreign interests or interests of the opposition political parties.⁵⁹ Furthermore, Reporters Without Borders (RSF)' 2019 index of freedom of the press shows that polarization and the concentration of media ownership remain major problems in the country.⁶⁰

Moldova's ranking of 91st out of 180 countries in this index represents a drop of 36 positions from 2013.⁶¹

Civic participation in decision-making processes

Transparency in decision making in Moldova is regulated by law.⁶² Currently, there are sub-pages on the webpages of all ministries where draft laws are published, as well as a centralized platform (particip.gov.md) where bills are published for the public and civil society to comment. However, in practice, public consultations are often announced late, and the same civil society stakeholders are invited to participate.⁶³ The government often makes changes to draft legislation at the last minute, and civil society input is often not reflected in the adopted law.⁶⁴ Also, the centralized platform is not actively promoted. A 2019 the Council of Europe's Group of States against Corruption (GRECO)'s report recommended that Moldova make more effort to ensure transparency of the legislative process, including the timely publishing of draft laws in order to provide sufficient time for public debate.⁶⁵ Commitment 3 in the current action plan aims to improve collaboration platforms for civil society, including through e-participation.

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¹⁰ Reuters, Moldova's fledgling government felled by no-confidence vote, 12 November 2019,

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¹³ Radio Free Europe, Former Moldovan PM jailed for nine years, <https://www.rferl.org/a/moldova-former-prime-minister-filat-jailed-9-years/27823377.html>

¹⁴ Republic of Moldova, Parliament decision, http://www.networkforintegrity.org/file/2017/11/MD_National-integrity-and-anticorruption-strategy-2017-2020-.pdf

¹⁵ UNDP, National Integrity and Anti-Corruption Strategy Impact Monitoring Survey 2019, p 45, available for download:

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¹⁶ European Commission, Association Implementation Report on Moldova, p 7,

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¹⁷ Freedom House, Freedom in the World 2019, Moldova, <https://freedomhouse.org/country/moldova/freedom-world/2019>

¹⁸ "Since 2020, a tax amnesty will be canceled in Moldova, and since 2022 exemptions for income estimated by indirect methods will be abolished", InfoMarket,

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¹⁹ Western NIS Enterprise Fund, <https://wnisef.org/medias/western-nis-enterprise-fund-supports-public-procurement-reform-moldova/>

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²² Ibid., p 17.

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⁶³ IRM, Republic of Moldova End-of-Term Report 2016-2018, https://www.opengovpartnership.org/wp-content/uploads/2019/10/Moldova_End-of-Term_Report_2016-2018_EN.pdf

⁶⁴ Soros, Shrinking space for civil society in Moldova, <https://www.soros.md/files/publications/documents/Civil%20Society%20Macrinici.pdf>

⁶⁵ Group of States Against Corruption (GRECO), <https://rm.coe.int/quatrieme-cycle-d-evaluation-prevention-de-la-corruption-des-parlement/168096812e>

III. Leadership and Multi-stakeholder Process

Moldova established a permanent dialogue mechanism on open government (the Coordination Committee), which acts as the country's multi-stakeholder forum. The co-creation process for the fourth action plan provided numerous opportunities for civil society to give input and the major policy themes covered in the plan generally reflect civil society priorities. However, many civil society participants believe that the action plan does not sufficiently prioritize open government initiatives.

3.1 Leadership

This subsection describes the OGP leadership and institutional context for OGP in Moldova.

The State Chancellery leads the OGP process in Moldova.¹ Within the State Chancellery there is a point of contact responsible for coordinating open government activities and monitoring OGP action plans.

The approval of OGP action plans is given through Governmental Decisions signed by the prime minister.² Starting with the co-creation process of the fourth action plan, a deputy state secretary, a high-level governmental official, is involved in the process.³

Similar to previous action plans, there is no special budget dedicated for the fourth plan. The activities included in the fourth action plan are linked to other programs or strategies of the implementing agencies, who have budgeted funds for the activities.⁴ During the action plan co-creation process, ministries and governmental agencies submit proposals and review the draft action plans before they are finalized and sent for approval, in accordance with the rules of procedure of the government.⁵

A new development procedure was implemented for the fourth action plan. The draft was presented at the State Secretaries' meeting of 6 September 2018, then sent to the central public authorities for review, and finally posted on the central public consultation platform particip.gov.md. Once feedback was provided, a table of divergences was elaborated. The draft was then revised and sent to public authorities and posted on the particip.gov.md platform. Once the draft was final, it was submitted to the government for approval.

The State Chancellery is well-positioned to lead the OGP process in the country, but the OGP point of contact does not have decision-making powers and there are no channels to enforce implementation. The monitoring of the action plan is based on quarterly self-reporting of the ministries and does not include proactive involvement of Moldova's new multi-stakeholder forum, the Coordination Committee.

3.2 Multi-stakeholder process throughout action plan development

In 2017, OGP adopted the OGP Participation and Co-Creation Standards intended to support participation and co-creation by civil society at all stages of the OGP cycle. All OGP-participating countries are expected to meet these standards. The standards aim to raise ambition and quality of participation during development, implementation, and review of OGP action plans.

OGP's Articles of Governance also establish participation and co-creation requirements a country or entity must meet in their action plan development and implementation to act according to OGP process. Moldova **did not** act contrary to OGP process.⁶

Please see Annex I for an overview of Moldova's performance implementing the Co-Creation and Participation Standards throughout the action plan development.

Table [3.2]: Level of Public Influence

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.⁷ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborate.”

Level of public influence		During development of action plan
Empower	The government handed decision-making power to members of the public.	
Collaborate	There was iterative dialogue AND the public helped set the agenda.	
Involve	The government gave feedback on how public inputs were considered.	✓
Consult	The public could give inputs.	
Inform	The government provided the public with information on the action plan.	
No Consultation	No consultation	

Multi-stakeholder forum

The Coordination Committee, established on 13 April 2018,⁸ serves as both a permanent dialogue mechanism on open government and as Moldova’s multi-stakeholder forum for OGP.⁹ It is composed of eight members: four representing the government (two from the State Chancellery, one from the E-Governance Agency, and a Deputy Secretary General),¹⁰ and four representing civil society¹¹ (two men and six women). The representatives are selected through an open call launched by the State Chancellery.¹² The civil society members represent organizations that are active in research and assessments in different open government policy areas, but not professional groups or specific policy sectors.

The Committee is co-chaired by a representative of the government and a representative of civil society¹³ and meets quarterly.¹⁴ The Deputy Secretary General is actively involved in the Committee, though he does not attend each meeting. According to interviewed civil society members, meetings are usually held at civil society’s request on an ad hoc basis, and there is no specific schedule for the meetings.¹⁵ All Committee meetings take place in the capital city. The Committee also oversees the implementation of the OGP process in the country¹⁶ but its role is mostly advisory, while the decisions are taken by the government. A sub-page on open government was created on the State Chancellery’s webpage, where all relevant documents for OGP are uploaded, including the minutes of Committee meetings and the Committee’s regulatory framework.¹⁷

The creation of the Committee demonstrates a stronger commitment from the government to engage civil society in pursuing open government reforms, compared to previous action plans. Nonetheless, some civil society members have noted a lack of interest from the government on taking clear actions for the monitoring and coordination of OGP¹⁸ despite civil society’s suggestions

on how to approach the process.¹⁹ Though the State Chancellery stated that monitoring is one of the tasks of the Committee,²⁰ a civil society representative mentioned that the government has not shown sufficient interest in developing a monitoring method.²¹ Civil society recommended possible methods which could be used to monitor the action plan, but there has been no follow up to these proposals.

Participation and engagement throughout action plan development

The co-creation of the fourth action plan was launched during Open Government Week 2018.²² On 8 May 2018, the first workshop to develop the action plan was held.²³ During the workshop, participants discussed public sector transparency, the involvement of civil society in decision making and the development of information technologies to combat corruption. They were provided with basic information about the action plan, as well as the timeline to develop it. A second workshop took place on 10 May 2018, addressing the importance of access to information and the responsibility of public authorities to publish open data.²⁴

The first meeting of the Coordination Committee took place on 4 June 2018. The civil society co-chair for the Committee was elected, and members discussed the mission of the Committee, and the development of the fourth action plan. The minutes of the meeting were published on the State Chancellery webpage.²⁵ The second meeting took place on 27 July 2018. The Deputy Secretary General did not attend the second meeting, but additional State Chancellery staff and one more civil society representative were present.²⁶ During the meeting, the Committee discussed the topics to be included in the action plan and decided on the next steps to be taken. Participants decided to reach out to the central public administration authorities, civil society, and the public for proposals to be included in the action plan.

Around 40 participants, representing central public administration authorities and civil society, attended the two subsequent co-creation workshops.²⁷ A letter was sent to 20 public administration authorities in August 2018 calling for proposals for the action plan. The State Chancellery also launched an online survey to collect proposals from the public.²⁸ 41 persons participated in the survey and 80 proposals for commitment topics were received. According to the survey results, the following five topics were prioritized by participants: access to information, transparency in the decision-making process, budgetary transparency, modernization of public services, and public accountability.²⁹ All of these themes were reflected in the final draft of the action plan.³⁰

The draft action plan³¹ and an information note³² were submitted for public consultations on the platform particip.gov.md on 6 September 2018, and again on 20 October 2018.³³ The government published a synthesis table with comments and objections provided by different central public authorities.³⁴ According to the government, more than 70 recommendations and proposals were provided by public authorities.³⁵

Information about the process of co-creation was provided on the webpage of the State Chancellery³⁶ and of the E-Governance Agency,³⁷ as well as on the webpage of the NGO Open Government Institute. The government approved the fourth action plan on 28 November 2018 through Government Decision No. 1172.³⁸

Participating civil society representatives mostly praised the government's willingness to involve them throughout the co-creation process, and particularly providing them with ample opportunities to submit proposals.³⁹ However, they argued that the government could have done more to ensure that activities taken from other strategies or programs also reflect OGP values when included in the action plan.⁴⁰ Finally, though there were opportunities created for governmental stakeholders and civil society to provide input, the OGP process was not well promoted among stakeholders.

The fourth action plan has addressed new topics, such as migration, but also continues many activities from the previous action plan. Furthermore, the action plan, similar to the previous plan, includes activities from other strategies and programs, some of which are not covered by a budget. This could negatively affect the implementation of those activities.

Co-creation and participation recommendations throughout development

As mentioned above, the creation of the Coordination Committee represents a positive step towards greater institutionalization of OGP in Moldova and provides a structured platform for civil society to participate in the OGP process. To improve Moldova's future co-creation processes and the work of the Coordination Committee, the IRM researcher recommends the following:

- The government could diversify the participants in the consultations, inviting more public authorities from the regions, members of the private sector, and other members of civil society who work on specific policy sectors of relevance to OGP.
- The Committee could observe the stipulations from the Order of the General Secretary of the Government⁴¹ and organize meetings more regularly, based on a planned schedule. The public and relevant stakeholders could be informed ahead of time, through different channels in order to obtain broader outreach and diversity of stakeholders.
- More awareness-raising activities for the OGP process could enhance public participation for future co-creation processes. Such activities could involve the use of social media, the press, public TV and radio broadcasters, and presentations during events and conferences.
- The government could publish all documents linked to the activities of the Committee, news related to OGP and open government activities at the national and international level, in order to help authorities and the public learn more about OGP.
- On the State Chancellery webpage, the sub-page for open government could be better structured and publication of scanned materials could be avoided. Instead the State Chancellery could publish information in user-friendly formats, including infographics, which could explain the OGP processes, concepts, and timelines in a visually appealing manner.
- Though increasing the number of staff dealing with open government within the State Chancellery is unlikely due to a lack of resources, the government could use as efficiently as possible the collaborations with the Committee members and discuss the proposals provided by civil society and reach out to civil society for support.
- The Coordination Committee could discuss and set in writing the rules of monitoring during implementation, and schedule meetings during the implementation phase, just as much as during the co-creation process. During the previous action plans, open government efforts tended to dissipate during implementation, making the initial efforts obsolete and requiring stakeholders to restart the process before the subsequent action plan. Continuous engagement of the OGP point of contact and of the Coordination Committee could strengthen institutional memory within the State Chancellery as well as collaboration between the government and civil society. It could also help clarify for the central public administration authorities regarding the OGP mandate in the country and could encourage stakeholders to explore areas and themes for future actions plans.

¹ The State Chancellery is the Government Apparatus, organized and functioning based on Government Decision no.657 of 6 November 2009.

² Republic of Moldova, <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=370935&lang=1>

³ Interview Natalia Bejenar, State Chancellery, OGP Point of Contact, 2 April 2019.

⁴ Interview Natalia Bejenar, State Chancellery, OGP Point of Contact, 2 April 2019.

⁵ Interview Natalia Bejenar, State Chancellery, OGP Point of Contact, 2 April 2019.

⁶ Acting Contrary to Process - Country did not meet (1) “involve” during the development or “inform” during implementation of the NAP (2) government fails to collect, publish, and document a repository on the national OGP website/webpage in line with IRM guidance.

⁷ “IAP2’s Public Participation Spectrum,” IAP2, 2014.

https://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf

⁸ State Chancellery, https://cancelaria.gov.md/sites/default/files/ordinul_nr_305_din_13.04.2018.pdf

⁹ Ibid.

¹⁰ Adrian Ermurachi, Deputy Secretary General of the Government, Co-Chair of the PDM on Open Government; Natalia Bejenar, chief consultant within the Policy Coordination Department at Moldova State Chancellery, former Point of Contact to OGP; Cornelia Amihalachioae, M&E Coordinator and Social Innovation Focal Point with the Moldova E-Government Agency; Daniela Sorahmetov, chief consultant Public Administration Department of the State Chancellery of Moldova, responsible for modernization of governmental services.

¹¹ Stela Leuca, World Bank’s Digital Development Global Practice; Diana Enachi, Economist, Researcher with IDIS Viitorul Think Tank from Moldova; Stanislav Ghiletschi, Public Policy Expert, Institute for European Policies and Reforms; Veronica Cretu, President of the Open Government Institute, Co-Chair of the PDM Moldova, and Envoy to the OGP.

¹² Open Government Institute, Permanent Dialogue Mechanism on Open Gov, <http://opengov.si.md/about-us/permanent-dialogue-mechanism-on-open-gov/>

¹³ The Government was represented by the Deputy State Secretary, Adrian Ermurachi, and civil society by Open Government Institute NGO, Veronica Cretu.

¹⁴ Interview Natalia Bejenar, State Chancellery, Point of Contact to OGP, 2 April 2019.

¹⁵ Interview Diana Enachi, IDIS Viitorul Think Tank, 3 April 2019; Messenger interview with Veronica Cretu, Open Government Institute NGO and member of the Moldovan OGP Coordination Committee, 4 April 2019.

¹⁶ For a complete description of the Committee’s role, see Moldova’s fourth action plan (p 1-2) in English and in Romanian, <https://www.opengovpartnership.org/documents/moldova-action-plan-2018-2020/>

¹⁷ State Chancellery, <https://cancelaria.gov.md/ro/apc/guvernare-deschisa>

¹⁸ Interview with Veronica Cretu, Open Government Institute NGO and member of Coordination Committee, 4 April 2019.

¹⁹ Interview Diana Enachi, IDIS Viitorul Think Tank, 3 April 2019.

²⁰ Interview Natalia Bejenar, State Chancellery, OGP Point of Contact, 2 April 2019.

²¹ Interview Diana Enachi, IDIS Viitorul Think Tank, 3 April 2019.

²² Open Government Week, https://www.facebook.com/hashtag/opengovweek?source=feed_text

²³ State Chancellery, <https://cancelaria.gov.md/ro/content/la-chisinau-fost-marcata-saptamana-guvernarii-deschise>

²⁴ State Chancellery, https://cancelaria.gov.md/ro/content/la-chisinau-fost-marcata-saptamana-guvernarii-deschise_and

²⁵ State Chancellery, https://cancelaria.gov.md/sites/default/files/pv_1_ccgd_04.06.2018.pdf

²⁶ State Chancellery, https://cancelaria.gov.md/sites/default/files/pv_2_ccgd_27.07.2018.pdf

²⁷ State Chancellery, Co-creation process of the OGP action plan 2019-2020, <https://cancelaria.gov.md/ro/apc/procesul-de-co-creare-planului-de-actiuni-pentru-o-guvernare-deschisa-pentru-2019-2020>

²⁸ State Chancellery, Results of the open government action plan development survey,

https://cancelaria.gov.md/sites/default/files/rezultatele_chestionarului_privind_guvernarea_deschisa.pdf

²⁹ Ibid.

³⁰ Republic of Moldova, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=378313>

³¹ Republic of Moldova, Open government action plan draft 2019-2020, https://cancelaria.gov.md/sites/default/files/proiectul_hg_privind_pa_pentru_o_guvernare_deschisa_pentru_2019-2020_versiunea_initiala.pdf ;

³² Information on the website of the State Chancellery on the open government action plan draft 2019-2020, https://cancelaria.gov.md/sites/default/files/nota_informativa_la_proiectul_hg_privind_guvernarea_deschisa_pentru_2019-2020.pdf

³³ Open government action plan draft 2019-2020, published for consultations,

<http://particip.gov.md/proiectview.php?l=ro&idd=5718>

³⁴ Consolidated table of the proposals and objectives of the public authorities and civil society to the open government action plan draft 2019-2020,

https://cancelaria.gov.md/sites/default/files/sinteza_propunerilor_si_objectiilor_autoritatilor_publice_si_societatii_civile_privind_proiectul_planului_de_actiuni_pentru_o_guvernare_deschisa_pentru_anii_2019-2020.pdf

³⁵ OGP, Moldova Action Plan 2018-2020, <https://www.opengovpartnership.org/documents/moldova-action-plan-2018-2020/>

³⁶ Republic of Moldova, <https://cancelaria.gov.md/ro/apc/procesul-de-co-creare-planului-de-actiuni-pentru-o-guvernare-deschisa-pentru-2019-2020>

³⁷ E-Government Agency, <http://www.egov.md/ro/communication/news/autoritatile-si-societatea-civila-co-creaza-un-nou-plan-de-actiuni-pentru-o>

³⁸ Government Decision no. 1172 of 28.11.2018 on the approval of the open government Action Plan 2019-2020, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=378313>

³⁹ Interview Tatiana Sava, 1 April 2019, Researcher at Expert-Grup Independent Think Tank; Interview Iana Spinei, Transparency International, 4 April 2019.

⁴⁰ Interview Iana Spinei, Transparency International, 4 April 2019.

⁴¹ Order no. 305 of 13.04.2018 on the establishment of the MSF, the coordination committee,
https://cancelaria.gov.md/sites/default/files/ordinul_nr_305_din_13.04.2018.pdf

IV. Commitments

All OGP-participating governments develop OGP action plans that include concrete commitments over a two-year period. Governments begin their OGP action plans by sharing existing efforts related to open government, including specific strategies and ongoing programs.

Commitments should be appropriate to each country's/entity's unique circumstances and challenges. OGP commitments should also be relevant to OGP values laid out in the OGP Articles of Governance and Open Government Declaration signed by all OGP-participating countries.¹ The indicators and method used in the IRM research can be found in the IRM Procedures Manual.² A summary of key indicators the IRM assesses is below:

- **Verifiability:**
 - Not specific enough to verify: As written in the commitment, do the objectives stated and actions proposed lack sufficient clarity and specificity for their completion to be objectively verified through a subsequent assessment process?
 - Specific enough to verify: As written in the commitment, are the objectives stated and actions proposed sufficiently clear and specific to allow for their completion to be objectively verified through a subsequent assessment process?
- **Relevance:** This variable evaluates the commitment's relevance to OGP values. Based on a close reading of the commitment text as stated in the action plan, the guiding questions to determine the relevance are:
 - **Access to Information:** Will the government disclose more information or improve the quality of the information disclosed to the public?
 - **Civic Participation:** Will the government create or improve opportunities or capabilities for the public to inform or influence decisions or policies?
 - **Public Accountability:** Will the government create or improve public facing opportunities to hold officials answerable for their actions?
 - **Technology & Innovation for Transparency and Accountability:** Will technological innovation be used in conjunction with one of the other three OGP values to advance either transparency or accountability?
- **Potential impact:** This variable assesses the *potential impact* of the commitment, if completed as written. The IRM researcher uses the text from the action plan to:
 - Identify the social, economic, political, or environmental problem;
 - Establish the status quo at the outset of the action plan; and
 - Assess the degree to which the commitment, if implemented, would impact performance and tackle the problem.
- **Completion:** This variable assesses the commitment's implementation and progress. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.
- **Did It Open Government?:** This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice, in areas relevant to OGP values, has changed as a result of the commitment's implementation. This variable is assessed at the end of the action plan cycle, in the *IRM Implementation Report*.

What makes a potentially starred commitment?

A potentially starred commitment has more potential to be ambitious and to be implemented. A good commitment is one that clearly describes the:

1. **Problem:** What is the economic, social, political, or environmental problem? Rather than describing an administrative issue or tool (e.g., ‘Misallocation of welfare funds’ is more helpful than ‘lacking a website.’).
2. **Status quo:** What is the status quo of the policy issue at the beginning of an action plan (e.g., “26 percent of judicial corruption complaints are not processed currently.”)?
3. **Change:** Rather than stating intermediary outputs, what is the targeted behavior change that is expected from the commitment’s implementation (e.g., “Doubling response rates to information requests” is a stronger goal than “publishing a protocol for response.”)?

Starred commitments

One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries/entities. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Potential star: the commitment’s design should be **verifiable**, **relevant** to OGP values, and have **transformative** potential impact.
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of **Substantial** or **Complete** implementation.

This variable is assessed at the end of the action plan cycle, in the *IRM Implementation report*.

General Overview of the Commitments

Moldova’s fourth action plan has six main commitments. The major themes in the action plan are access to information and promotion of open data use by citizens, strengthening the mechanisms of collaboration with civil society and developing citizen-centered public services. A new commitment in this fourth action plan developed by the government envisions improving the involvement of Moldova’s diaspora in decision-making processes. All the commitments are linked to actions from other national strategies, and policy documents.

¹ “Open Government Partnership: Articles of Governance,” OGP, 17 June 2019, https://www.opengovpartnership.org/wp-content/uploads/2019/06/OGP_Articles-of-Governance_2019.pdf

² “IRM Procedures Manual,” OGP, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

I. Access to information and use of open data

Language of the commitment as it appears in the action plan: Ensuring access to information and promoting the use of open data by citizens¹

The commitment will address the issues related to publication of information and open data in a timely manner and publication of information about government progress across sectors. Additionally, some authorities will work on improving ways of presenting the information to the public in an interactive manner.

Milestones

- I.1 Assessing citizens' needs when it comes to open government data
- I.2 Publishing open data on governmental portal www.date.gov.md, following the open data standards
- I.3 Conducting communication sessions and capability building events for open data user community on data ranging from public procurement, health, transport, social system, environment, other sectors, followed by the development of web based applications
- I.4 Performing activities in order to ensure access to information on citizens' social rights, especially for marginalized/vulnerable groups
- I.5 Updating citizens on fulfilled commitments under the Association Agreement Republic of Moldova - European Union
- I.6 Enhancing the transparency of the state-owned economic entities by publishing information on the results of the annual financial monitoring of the economic and financial activity of the state owned entities
- I.7 Developing the Management Information System in Education by creating the possibility of interactive data visualization and completing it with data from preschool and primary schools along with data from VET sector
- I.8 Developing the interface/official page of the Agency for Interventions and Payments in Agriculture in order to ensure interactive and easy access to data on grants applicants
- I.9 Establishing an information desk for detainees in order to facilitate access to information in their personal files
- I.10 Developing the Information System for data exchange in the field of protection of intellectual property rights (e-IPR system)

Start Date: 2019

End Date: 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding

Context and Objectives

This commitment includes 10 milestones that aim to improve government practice in providing access to information and promoting the use of open data by citizens. Although access to information in Moldova is regulated by law², compliance with the law is weak since there is no single body responsible for its enforcement.³ According to the law,⁴ access to information can be restricted when requests involve confidential business information, state secrets, and personal data. Journalists and civil society note⁵ that responses to information requests are often delayed or rejected under the Personal Data Protection Act of 2011⁶ due to highly extensive interpretations of the exceptions provided under the Act.

Moldova has a strong legal framework and infrastructure regarding open data. The country launched an open data portal (data.gov.md) in 2011, where data produced by the government is uploaded (observing the legal limitations).⁷ Under commitments 3a and 3b from the third action plan (2016-2018), Moldova saw improvements in the publication of government-held data, particularly in the education sector.

Milestones 1.1 and 1.2 include assessing citizens' specific open data needs and opening data on date.gov.md (observing open data standards), respectively. While these milestones are verifiable, they do not clarify how the needs assessment will be conducted or which data will be published in open data, considering the large amount of data that could potentially be uploaded to date.gov.md.

Furthermore, the government will conduct capacity-building events (1.3) and ensure access to information on citizens' social rights, especially for marginalized/vulnerable groups (1.4). The Ministry of Health, Labor and Social Protection clarified that this is a routine activity organized by various departments of the Ministry and that "marginalized/vulnerable groups" include several categories of beneficiaries.⁸ Updating citizens on the implementation of the EU-Moldova Association Agreement (1.5) also represents a routine activity, as progress reports on its implementation are published quarterly and annually on the webpage of the Ministry of Foreign Affairs and European Integration (MFAEI).⁹ The website <http://dcfta.md/> is also used to inform the general public (especially the business community) about the advantages and benefits offered by the EU-Moldova Deep and Comprehensive Free Trade Area (DCFTA), a part of the Association Agreement. This milestone represents a continuation of milestone 3.7 in Moldova's third action plan (2016-2018), during which the MFAEI published a report in May 2018 with updates from 2017.¹⁰ Publishing information on the results of the annual financial monitoring of the economic and financial activities of state-owned entities (1.6) also represents a routine annual activity, according to the Public Property Agency.¹¹

Milestone 1.7 on continuing to develop the Education Management Information System (EMIS)¹² to include data from the vocational education and training (VET) sector can be verified. However, there are concerns among stakeholders regarding the quality and accuracy of data in the current modules of the system, which extend to the future VET module as well.¹³ According to an interviewed expert, data is often corrupted, the quality of training of education institutions who enter the data is low, and there is a lack of capacity at the Ministry of Education, Research and Culture to work on this system.¹⁴ It could contribute to improving access to this information, but the inclusion of qualitative indicators would have helped to determine its potential impact.

Milestone 1.8 focuses on developing the interface/official page of the Agency for Interventions and Payments in Agriculture (AIPA) in order to ensure easy access to data on grants applicants. According to the Head of the IT Department, M. Podubnyi,¹⁵ this activity refers to the development of an interactive map on the AIPA webpage which will allow access to the list of grant beneficiaries per district (rayon). Though this activity could make access to information easier, it will not lead to

more information being published, as the information on grants beneficiaries is already available on the AIPA's website.

The final two milestones cover the development of e-systems in their respective fields. The establishment of an information desk for detainees to facilitate access to information from their personal files (I.9) is a component of the e-folder system which was tested in 2019. This activity could allow detainees to access information without having to go through lawyers and bureaucratic steps to access the information.¹⁶ Milestone I.10 focuses on developing an information system for data exchange in the protection of intellectual property rights (the e-IPR system). The e-IPR system will be placed on the government's common technology platform MCloud¹⁷ and will integrate data from different stakeholders (police force, customs, prosecutor's office, etc.) on a single platform. Though this data is currently available, it is spread across different databases managed by different stakeholders. The new system could improve the observation of intellectual property rights in Moldova, a commitment taken by Moldova under the EU Association Agreement Action Plan 2017-2019.¹⁸

The activities under this commitment could improve access to information in the different areas addressed by the milestone. However, many activities represent continuations of existing government policies and would not necessarily lead to the disclosure of more information compared to before the start of the action plan. Therefore, the overall potential impact for this commitment is considered minor.

Next steps

The IRM recommends that future action plans clearly separate activities on access to information from those on open data into separate commitments. This could help ensure better cohesion between the milestones and thus better implementation. At the same time, when milestones are taken from other government strategies or policy documents, they could be disaggregated into smaller activities that are more relevant for the action plan.

Based on the IRM findings for previous Moldovan action plans and other research in the field,¹⁹ steps could be taken to ensure that all government agencies observe the implementation of the Law on Access to Information. Preferably, a consideration could be given to establish an oversight body to monitor how this legislation is enforced. Furthermore, the IRM researcher recommends conducting an assessment of the current situation to determine legal and practical gaps in access to information. If any gaps are determined, the next action plan could include a commitment to address them.

On open data, the IRM recommends adopting the Open Data Charter²⁰ to ensure public information can be accessed and re-used by the general public, experts, journalists and businesses. The government could consider conducting a technical assessment to ensure filters and information displays are functioning properly on data.gov.md. Additionally, the IRM recommends tasking one entity to coordinate the open data strategy among all government agencies and ministries. Each institution is currently responsible for publishing their own datasets, but the list of datasets to be opened is not always available or clear. Lastly, the IRM recommends the government conduct an open data user needs assessment in order to decide upon a standardized, user-friendly format for publishing data.

¹ OGP, Moldova Action Plan 2018-2020, <https://www.opengovpartnership.org/documents/moldova-action-plan-2018-2020>

² Law on Access to Information No. 982 of 11.05.2000 with amendments, <http://lex.justice.md/md/311759/>

³ Freedom House, Moldova Stakeholder Universal Periodic Review, <https://freedomhouse.org/article/moldova-stakeholder-submission-universal-periodic-review>

⁴ Law on Access to Information No. 982 of 11.05.2000 with amendments, <http://lex.justice.md/md/311759/>

⁵ IRM, Moldova Mid-Term Report 2016-2018, https://www.opengovpartnership.org/wp-content/uploads/2018/11/Moldova_Mid-Term_IRM-Report_2016-2018_EN.pdf

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- ⁶ Law on the Personal Data Protection of 08.07.2011, <http://www.asp.gov.md/ro/node/1305>
- ⁷ Central Governmental Platform of Open Data, <https://date.gov.md/home/about>
- ⁸ Telephone interview with the Department of Policy Analysis, Monitoring and Assessment, 5 April 2019.
- ⁹ Telephone discussion with the Department of European Integration, Ministry of Foreign Affairs and European Integration, 5 April 2019; Website of the Ministry of Foreign Affairs and European Integration, section on Association Agreement Reports, <https://www.mfa.gov.md/ro/content/rapoarte-aa>
- ¹⁰ IRM, Republic of Moldova, End-of-Term Report 2016-2018, p 29, https://www.opengovpartnership.org/wp-content/uploads/2019/10/Moldova_End-of-Term_Report_2016-2018_EN.pdf
- ¹¹ Interview with Vrabie Natalia, Department of Public Property Administration, Agency of Public Property, March 2019.
- ¹² More information about the EMIS system can be found in the Mid-Term and End-of-Term IRM Reports 2016-2018: https://www.opengovpartnership.org/wp-content/uploads/2019/10/Moldova_End-of-Term_Report_2016-2018_EN.pdf and https://www.opengovpartnership.org/wp-content/uploads/2018/11/Moldova_Mid-Term_IRM-Report_2016-2018_EN.pdf
- ¹³ Interview Tatiana Sava, 1 April 2019, Researcher at Expert-Grup Independent Think Tank, and Project Coordinator of the “My School” Analysis Project implemented by Expert-Grup with the support of the Global Partnership for Social Accountability of the World Bank (<http://scoalamea.md/>)
- ¹⁴ Ibid.
- ¹⁵ Telephone interview with M.Podubnyi, the head of the Information Department, AIPA, 4 April 2019.
- ¹⁶ Interview with Ion Guzun, Legal Resources Center, 5 April 2019.
- ¹⁷ E-Government Agency, <http://egov.md/en/projects/m-cloud>
- ¹⁸ Telephone interview with the State Agency for Intellectual Property, 5 April 2019.
- ¹⁹ Freedom House Report on Access to Information and Media Independence in Moldova, <https://www.rcmediafreedom.eu/Publications/Reports/Moldova-Access-to-Information-and-Media-Independence> ; Handbook on Transparency and Citizen Participation: Moldova, Council of Europe, <https://rm.coe.int/moldova-handbook-on-transparency-and-citizen-participation-en/16807893c1>
- ²⁰ Open Data Charter, <https://opendatacharter.net/>

2. Budgetary and public procurement transparency

Language of the commitment as it appears in the action plan: Increase budgetary transparency and of public procurement¹

Milestones

2.1 Drafting and publishing on the official website of the Ministry of Finance the budget for citizens after the adoption of Budget Law by the Parliament and the budget execution report for citizens

2.2 Updating the BOOST Public Expenditure Database to facilitate access to budget execution information

2.3 Publishing information on budget planning and execution, public procurement and sectorial spending strategies on public authorities' websites

2.4 Ensuring publication of the Reports on public procurement contracts monitoring

Start Date: 2019

End Date: 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Overall		✓	✓				✓				Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Budget and public procurement transparency are major topics in Moldovan society and were included in Moldova's third action plan (2016-2018).² Overall, budgetary transparency in Moldova has improved since 2011.³ The Ministry of Finance's website has been substantially modernized in recent years, and budgetary data is published on the open data portal date.gov.md. However, open data standards are not always observed (information is still presented as pdfs) and the data on budget execution is not commonly categorized by program, but according to the economic and functional classification, starting with 2019.⁴ Also, budgetary information on the websites of other ministries and governmental agencies is often difficult to follow, as these websites do not always have clear structures,⁵ even though the structure of governmental webpages is regulated by a Government Decision.⁶

In recent years, Moldova has employed visual aids, interactive approaches, and more citizen-friendly structures. In 2019, the Ministry of Finance launched a budget transparency portal (buget.mf.gov.md), which provides a clear visualization of budget execution data.⁷ The Ministry of Finance has also published a Citizens' Budget annually since 2015. It provides a simplified version of the Public Budget, which is published after the Budget Bill is passed each year. There is no legal provision requiring the publication of this document and the Ministry of Finance outsources this task, so the plan is to institutionalize its publication in-house.⁸

With this in mind, milestone 2.1 of the current commitment, which calls for publishing the Citizens' Budget, represents a continuation of an existing government practice. According to the Ministry of Finance, there are no changes or updates foreseen to the Citizens' Budget format during the fourth action plan period,⁹ which was last improved in 2017.¹⁰

The Ministry of Finance launched the BOOST Public Expenditure Database (2.2)¹¹ in 2010 in order to increase transparency and efficiency on public expenditure.¹² The World Bank and the Center of Information Technologies in Finance (CITF) have previously updated the database. While the Ministry of Finance intends to institutionalize this in the future, there is no clear timeline at the moment.¹³ The BOOST database should be updated annually, but there are delays which can restrict the data's relevance (the most recent update made in 2019 was for the 2017-2018 period).¹⁴ While this commitment calls for updating the BOOST database, it does not provide additional details that would help determine the potential changes.

Milestone 2.3 also continues a government policy from the third action plan, as all public authorities are required to publish on their websites information on budget planning and execution, public procurement, and sectorial spending strategies. Similar to the milestone in the previous action plan, the current milestone is vaguely formulated, and makes the potential impact difficult to assess.¹⁵

Milestone 2.4 focuses on publishing monitoring reports on public procurement contracts. In 2018, there were many changes regarding the public procurement process in Moldova and the role of the Public Procurement Agency was modified.¹⁶ According to the amended Public Procurement Law,¹⁷ the Public Procurement Agency is tasked with monitoring contracts. Monitoring implies the random selection of any public procurement and its monitoring throughout the process.¹⁸ A public procurement expert stated that the agency can only determine the status quo through these reports and does not have powers to enforce sanctions or corrective measures. Also, the reports are not regularly published.¹⁹ From the formulation in the action plan, it can be deduced that these are the monitoring reports in question.

Overall, this commitment does not foresee any discernable changes in government practices in terms of transparency of public expenditure and budgeting, or public procurement contract monitoring. While it continues the implementation of good practices from previous years, as well as some routine activities, the potential impact is marked as none.

Next steps

The IRM recommends including more ambitious commitments in the area of public procurement policy in the next action plan. Specifically, the IRM recommends continuing to improve the quality of open data on MTender and align the data with international best standards. This includes the publication of critical procurement documents, such as procurement plans, notices of intended procurements, and decisions of tender commissions.²⁰ The IRM also echoes recent recommendations from the Open Contracting Partnership to embed monitoring tools for public procurement, possibly by adding feedback mechanisms to act on complaints and reports of anomalies on MTender.²¹ Ukraine's DoZorro public feedback mechanism for reporting procurement violations could serve as an example for Moldova's MTender.

Since some of the activities on budget transparency in this commitment are outsourced, capacity building for relevant government stakeholders²² on how to use, update, and implement the instruments (BOOST, Citizens' Budget) could further improve transparency and timely presentation of budgeting. Also, the government could consider promoting participatory budgeting at central and local levels and facilitating public and expert deliberations on the budget development process.

¹ OGP, Moldova Action Plan 2018-2020, <https://www.opengovpartnership.org/documents/moldova-action-plan-2018-2020>

² OGP, Moldova Action Plan, <https://www.opengovpartnership.org/?s=Moldova+Action+PLan>

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- ³ Interview Tatiana Sava, Researcher at Expert-Grup Independent Think Tank, 1 April 2019.
- ⁴ IRM, Moldova Mid-Term Report 2016-2018, https://www.opengovpartnership.org/wp-content/uploads/2018/11/Moldova_Mid-Term_IRM-Report_2016-2018_EN.pdf
- ⁵ IRM, Republic of Moldova, End-of-Term Report 2016-2018, https://www.opengovpartnership.org/wp-content/uploads/2019/10/Moldova_End-of-Term_Report_2016-2018_EN.pdf
- ⁶ Government Decision no. 188 of 03.04.2012 on the official webpages of the public administration authorities, <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=342699&lang=1>
- ⁷ Moldovan Ministry of Finance launches budget transparency portal, <http://www.infotag.md/economics-en/277976/>
- ⁸ Telephone interview with Scleriu Natalia, Ministry of Finance, 29 March 2019.
- ⁹ Ibid.
- ¹⁰ Interview Tatiana Sava, Researcher at Expert-Grup Independent Think Tank, 1 April 2019.
- ¹¹ Ministry of Finance, BOOST instrument, <http://mf.gov.md/ro/content/ce-reprezint%C4%83-baza-de-date-cheltuielilor-publice-boost>
- ¹² Ministry of Finance, BOOST instrument, <https://mf.gov.md/ro/categoria-documentului/boost>
- ¹³ Telephone interview with Scleriu Natalia, Ministry of Finance, 29 March 2019.
- ¹⁴ Interview Tatiana Sava, Researcher at Expert-Grup Independent Think Tank, 1 April 2019.
- ¹⁵ IRM, Republic of Moldova, End-of-Term Report 2016-2018, https://www.opengovpartnership.org/wp-content/uploads/2019/10/Moldova_End-of-Term_Report_2016-2018_EN.pdf
- ¹⁶ Ibid.
- ¹⁷ Law no. 131 of 03.07.2015 on public procurement, http://www.legis.md/cautare/getResults?doc_id=113104&lang=ro
- ¹⁸ Interview Diana Enachi, IDIS Viitorul Think Tank, 3 April 2019.
- ¹⁹ Interview Diana Enachi, IDIS Viitorul Think Tank, 3 April 2019.
- ²⁰ Additional information could include complaints, amendments to the procurement contracts, reports on each stage of contract execution with performance indicators, and payments and data on the performance of the contract as per the final execution.
- ²¹ Open Contracting Partnership, Opening up Moldova's contracts. Progress and challenges, <https://www.open-contracting.org/2019/12/11/opening-up-moldovas-contracts-progress-and-challenges/>
- ²² Interview Tatiana Sava, Researcher at Expert-Grup Independent Think Tank, 1 April 2019.

3. Strengthen collaboration with civil society

Language of the commitment as it appears in the action plan: Strengthen the platforms and mechanisms of collaboration with civil society¹

Milestones

3.1 Developing mechanisms for e-participation in decision-making processes

3.2 Ensuring online publication of the results of public consultations

3.3 Monitoring the process of publishing of administrative documents by the local public administration authorities in the State Register of Local Documents

Start Date: 2019

End Date: 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. Overall		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

Moldova has made efforts to ensure that decision-making processes are participatory, though steps remain to strengthen collaboration with civil society.² Article 3 of the Law on the transparency of the decision-making process³ requires all public authorities to organize public consultations with civil society and citizens. Nonetheless, the current action plan states that the decision-making mechanism does not secure the active participation of citizens in the process.⁴ According to the law on the official webpages of the ministries, each ministry should have a section on their webpages where bills are published for public consultations.⁵ In 2012, a central platform (particip.gov.md) for public consultations on bills was created. However, it is poorly promoted, and citizens are mostly unaware of the bills published on it or the timelines for consultations.⁶

This commitment aims to address these issues by strengthening collaboration platforms for civil society. Specifically, it proposes to develop mechanisms for e-participation in decision-making processes (3.1). Since a mechanism for e-participation already exists (particip.gov.md), further clarifications were needed. The former point of contact to OGP at the State Chancellery confirmed that this activity does not envisage the development of a new mechanism, but rather plans to modernize the particip.gov.md platform, a statement that was supported also by the E-Governance Agency.⁷ Since the platform already exists and there is no additional information in the action plan on what the modernizations will include, it is difficult to assess its potential impact.

It is also unclear how the State Chancellery will ensure the online publication of public consultations results in all ministries (3.2). The rules of procedure of the government⁸ obligate ministries to post on their websites the outcomes of consultations, the tables of divergences, and objections.⁹ When civil society submit proposals, ministries must post online what was and was not accepted. The State

Chancellery is then responsible for monitoring the process and ensuring that this rule is observed.¹⁰ The way it will ensure it, however, is not yet clear.

Milestone 3.3 calls for monitoring the publishing of administrative documents by local public administration authorities in the state register of local documents. In October 2018, Law no. 161¹¹ entered into force, requiring local public administration authorities to publish administrative documents in the state register of local documents.¹² The State Chancellery monitors this process.

Interviewed civil society stakeholders welcomed the inclusion of this commitment in the action plan¹³ since, in the past, the government often did not publish the outcomes of consultations. But civil society remains concerned about the quality of consultations and the representativeness of the civil society members who are consulted.¹⁴ If implemented as written, this commitment could help ensure that more local public authorities publish all local documents in the registry. The commitment could also provide more information on which solutions/proposals were collected during consultations, which could in turn help civil society to check how inputs were included in the policy-making process. However, the proposed activities lack clear indicators on what steps will be taken to achieve these goals. The potential impact is therefore assessed as minor. While this commitment could strengthen existing practices foreseen by the law, it is unlikely to significantly change the status quo in terms of civil society collaboration.

Next steps

In the next action plan, the IRM recommends including commitments that aim to protect civic space in Moldova, considering persistent issues faced by civil society and journalists. For example, the government could consider collecting and publishing data on documented cases of harassment and interference against civil society and journalists and ensuring adequate legal protection and counsel for CSOs and journalists who report wrongdoings or corruption. The government and civil society could also consider carrying out capacity building for protecting civic space and freedom of expression, particularly for state authorities responsible for protecting these rights.

Furthermore, the government needs to consider improving the representativeness of civil society during consultations,¹⁵ broadening the circle of civil society representatives participating in consultations specific to each policy area. The government could also focus on ensuring follow-up communication to civil society on which proposals were taken further in the policy documents/bills, rather than providing binary (yes/no) replies on what was accepted and what was not. If the current commitment is carried forward, the government should ensure milestones clearly articulate which mechanisms of e-participation are to be improved.

¹ OGP, Moldova Action Plan 2018-2020, <https://www.opengovpartnership.org/documents/moldova-action-plan-2018-2020>

² Council of Europe (2017), Handbook on transparency and citizen participation, <https://rm.coe.int/handbook-moldova-ron/1680788ff5>

³ Republic of Moldova, Law no. 239 of 13.11.2008 on the Decision-Making Process, <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=336188&lang=1>

⁴ OGP, Moldova Action Plan, <https://www.opengovpartnership.org/?s=Moldova+Action+Plan>

⁵ Government Decision no. 188 of 03.04.2012 on the official webpages of the public administration authorities, <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=342699&lang=1>

⁶ IRM, End-of-Term Report 2016-2018, https://www.opengovpartnership.org/wp-content/uploads/2019/10/Moldova_End-of-Term_Report_2016-2018_EN.pdf

⁷ Interview Natalia Bejenar, State Chancellery, former OGP Point of Contact, 2 April 2019; Interview Cornelia Amihalachioae, E-Governance Agency, 10 April 2019.

⁸ Rules of Procedure of the Government, http://www.legis.md/cautare/getResults?doc_id=119333&lang=ru

⁹ Interview Natalia Bejenar, State Chancellery, OGP Point of Contact, 2 April 2019.

¹⁰ Ibid.

¹¹ Law no. 161 of 07.07.2016 on the amendment of some legislative documents, http://www.legis.md/cautare/getResults?doc_id=95791&lang=ro

¹² State Register of Local Documents, <http://actelocale.gov.md/>

¹³ Interview Tatiana Sava, Researcher at Expert-Grup Independent Think Tank, 1 April 2019.

¹⁴ Interview Tatiana Sava, Researcher at Expert-Grup Independent Think Tank, 1 April 2019; Interview Iana Spinei, Transparency International, 4 April 2019.

¹⁵ Ibid.

4. Involvement of diaspora in decision making

Language of the commitment as it appears in the action plan:¹ Involvement of diaspora in decision-making process

Milestones

4.1 Implementing the Program "Diaspora Excellence Groups"

4.2 Implementing the "A Government closer to you" program, with citizens established abroad

Start Date: 2019

End Date: 2020

Commitment overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Overall		✓	✓	✓				✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

High levels of migration have had a significant social and economic impact on Moldova since the country's independence in 1991. Remittances represented over 15 percent of Moldova's GDP in 2018, ranking it among the top 10 countries with the highest percentage of remittances as a percentage of GDP.²³ In 2012, the government created the Bureau for Diaspora Relations (within the State Chancellery) to maintain its relationships with the diaspora and oversee its programs and policies.⁴ Notably, the National Diaspora Strategy 2025⁵ was developed in the context of Moldova's EU Association Agreement and aims to strengthen ties between central and local authorities to the diaspora, and to promote several programs in this area.⁶

This commitment aims to improve communication with the diaspora representatives and involve skilled human resources from the diaspora in public policy development processes. Specifically, the government proposes the implementation of two programs called "Diaspora Excellence Groups (DEG)" and "A Government closer to you". The DEG program was launched in 2017, as a sub-program of a larger program called Diaspora Engagement Hub implemented by the Bureau for Diaspora Relations with the International Organization for Migration (IOM).⁷⁸

The second program is an activity foreseen in the Diaspora 2025 Strategy, launched by the Bureau for Diaspora Relations in 2016. The goal of the program is for the Bureau and other government ministries to conduct information sessions in the diaspora to inform them of new diaspora services, projects, and programs, and to establish communication channels.⁹ Though visits (program activities) were organized within this program, its usefulness was not clear to diaspora members. Moreover, according to interviewed diaspora representatives, the actions taken by the government to include the diaspora in policy making were mostly declarative, and though there is a strong desire among the diaspora to provide support, this was not used to its full capacity.¹⁰

According to the Bureau for Diaspora Relations, the implementation of these two programs will continue pending financing, which is why there are no specific activities for the action plan period. Also, only quantitative indicators are identified, which do not reflect the outcomes, rather only the activities.

Overall, if implemented as written, this commitment will likely have a minor impact on government practice in the involvement of the diaspora in decision making. It is unclear how the results of diaspora collaboration will be integrated into Moldova's policy processes, or the specific role diaspora members play in the "excellence groups." Moreover, since there are no concrete plans to organize activities within these two programs during the action plan period,¹¹ it is difficult to assess the potential impact beyond minor.

Next steps

Migration and brain drain represent major challenges for the future of Moldova, so it is important to involve the diaspora in decision-making processes in the country. The government could consider including a relevant commitment in future OGP action plans but develop more focused activities. For example, interviewed diaspora members recommend that the government reach out to them when specific input is needed for a given policy initiative/document/process, rather than through a general call.

¹ OGP, Moldova Action Plan 2018-2020, <https://www.opengovpartnership.org/documents/moldova-action-plan-2018-2020>

² The World Bank, Migration and Remittances, <https://www.worldbank.org/en/topic/labormarkets/brief/migration-and-remittances>

³ The Global Economy, country rankings of remittances, https://www.theglobaleconomy.com/rankings/remittances_percent_GDP/

⁴ The Bureau of Diaspora Relations, <http://brd.gov.md/ro/content/istorie-misiune-viziune-obiective>

⁵ The Bureau of Diaspora Relations, https://brd.gov.md/sites/default/files/sn_diaspora_2025_web.pdf

⁶ News about the national strategy Diaspora 2025 on the monitorul.fisc.md online portal, https://monitorul.fisc.md/editorial/executivul_a_aprobat_strategia_nationala_diaspora-2025.html

⁷ As part of the "Strengthening of the development capacities of the Republic of Moldova by creating partnerships between the diaspora and the country of origin".

⁸ Information provided by the Bureau for Diaspora Relations, email to IRM researcher, March 2019.

⁹ See: <https://brd.gov.md/ro/content/premiera-guvernul-mai-aproape-de-tine-un-nou-program-lansat-de-biroul-pentru-relatii-cu>; Information provided by the Bureau for Diaspora Relations, email to IRM researcher, March 2019.

¹⁰ Skype interview with a former ambassador, currently working for academia, member of the Moldovan diaspora from the Baltic States (anonymous), 11 April 2019; Skype interview with an expert in public budgeting, member of the Moldovan diaspora from Canada, 10 April 2019.

¹¹ Telephone discussion with the Bureau of Diaspora Relations, State Chancellery, April 2019.

5. Accountability of public authorities

Language of the commitment as it appears in the action plan: Commitment refers to strengthening the accountability of public authorities.¹

Milestones

5.1 Strengthening the capacities of public servants within the central and local public authorities in the field of transparency, access to information, promotion of ethical behavior and integrity of civil servants, etc.

5.2 Ensuring the implementation and monitoring of recommendations of the audit reports of the Court of Accounts

5.3 Adjustment of the system for assessing the individual and institutional performance of authorities responsible for public service delivery in terms of quality in the context of providing beneficiary-centered public services

Start Date: 2019

End Date: 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
5. Overall		✓	Unclear					✓			Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

The lack of government accountability in Moldova has led to a decrease in public trust in the government and an increased risk of corruption. According to the 2016 Global Corruption Barometer, more than half of Moldovan citizens rated the government poorly in fighting corruption, and around two-thirds consider corruption as one of the major issues in the country.² This commitment aims to strengthen the accountability of public authorities by building capacities of public servants in areas related to open government and transparency. It also plans to ensure the implementation of the Court of Accounts' recommendations and adjust the individual and institutional performance assessment system of public authorities.

In Moldova, the professional development of public servants is regulated by law,³ and the government has approved a professional development plan 2016-2020 for public servants.⁴ The IRM Progress Report for the third action plan (2016-2018) noted that the understanding of open government and transparency among public servants in Moldova was insufficient. Therefore, a focus on strengthening capacities in these areas could lead to a better understanding of the concepts and their use, and potentially strengthen accountability of public institutions. The Academy of Public Administration,⁵ introduced in the curriculum topics and courses to address these issues, and other institutions are expected to be involved in the process.⁶ As written in the action plan, however, this activity is too broad to determine its potential impact. Moreover, the action plan does not include

statistics on the number of public servants that will be trained. A needs assessment for training was also not available. Additionally, as of April 2019, there are no consolidated lists of courses or activities in this regard.⁷

Milestone 5.2 deals with the Court of Accounts' annual audits. The Court of Accounts conducts annual audits of public authorities and provides recommendations on how to best use the public funds.⁸ The State Chancellery previously monitored the implementation of these recommendations. According to the former OGP point of contact at the State Chancellery, in the context of the action plan, the ministries will now report to the State Chancellery on their progress, and the Chancellery will follow up with those who did not implement the recommendations.⁹ Thus, the Chancellery plans to institutionalize an internal monitoring system for the implementation of the recommendations provided by the Court of Accounts. It expects that public authorities will become more accountable in terms of how public money is spent by the respective ministries and for which activities.

The government also plans to adjust the system for assessing the individual and institutional performance of authorities responsible for public service delivery (5.3). This performance assessment was introduced in Moldova in 2010.¹⁰ Through this milestone, the government will introduce a more transparent framework for performance assessment. This activity is part of a project of the Government of Moldova, financed by the World Bank and implemented by the E-Governance Agency.¹¹

In the long term, targeted trainings of public servants, as well as the new individual and institutional assessments on public service delivery, could improve citizens' experiences with the public sector. Also, the monitoring and supervision conducted by the State Chancellery on the implementation of the Court of Accounts' recommendations by public authorities could lead to more efficient use of public funds and more visibility of how the public sector functions. However, as written, the relevance of this commitment to OGP values is unclear. The milestones represent internal government activities (namely civil servant training, implementation of recommendations, and adjustment of systems). Furthermore, given the lack of details, the potential impact cannot be assessed as higher than minor.

Next steps

The IRM recommends dividing this commitment into more manageable parts, as the current milestones cover a wide area. Furthermore, better cohesion between the milestones could be achieved, even if activities from other strategies or programs are integrated in the action plan.

For successful implementation of this commitment, the government could ensure that a clear plan is created for the professional development curriculum, and that an assessment of the training needs of public servants is conducted in order for the resources to be efficiently directed. Also, the government could develop a follow-up mechanism to ensure that all Court of Accounts' recommendations are correctly understood and implemented.

¹ OGP, Moldova Action Plan 2018-2020, <https://www.opengovpartnership.org/documents/moldova-action-plan-2018-2020>

² Transparency International (2016), People and Corruption: Europe and Central Asia, Global Corruption Barometer, http://transparency.ee/cm/files/lisad/gcb_eca_report_web.pdf

³ Government Decision no. 201 of 11.03 2009 on the enforcement of Law no 158-XVI of 4 July 2008 on the public service and the status of the public servant, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=331023>

⁴ Government Decision no.970 of 11 August 2016 on the approval of the training program for public servants 2016-2020, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=366277>

⁵ Public Administration Academy of the Government of the Republic of Moldova, <http://www.aap.gov.md/>

⁶ Interview Natalia Bejenar, State Chancellery, OGP Point of Contact, 2 April 2019.

⁷ Ibid.

⁸ The Court of Accounts of the Republic of Moldova, national legal framework, <http://www.ccrm.md/cadrul-legal-1-32>

⁹ Interview with Natalia Bejenar, State Chancellery, former OGP Point of Contact, 2 April 2019.

¹⁰ Methodological Guide of the Public Servant Assessment, State Chancellery, 2010,

<http://rapc.gov.md/file/Ghid%20EPPFP%20final.PDF>

¹¹ Modernization of government services project, <http://www.egov.md/en/file/4484/download?token=MxH7-NMi>; E-Government Agency, News on the modernization of government services project,

<http://www.egov.md/en/communication/news/modernization-government-services-improved-accessibility-efficiency-and-quality>

6. Citizen-centered public services

Language of the commitment as it appears in the action plan: Developing citizen-centered public services by optimizing and streamlining public service delivery processes¹

6.1 Organizing communication and training activities for citizens and business environment on the use of electronic public services

6.2 Modernization of 3 public services (issuing the driver's license, granting unemployment benefits, disability determination process and work capacity)

6.3 Piloting and institutionalizing unified centers for providing governmental administrative services (CUPS)

6.4 Developing the national network of multifunctional centers for delivery of public services

6.5 Modernizing the call center of the Public Services Agency

6.6 Extending the network of paralegals in rural and urban localities for the provision of primary legal assistance and access to justice

6.7 Creating an electronic system for recording interviews between the probation counselor and subject of probation in order to ensure the transparency and prevention of corruption acts

Start Date: 2019

End Date: 2020

Commitment Overview	Verifiability		OGP Value Relevance (as written)				Potential Impact				Completion				Did It Open Government?				
	Not specific enough to be verifiable	Specific enough to be verifiable	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
6. Overall		✓	✓		✓				✓		Assessed at the end of action plan cycle.				Assessed at the end of action plan cycle.				

Context and Objectives

In 2015, Moldova launched an assessment of its public administration, based on the public administration principles developed by SIGMA² for the EU's European Neighborhood Partnership countries.³ The results were used to develop a 2016-2020⁴ strategy and action plan for the public services modernization reform 2017-2021.⁵

The first three milestones of this commitment are taken from a major E-Governance Agency project to modernize public services delivery, financed by the World Bank.⁶ The organization of the communication and knowledge-sharing activities for citizens and businesses on the use of electronic public services will be covered by all public authorities delivering such services⁷ (6.1). While there is currently a project-level communication strategy in place, each public authority involved in the project is responsible for its own communication of e-services, and there is no supervisory authority tasked with monitoring the activities of all authorities.⁸ Furthermore, three public services (issuing drivers licenses, granting unemployment benefits, and disability determination process and work

capacity) will be digitized in the first year of the project (6.2). The project also involves piloting and institutionalizing Unified Centers for Public Service Delivery (CUPS) (6.3). If implemented, they could provide clearer and more easily accessible services to citizens.

As part of the public administration reform strategy, the government has created the Public Services Agency.⁹ The Agency plans to build a network of multifunctional public service centers throughout the country and update its call center service to provide more targeted information to the public (6.4 and 6.5).

Extending the network of paralegals (6.6) is an important activity that could provide legal information to different social groups who would not otherwise have access to such services.¹⁰ Created in 2010 with help from the Soros Foundation Moldova, the paralegal network is currently managed by the National Legal Aid Council (NLAC).¹¹ In 2018, the paralegal network was extended to cover socially vulnerable groups, and the NLAC intends to add 10 additional paralegals annually to the network.¹² As a result, more citizens could receive valuable paralegal assistance without going to court and it could help strengthen the legal culture in the country, which is currently low.¹³ It could also help reduce the burden on the court system by solving many civil cases outside of the courts.¹⁴

Milestone 6.7 calls for creating an electronic system for recording interviews between probation counselors and the subject of probation, to replace the existing paper-based system. These recordings could help reduce corruption or mistreatment at the point when interviews are conducted.¹⁵ However, these recordings are meant for the internal purposes of the inspectorate to make the work of inspectors more efficient. It is unclear from the commitment who will have access to the recordings besides the inspectors themselves.

This commitment is relevant to the OGP value of access to information due to the planned communication and training activities for citizens and businesses on the use of electronic public services (6.1). It is also relevant to the OGP value of public accountability through the extension of the paralegal network (6.6). This commitment brings together many important activities which, if fully implemented, could have a significant impact on government practice. Specifically, it could bring the government closer to citizens by facilitating access to relevant services, though it is too early to state what the impact for citizens will be.

Next steps

In the area of access to justice, the IRM recommends further expanding the network of paralegals (with a focus on socially and economically vulnerable groups) and promoting how paralegals can help citizens, given that their work is not always well known among the public.¹⁶ The government could also consider integrating alternative dispute resolution mechanisms into the judicial system to help reduce the burden of cases on local courts and lead to faster resolutions.

The IRM also recommends including a commitment in the next action plan that directly addresses the persistent issues related to the lack of independence and transparency in Moldova's judicial system. Future commitments could aim to improve the transparency of the selection, promotion, and dismissal procedures for judges. Moldova could also commit to ensuring that all court cases are assigned randomly.

¹ OGP, Moldova Action Plan 2018-2020, <https://www.opengovpartnership.org/documents/moldova-action-plan-2018-2020>

² The Principles of Public Administration: A Framework ENP countries, <http://www.sigmaweb.org/publications/Principles-ENP-Eng.pdf>

³ European Commission, European Neighbourhood Policy (ENP) Countries, https://ec.europa.eu/culture/policy/international-cooperation/neighbourhood_en

⁴ Government Decision no. 911 of 25.07.2016 on the approval of the Strategy for the reform of the public administration 2016-2020, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=366209>

⁵ Government Decision no. 966 of 09.08.2016 on the approval of the action plan for the reform on modernizing public services 2017-2021, <http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=366273>

⁶ Modernization of government services project, <http://www.egov.md/en/file/4484/download?token=MxH7-NMi>; E-Government Agency, News about the Moldovan Modernization of Government Services Project, <http://www.egov.md/en/communication/news/modernization-government-services-improved-accessibility-efficiency-and-quality>

⁷ Interview Cornelia Amihalachioae, E-Governance Agency, 10 April 2019.

⁸ Ibid.

⁹ Government Decision no. 314 of 22. 05. 2017, http://www.legis.md/cautare/getResults?doc_id=119451&lang=ru

¹⁰ Telephone interview with Violeta Odagiu, executive director of the National Association of Paralegals from Moldova, 10 April 2019.

¹¹ National Legal Aid Council, <https://cnaigs.md/en/structure/page/nlac>

¹² Telephone interview with Violeta Odagiu, executive director of the National Association of Paralegals from Moldova, 10 April 2019.

¹³ Ibid.

¹⁴ Telephone interview with Ion Guzun, Legal Resources Center, 5 April 2019.

¹⁵ Interview with Mahu Iurie, National Probation Inspectorate, 6 April 2019.

¹⁶ Telephone interview with Violeta Odagiu, executive director of the National Association of Paralegals from Moldova, 10 April 2019.

V. General Recommendations

This section aims to inform development of the next action plan and guide implementation of the current action plan. It is divided into two sections: 1) IRM key recommendations to improve OGP process and action plans in the country or entity and, 2) an assessment of how the government responded to previous IRM key recommendations.

5.1 IRM Recommendations

Moldova's fourth action plan includes several important topics for the country, such as improving access to information, modernizing public services, strengthening public sector accountability and improving the dialogue with civil society. During the development of the action plan, Moldova established a multi-stakeholder forum (the Coordination Committee) to coordinate and monitor the OGP process in the country. Nonetheless, there is still room for improvement for future co-creation processes, the formulation of commitments, and the thematic focuses of the plans.

The establishment of the Coordination Committee helped to improve the structure and co-creation process for Moldova's fourth action plan. The government created several opportunities for civil society and the public to provide input on the content of the action plan. However, according to some interviewed civil society stakeholders, the government could more actively engage in discussions and provide more detailed and constructive feedback on the inputs received.

Conduct a more proactive OGP co-creation process and ensure ongoing monitoring of action plan implementation

According to some participating stakeholders, the State Chancellery is not sufficiently proactive when initiating OGP activities. A more proactive outreach by the State Chancellery could stimulate other state actors and civil society stakeholders to become involved in the co-creation of the next action plan. The State Chancellery could initiate meetings of the Coordination Committee and proactively publish on its website all documents related to OGP action plans. The information on the website could also be better structured.

Instead of the current ad hoc approach to planning Coordination Committee meetings, the Committee could meet on a more regular basis. To keep potential stakeholders regularly informed, the Committee needs to prepare a preliminary calendar of meetings, which can be updated based on the availability of the members. This planning should be transparent to encourage other stakeholders to participate in the meetings and provide input.

Dissemination of information on the OGP process could be improved by using different channels, such as social media, press, public broadcasters, and civil society networks to ensure that different groups and citizens are informed in a timely manner of upcoming activities and ongoing actions/measures.

In particular, the action plan's implementation phase is not well documented. The State Chancellery website or the websites of the implementing agencies do not provide updates on how commitments are implemented, if there are challenges, or early results achieved. This can send a message to stakeholders that the action plan is not a priority, so new efforts need to be made to promote the OGP agenda once the new co-creation cycle begins. The Coordination Committee and the State Chancellery should ensure ongoing monitoring of

action plan implementation. Committee members could proactively track developments within each commitment and reach out to the implementing agencies in due time. A clear monitoring mechanism could be developed collaboratively with civil society, and explained to the monitoring agencies, checking in with them as often as needed.

Ensure commitments have targeted and specific activities with measurable indicators

Several commitments in the fourth action plan include multiple activities that are not always related to one another. For example, Commitment 1 includes 10 milestones, each dealing with different facets of open data and access to information, while Commitment 6 includes seven milestones that range from modernizing a call center of the Public Services Agency to expanding the network of paralegals across the country. While the activities of these commitments generally fall under the themes of access to information and public service respectively, they lack a common thread that would make them more targeted and focused.

In addition, many of the activities in the fourth action plan lack measurable indicators that would verify their successful implementation. For example, milestone 1.2 calls for publishing open data on www.date.gov.md, following the open data standards, but does not explain how many datasets will be published and what they will consist of. Also, milestone 2.4 aims to publish monitoring reports on public procurement without saying how many and on what aspects of procurement they will focus. Therefore, in order to improve the design of commitments in the next action plan, the IRM recommends making sure that future milestones include specific and measurable activities.

Continue improving transparency of public procurement information through the MTender system

The creation of the MTender platform during Moldova's previous action plan (2016-2018) represented a major improvement to transparency of public procurement. MTender provides information on public authorities' procurement activities, with access to contracts, bids, and other relevant information. When implemented as designed, the system will also allow the monitoring of data throughout the entire cycle (including the awarding of contracts) and the viewing of all operations and transactions in real time.¹

According to the Open Contracting Partnership, as of December 2019, Moldova has yet to adopt the required secondary legislation and the business module that would allow the government to manage the system's administration.² Therefore, the IRM recommends continuing to improve the MTender system in the next action plan. Specifically, the government could consider embedding monitoring tools into MTender for users to report anomalies through MTender. Ukraine's DoZorro public feedback mechanism³ for reporting procurement violations could serve as an example for Moldova's MTender.⁴

The IRM also recommends continuing to improve the quality of open data on MTender and align the data with international best standards. This includes the publication of critical procurement documents, such as procurement plans, notices of intended procurements, and decisions of tender commissions.

Consider developing a component in MTender for the e-procurement of medicines or a new e-system for the sector

This recommendation is related to the broader one from above on improving MTender. Citizens in Moldova identify the country's healthcare as among of the most corrupt institutions in the country. A 2016 investigation by the Centre for Investigative Journalism showed that public money intended for procurement in health, totaling about 800 million MDL (US \$45 million), reached the accounts of only seven companies, four of which were blacklisted by the Public Procurement Agency.⁵ More recently, in March 2019, the government passed legislation exempting the central purchasing body responsible for medicines procurement in Moldova – CAPCS – from the law on public procurement that mandates the use of MTender.⁶ The Open Contracting Partnership notes that medicine procurement continues to be carried out via the old system, which is much less comprehensive than MTender and only publishes general information on the notice and contract.⁷ With this in mind, the government could consider to rethink the procurement of medicines and either add it to MTender, so that publishing for the sector is in line with other sectors, or develop a more transparent and efficient system for this sector.

Commit to protecting civic space, particularly for journalists and civil society

Although Moldova has a fairly vibrant civil society sector, civic space is still characterized by high levels of political polarization, a questionable legal environment, and sometimes intimidation and defamation of journalists and CSOs. In future action plans, Moldova could include commitments to better protect civic space and ensure a fair and open operating environment for civil society and journalists. For example, future action plans could include activities such as:

- Collecting and publishing official data on documented cases of threats of violence, censorship, and other forms of harassment against civil society and journalists.
- Ensuring adequate legal protection and counsel for CSOs and journalists who report wrongdoings or corruption. This recommendation could be tied to the recommendation on improving access to justice mechanisms mentioned below, particularly if the focus is on journalists and civil society.
- Focusing on capacity building for protecting civic space and freedom of expression, particularly for state authorities responsible for protecting these rights. Additionally, training programs could focus on ensuring that CSOs know their rights and obligations under the law, and facilitate access to counsel, including sound legal and accounting advice.

Strengthen public participation in decision-making processes

The fourth action plan includes a commitment (3) on improving collaborative platforms with civil society. However, more actions could be taken to improve opportunities for civil society and the public to be involved in decision-making processes. The online publication of draft laws, last-minute information on upcoming consultations, and the lack of follow up on proposals/suggestions provided by civil society and citizens are areas for improvement. As noted in previous IRM reports,⁸ the government often considers the publication of drafts on different online platforms or websites of ministries as sufficient for holding public consultations. However, civil society and citizens usually do not use these platforms. More face-to-face discussion with a wider audience is needed when bills and policy drafts are discussed. Moreover, the government could provide more detailed feedback on the

suggestions that are not included in the final law drafts and inform civil society of any last-minute changes to the bill before it starts the legislative process.

Consider including commitments aimed at increasing the transparency and independence of the justice system

Moldova elaborated a justice system reform strategy for 2011-2016, with EU funding.⁹ However, due to political uncertainties, the EU stopped the funding in 2017.¹⁰ Efforts were resumed recently in a new strategy developed for 2019-2022.¹¹ The Barometer of Public Opinion of the Public Policy Institute¹² and other studies¹³ show that the Moldovan public has a low level of trust in the justice system,¹⁴ despite ongoing reforms. According to Freedom House, Moldova’s judicial branch is “susceptible to political pressures that hamper its independence, and judicial appointment processes lack transparency.”¹⁵ According to the US State Department, judges often failed to assign cases randomly, as required by law, and lawyers complain of violations of defendants’ rights to a fair public trial.¹⁶ Furthermore, civil society and journalists have expressed concern about limitations on access to data on the single courts’ national portal, developed by the Ministry of Justice’s Agency for Court Administration.¹⁷

Moldova’s fourth action plan includes some activities aimed to improve access to justice, namely extending the network of paralegals in rural areas (milestone 6.6) and producing audio recordings of parole officers with their subjects (milestone 6.7). While these activities are positive, the IRM recommends pursuing more ambitious commitments in the areas of open justice and access to justice in future action plans. Future commitments could aim to improve the transparency of the selection, promotion, and dismissal procedures for judges, including of the Superior Council of Magistracy (SCM), in accordance with the Law on judicial organisation and the Law on the status of judges (amended in October 2018).¹⁸ Lastly, the government could consider reducing the number of closed public hearings, which can erode public trust in the judicial system.¹⁹

Regarding access to justice, Moldova could consider building on the positive activity under Commitment 6 in the current action plan by further expanding the network of paralegals in rural areas. Special attention could be paid to improving access to legal and paralegal assistance for socially and economically vulnerable groups. Additionally, a stronger focus should be placed on increasing citizens’ knowledge of the law, available protections of their fundamental freedoms and rights, and especially on practical guidance on how to have access to different legal services. Also, the government could consider integrating alternative dispute resolution mechanisms into the judicial system, which could help reduce the burden of cases on local courts and lead to faster resolutions.

Table 5.1: Five Key Recommendations

1	Conduct a more proactive OGP co-creation process and ensure ongoing monitoring of action plan implementation
2	Ensure commitments have targeted and specific activities with measurable indicators
3	Consider developing a component in MTender for the e-procurement of medicines or a new e-system for the sector

4	Commit to protecting civic space, particularly for journalists and civil society
5	Consider including commitments aimed at increasing the transparency and independence of the justice system

5.2 Response to Previous IRM Key Recommendations

Table 5.2: Previous IRM Report Key Recommendations

	Recommendation	Responded to?	Integrated into Current Action Plan?
1	Increase ambition in commitments	✗	✗
2	Strengthen action plan development and implementation	✗	✓
3	Improve open data and public disclosure of information	✗	✓
4	Strengthen public participation in the decision making	✗	✓
5	Continue transparency efforts in public procurement	✗	✓

Since the fourth action plan was developed before the IRM reports were published, an overview of how stakeholders addressed IRM recommendations is not available for this report. The recommendations, however, were integrated in the new action plan, as they overlapped with the recommendations received from civil society during the co-creation process. For Recommendation 2, the action plan co-creation process was strengthened through the establishment of the Coordination Committee to serve as the country's multi-stakeholder forum. Recommendations 3, 4, and 5 were addressed through the inclusion of Commitments 1, 3, and 2 respectively. It should be noted, however, that only one milestone in Commitment 2 pertains to public procurement directly. Finally, while the fourth action plan includes new policy areas, the overall level of ambition did not increase (Recommendation 1).

¹ IRM, Republic of Moldova, End-of-Term Report 2016-2018, p 12-13, https://www.opengovpartnership.org/wp-content/uploads/2019/10/Moldova_End-of-Term_Report_2016-2018_EN.pdf

² Open Contracting Partnership, Opening up Moldova's contracts: Progress and challenges, <https://www.opencontracting.org/2019/12/11/opening-up-moldovas-contracts-progress-and-challenges/>

³ DoZorro, public feedback mechanism, <https://dozorro.org>

⁴ Citizengage, Ukraine: Empowering citizen watchdogs, https://www.ogpstories.org/impact_story/ukraine-empowering-citizen-watchdogs/

⁵ Centre for Investigative Journalism, Sick procurements in healthcare field, <https://anticoruptie.md/en/investigations/public-procurement/sick-procurements-in-healthcare-field>

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- ⁶ Open Contracting Partnership, Opening up Moldova's contracts: Progress and challenges, <https://www.open-contracting.org/2019/12/11/opening-up-moldovas-contracts-progress-and-challenges/>
- ⁷ Ibid.
- ⁸ IRM, Republic of Moldova, End-of-Term Report 2016-2018, https://www.opengovpartnership.org/wp-content/uploads/2019/10/Moldova_End-of-Term_Report_2016-2018_EN.pdf; IRM, Moldova Progress Report 2016-2017, https://www.opengovpartnership.org/wp-content/uploads/2018/11/Moldova_Mid-Term_IRM-Report_2016-2018_EN.pdf
- ⁹ Justice Sector Reform Strategy 2011-2016, <http://www.justice.gov.md/slidepageview.php?!=ro&idc=422>
- ¹⁰ EU Delegation to the Republic of Moldova on suspending the budgetary financial support for Moldova for the justice sector reform, https://eeas.europa.eu/delegations/moldova/33724/moldova-ue-reduce-programul-de-suport-bugetar-pentru-reforme-%C3%AEn-sectorul-justi%C8%9Biei_ro
- ¹¹ Justice Sector Development Strategy 2019-2022, <http://www.justice.gov.md/pview.php?!=ro&id=31>
- ¹² Barometer of Public Opinion, Institute of Public Policy, <http://ipp.md/old/lib.php?!=en&idc=156>
- ¹³ Survey on the trust in the justice system, Center for Legal Resources, 2019, https://crjm.org/wp-content/uploads/2019/02/Sondaj-increderea-in-justitie-RM-2018_eng.pdf
- ¹⁴ Freedom House, Judicial Integrity Report, 2018, <https://freedomhouse.org/sites/default/files/Shadow%20Report%20v2%20-%20Web%20-%20EN.pdf>
- ¹⁵ Freedom House, Freedom in the World 2020, <https://freedomhouse.org/country/moldova/freedom-world/2020>
- ¹⁶ Ecolnet, <https://www.ecoi.net/en/document/2026359.html>
- ¹⁷ Ibid.
- ¹⁸ European Commission, Joint Staff Working Document, Association Implementation Report on Moldova, 11 September 2019, pp 7-8, https://eeas.europa.eu/sites/eeas/files/swd_2019_325_fl_joint_staff_working_paper_en_v10_pl_1045191.pdf
- ¹⁹ CEPS, Integrity on trial, p 24, https://www.ceps.eu/wp-content/uploads/2018/06/WD2018-04_SB%20et%20al_JudicialReform.pdf

VI. Methodology and Sources

The IRM reports are written by researchers for each OGP-participating country or entity. All IRM reports undergo a process of quality control to ensure that the highest standards of research and due diligence have been applied.

Analysis of progress on OGP action plans is a combination of interviews, desk research, observation, and feedback from nongovernmental stakeholders. The IRM report builds on the evidence available in Moldova's OGP repository (or online tracker), website, findings in the government's own self-assessment reports, and any other assessments of process and progress put out by civil society, the private sector, or international organizations. At the beginning of each reporting cycle, IRM staff share a research plan with governments to open a seven-day period of comments or feedback regarding the proposed research approach.

Each IRM researcher carries out stakeholder interviews to ensure an accurate portrayal of events. Given budgetary and calendar constraints, the IRM cannot consult all interested parties or visit implementation sites. Some contexts require anonymity of interviewees and the IRM reviews the right to remove personal identifying information of these participants. Due to the necessary limitations of the method, the IRM strongly encourages commentary during the pre-publication review period of each report.

Each report undergoes a quality-control process that includes an internal review by IRM staff and the IRM's International Experts Panel (IEP). Each report also undergoes an external review where governments and civil society are invited to provide comments on the content of the draft IRM report.

This review process, including the procedure for incorporating comments received, is outlined in greater detail in Section III of the Procedures Manual.¹

Interviews and stakeholder input

The IRM researcher reached out to civil society organizations represented in the Coordination Committee as well as organizations actively working in the areas addressed by the action plan. The IRM researcher also interviewed experts working on specific themes, sectors around which the commitments of the plan were developed, and representatives of the implementing government agencies. The IRM researcher conducted 35 interviews: five by Skype, 25 by phone, and five in person.

About the Independent Reporting Mechanism

The Independent Reporting Mechanism (IRM) is a key means by which all stakeholders can track OGP progress in participating countries and entities. The International Experts Panel (IEP) oversees the quality control of each report. The IEP is comprised of experts in transparency, participation, accountability, and social science research methods.

The current membership of the International Experts Panel is

- César Cruz-Rubio
- Mary Franco
- Brendan Halloran
- Jeff Lovitt
- Fredline M'Cormack-Hale

- Showers Mawowa
- Juanita Olaya
- Quentin Reed
- Rick Snell
- Jean-Patrick Villeneuve

A small staff based in Washington, DC, shepherds reports through the IRM process in close coordination with the researchers. Questions and comments about this report can be directed to the staff at irm@opengovpartnership.org.

¹ IRM Procedures Manual, V.3, <https://www.opengovpartnership.org/documents/irm-procedures-manual>

Annex I. Overview of Moldova's performance throughout action plan development

Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Multi-stakeholder Forum	
1a. Forum established: There is a forum to oversee the OGP process	Green
1b. Regularity: The forum meets at least every quarter, in person or remotely	Yellow
1c. Collaborative mandate development: Members of the forum jointly develop its remit, membership and governance structure.	Green
1d. Mandate public: Information on the forum's remit, membership and governance structure is available on the OGP website/page.	Green
2a. Multi-stakeholder: The forum includes both governmental and non-government representatives	Green
2b. Parity: The forum includes an even balance of governmental and non-governmental representatives	Green
2c. Transparent selection: Non-governmental members of the forum are selected through a fair and transparent process.	Green
2d. High-level government representation: The forum includes high-level representatives with decision-making authority from government	Green
3d. Openness: The forum accepts inputs and representation on the action plan process from any civil society or other stakeholders outside the forum	Green
3e. Remote participation: There are opportunities for remote participation in at least some meetings and events	Green

3f. Minutes: The OGP forum proactively communicates and reports back on its decisions, activities, and results to wider government and civil society stakeholders	Yellow
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Key:

Green= Meets standard

Yellow= In progress (steps have been taken to meet this standard, but standard is not met)

Red= No evidence of action

Action Plan Development	
4a. Process transparency: There is a national OGP website (or OGP webpage on a government website) where information on all aspects of the national OGP process is proactively published.	Yellow
4b. Documentation in advance: The forum shares information about OGP to stakeholders in advance to guarantee they are informed and prepared to participate in all stages of the process.	Yellow
4c. Awareness-raising: The forum conducts outreach and awareness-raising activities with relevant stakeholders to inform them of the OGP process.	Yellow
4d. Communication channels: The government facilitates direct communication with stakeholders to respond to action plan process questions, particularly during times of intense OGP activity.	Yellow
4e. Reasoned response: The multi-stakeholder forum publishes its reasoning behind decisions and responds to major categories of public comment.	Green
5a. Repository: Government collects and publishes a document repository on the national OGP website/webpage, which provides a historical record and access to all documents related to the national OGP process, including (but not limited to) consultation documents, National Action Plans, government self-assessments, IRM reports and supporting documentation of commitment implementation (e.g. links to databases, evidence of meetings, publications)	Yellow

Editorial note: If a country “meets” the six standards in bold, the IRM will recognize the country’s process as a Starred Process.