

United Nations Development Programme

Country: Moldova

Programme Document

Programme Title Improving the quality of Moldovan democracy through parliamentary and electoral support

UNPF Outcome(s): Increased transparency, accountability and efficiency of central and local public authorities

Expected CPAP Output(s): Institutional capacity of the legislative and executive strengthened for the approximation of national legislation with European laws

Executing Entity: UNDP, UNICEF

Implementing Agencies: Parliament of the Republic of Moldova
Central Electoral Commission of the Republic of Moldova

The Programme will focus on strengthening the institutional capacity of the Parliament and Central Electoral Commission, improving their main functions and entrenching gender and human rights considerations in formal political process. In particular, the Programme will improve the legislative, oversight and representation functions of the Parliament, provide a solid basis for the improvement of the electoral process and supporting, when necessary, an inclusive process of constitutional reform. The Programme will assist the Parliament to increase the participation of civil society and citizens in policy making and oversight processes. It will also build the capacities of Members of Parliament in budget understanding, development and monitoring of its implementation. At the Central Electoral Commission, the Programme will support the further development of an enabling environment for the delivery of modern and inclusive electoral services.

Programme Period:	<u>2012 – 2016</u>	2012 AWP Budget	\$922,152
Key Result Area (Strategic Plan)	<u>Strengthening accountable and responsive governing institutions</u>	Total resources required	\$4,731,610
Atlas Award ID:	00058053	Total allocated resources:	\$4,487,455
Start date:	<u>07.2012</u>	• Regular UNDP	\$83,500
End Date	<u>07.2016</u>	• Other:	
PAC Meeting Date	4 July, 2012	○ SIDA	\$3,500,000
Management Arrangements:	National Implementation	○ Denmark	\$898,110
		Unfunded budget:	\$250,000

Agreed by: Parliament Secretary General, Adrian Fetescu: _____

Agreed by: CEC President, Iurie Ciocan: _____

Agreed by: UN Resident Coordinator, Kaarina Immonen: _____

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List of abbreviations

UNDP	United Nations Development Programme
UNICEF	United Nations Children's Fund
SIDA	Swedish International Development Cooperation Agency
IPU	Inter-parliamentary Union
ICT	Information and Communication Technology
PSDP	Parliamentary Strategic Development Plan
ESM	Electoral Support to Moldova Programme
CEC	Central Electoral Commission
IFES	International Foundation for Electoral Systems (US based NGO)
PACE	Parliamentary Assembly of the Council of Europe
ILO	International Labour Organization
OSCE-ODIHR	Organization for Security and Cooperation in Europe- Office for Democratic Institutions and Human Rights
SIAS	State Automated Information System for Elections
SC	Steering Committee
AWP	Annual Work Plan

I. Context and Situation Analysis

Political background

1. Since the Parliamentary elections of April 2009, Moldova has been facing an unstable political situation. In those elections, the Communist Party won 60 parliamentary seats, followed by the Liberal Party and the Liberal Democratic Party with 15 seats each, and the Alliance "Moldova Noastră" with 11 seats. Both the conduct of the elections and these results were highly controversial and sparked civil unrest, during which the premises of the Parliament and the office of the President were substantially damaged. In addition the winning Communist Party did not control the 61 votes needed to elect the President, and so a new election was held in July 2009. Following these elections a coalition was formed, creating the Alliance for European Integration composed of the Liberal Democratic Party, Liberal Party, Democratic Party and Alliance "Moldova Noastră", controlling 53 seats. The Communist Party took 48 seats. However, the Parliament again failed to elect a new president, as the coalition did not have the 61 votes in the Parliament needed to elect a President.

2. After a constitutional referendum that aimed to re-introduce direct elections for the President failed in September 2010, the Parliament was dissolved again and a third Parliamentary election in less than two years held on 28 November 2010. In the new Parliament the Communist Party won 42 seats, the Liberal Democratic Party 32 seats, the Democratic Party 15 seats and the Liberal Party 12 seats. The Liberal Democrats, Democrats and Liberals agreed on a new three party coalition - Alliance for European Integration II.

3. As the new coalition did not itself have the majority to elect a President (only 59 from the necessary 61 seats), the deadlock regarding the presidential election continued. Events in 2011 – including the defection of three Communist Party MPs to the Socialist Party - seemed to presage a solution. In March 2012, the Alliance nominated a non-partisan candidate for the Presidency, Nicolae Timofti, the president of the Supreme Council of Magistrates. On March 16, the parliament elected Timofti President. The election of the President presents Moldova's political class with a chance to restart their modernisation efforts.

Programme Background

4. Parliamentary assistance and electoral support are integral parts of UNDP's democratic governance assistance worldwide; through such work UNDP helps nations build or renew democratic frameworks to improve representation, accountability and transparency for the benefit of citizens. The shared outcome of democratic political processes often means that work in both the electoral and parliamentary spheres occurs at the same time, involves an overlap in beneficiary groups and personnel, and can address similar themes and concerns. This Programme is to also to be positioned in the context of Moldova's efforts towards integration into the European Union (EU), and in particular of the negotiations of the Association Agreement (AA), including the establishment of a Deep and Comprehensive Free Trade Area (DCFTA). The AA and the DCFTA require considerable reforms and, crucially, a broad program of legislative and institutional approximation to the EU *acquis* and standards. The effectiveness of Moldova's overall effort can be directly increased through assistance to the Parliament, to enhance both the quality

of the necessary legislation and of the parliamentary discussion of the draft laws proposed by the executive, facilitating the proper performance of the role of the legislature and its committees in discussing, reviewing and adopting the legislative acts that are needed for the preparation and implementation of the AA and the DCFTA.

5. UNICEF also works with parliaments all over the world including via collaboration with the Inter-Parliamentary Union (IPU). This work focuses on strengthening the capacity of parliamentarians to develop, adopt and monitor laws, policies and budgets that support women's and child rights. One of the closed chapters of the Moldova – EU Association Agreement refers to Child Rights, contains specific stipulations in this area, and requires an active involvement of the Parliament in the adoption of follow-up legislation. The Programme will provide support to the Parliament in this area offering exclusive expertise and experience of UNICEF.

6. In Moldova, democratic elections and a democratic parliament share a narrative of establishment, retreat and now improvement in the quality of their democratic credentials. The quality and performance of the electoral and parliamentary machinery has never been more crucial for Moldova, when the country is engaged in crucial sectoral and institutional reforms, aiming at bringing Moldova closer to meeting its international commitments and European standards. These aims also dovetail with those of the Government of Sweden's Cooperation Strategy for Moldova for 2011–2014 including the commitment to strengthened democracy, equitable and sustainable development, and closer alignment with the European Union based on a rights perspective. The role of the Parliament is key in ensuring that these reforms are aligned with European and international standards, including human rights ones. This role is reinforced in the context of the economic and financial crisis when the budget is scrutinised, amended and adopted by the parliament.

7. The focus of this proposal involves institutional development work in the framework of the existing UNDP Parliamentary and Electoral Programmes. Both Programmes started in 2009, and are being implemented under the direction of the relevant beneficiary institutions - the Parliament and the Central Electoral Commission. Both also owe their current form to the April 2009 political instability and riots. The inception of the Parliamentary Programme was strongly related to the destruction of the Parliamentary building, while the Electoral Programme quickly had to adapt its activities to support two further Parliamentary elections and a referendum held with a comparatively short period.

Support for Parliamentary Development in Moldova Programme

8. The support proposed for the Parliament in this document, focussing on the areas of parliamentary oversight on Human Rights, establishment of a cross-party women's caucus and promoting more interaction between Parliament and citizens, is complementary to the on-going Parliamentary Project's aims to enhance Parliament's efficiency in carrying out its functions and responsibilities in its law-making, representation, and oversight roles. The project adopts a comprehensive, long-term approach to parliamentary development. Special attention is given within the Programme to budget and financing, EU integration, outreach and communication with civil society.

9. The project, funded by the Governments of Denmark and of Sweden and UNDP, was formulated in the fall of 2009 to be carried out in three phases. During the first phase, steps were

taken to enable Parliament to fulfil its immediate functions. With project support the Parliament was able to address the most **urgent needs for ICT equipment** after the 7 April 2009 events, during which most of the existing equipment was lost. With the new equipment MPs and staff are better able to perform their duties and the Parliament's work is more transparent for the citizens. The Parliament was equipped with 2 servers, 188 personal computers, 110 printers, 10 voice recorders, 2 photo cameras, and 1 video camera.

10. During phase two the aim has been to assist the Parliament in establishing its main mid- and long-term objectives and goals by developing a Parliamentary Strategic Development Plan (PSDP). In 2010 a **Functional Review and Institutional Capacity Assessment** on the Secretariat of the Parliament was carried out. It showed clearly the strengths and weaknesses in the functioning of the Secretariat. The Functional Review and Institutional Capacity Assessment was the basis for a **Strategic Development Plan**, which was developed by June 2011 and approved by the Permanent Bureau in April 2012. A Bureau decision is expected about a proposal for a restructuring of the Parliamentary Secretariat, aiming at increasing staff capacities in the areas of research, legislative drafting and scrutiny, human resource management and information management. A Communication and Outreach Strategy for the Parliament, aiming at increasing the Parliament's visibility has been developed and approved in 2011. Although at that time not formally approved yet, the implementation of the Strategic Plan started already during 2011. One of main priorities of the Plan is increasing the quality of legislation and the legislative process. The Permanent Bureau has approved a (5 years) **Information Management Strategy**, which provides a sound basis for the development of e-Parliament. **Communication Strategy** for the Parliament was developed and approved by Permanent Bureau.

11. Phase three of the project is dedicated to the follow-up and implementation of internal activities as set out in the Parliament Strategic Development Plan. For the first time ever in Moldova an **Introduction Program for newly elected MPs** took place in January 2011, which facilitated the new MPs to easier understand their role and the functioning of the Parliament. In addition a **Handbook for MPs**, also developed for the first time ever in the Parliament of Moldova. A **Training Strategy** for Parliamentary staff was developed as the basis for staff training in 2012 and 2013, for example in the areas of reporting and presentation skills, leadership and parliamentary research. A **Regulation for the Secretariat** has been developed that will provide a clear framework for the functioning of the Secretariat, its departments and other units. **Standing Operational Procedures (SOP) for document flow** (both legislative and other documents) has been developed creating a division of tasks and duties and contributing to increased transparency of the work of the Parliament. **Standing Operational Procedures (SOP) for the preparation, implementation and reporting for the annual budget** of the Parliament have been developed contributing to a more professional budget process. **Research capacities** have increased through staff training and increasing the capacities in the Library. **Capacities of the Parliamentary Committees** are strengthened, in particular in the areas of:

- Cooperation with the **independent Regulatory Agencies**, in particular with the Court of Accounts. Activities in this area are organized in cooperation with the Swedish National Audit (SNA).
- Parliament and **European Integration/Approximation** (a set of rules has been developed on how to structure the cooperation between Parliament and Government, in the legislative approximation, as well as for monitoring the Government by Parliament);
- **Parliamentary Oversight** through **public hearings** on Anti-Corruption and European Integration. The Committee on Foreign Affairs and European Integration has been supported in holding a series of public hearings on European Integration issues on different locations outside Chisinau. The Committee on Human Rights has held a series of public hearings on the restructuring of the Anti-Corruption Agency.
- Parliament's **Communication Strategy** implementation started by the development of the concept for a **Visitors and Information Centre**, of the **Information Brochure** and **Information DVD** for visitors and citizens and of **Corporate identity for the Parliament**. Communication and presentation skills of MPs have increased by training of MPs on **media presentation, communication with media and interview techniques**.

12. The Parliamentary project focuses on the Parliament as an institution, providing technical support to the organizational structures of the Parliament (Permanent Bureau, Committees) and to the Secretariat and Committee Staff, but not to political parties. During electoral campaigns, such as in September – December 2010, the Programme focussed its activities on the Secretariat and the Committee staff, which are the institutional memory, ensure continuity of functioning of the Parliament and are not involved in party activities.

Electoral Support to Moldova Project

13. The aim of the Electoral Support to Moldova (ESM) Project is to support the CEC in designing and delivering electoral services that can increase citizens' trust in the electoral system and in electoral outcomes. In 2008-2010 ESM provided technical assistance to the Central Electoral Commission (CEC) and other stakeholders; since 2011 the Project has focused on the CEC. Key results have included successful support to the unanticipated electoral events of 2009 and 2010, improvements in the voter register and development of an automated electoral management system (known as 'SIAS' from the Romanian), provision of out of country voting services, limited institutional and capacity development, and extensive media and public relations.

14. ESM contributed to the substantial progress CEC has made in meeting OSCE commitments for democratic elections in recent years that form the accepted European standard. At the 2005 parliamentary elections OSCE-ODIHR found that the elections fell short of some central standards, in particular regarding: shortcomings in the electoral code; partisan and non-transparent electoral management bodies; poor planning, guidance and training from the CEC; inaccurate voter lists; little voter information and education and sub-standard out of country voting arrangements. In contrast, the report on the 2010 parliamentary elections found that "these elections met most OSCE and Council of Europe commitments. The elections were administered in a transparent and

impartial manner by the Central Election Commission (CEC), which enjoyed the trust of most contenders.” The 2010 report identified areas for further work, which are reflected in the CEC strategic plan.

15. Responding to deficiencies in the accuracy and completeness of voter registers over many years, the project sought to assist the CEC to implement the vision inherent in Moldovan Law 101 of 2008, which sets out an ambitious programme of automation in the electoral sphere. All IT support in ESM is aimed at meeting the requirements of this law and the Project provided extensive advisory assistance, bespoke software development and IT hardware for the CEC, as well as extensive training and support for the use of the system. The system (SIAS) is largely complete and continues to be used by the CEC and lower level electoral bodies. In March 2012 the OSCE-ODIHR undertook an assessment mission that should report on how far the CEC has met the requirements of Law 101; this will be an important foundation for future work on SIAS by ESM.

16. The CEC had rated very poorly with voters, parties and international observers on the openness and transparency of their operations. ESM provided a long term media adviser who worked intensively with CEC members and staff. The CEC now provides professional and accurate information and is skilled at using the media to spread important messages. Recent observation reports note the transparency of the CEC as a particular achievement, especially given the crowded electoral calendar of recent years. This ESM workstream also supported voter information campaigns with both motivational and informative targets as well as building CEC capacity to deliver such campaigns.

17. ESM has also supported the CEC to increase the transparency of their Election Day operations; this had been especially problematic in April 2009. Activities included development and implementation of an election results management system and its transfer to the IT department of CEC; provision of hardware, training and support for District Electoral Councils to use this results tabulation system and procurement and development of an enhanced internet presence to disseminate the election results. In addition, the Programme supported, along with other donors, domestic observation programmes.

18. As front line services to electors are delivered by temporary electoral staff, in addition to supporting the development and delivery of training programmes at recent electoral events, the project supported the concept of and planning for a CEC Continuous Training Centre (CTC), through both a needs evaluation and roadmap for its inception, as well as procurement of necessary equipment and furniture.

19. The Project as originally designed had envisaged more internal and institutional development that has been possible to deliver in the electoral environment. Some foundation work has been performed - such as benchmarking institutional assessment in 2010 and the inception of the BRIDGE programme, but required long term institutional development and improvement was repeatedly side-lined in favour of immediate electoral event needs. However, in 2011 the Project supported the CEC in a strategic planning process resulting in adoption by the CEC of the first ever Strategic Plan, covering the period 2012-2015. The CEC has also adopted a work programme for 2012 outlining the implementation of the Strategic Plan objectives and the areas in which it requires donor and technical assistance.

20. The Project follows the electoral cycle approach, widely accepted as the preferred modality of electoral assistance in transitional countries. As a crucial tool for institutional development and consolidation of CEC, ESM established a Moldova BRIDGE programme in 2009. BRIDGE is a global learning framework for electoral administration, and the CEC now has a pool of accredited facilitators for BRIDGE workshops, and seven workshops have been held in Moldova. Additionally, CEC and project representatives have attended four regional and one global BRIDGE workshops. UNDP is a global implementing partner of the BRIDGE Programme. A considerable training program has improved the base capacity of the CEC.

21. Significant work has been done to improve the process for the compilation and verification of voters' lists to increase transparency and credibility of the election through a broad based public quality control of the lists. While the activities unveiled a considerable number of issues related to compilation and verification of voters lists, the CEC is now able to compile, manipulate and analyse lists on a republic wide basis due the use of the Programme supported IT system, which provides an excellent base to move forward on this issue.

Current status of the Project

22. The CEC Strategic Plan, agreed in December 2011, sets the CEC on a clear path of institutional consolidation and process modernisation. In addition to supporting the development of the plan, UNDP are well placed to support its implementation, particularly in the key areas outlined in this proposal. All the activities on the election components included into this proposal are linked to the Strategic Plan and therefore address the CEC's own strategic directions. Appended is a table that maps proposed UNDP support against the strategic plan objectives, as well as the areas that IFES (with support from USAID) addresses through their current Project (Annex 5).

23. In the Parliamentary Project, the Strategic Plan, approved in 2012, demonstrates a clear need for further support, in particular in the areas of strengthening research capacities for the parliamentary committees, increasing the quality of the legislative process and professionalising human resource management in the Secretariat. The Parliamentary Project has two further years (until the end of 2013) of activities underway with support from DANIDA, and is implementing the main elements of the Strategic Development Plan aiming at further increasing the capacities of the committees, improving legislative quality, strengthening the oversight role of the Parliament, and internal human resource management and information management.

24. The activities in this proposal are an answer to needs identified in the recent strategic planning processes of both institutions, and have been developed in conjunction with the relevant professional leadership of these institutions.

UNICEF Support to the Parliament of Moldova

25. UNICEF has been working with Parliamentary Commissions and MPs to support their capacity to address child rights and reflect children's perspective and views in the strategic policy documents adopted by the Parliament. Assistance has been provided to the Committee on Health, Social Protection and Family in the form of legal expertise for updating legislation on child

adoption and assistance on better communicating with the civil society; to the Committee on Education and the Media to improve understanding of the structural reforms in education and inclusion of children with disabilities. These activities resulted in adjustment of the legal framework to the international practices in the in the areas of community social services for children, rights of persons with disabilities and child adoption procedures. In 2010, UNICEF supported the participation of a Moldovan MPs and Parliamentary Secretariat staff in the Inter-Parliamentary Union meeting in Yerevan, Armenia, on violence against children. As a result, the Moldovan Parliament has ratified the Lanzarote Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.

Other relevant interventions by international partners

Parliamentary support

26. Through their Democracy Support Program, the Council of Europe (CoE) has previously provided assistance to the Parliament on legislative expertise; institutional capacity building of the Parliament committees and secretariat and the provision of technical equipment. The main activities consisted of seminars, workshops, study visits, trainings and round tables erts on various subjects related to parliamentary functioning, procedural arrangements and protocol. As part of the CoE Program the Parliamentary Assembly of the Council of Europe provided expertise on specific subjects and law proposals requested by the Parliamentary committees and the Secretariat departments. Also English language courses for parliamentary staff and MPs were organised and technical equipment was provided. The intervention was completed in December 2011, and the final report has yet to be published.

Electoral assistance

27. In the electoral field, there are two other actors who engage with the CEC and other electoral bodies. IFES, supported by USAID, works with the CEC in a variety of areas. Discussions have been held with USAID to ensure a clear division of labour and to avoid any overlap of planned programming areas and UNDP will disengage from some areas where there has been overlap with IFES – such as voter information and civic education, training for temporary electoral staff, and on political party financial regulation. IFES and UNDP will continue to support the CEC in the achievement of different strategic priorities and in a coordinated way; at the CEC's request, they could share inputs to some activities, such as conferences or training events; this has been the case with two BRIDGE workshops in 2011, for example.

28. The Council of Europe and the Venice Commission (Commission for Democracy through Law) also engage with the CEC, usually with a focus on issues of electoral law and jurisprudence, when need requires and resources permit. A variety of donor funded local NGOs work on issues related to electoral and political processes – such as campaign finance and electoral monitoring and campaign media issues – but do not provide direct technical assistance to the CEC.

29. While the European Commission funded the initial phase of the Electoral Project, it is no longer a leading partner in this area in Moldova. While other donors were more active in the electoral sphere in 2009 and 2010, the return to a more 'normal' political environment has seen the cessation of many initiatives. On the political side of elections, NDI are supported by USAID to work with political parties (USAID funding for IRI to do similar work is concluding). UNWomen are working on issues of women's representation, but at the local rather than national level.

30. There are currently no plans by other donors for comprehensive interventions related to the institutional development of the Parliament and CEC based on their respective Development Plans in the context of the European and international democratic standards, strengthening the role of women in political life and the decision-making process, improving the human rights situation through strengthening the oversight functions of the Parliament, attaining better observance of human rights in the electoral process, or ensuring a transparent and participative process around constitutional reform.

31. UNDP enjoys additional leverage for influencing the direction of any further donor assistance to both institutions, as it acts as the coordinating donor in regard to both Parliamentary and Electoral support, convening meetings of relevant development partners and ensuring appropriate responses to emerging needs. The UNDP Chief Technical Advisers assist both institutions in planning their collaboration with donors in order to focus the assistance where the needs are and avoid duplication.

Lessons learned since 2008

32. Since the commencement of the current electoral project in 2008 and the parliamentary project in 2009, UNDP has continually engaged in a process of review and reflection with the beneficiary institutions and other development partners. Valuable lessons have been documented in relevant project reports and where possible acted upon in further activities. Some of the key lessons include:

- The need for continual monitoring of plans and actions to ensure continued synergy with the needs and aims of the beneficiaries. This has been particularly important for both Programmes in the situation of unexpected elections. The clear local ownership of the projects, including the on-going role of the CEC President and the Parliament Secretary-General in decision-making and resource allocation, has made this an easy lesson to embed in the interventions.
- The placement of senior international staff – the Chief Technical Advisers – in the beneficiary institutions was crucial. The unstable and uncertain political situation in Moldova has seen intense focus on the CEC and the Parliament, and the presence of senior and neutral experts in the institutions has contributed to the increase in trust and reliability felt by Moldovan and international partners.
- The choice of UNDP as a partner by both institutions has enabled them to be well-positioned in both regional and international networks. Affiliation for both institutions to the UNDP global initiatives on parliamentary and electoral development has provided opportunities both for learning and development and for the institutions to share their experiences of transition and improvement with others.

- While international assistance was crucial in the rebuilding/reestablishment phase that both institutions have been experiencing since April 2009, both are now also ready to move on into a more in-depth institutional development phase. This is clearly indicated by the formulation of comprehensive strategic development plans, and the accompanying commitment to their implementation.

II. Consultation, scope and methodology

Consultation

33. To develop this Programme, UNDP and UNICEF worked with beneficiary institutions as well as with stakeholders and donors to identify priorities and assess where the comparative advantage of the two Agencies might lie. The activities proposed in this document are also a clear response to the recent strategic planning processes of the Parliament, the CEC and the ombudsman's office. One area of work would involve UN support to a locally driven inclusive constitutional reform process. This work has not yet proceeded due to the political environment, but recent political statements suggest movement on constitutional reform is imminent.

Scope

34. Free, fair, open and accessible elections, held according to internationally agreed standards, are a necessary but not sufficient condition for democracy to operate. More than the act of periodically casting a vote, democracy relates to the entire process of inclusive participation and representation of citizens in the decision-making process. The capacity of parliaments to exercise effectively their powers, and to undertake their responsibilities in the interest of the most vulnerable groups in society, is a vital element for the functioning of democracy. In the current Moldovan context, elections and parliament formed the intersection of the recent political impasse. The only peaceful and democratic methods for breaking this impasse were either parliamentary activities and/or an electoral process; the health and performance of the electoral and parliamentary machinery has never been more crucial for Moldova.

35. The activities in this proposal are designed to support the Parliament and the CEC in the next stage of their development. Having mobilised donors to provide intensive material and advisory support that, in effect, rebuilt the institutions after the events of April 2009, UNDP and UNICEF now plan to support these vital institutions in achieving their aspirations to be modern, efficient, European democratic institutions. The activities proposed are designed to:

- consolidate the institutional base of both institutions;
- realise tangible results in key functional areas;
- assist both institutions to realise their own stated goals;
- aid in the translation of Moldova's international human rights commitments into local action; and
- aid in the achievement of Moldova's European Integration aspirations.

36. Both Programmes are well placed to meet the aims of the Swedish Government for supporting democratic governance, as set in *Change for Freedom*¹. In relation to parliaments, the

¹ MFA, *Change for Freedom: Policy for Democratic Development and Human Rights in Swedish Development Cooperation, 2010-2014*

Swedish priority is to support holistic strengthening of the political process, and to foster 'clearer accountability, broader representativity and greater openness and transparency' (p16). The aim of improving the participation of women in the parliamentary arena (p21) is also addressed in this proposal. The Swedish priority for electoral support (p16) is to give prominence to the 'electoral process as whole' (as opposed to individual electoral events) and to support independent electoral commissions; again this mirrors the approach of the electoral Programme. The Swedish commitment to human rights defenders and improved justice mechanisms (p20-1) is also met in this proposal.

Methodology

37. The proposed activities include a range of intervention techniques, such as technical assistance, participation in regional and global initiatives, training and learning programmes, exposure to the European best practices through study visits. There is no plan to procure large amounts of IT equipment for the Parliament.

38. The Programme will benefit from the high quality technical expertise of full time internationally recruited Chief Technical Advisers (CTAs) that will be the lead international experts bearing overall responsibility for the technical assistance to the parliament and the CEC, and providing high level professional expertise and advise to the counterparts. The role of CTAs will be crucial in bringing new experience and knowledge and developing new approaches on parliamentary development and electoral support. The envisaged activities will also use other international and local consultancies to provide more specialised technical advice on specific issues.

III. Programme Summary Budget

39. The total estimated budget is USD **4,731,610**. The budget will be managed by UNDP and by UNICEF according to UN procedures. The brief budget breakdown by components is:

Component	Amount, USD
COMPONENT I: Parliamentary Development	3,273,475
1.1 Improving the institutional capacity of the Parliament to meet European standards of gender and human rights and strengthening the legislative and oversight functions of the Parliament	937,900
1.2 Strengthening the legislative and oversight functions of the Parliament	1,111,700
1.3 Fostering the quality of the representative role of the Parliament and promoting more interaction between Members of Parliament, citizens and civil society	405,385
1.4 Promotion of Child's Rights into parliamentary work (UNICEF)	185,000
1.5 Supporting an inclusive process for constitutional reform	250,000
1.6 Programme Management and support	174,800

<i>General management services (7%)</i>	208,690
COMPONENT II: Electoral Support	1,458,135
2.1 Gender and Human Rights into Elections and CEC	91,537
2.2 Improving institutional environment for electoral management bodies to deliver inclusive and modern electoral processes	818,743
2.3 Improving public registration process for Moldovans and supporting the modernisation of Moldovan electoral processes	329,453
2.4 Programme Management and support	123,010
<i>General management services (7%)</i>	95,392
TOTAL	4,731,610

IV. Programme Goal, Objectives, Components and Activities

40. The **overarching goal** of the Programme is to improve the quality of the Moldovan democratic processes and systems in line with European standards. The following **objectives** are set within the four-year Programme period:

- The quality of Moldova’s formal political processes improved;
- Quality of both the representative and oversight role of the Parliament fostered;
- Institutional environment for electoral management bodies that can deliver inclusive and modern electoral processes improved;
- Public registration process for Moldovans improved through supporting the modernisation of Moldovan electoral processes;
- The constitutional reform implemented through an inclusive and participatory process.

41. The activities of the Component III of the Project Document “Support to Parliamentary Development in Moldova” (Annex 4) shall be an integral part of this Programme Document. The mentioned activities are being implemented with financial support from the Government of Denmark and UNDP, and are reflected (integral part) of the Annual Work Plan and Budget 2012-2015 (Annex 2) and the Results and Resources Framework (Annex 1).

Components:

- 1. Improving the institutional capacity of the Parliament and CEC to meet European standards of gender and human rights and strengthening the legislative and oversight functions of the Parliament**

Current situation: The Parliament and gender

42. Although the Parliament has only 20 female MPs - forming 19.8 per cent of the chamber - this does compare favourably with neighbours in the region², such as Romania (11.4 per cent) and Ukraine (8.2 per cent). A numerical increase in elected women representatives provides opportunities for women's voices and perspectives to be injected into the legislative process, and it also remains important for women parliamentarians to be given the same access to resources and opportunities as their male colleagues. Aside from increasing the proportion of women parliamentarians in parliaments, it is important that parliaments also have the ability to consider and address how their work - especially in terms of legislation and the national budget - affect women in their society. Placing gender equality issues at the heart of policy decisions, institutional structures and resource allocation through a process of gender mainstreaming can address these issues.

43. In many national Parliaments the establishment of women's caucuses has made a measurable difference with respect to the gender-sensitivity of legislation and on national development strategies. The women caucus is one of the instruments for ensuring that "the political representation includes both the proportion of women as well as their de fact ability to exert power and influence when it comes to the decision making and legislation management".³ A good example can be found in FYR Macedonia where the Women's Caucus (there called Women's Parliamentary Club) lobbied successfully to introduce an electoral system that was more favourable for female candidates to enter the Parliament. The result is that the female representation in the Macedonian Parliament is among the highest in Europe (32.5 %). Other achievements for the Women's Club featured on the parliamentary website⁴ are: Support for the drafting and adoption of a Law on Equal Opportunities; Amendments to the Law on Pension and Disability Insurance; Incorporation of a new chapter for the protection of victims of family violence into the Law on Families; Amendments to the Law on Health Insurance to ensure free preventive gynaecological examinations for the early detection of cervical and breast cancer; and Amendments to the Law on Games of Chance and Entertainment Games (Gambling Law), to establish a special fund to fight against family violence.

44. Women's caucuses are not an automatic mechanism for success, but the discrete nature of their activities has often provided a safe venue for cross-party legislation drafting and the creation of cross-party allegiances and cooperation addressing and promoting issues of particular interest for women. Addressing the complex dynamics of 'party vs. caucus' relationship within a parliamentary setting is perhaps the most challenging task, but it is arguably also the most fruitful one. The increase of the number of women parliamentarians in Moldova is on the rise – this should help, in the coming years, to bring to the Parliament that much-needed 'critical mass' of women MPs that can carry such a caucus forward successfully. Besides discussing and drafting legislation in the gender area, at the same time, a women's caucus should make a priority of communicating its goals, efforts and achievements - only by keeping the lines of communication open, in both directions, can a women's caucus be truly effective.

² <http://www.ipu.org/wmn-e/classif.htm>

³ On Equal Footing. Policy for gender equality and the rights and role of women in Sweden's international development cooperation 2010-2015, p.15.

⁴ <http://www.sobranie.mk/en>

Expected result: An inclusive women caucus in the Parliament

45. The Programme will support the establishment of a Women's Caucus in the Parliament of Moldova. This support will be carefully designed in order to ensure that the caucus could reach its objectives and therefore will focus on the key elements leading essential for a success. Technical assistance will then include:

- Support to the organization and management of the caucus, including assistance to the leadership and for establishing a secretariat with a (part time) staff;
- Organization of a regional conference in Chisinau featuring members of other national women's caucuses to facilitate finding common ground on which to join forces;
- Assistance to broaden the Parliamentary caucus and to transform it into an inclusive focal point for the promotion of gender-sensitive legislation and governance;
- Training on communication for members of the women's caucus;
- Providing training on gender sensitive legislative drafting for the caucus members and members of the Committee for Legislative Issues;
- Trainings on gendered budgeting for the women's caucus and for the Committee on Budget and Finance (MPs and staff) and for other Parliamentary staffers;
- Gender mainstreaming training for Committees and for Parliamentary staffers; and
- Support for the development of a web site for gender-sensitive legislation and governance in Moldova under the sponsorship of the women's caucus.

Current situation: electoral administration and gender

46. Elections present an important opportunity for strengthening women's participation in public life. In order for an election process to be democratic, it must include the effective participation of both men and women equally, not just as candidates, but also as voters, election administrators and observers. Since women face specific barriers to fully participating in elections, particular attention to women's participation in elections should be integrated into election-related programs. While electoral assistance programs have often included work on gender issues in relation to candidacy, this has tended to overlook women as voters, electoral administrators and observers.

47. The Central Electoral Commission consists of nine members; there is only one woman member; there was also only one in the previous composition of the Commission. Commission members are nominated individually, by political parties and the President of the Republic, and so there is no unified process to consider the gender balance of the Commission. This is repeated in lower level electoral bodies. In these lower level bodies, however, women make up a higher proportion of members, but still achieve less than a third of the leadership roles.

48. The CEC does not currently gender disaggregate its statistical data in relation to voter registration, voter turnout, electoral observers, temporary electoral staff or candidates. In its new strategic plan, the CEC has committed to a more structured process of gender mainstreaming throughout the electoral management structure and across all of its work areas; UNDP are well placed to support this effort and can rely on linkages, support and knowledge products from wider UNDP initiatives in this area.

Expected result: Improved gender awareness in the CEC and other electoral bodies

49. As CEC staff are recruited using Moldova's non-discriminatory civil service rules, there is a good gender balance in the staff: In the establishment of January 2012 are 16 women, 10 men,

and all four department heads are women. This provides a good basis for a more overt gender lens to be applied to the CEC's external work.

50. The Programme's support for the CEC in terms of gender awareness will include the following activities, in addition to the mainstreaming of gender concerns into all other activities:

- Running BRIDGE gender and elections workshops for the Moldovan CEC and key stakeholders to inform a gender audit of the CEC and build internal support for a gender mainstreaming strategy;
- Continuing to link the CEC into work being done on a regional and global basis on gender and electoral administration under the UNDP Global Program on Electoral Cycle Support;
- Undertake a gender audit and support the development of a gender mainstreaming policy and a policy for the gender disaggregation of electoral data;
- Develop and gain agreement for a gender impact analysis tool to be used to assess all future CEC policy initiatives; and
- Supporting the development of institutional training programmes on gender and electoral administration which can be cascaded to both the CEC and lower level electoral bodies.

51. The Programme activities are designed to address the gender imbalance in all levels of electoral management bodies. The gender audit that is already underway (financed by UNDP) will identify this imbalance in detail, and the subsequent action plan will include strategies to address these. The gender training will be cascaded down to all levels, while the Programme will also support the CEC in implementation of any other actions to address the needs emerging from the audit and action planning process.

Current situation: Elections and human rights

52. Promoting and upholding human rights before, during and after an electoral process is critical to whether or not that election is ultimately a success. It is then vital that the protection of human rights be made a priority in planning for electoral processes. While the CEC has not shown itself to be an anti-human rights institution, there has been no institutional capacity to support its potential role as a human rights champion.

53. In particular, as the CEC continues on the electoral modernisation path, it will need to grapple with the human rights implications of new electoral processes and new electoral technology. In the Moldovan case, this will include considering the human rights implications inherent in systems of population and electoral registration as well in the introduction of new voting technologies and services.

Expected result: Human rights considered in the development of registration and voting processes

54. As part of the institutional development of the CEC, the Programme will support an increased focus on human rights issues through the development of an internal policy and research capacity and this is explained and funded in component three. The Programme will mentor and support this new work unit in the area of how human rights factor into policy development. This will allow a clearer and more targeted consideration of key human rights issues - in the first year through a gender audit and mainstreaming process (as outlined above), and in both years through increased consideration of data protection and information privacy issues in

relation to voter registration processes. In later years, this enhanced CEC capacity will allow for consideration of other human rights issues such as language, national minority and disabled access to electoral processes.

55. At the same time, the Programme will support CEC engagement in the Parliament's role of monitoring human rights obligations, and continue to support the CEC's cooperation with OSCE-ODIHR⁵ as the key regional body working in the area of participation and electoral rights. Due to the large number of elections that have been conducted in Moldova in recent years, there are a large number of OSCE-ODIHR recommendations that have not been formally considered or responded to in regard to Moldovan elections. While the CEC alone cannot action all recommendations, it can formally respond to technical recommendations and also advocate that Government and the Parliament consider those relating to the legal framework. The Programme will work with the CEC to develop an internal follow up process in regard to OSCE-ODIHR conclusions as well as an advocacy strategy for those requiring wider input.

Current situation: Parliament and human rights in Moldova

56. Moldova is party to six of the nine major international human rights treaties, the European Convention on Human Rights, and a number of the other major Council of Europe human rights treaties, including the European Social Charter. In its aspiration for EU integration, Moldova has committed to a range of actions aimed at strengthening the stability and effectiveness of institutions guaranteeing democracy, human rights, including the rights of the children, the rule of law, and the protection of minorities. However, Moldova has not yet succeeded in full compliance with its international and European human rights law commitments, as a result of a range of structural and other impediments. A number of human rights oriented reforms have remained commitments in principle only; real and lasting change, based on evidence based policy making and then the rigorous implementation of changes to law and policy, has to date remained elusive⁶.

57. The events of April 2009, in which extremely repressive measures followed protests contesting the results of a general election, have in particular thrown sharp light on a range of outstanding human rights issues in Moldova, as has a steady stream of negative findings by the European Court of Human Rights. Institutional weaknesses remain, and extend also to the ability of civil society to respond effectively both to crisis, as well as to human rights issues arising on a daily basis.

58. In May 2011 the Parliament adopted the National Human Rights Action Plan 2011-2014. Although the State Chancellery is formally tasked with monitoring the progress of the Action Plan, the Parliament has an oversight role on the Government's implementation of the Human Rights Action Plan.

59. Of particular interest is the Justice Sector Reform Strategy 2012-2016, which was adopted by the Parliament in November 2011. The Justice Sector Reform is aiming at fighting corruption and improving the investment climate. Proposed measures include the strengthening of courts by promoting independence and increasing effectiveness. Increasing the respect for human rights on the part of prosecutors and police is an important element of the reform. Implementation of the

⁵ The key international electoral observation of Moldovan elections is performed by the OSCE's Office for Democratic Institutions and Human Rights, known as ODIHR.

⁶ The latest report of the Parliamentary Assembly of CoE (19 July 2011): "Moldova among countries slow to execute ECHR judgments".

Strategy means elaboration of new draft legislation that will be discussed and adopted by the Parliament. It will be important that Parliament has sufficient capacities to scrutinize the proposals and to monitor the progress of the reform process.

60. The oversight, law-making, and representation functions are excellent tools allowing the Parliament to play its crucial role as strong, constructive and dynamic democratic institution. Parliamentarians - with respect to these functions - can actively engage in the promotion and defence of Human Rights, including children, and minorities. They can indeed ensure that the national legislation corresponds to international commitments and that this legislation is fully implemented in order to have a decisive impact on the lives, the empowerment and the protection of the citizen, especially those who are most vulnerable.

61. An issue of particular interest for this Programme, in the view of recently approved National Action Plan on combating the severe forms of Child Labour by the Government of Moldova. The implementation of this plan will facilitate the access of children to community social services, one of the measures stipulated in the future EU-Moldova accession agreement. However, the full implementation requires further development of related secondary legislation, where the Parliament plays a crucial role. Assistance will be provided to Parliamentary Committee on Health, Social Protection and Family, and other relevant committees, in adopting appropriate policies and legislation, and oversight of their implementation.

Expected result: A shared approach to human rights mainstreaming

62. Given the constitutional basis of human rights promotion and protection, as well as the wide-ranging problems that have been experienced in operationalising Moldova's human rights commitments, the Parliament is continually identified as a catalytic institution for improving the Moldovan approach human rights. The Programme therefore aims to build the capacities of MPs and Parliamentary staff to achieve a more systematic and overt approach to human rights in both the law-making and oversight functions of the Parliament. This will be crucial as the Parliament approaches its tasks in the implementation of the Moldovan Justice Sector Reform Strategy.

63. The Programme seeks to take this support beyond the Parliament into two complementary spheres - the Central Electoral Commission and the Parliamentary Advocates. This joint approach is inspired by the symbiotic relationship between these independent bodies and the Parliament in the human rights area. The CEC must promote and protect civil and political rights in their work, but such promotion and protection is dependent on the environment provided by the Parliament through the legal framework. If the CEC can organise elections based on a sound human rights framework, parliamentarians will enjoy the legitimacy of being democratically elected. Similarly, the Parliamentary Advocates, act to protect and promote social and cultural rights, but again can only do so within a strategic partnership with the Parliament. Through their work, the Parliamentary Advocates provide an important democratic checkpoint, one that is essential for Parliament to hold the executive to account and demonstrate this accountability to the citizenry.

64. As an initial step, the joint approach will be fostered through training, seminars and information sessions for parliamentarians, CEC members and Parliamentary Advocates - as well as their staff. The topics will include:

- Moldova's international and European human rights obligations;

- Operationalising international human rights obligations in legislative work, with a special focus on the Justice Sector Reform Process;
- Improving the domestic oversight and scrutiny of Moldova’s adherence to its international human rights obligations;
- Investigative skills and conciliation techniques for considering and resolving human rights complaints;
- Following up on and responding to external human rights findings (ECHR decisions; electoral observation reports etc); and
- Inclusive participation within parliamentary and electoral processes.

65. Particular attention will be paid to the role of the Parliament in implementing Moldova’s international obligations regarding the rights of vulnerable groups, in particular, children. The Programme will provide specific child rights knowledge to MPs and Parliamentary staff, as well as will strengthen the capacity of the Ombudsman for Child Rights and its staff. This can then result in a more systematic and overt approach to child rights in both the law-making and oversight functions of the Parliament. The awareness-raising and capacity building activities for MPs and Parliamentary Advocates, as well as their staff, will include the following:

- Workshops on the role of Parliament in promotion/protection of children rights, including on combating sexual and labour exploitation of children;
- Training and provision of materials/tools on human-rights/child-rights-based budgeting to Parliamentarian commissions (Health, Social Protection and Family; Education, Media and Youth; Public Administration and Decentralization; Budget, Finance and Economy; and Human Rights);
- Training and technical support in analysing annual budgets and financial implication of strategic, legal and normative documents related to child rights, including through close analysis of performance indicators and allocation of appropriate financial resources to Health, Social Protection and Family; Education, Media and Youth; Public Administration and Decentralization) commissions; and
- Study visit on human-rights/child-rights mainstreaming in the Parliamentarian activities for representatives of relevant Parliament’s commissions to familiarise with the best practices in newer EU Member States.

Current situation: an ineffective parliamentary oversight on human rights

66. The Parliamentary Advocates, the Moldovan equivalent of an Ombudsman's office, were established in 1997. There are four Parliamentary Advocates, appointed by the Parliament for 5 years. They have equal powers and responsibilities and cover various human rights⁷, including one - on Child Rights. The Parliamentary Advocates and their staff compose an independent institution, called “The Centre for Human Rights”. The institution constitutes a part of the national mechanism for protection of human rights and fundamental freedoms.

⁷ The proposals regarding candidates for Parliamentary Advocates positions are moved in the Parliament by the President of the Republic of Moldova, or by a group of no less than 20 parliamentarians. For each of the candidates a reference of the Parliamentary Committee on Human Rights and National Minorities should be provided to the Parliament.

67. There are certain objective and subjective obstacles that do not allow Parliamentary Advocates to perform their function efficiently.⁸ The needs for further capacity development of the Centre for Human Rights and consolidating the independency of the Parliamentary Advocates are being addressed by a recently launched UNDP Programme. The task of strengthening both the National Human Rights Institution and the oversight function over it executed by the Parliament will be tackled by both Programmes in a coordinated joint manner that will increase the impact of both interventions.

68. The Parliamentary Programme, drawing on the human rights expertise of the UN Country Team, has recognised that the status, role and effectiveness of the Parliamentary Advocate system could be improved through the establishment and support of an increased level of cooperation between the Advocates with the Parliament, in particular the Parliamentary Committee on Human Rights and National Minorities. Parliament should develop a strategic partnership, at the same time respecting the independent position of the Advocates.

Expected result: High quality cooperation between the Parliamentary Advocates and the Parliament

69. Indeed the Parliamentary Advocates findings should be the main basis for the Parliamentary Committee on Human Rights and National Minorities, as well as other committees, to exercise and feed their function of law-making, and oversight. Similarly, the Advocates have to assist the committees to fulfil its mandate to ensure that all draft laws examined are in compliance with international human rights standards. The existence of effective Parliamentary Advocates and of an active Parliamentary Committee on Human Rights and National Minorities will together bring attention to human rights issues and provide a mechanism to facilitate greater interactions between Parliament and civil society. This window, open to the citizen, should serve to strengthen the link between the population and the Parliament.

70. In order to strengthen the dynamic and complementary relationships between the Parliament, more specifically the Parliamentary Committee on Human Rights and National Minorities, and the Parliamentary Advocates, the Programme will provide technical assistance for developing more specific rules for establishing structural cooperation between the Advocates and the Committee that will be complementary to the annual report of the Advocates to the Parliament.

71. The Programme will provide assistance to the Parliamentary Committee in monitoring progress towards the realisation of human rights and ensuring compliance with international human rights standards, and will provide an opportunity for considering how the capacity of both bodies can be enhanced and how a rational division of labour could best be achieved through:

- Workshops on European practices regarding Human Rights ombudsman with experts from Romania, Serbia and Sweden;
- Support for developing rules for establishing structural cooperation between the Parliamentary Advocates and the Parliament;

⁸ Richard and Korotaev, Alexey, "Improving the Efficiency of the Centre for Human Rights of Moldova: Findings and Recommendations", assessment carried out in the framework of UNDP Programme "Assessing the effectiveness of National Human Rights Institutions", May 2007. For example, as the authors indicated, previously, 'the committee undertook reviews of the laws six months after they have come into force and reported to Parliament on the quality of their implementation'.

- Technical assistance and support to the Ombudsman for child rights in exercising of the functions, and sessions with MPs from relevant commissions to raise their awareness on child rights issues;
- Capacity development support to monitor progress towards the realization of human rights and ensuring compliance with international human rights standards;
- Support increased role of Parliamentary Advocates' reports as an independent evidence of the human rights' observance in the country, including in the area of child rights; and
- Study visits of the Committee on Human Rights and the Committee on National Security to Germany and Sweden.

Expected result: Strengthened Parliamentary oversight on human rights

72. Parliamentary oversight functions provide an opportunity for the active engagement of Parliament in the promotion and defence of human rights, including the rights of minorities and children. This can be demonstrated through the monitoring of adherence to human rights laws and embedding human rights in national laws. Parliaments should be active players in scrutinising human rights treaties and monitoring the reporting by treaty bodies and government's response thereto.

73. The Programme will support the organisation of public hearings and other consultative activities by the Parliamentary Committee on Human Rights and National Minorities and other committees, regarding the implementation of the of Human Rights commitments. Those public hearings will be organized through the Parliamentary constituency offices (see below) in order to gain the most accurate view of the human rights situation throughout the country and to allow citizen to directly address the committee about human rights issues.

74. The Programme will support the Parliament and the relevant parliamentary committees in building capacities of MPs and staff regarding the legislative agenda of various strategic initiatives, such as the Justice Sector Reform and the National Human Rights Action Plan, in order to increase the legislative function quality in line with the Parliament's Strategic Development Plan.

Current situation: insufficient parliamentary oversight on the implementation of the State Budget, in particular on funds coming from foreign sources

75. Although the Committee on Budget, Economy and Finance has substantially strengthened its role and responsibility in the last few years, the role of the Parliament in budget oversight is still as rather weak. Only few Members of Parliament have a good insight in budgetary techniques and procedures. The majority of MPs lack this knowledge, and budget allocations are not always made in the best interest of citizens, in particular, the most vulnerable population. Capacities in this area shall be further developed, with a focus on the assessment of impact of budgetary interventions.

Expected result: Strengthened parliamentary oversight on budget implementation.

76. The Programme will support the Committee on Budget, Economy and Finance, as well as other committees, by providing expert briefings and training to MPs and parliamentary staff on budgetary techniques and the assessment of impact of budgetary interventions. Particular support will be provided to staffers of a new unit for Impact Assessment that is foreseen by the Strategic Development Plan.

2. Fostering the quality of the representative role of the Parliament and promoting more interaction between Members of Parliament, citizens and civil society

77. Along with the legislative and oversight functions, **representation** is one of the key roles of the Parliament. Recently this was confirmed in the first Global Parliamentary Report (GPR) “The Changing Nature of Parliamentary Representation”⁹. This report, in which more than 125 Parliaments and 660 Members of Parliament participated, concludes that **Parliaments have never been in history more essential to the political life of a country**, but at the same time are facing greater public scrutiny and pressure than ever before. The report highlights that the citizens want more democratic engagement between them and the Parliament. Citizens have desire for information and influence on parliamentary work, for accountability and responsiveness to public concerns and for service and delivery to meet their needs. Most Parliaments do recognize the challenges and have taken initiatives. According to GPR these measures tend to fall into two broad categories:

- a. To provide more information and improve public understanding of parliament (for example Open Days, Visitor Centres, webcasting, information material and the website);
- b. To consult and involve the public more in the work of parliament (for example public hearings, field visits, petitions, constituency service)

The Programme is aiming to support the Parliament in strengthening its representative function through further strengthening of consulting mechanisms and promoting more interaction between MPs and citizens in addition to what has been done already up to now.

Current situation: Moldova's challenges to the emergence of a high quality representative relationship between citizens and parliamentarians

78. Citizens in new democracies want to exercise democratic freedoms by engaging with elected representatives to improve the quality of life in their country. When opportunities for this engagement do not exist or are ineffective in changing government policy, support for democracy is eroded. In extreme cases, where individuals or groups within a society feel that governmental institutions do not represent them, there is the risk that these individuals or groups will resort to extra-legal mechanisms in order to have their voices heard.¹⁰

79. An effective parliament represents constituents, influences law and policymaking, and acts as a check on executive power by exercising a degree of oversight. Member-constituent relations can affect each of these functions by shaping member motivations and incentives, by providing local content and human context to decisions, and by providing a way for constituents to measure performance of MPs and to assess government actions. Indeed in democratic societies, parliaments routinely consult, interact, and exchange views and information with the public, so that citizens can express their preferences and provide their support for decisions that affect their lives and livelihoods. Dealing with elected representatives on an on-going basis strengthens the

⁹ Launched on 2 April 2012 by the Inter-Parliamentary Union (IPU) and UNDP, www.undp.org/governance

¹⁰ Guidebook on Strengthening the Representative Capacity of Legislatures: A background paper for a UNDP Staff Training Seminar “Strengthening the Legislature – Challenges and Techniques” Brussels, October 22 – 24, 2001

relationship between MPs and constituents and increases the possibility of MPs acting on their behalf. Effective member-constituent relationships contribute to democracy by strengthening the people's connection to their government, and by providing "real life" assessments of how government programs are actually working on the ground.

80. In the recent years the Parliament of Moldova has started to initiate more interaction between MPs and the citizens. Some committees have organized public hearings and MPs sometimes visit the regions outside Chisinau to consult with citizens, in practice mostly related to the respective party. UNDP Programme is currently supporting the parliamentary committee on Foreign Relations and European Integration with organizing Policy Forums in different places in Moldova. During the Policy Forums committee members discuss relevant issues of European Integration with citizens and civil society. Despite these incidental initiatives the Parliament does not have firmly rooted regular mechanisms for consulting with citizens. Currently UNDP Programme is supporting the Parliament with creating a Manual on Public Hearings, so that all committees can organize public hearings in a more uniform way.

While elections are the most common mechanism linking citizens and their government, they are occasional and citizen participation is generally limited to casting a vote. Moreover the electoral system has a direct impact on the parliamentarians' behaviour between the elections. Indeed representatives in single member district systems, where constituents vote directly for a single representative, must be responsive to constituents if they want to remain in office. In party-list systems, as Moldova is, representative loyalties are strongest toward their party leaders. There is indeed little motivation to provide constituent services because they are not as likely to directly affect election outcomes as in single member district systems. Hence, constituency relations in Moldova are rather weak and mainly based on receiving occasional feedback from citizens and civil society. This is, however, not only caused by the voting system, in which parliamentarians do not formally represent a certain area of the country, but there are also other explanations such as lack of infrastructure. Inadequate, inaccessible facilities for MPs of Parliament to meet with constituents act as constraints on relations between MPs and their constituents.

81. Sporadic relations with constituencies weaken accountability of Parliament and Parliamentarians to the citizenry. Information about the work of the Parliament and the MPs is limited and fails to reach many of the rural areas where a majority of Moldova's most vulnerable population lives. This poor communication flow can only widen the existing perception of social, economic and other disparities between urban (in particular the capital city Chisinau) and rural areas. As a result, the Parliament runs the risk of being perceived as isolated from the realities of life in Moldova's villages and small towns, since citizens are not always aware of Parliament's work.

Expected result: More interaction between Members of Parliament, citizens and civil society

82. Building on existing initiatives and plans the Programme will support the practical implementation of the Manual on Public Hearings by Parliamentary Committees. A Public Hearing (to be organized in and outside the capital Chisinau) is a very useful instrument to strengthen the representative function of the Parliament. All parliamentary committees will be encouraged to organize regular public hearings on different issues (legislation and oversight), to collect information from citizens and civil society and provide a platform for exchange of opinions.

Further assistance will be offered in developing procedures on using modern electronic communication instruments, like e-consultation on legislation and on policy, and online discussions.

83. In order to bring MPs closer to the constituents establishing Constituency Offices where MPs or their staff can meet with citizens, handle constituent problems, meet with local citizen groups and learn about local concerns and issues to raise in the Parliament might be considered. Regional and local initiative groups and NGOs will also have the possibility to interact with the MPs more regularly and to present directly the issues related to their constituency, in particular, vulnerable groups, i.e. Roma, families with children with special needs, etc.

84. Establishing a local Parliamentary Office for every member, however, would be too expensive. The solution proposed for the Moldovan Parliament is to establish constituency offices in regions, which will be used by representatives from all political parties and also act as a 'hub' for information and education on parliamentary/democracy issues. Such offices would bring the Parliament closer to the citizens, for who it will become easier to establish direct contact with MPs. Parliamentary offices outside the capital are in line with practices in other European countries like for example Romania, Macedonia and Greece. In particular Macedonia could serve as example, as discussed in the Global Parliamentary Report 11. Initially started in 2003 as a small pilot program, Macedonia's constituency office initiative has expanded to provide 75 constituency offices that are the principal platform through which MPs communicate with their voters. The report mentions furthermore that: "According to local analysts, the impact has been significant on the public understanding of what MPs do and MPs responses to voters. At the outset, voters assumed that meeting a MP was an opportunity to lobby for direct and individual support, such as employment. But the system has evolved and citizens have established how to use the system most effectively The value of the system is that it helps individuals to engage with the state; consequently, the system is no longer faceless. It also makes people more aware of parliament and politicians."

85. The Programme will provide technical assistance for a feasibility study on creating constituency offices for MPs in Moldova. During this study detailed options will be discussed, using examples from Romania, Macedonia and other European countries with similar electoral systems. A road map will be developed, which will include identifying the place in Moldova where the office shall be established, office space, training for MPs and staff, the outreach of the Parliament, strengthening the quality of citizen education and participation, and public information and access. The Programme will support the feasibility study and the road map with technical assistance and facilitation. In a later stage a constituency relations manual will be drafted in order to provide practical reference materials to MPs.

86. Based on the findings of the feasibility study, the Programme funds will be made available for the establishment and development of initially three constituency offices. Those offices will serve as a base for the different individual MPs in their contacts with constituents, but also will provide to all political parties/Parliamentary groups a space to communicate with citizens. The district offices will also serve as:

- Parliamentary public information and access points in order to strengthen the citizen awareness on the Parliament's democratic role;

11 Global Parliamentary Report "The Changing Nature of Parliamentary Representation", page 69-70

- Spaces for decentralized committee meetings;
- Points for civic education and citizen/children participation, including in electoral process;
- Information points on democracy, human rights and gender equality.

Decentralized Public Hearings

87. The main purpose of public hearings is to provide an opportunity for MPs to hear the views of experts and citizens on public policy issues, and to express and promote their agenda. Public hearings are often held in hearing rooms in the legislature, but they can also be held in Constituency Offices in order to solicit the perspective of citizens on a particular issue. Constituency Offices would also offer the opportunity to the Parliament as an institution to move to the regions. Indeed, if citizens are to engage with their representatives and the Parliament as an institution, it is important that the institution be viewed as accessible. Meetings outside the capital can significantly increase citizen perceptions about legislative accessibility.

3. An improved institutional environment for electoral management bodies that can deliver inclusive and modern electoral processes

Current situation: Electoral Administration in Moldova

88. Although it can appear that the Moldovan electoral world is tumultuous, both in its character and considering the short time periods behind electoral events, elections in Moldova are now deemed by international observation missions to adhere to baseline democratic standards, and clear improvement has been visible over time. However, in a UNDP commissioned study carried out in December 2010, 25.7 per cent of respondents still did not believe that elections in Moldova are free and fair. The reason for this distrust is naturally complex, and in part it is related to the known abuses of political finance and media manipulation, but it is an indication of an electoral system that still has not found a proper and stable form. On a more positive note it should, however, be recognized that the Central Electoral Commission, in the same study, enjoyed the highest trust of ten state institutions and also was the most well-known institution.

89. Many aspects of the CEC's function have been improved, including the internal infrastructure and competence of the main electoral body, but capacity in some areas is still low. There are two main reasons for this: firstly, while there have been five electoral events since the ESM intervention commenced, the CEC is only halfway through what would have been the standard electoral cycle. Second, the constant elections during the last two years have on the one hand created many opportunities for hands-on training, but have also meant that more long-term strategic interventions have had to be postponed.

90. In order to capitalise on the gains made during electoral events in earlier years, there is a need now to move to institutionalise electoral support activities in the country. CEC staff, structures and methodologies are not yet sufficiently developed to fully cope with the demands of a modern election administration. In order to meet that specific need UNDP provided support in 2011 for reflection and review of past activities and the laying of concrete plans for the future, as embodied in the CEC Strategic Plan. There remains, however, much work to be done to ensure

that the CEC is able to support the modernised electoral process envisaged for Moldova and to earn its place as a human rights guarantor.

Expected result: An improved institutional environment at the Central Electoral Commission

91. The CEC – and Moldova’s current electoral management structure - was established in 1997; it has developed institutionally since that time in an ad hoc rather than planned fashion. The current structure of the CEC’s apparatus no longer aligns with the modern mission of the CEC, and is not designed to deliver its strategy for the future. Crucially, while the CEC is given the paramount role in the hierarchy of electoral management bodies, there is a lack of clarity and accountability in its relationships with subordinate electoral management bodies – the District Electoral Councils and Polling Station Bureaux established during electoral periods.

92. In addition, the CEC relies on a range of other public institutions – such as the police, the Ministry of Foreign Affairs and European Integration (MFAEI), the Ministry of Information Technology and Ministry of Information Technology and Communications (MITC) and local public administrations - for the delivery of its mandate, but its relations with these institutions are not well organised and often contact is only initiated during electoral events. Both of these issues are exacerbated by the CEC’s poor budgetary position, a position that leaves Moldova in danger of becoming donor dependent for the delivery of basic electoral services.

93. At the same time, the CEC staff is stretched and much of the time overwhelmed. The delivery of five electoral events in two and a half years has been the result of heroic effort rather than careful planning. The CEC has staff who are committed and dedicated, but the organisation displays a very task focused, technical approach. Over many years a need has been recognised for the development of modern management skills and a more streamlined decision making process in the CEC, as well as a need to provide training in ‘soft’ skills such as people and time management. While the CEC has taken a great interest in learning from comparative experience in electoral technology, it has not benefited from a similar study of how electoral management bodies are organised and managed to deliver such technological initiatives.

94. The Programme’s strategy to address these institutional issues will be:

- A co-operative approach to the implementation of a new structure for the CEC’s apparatus and a matching decision-making process. This will need to be accompanied by a holistic human resources plan that can support and extend the implementation of the new organisational structure and provide for robust succession planning and skills development across the CEC;
- Development of a management mentoring relationship for one CEC bureau member and one CEC director with a comparable institution;
- The consolidation of the CEC’s leadership role in elections through the formation of cross-government task forces on key issues. Initially two task forces – to cover registration of persons and out-of-country voting – are envisaged, but it is hoped that the success of these groups will encourage the CEC to adopt this approach for electoral event coordination as well, which would provide a basis for refreshing and reordering the relationships between the three levels of election management;
- As required, support the work of other parts of the public sector with electoral and registration responsibilities, in recognition of the framework that spreads electoral tasks beyond the CEC;

- Improve the internal environment for staff and CEC members through a thorough training needs analysis; and
- Begin the delivery of the learning identified in the development plan, including through the Programme's contribution to the BRIDGE programme for Moldova. BRIDGE is the internationally accepted standard for electoral administration training, and is a modular programme that also allows for the inclusion of other corporate training needs, such as time management, staff management and financial management.

Expected result: Improved implementation of CEC Programmes and initiatives through development of a research and policy capacity within the CEC

95. CEC continues to face a challenge linked to the absence of policy development capacity, a lack that is common across Moldovan public institutions. Such capacity and rigorous, in-house analysis and policy development skills are essential if the CEC is to be successful in implementing Moldova's ambitious electoral modernisation strategy, and if Moldovan elections are to continue to improve and to meet international and European standards. CEC members and staff have participated in a variety of evaluation and reflection events in recent years, but at the behest of development partners.

96. Elections generate significant amounts of statistical data, and this data provides an essential basis for the improvement of electoral services. The CEC IT system, SIAS, includes many reporting elements that also provide internal data on performance and capacity in regard to electoral tasks. However, the CEC has no in-house research capacity to analyse and present the data for internal and external audiences. This hinders the CEC's ability to provide an improved and more responsive electoral service.

97. The CEC has embraced this proposal and has included provision for research and policy work in their new structure establishing a new unit called "Analysis and Documentation" for which the staff will soon be recruited. The Programme will provide support, development and mentoring for the new research and policy staff, as well as for the wider development of the CEC in this area. In the initial year a specific output of these staff will be the improvement of the CEC's consideration of gender in electoral process as outlined in component one above and also an approach to data protection/information privacy in terms of the voter registration system required by component four. It is expected that the research and policy officers will be a responsive resource for all CEC members and staff who require comparative or analytical data on electoral issues. The Programme also includes provision to bring in external assistance to work with the policy and research team to conduct an evaluation of international electoral assistance to the CEC.

4: Improving the public registration process for Moldovans and supporting the modernisation of Moldovan electoral processes

Current situation: Directions for electoral modernisation in Moldova

98. As polling and counting processes have improved, it is clear that the biggest remaining concern around electoral integrity is the acknowledged low quality of the voter register. This is caused by many factors, which include problems experienced by the State Register of Population (a key data source for the CEC), nationwide problems with addresses and street names, the need for registration processes to respond to the impact of the diaspora and the overall decentralised

process for the compilation of voter lists. It is obvious to most observers that there is a serious need to modernise and thoroughly update the voter registration process, so that citizens may regain trust in the accuracy of the register and feel confident that those persons included on voter lists are actually eligible voters and that the current possibility of multiple voting is removed.

99. Voter registration continues to present the key vulnerability in Moldova's electoral processes. Successive international and domestic observer reports have drawn attention to the need for more improvement in voter registration. The Programme has supported a variety of interventions in the last three years that have seen improvements in the quality of the list, as well as the design and provision of a modern IT system. However, there remains much work to be done on the policy side of voter registration, where responsibility is split across agencies and levels of government and there is little or no consistency in approach across the Republic.

100. In 2008 Moldova established what is referred to as a long term 'electoral vision' and formulated this in Law 101 of that year that foresees the full digitalisation of its electoral processes based on an integrated ICT system which covers and automates the main electoral process elements. These elements can be divided into three main areas:

- I. Internal or 'back office' electoral management and reporting functions of the CEC and subordinate electoral bodies (including a results management system);
- II. Voter registration; and
- III. Voting services.

101. The Programme has already supported significant work on the first two elements. The first, internally facing element has been completed, and the IT system – known as SIAS – can support the CEC and DEC's at Parliamentary and local elections as well as referendums. The second element has been developed on a technical level, but requires a broader policy approach to be implemented further. The third element has been the topic of internal discussion, but electronic voting services (whether in controlled sites such as polling stations or available remotely such as through the internet) require a more thoughtful and considered approach than the CEC has had time or resources to devote.

102. It should be stressed that while Law 101 envisages remote electronic (including internet) voting services – in part to address the difficulties of managing out of country voting and to remove one rationale for supplementary voting lists – such development will only be considered when the political situation is stable, CEC capacity improved and the population properly informed. It should be noted that although Law 101 requires the CEC to work towards the implementation of e-voting, there are rightly concerns about the appropriateness of this as a goal for Moldova at this time. There is also no clarity on when and how Government will financially support the goals of Law 101. The Programme wishes to support the CEC to explore the technical, legal and financial implications of e-voting, and to therefore reach an informed decision on its viability for Moldova. Such feasibility work will allow the CEC to make an evidence based submission to Government as to the practicability of the current law. This is one reason why the Programme plans to assist with the conception, planning and design of e-enabled voting services, but does not pre-suppose the rollout of such services, whether abroad or in Moldova.

Expected result: Improved registration of Moldovans at home and abroad

103. The CEC relies on three other public sector 'players' during the voter registration process. The first is the State Enterprise "Registru" of the Ministry of Information Technology and Communication, which is responsible for the maintenance of the State Population Register. This register is the base of many of the technical defects of the voters' lists such as incomplete or incorrect personal entries. Moreover, there is no sharing of the information gained at elections as to the accuracy of the data with Registru after the event, so errors are embedded in successive data sets. The second partner is the Cadastral Agency, which is responsible for the national address database. The acknowledged poor quality of this database is largely responsible for the poor or incomplete addressing on the voter register. Thirdly, there is the cadre of Local Public Administrations across Moldova, who have responsibilities under the electoral code in relation to the compilation of voters' lists; the CEC's relationship with LPAs is not well regulated in the electoral code, and LPAs have differing levels of resource and enthusiasm to undertake these electoral tasks. The end result of this structure is a set of diffuse responsibilities that are neither well-resourced nor well understood; it is certainly no basis for a modern and accurate voters' register. This is exacerbated by the role of the Polling Station Bureaux at election time, who are responsible for election period displays of the list and receiving updates to it. As temporary bodies with little resource, these bureaux are not well placed to perform any voter registration role at all.

104. In 2011 the CEC began to formulate a roadmap for the further work required on voter registration; many of the tasks identified go beyond the CEC's current remit and require a whole of government approach. Using the registration of persons task force, the CEC will be able to work towards agreement on where responsibility should lie for voter registration and how it should be resourced. Such agreement will then likely be followed by legislative development and changes, which the Programme will also support.

105. Under the current legal framework, the voter's register is required to be based on the state population register. Despite any new methods for compiling the voter register, and any new technology for managing the voter's register, a link to the population registry will likely be required both because the population registry as the core national database of Moldovans is a logical input to a voter's register, and because identity documents are issued on the basis of the data held in the population registry. UNDP shares widely held concerns about the quality and the structure of the population register, and so the exact link between the population register and the electoral register will be defined and discussed during the roadmap activities in this component. In this context, the anticipated report of a recent OSCE-ODIHR mission to assess Moldovan progress towards voter registration improvement will be a key input document.

106. On the assumption that the CEC will retain or increase its voter registration responsibilities beyond 2014, the Programme will support the CEC to operationalise the roadmap through an implementation plan; this is likely to include some expansion of the existing IT system for voter registration (SIAS), and so the Programme envisages IT programming and planning support. This operational plan will also need to encompass a rollout plan for the electronic voter register - the component of SIAS used on election day, which the CEC is required to implement nationally by 2015. The Programme will support planning for the rollout of the electronic voter register, but the funding requested does not include resources for the full rollout, which will be a national scale IT procurement and training exercise.

Expected result: Responsive voting services

107. In addition to the electronic voter register, the CEC is also mandated by Law 101 of 2008 to move towards offering of electronic voting services to Moldovans, both abroad and at home. While the CEC now benefits from an extensive in-house system for many electoral tasks, this does not include what can be termed 'voter-facing' services such as voting. Work on planning for such services has been continually side-tracked by the immediacy of Moldova's five electoral events since 2009, but must now be restarted to enable the realisation of the Law 101 vision.

108. Following the model of voter registration improvement described above, the Programme will support the CEC to assess the continued feasibility of the Law 101 vision for e-enabled voting services, and then if necessary to work towards adjusting the vision. Whatever the outcome of this assessment, the Programme would be available to assist in the design of a further roadmap and to plan for the implementation of the roadmap. Using a similar process should also help to embed the cycle of plan-implement-review in the CEC, which has in the past displayed a tendency to jump immediately and exclusively to the 'implement' stage. The Programme proposes to support both the planning stages and initial implementation through legislative change, IT design and advocacy for the CEC's newly delineated vision.

109. The inclusion of Moldovans abroad in electoral processes will continue to be a major issue for the CEC. The Programme is committed to supporting the CEC to devise and develop an effective and efficient mechanism for the participation of Moldovans abroad. This is the motivation for the cross-government task force on out of country voting detailed in component two and the inclusion of Moldovans abroad in the work of component three. We can not prescribe an exact voting channel for Moldovans abroad at this time, but will continue to consider how such processes can be managed and delivered at future electoral events.

5. Support to develop an inclusive process for constitutional reform

Current situation: constitutional revision in Moldova

110. Since 2009, Moldova has faced a political and constitutional crisis, manifested most publicly in the Parliament's inability to elect a President. Less publically obvious, this period of instability has seen many other lacunae, ambiguities and inconsistencies identified in the current Constitution, including problems related to electoral processes. The Constitution's deficiencies have been multiplied by inconsistent interpretation and enforcement in the courts. After the election of a new President on 16 March 2012 the leaders of most political parties have expressed that, now early parliamentary elections are less likely to take place, the coming period should be used for a process of all over constitutional reform.

111. Previous Constitutional revision processes in Moldova have been ad hoc and exclusionary - small groups of party loyalists developing new provisions and processes. No effort has been made to build public support for the constitutional settlement and the adopted constitutional amendments have not resulted in a technically robust document.

112. In line with other international actors, the UN in Moldova has advocated to provide international support for a longer-term, comprehensive and inclusive review of the constitutional settlement. The Programme therefore includes this component to support a comprehensive

constitutional review, to be undertaken in a participatory, consultative and transparent manner. Both the process of revision and the ultimate shape of a constitution can play an important role in peaceful political transitions and a critical conflict prevention role. Constitution-making - and constitutional review - present moments of great opportunity to create a common vision of the future of a state, the results of which can have profound and lasting impacts on peace and stability.

113. A commonly suggested roadmap envisages the initiation of a broad constitutional reform process by the Parliament of Moldova. The creation of an inclusive Constitutional Review Body, within or closely linked to the Parliament, would be the first step. The drafting process would not begin until a suitable amount of public education campaigns and consultation processes had been undertaken. Following drafting, further education and consultation process would precede any vote by the Parliament on whether to put the new Constitution to a referendum.

UN support for Constitutional Reform processes

114. The United Nations can provide assistance to constitution-making processes, but only in response to national authorities' requests, and where such support can be tailored to the specific country context. Therefore this component of the Programme will serve as a rapid response mechanism to any such request made once the political situation appears to permit the revision of the constitution. The UN Resident Coordinator in Moldova has received in early 2010 a communication from the then Acting President of the Republic/Speaker of Parliament of Moldova, requesting UN assistance in the drafting process of a new Constitution as well as in establishing mechanisms for an inclusive consultation process. In response, a joint UN-UNDP assessment mission in 2010 formulated a possible road map for such support, should political events enable such work to begin.

115. As constitutional review processes in countries such as Moldova should form a central aspect of democratic consolidation, the Programme wishes to recognise and incorporate into any such support the following base principles:

- The need for careful early planning in order to provide support suitable to enable an inclusive, participatory and transparent process; and
- The necessity of a nationally owned and led process. This national ownership must include official actors (such as any new Constitutional Review Body), political parties, civil society and the general public.

116. Given the comparative experiences and the impact of inclusivity and meaningful participation on the legitimacy of new constitutions, the planned activities to support the constitution review process under this Programme are not exhaustive, but focus on (a) supporting political and strategic facilitation, (b) the provision of institutional support to the Constitutional Review Body, (c) assistance in coordinating other donors in this field, and in mobilizing additional resources as required, and (d) creating an environment for an inclusive, participatory and transparent process. Activities will be closely coordinated with other actors, as for example the Council of Europe.

Expected result: Constitutional review process supported
Political and Strategic facilitation

117. If requested, the Programme will initially provide and later build facilitation capacities in any Constitutional Review Body - helping all stakeholders to find concrete solutions to concrete challenges as they arise. As required the UN's good offices can be utilised to ensure that an inclusively designed process remains inclusive - especially in terms of the different political forces. As the review body proceeds in its work, it may call on the UN to use its good offices to resolve any serious deadlocks.

Institutional support to the Constitution Review Body

118. The Programme will, upon request, provide expertise and tailored assistance in order to contribute to the consideration of technically-sound options as to both process and substance. This can consist of:

- Provision of advice on comparative review processes, and design options for the Moldovan case;
- Provision of comparative legal analysis on constitutional designs, and options for addressing key constitutional areas from a procedural or substantial point of view;
- Provision of advice on the requirements of international human rights treaties and their respective treaty bodies, and other international obligations of the state; and
- Drafting assistance as required.

Activities will be organized in close coordination and cooperation with other stakeholders.

Donor coordination and resource mobilisation

119. Given the interests of the international community in supporting Moldova's democratic consolidation, the Programme will help the Constitutional Review Body to coordinate donor offers and requests, using modalities established in the electoral and parliamentary sphere. If the Government of Moldova is not able to meet all the costs of the review body - including in terms of public information and education - the Programme will assist the review body to seek and secure the necessary funds from the donor community.

An environment for an inclusive, participatory and transparent process

120. The key element of the review process that will mitigate the risks of dissent and distrust is a comprehensive information and education campaign. This outreach must be capable of reaching all groups in society, and support both education and consultation processes. Human rights defenders, associations of legal professionals, media and other CSOs, including those representing women, children, minorities, indigenous peoples, refugees, and stateless and displaced persons, and labour and business should be given a voice in these processes.¹²

121. The Programme will also provide support - including through grants - to organisations who will advocate, during the constitution-review process, for the rights that have been established under international law for groups that may be subjected to marginalization and discrimination in the country, including women, children, minorities, indigenous peoples, refugees, and stateless and displaced persons.

122. At this initial stage, such assistance, provided through the Programme, may include:

¹² UN Secretary-General (UNSG), Guidance Note of the Secretary-General: United Nations Assistance to Constitution-making Processes, April 2009

- Assistance to the establishment and implementation of a public information and civic education campaign via, inter alia, constituency Parliamentary offices and creation of 'constitutional corners' with key publications;
- Assistance to the establishment of an outreach unit, linked to the constitution-revision body and within the Parliament, with a mandate to inform the public on the constitutional process and develop modalities for systematic analysis, processing and publicizing of public submissions, and organizing local debates on constitutional issues; and
- Training and grants for other organisations engaged in the review process.

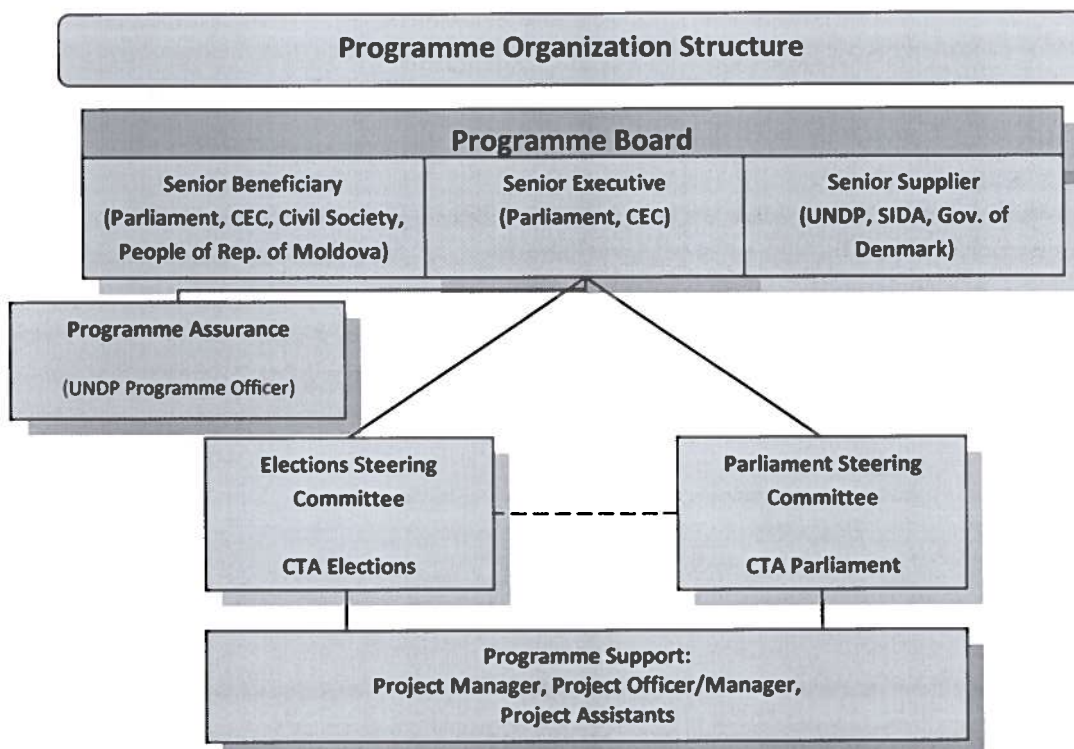
V. Management, Monitoring and Evaluation Arrangements

Management Arrangements

123. The intervention will be operated within the on-going parliamentary support and electoral assistance activities of UNDP and UNICEF. The Programme will be managed according to the Programme arrangements described below, based on close coordination between UNDP and the implementing partners: respectively the Central Election Commission and the Parliament of Moldova. UNICEF staff will plan, implement and monitor their respective interventions, in close collaboration with UNDP staff and Implementing Partner (Parliament).

124. The funds of the Programme will be managed by UNDP in accordance with its guidelines under National Implementation Mechanism (NIM). Under this modality the National Counterparts will be responsible for decision-making and implementation of Programme activities, while UNDP will provide quality assurance, Programme inputs and support services. The National Counterparts will act as the Senior Executive and will represent the interests of the Parliament and CEC of Moldova and be responsible for the overall implementation of the Programme. Programme teams will assist the CEC and Parliament in the overall running of the Programme. UNDP will provide narrative and financial reporting to the Programme donors on a regular basis as determined by specific cost-sharing agreements. UNDP follows internationally recognized standards in the implementation of Programme and programmes.

125. The main Programme authority will be the Programme Board co-chaired by the Deputy Speaker of the Parliament and the President of the CEC. The Programme Board will be responsible for providing strategic guidance for the programme, reviewing and approving of the Annual Programme reports, Programme Work Plan, as well as final Programme report. The Programme Board will be convened once per year. Separate Steering Committees (SC) for the Parliament and Elections components of the Programme will be created. The Steering Committees will be convened once per half year, unless there will be need for more meetings. The SC will be in charge of providing guidance to the components' teams during the year, review and approve intermediary progress reports and changes to the AWP and budget according to the needs. The Programme support teams will convene in meetings for coordination of activities and sharing of resources based on the need.



126. Parliament, Central Electoral Commission, UNDP, UNICEF, Programme Donors (Governments of Denmark and Sweden), other development partners and the Civil Society’s representatives will be invited as members of the Programme Board, as well as in the Steering Committees.

127. UNICEF will support the implementation of the components one and two where UNICEF expertise will be required. The details will be reflected in the detailed workplan and budget. The Programme’s budget will be reviewed annually, and adjustments made based on progress.

128. The National Counterparts of the Programme, the Parliament and CEC, will continue to provide office space and utilities (landline telephone, heating, electricity, etc.) as in-kind contribution, for the Programme teams, respectively within the premises of the Parliament and CEC buildings for the entire period of the Programme duration.

Monitoring and Evaluation

129. Monitoring is a continuous function that aims primarily to provide the main stakeholders of this Programme with early indications of the quality, quantity and timeliness of progress towards delivering intended results. Therefore, all Programme activities will be subject to continuous monitoring by Programme implementers and beneficiaries. Effective monitoring requires assessment of Programme progress against the plan and management of any exceptions. The Programme Document and any detailed work plans prepared by the Implementing Partners provide a basis for progress assessment. In carrying out such monitoring activities, the following tools are set up and should be regularly updated in different timeframes:

130. Within the annual cycle:

Quality Log: Progress and quality of the deliverables being produced will be assessed based on the quality criteria established in the indicators and deliverable Description and planned schedule and recorded in the Quality Log. If changes are required, the Deliverable Description and/or schedule will be updated.

Issues Log: Any Programme issues will be recorded in the Issues Log to facilitate tracking and resolution.

Risks Log: The Risks Log will be updated by reviewing the external environment that effects the Programme implementation, and associated risk management plans.

Programme Quarterly Progress Report: Quarterly monitoring progress reports will be submitted by the Project Manager/Officer to Programme Assurance.

Lessons Learned Log: Programme lessons learned should be actively captured to ensure on-going learning and adaptation within the organisation.

131. Annually:

Annual Review: An annual Programme review will be conducted by the Programme Board during the fourth quarter of year as a basis for assessing the performance of each Programme. Such review is done in the context of the UNPF Annual Review. This review will involve all key Programme stakeholders and the Implementing Partners, and will focus on the extent to which progress is being made towards outputs, and that these remain aligned to appropriate outcomes. All evaluations of the Programme, or related outcomes should be considered, along with their respective management responses and action plans. Findings from these should inform the review. The review will be structured by a set of common standards, and will be subject to spot external quality assurance assessments. This review should update output targets and results achieved.

VI. Legal Context

This Programme document shall be the instrument referred to as such in Article 1 of the SBAA between the Government of (country) and UNDP, signed on (date).

Consistent with the Article III of the Standard Basic Assistance Agreement, the responsibility for the safety and security of the executing agency and its personnel and property, and of UNDP's property in the executing agency's custody, rests with the executing agency.

The executing agency shall:

- a) put in place an appropriate security plan and maintain the security plan, taking into account the security situation in the country where the Programme is being carried;
- b) assume all risks and liabilities related to the executing agency's security, and the full implementation of the security plan.

UNDP reserves the right to verify whether such a plan is in place, and to suggest modifications to the plan when necessary. Failure to maintain and implement an appropriate security plan as required hereunder shall be deemed a breach of this agreement.

The executing agency agrees to undertake all reasonable efforts to ensure that none of the UNDP funds received pursuant to the Programme Document are used to provide support to individuals or entities associated with terrorism and that the recipients of any amounts provided by UNDP hereunder do not appear on the list maintained by the Security Council Committee established pursuant to resolution 1267 (1999). The list can be accessed via <http://www.un.org/Docs/sc/committees/1267/1267ListEng.htm>. This provision must be included in all sub-contracts or sub-agreements entered into under this Programme Document.

VII. ANNEXES

1. Results and Resources Framework
2. Annual Work Plan and Budget 2012-2015
3. Risk Log
4. Project Document: Support to Parliamentary Development
5. Donor assistance matrix - elections

Annual Work Plan, July-December, 2012

Project title: Improving the quality of Moldovan democracy through parliamentary and electoral support

Approved By:

Award ID: 00058053



Parliament of RM:

Project ID: 00071949 (Parliamentary Development)

CEC of RM:

Project ID: 00083338 (Electoral Support)

UNDP:

PLANNED ACTIVITIES	2012		Planned Budget		
	July-December	Funding Source Fund Donor	Code	Budget Description	2012
COMPONENT I: Parliamentary Development					
Activity 1: Improving the institutional capacity of the Parliament to meet European standards of gender and human rights and strengthening the legislative and oversight					
Support to the establishment of a cross-party women's caucus		30000 Sida	71200	International Consultants	10,000
Deployment of expertise to assist different cross-cutting areas (i.e. EU Integration and approximation, Human Rights, Gender equality others)		30000 Dk	71200	International Consultants	32,900
Workshops on European practices regarding the Parliament's work with human rights institutions		30000 Sida	75700	Training, Workshops and Confer.	5,000
Subtotal Activity 1					47,900
Activity 2: Strengthening the legislative and oversight functions of the Parliament					
Workshops and seminars for MPs and staff on European practices and standards in the justice sector		30000 Sida	75700	Training, Workshops and Confer.	2,000
Support for organizing public hearings with civil society		30000 Sida	75700	Training, Workshops and Confer.	2,000
Workshops and seminars for MPs and staff on budget techniques		30000 Sida	75700	Training, Workshops and Confer.	1,700
Selected committees will be assisted to analyze, introduce and implement oversight mechanisms.		30000 Dk	73100	Contractual Services Comp	24,500

PLANNED ACTIVITIES	2012		Planned Budget				2012
	July-December	Funding Source Fund	Donor	Code	Budget Description	2012	
Plenary hearing will be further encouraged and their organization assists		30000	Dk	71600	Travel	15,600	
Engagement of Chief Technical Adviser		30000	Dk	61-65000	Salary and Related Costs - IP Staff	130,000	
					Subtotal Activity 2	175,800	
Activity 3: Fostering the quality of the representative role of the Parliament and promoting more interaction between Members of Parliament, citizens and civil society							
Design and management of Constituency Parliamentary Offices system		30000	Sida	71200	International & Local Consultants	10,000	
Strengthening of political parties/Parliamentary groups visibility in the regions		30000	Sida	75700	Training, Workshops and Confer.	5,500	
Organizing decentralized public hearings		30000	Sida	75700	Training, Workshops and Confer.	5,000	
					Subtotal Activity 3	20,500	
Activity 4: Promotion of Child's Rights into parliamentary work (UNICEF)							
Provide technical assistance and support to the Ombudsman to Child Rights in organizing regular meetings, sessions, with MPs from relevant commissions to raise awareness on child's rights		UNICEF	Sida		Local Consultants	3,500	
		UNICEF	Sida		Training, Workshops and Confer.	6,500	
Support to Deputy Speaker of the Parliament		UNICEF	Sida		Local Consultants	10,000	
		UNICEF	Sida		Local Consultants	5,000	
Strengthening Parliamentary Oversight on Child Rights (Organization of public hearings and other consultative activities		UNICEF	Sida		Training, Workshops and Confer.	22,000	
Project support activities		UNICEF	Sida		Local staff	15,000	
					Subtotal Activity 4	62,000	

PLANNED ACTIVITIES	2012		Funding Source		Code	Planned Budget	Budget Description	2012
	July-December		Fund	Donor				
Activity 5: Supporting an inclusive process for constitutional reform								
Assistance to the constitutional committee/commission or other political actors to find solutions to concrete challenges as they arise.			30000	TBC	71200		International & Local Consultants	
Provision of comparative legal analysis on constitutional designs, and options			30000	TBC	71200		International & Local Consultants	
Provision of advice on the requirements of international human rights treaties and their respective treaty bodies, and other international obligations of the state			30000	TBC	71200		International & Local Consultants	
Assistance to the establishment and implementation of a public information and civic education campaign via, namely the regional parliamentary offices creation of 'constitutional corners' with key publications and folders.			30000	TBC	73100		Contractual services_Companies	
Subtotal Activity 5								
Activity 6: Project Management and Support								
Project Manager			04000	UNDP	71400		Contractual Services - Individuals	10,200
Project Assistant			04000	UNDP	71400		Contractual Services - Individuals	5,600
Project office running costs - IT, utilities, car maintenance, etc.			04000	UNDP	72400		Communic. and Audiovisual Eq.	4,200
Local management support staff costs			30000	Sida	73100		Contractual Services - Individuals	2,500
Subtotal Activity 6								
General Management Service Fee - 7%			30000	Sida	75100		Facilities and Administration	21,609
TOTAL COMPONENT I: Parliamentary Development								350,309

PLANNED ACTIVITIES	2012		Planned Budget				2012
	July-December	Funding Source Fund	Donor	Code	Budget Description		
COMPONENT II: Electoral Support							
Activity 1: Gender and Human Rights into Elections and CEC							
Support working groups on Gender & Elections							
Hold relevant BRIDGE workshops (Gender & Access) in Moldova		30000	Sida	71200	International Consultants		
				71600	Travel		2,500
				74200	Translation & Printing		2,500
Support development of Moldova elections gender audit report		30000	Sida	75700	Training, Workshops and Confer.		5,000
				74200	Translation & Printing		2,500
				71200	International Consultants		
Arrange training on ECHR obligations and jurisprudence		30000	Sida	71300	Local Consultants - Trainers		495
				74200	Translation & Printing		500
				75700	Training, Workshops and Confer.		1,500
Subtotal Activity 1						14,995	

PLANNED ACTIVITIES	2012		Planned Budget				2012
	July-December	Funding Source Fund	Donor	Code	Budget Description		
Activity 2: Improving institutional environment for electoral management bodies to deliver inclusive and modern electoral processes							
Human resource consultancy to cover agreed areas that could include (a) support new human resources staff (b) develop and implement CEC Institutional development plan (c) initiate and support performance appraisal system		30000	Sida	71200	International Consultants	15,000	
Support CEC to develop a multi-year BRIDGE plan		30000	Sida	71200	International Consultants		
Support delivery of 2 BRIDGE workshops and CEC participation in regional opportunities (as participants and facilitators)		30000	Sida	71600	Travel	9,000	
		30000	Sida	74200	Translation & Printing	5,000	
		30000	Sida	75700	Training, Workshops and Confer.		
Following analysis and assessment, deliver English classes and other locally procured training for CEC		30000	Sida	72100	Contractual Services Companies - Training and Education Services		
Support regional learning and sharing of experience		30000	Sida	71600	Travel	6,500	
Support development of research and policy capacity in CEC through training and mentoring		30000	Sida	71400	Contractual Services - Individuals	12,500	
Support CEC in coordination and acquisition of international assistance							
Support CEC to build institutional links to Parliament through reporting, shared research etc							
Engagement of Chief Technical Adviser		30000	Sida	61-6500	Salary and Related Costs - IP Staff	130,000	
Subtotal Activity 2						178,000	

PLANNED ACTIVITIES	2012		Planned Budget			2012
	July-December	Funding Source Fund Donor	Code	Budget Description		
Activity 3: Improving public registration process for Moldovans and supporting the modernisation of Moldovan electoral processes						
Support the completion (Q1-2) and implementation (Q3-4) of the roadmap for voter registration improvement		30000 Sida	71200	International Consultants	15,000	
Support the CEC voter registration taskforce (including with data, analysis and advice), and support CEC to reach agreement with partners on responsibilities		30000 Sida	71300	Local Consultants - IT	15,000	
Support expansion of existing IT system for registration, as indicated by roadmap, including through further development of SIAS voter registration modules (including through IT developer consultancy as required)		30000 Sida	71200	International Consultants	10,000	
Support the further development of SIAS election modules (including through IT developer consultancy as required)		30000 Sida	71400	Contractual Services - Individuals	10,373	
Engagement of Senior Project Officer						
				Subtotal Activity 3	50,373	
Activity 4: Project Management and Support						
Engagement of Project Assistant and Project Translator/Interpreter (Elections)		30000 Sida	71400	Contractual Services - Individuals	12,515	
Project office running costs - IT, utilities, car maintenance, etc. (Elections)		30000 Sida	72400	Communic. and Audiovisual Eq.	12,200	
Project equipment, IT maintenance and communications costs (Elections)		30000 Sida	73100	Rental and Maint - Premises	3,250	
				Subtotal Activity 4	27,965	
General Management Service Fee - 7%		30000 Sida	75100	Facilities and Administration	18,993	
				TOTAL COMPONENT II: Electoral Support	290,326	
				Grand TOTAL (USD)	640,635	