



**PROJECT DOCUMENT**  
**Republic of Moldova**

**Project Title:** Support to Justice Sector Reform in Moldova - Reinforcing the National Capacities to Provide Efficient Skills-Based Training for Legal Professionals

**Project Number:** Project ID 00120461, Output ID 00116648

**Implementing Partner:** UNDP Moldova

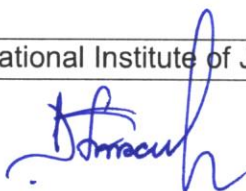
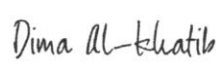
**Start Date:** October 2020

**End Date:** March 2022

**PAC Meeting date:** 20 October 2020

Brief Description
<p>Reform in the justice sector is a key area in Moldova's national development policies and plans. Although important efforts have been deployed during the last years to improve the efficiency, transparency, fairness and accessibility of the justice sector, the justice system still fails to deliver at the level of users' expectations. The problem of inadequate and insufficient reasoning/argumentation of judicial acts represents an issue of major concern for the whole judicial system. Judgments that are clear, logical and comprehensive advance the rule of law by helping the population better understand the rules and engender respect for judicial institutions and judicial professionals. Through its mandate, the NIJ can directly influence the quality of judicial acts, the reform of the justice system and ultimately the trust of people in justice institutions and processes.</p> <p>Therefore, the general objective of the Project is to foster a more efficient justice system accessible to all by reinforcing national capacities and structures to provide efficient skills-based training for legal professionals in Moldova. Contingent on the commitment of Moldovan authorities to ensure a transparent, fair, efficient and accessible justice, the Project shall support the National Institute of Justice (NIJ) in introducing legal reasoning concept into the professional legal training and contribute to nurturing a next generation of legal professionals equipped with relevant knowledge and skills. Institutional support and assistance will be provided to further build capabilities of the NIJ to ensure a modern legal professional training environment with due consideration to digital transformation needs.</p>

Contributing Outcome (UNDAF/CPD, RPD or GPD):  UNDAF 2018-2022 Outcome 1  CPD 2018-2022 Output 1.4  Indicative Output(s) with gender marker: GEN1	<b>Total resources required:</b>	USD 525,000	
	<b>Total resources allocated:</b>	<b>UNDP TRAC:</b>	N/A
		<b>Donor:</b>	USD 525,000
		<b>Government:</b>	N/A
		<b>In-Kind:</b>	USD 40,000
<b>Unfunded:</b>			

National Institute of Justice	UNDP Moldova
 Diana Scobioala Director	 Dima Al-Khatib UNDP Resident Representative
Date:	Date: 28-Oct-2020

## I. DEVELOPMENT CHALLENGE

A well-functioning justice sector is critical for good governance, reducing corruption and efficient delivery of public services. Therefore, acknowledging the importance of an efficient justice sector reform for the sustainable development of the country, the Government<sup>1</sup> of the Republic of Moldova pledged to further strengthen the independence, efficiency and integrity of the justice system.

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

However, the latest EU's assessment underlines that "The reform of the justice sector remains to be addressed and ... non-transparent judicial proceedings remain common", concluding that "Robust progress is now essential on judicial reform, ... on compliance with the rule of law and the democratic standards".<sup>2</sup>

The 2011-2017 Justice Sector Reform Strategy was not fully implemented, delivering mixed results. Many targets in different priority areas were not achieved (for instance, rehabilitation of victims of crimes, such as torture and sexual and gender-based violence, revision of the Constitution to increase the independence of justice system, improvement of the system of appointments and promotion of judges).<sup>3</sup> The slow progress in justice sector reform resulted in discontinuation of the budgetary support in the justice sector by the European Union (Phase 2 – 28 Million Euro).<sup>4</sup> This reconfirms that the main challenge in reforming Moldova's justice system and ensuring equal access to justice is not planning and strategizing, but rather the implementation of reforms already started.

Although important efforts have been deployed during the last years to improve the efficiency, transparency, fairness and accessibility of the justice sector,<sup>5</sup> the justice system still fails to deliver at the level of users' expectations. Even though justice reform is ranked the fourth in importance by citizens (after healthcare, pension and education reforms),<sup>6</sup> results matching this expectation are not achieved yet.

Thus, Moldova's justice sector offers a stark picture of lack of public trust<sup>7</sup> coupled with a troubling internal snapshot: in a detailed 2017-2018 survey of court users<sup>8</sup>, 56 percent of citizens report either no change or a deterioration in the work of courts. Only about 20 percent of citizens believe that courts are fair and impartial and almost 50 percent of lawyers share these concerns. 68 percent of businesses

<sup>1</sup> [https://gov.md/sites/default/files/document/attachments/pag\\_2020-2023\\_ro.pdf](https://gov.md/sites/default/files/document/attachments/pag_2020-2023_ro.pdf)

<sup>2</sup> *Association Implementation Report on Moldova (11 September 2019)*, [https://eeas.europa.eu/sites/eeas/files/swd\\_2019\\_325\\_f1\\_joint\\_staff\\_working\\_paper\\_en\\_v10\\_p1\\_1045191.pdf](https://eeas.europa.eu/sites/eeas/files/swd_2019_325_f1_joint_staff_working_paper_en_v10_p1_1045191.pdf)

<sup>3</sup> Nadejda Hriptievshi, *Justice Sector Challenges Undermine the Rule of Law in the Republic of Moldova* (April 2018), <https://crjm.org/wp-content/uploads/2018/08/2018-Justice-Hriptievshi.pdf>; Council of Europe, *Justice Sector Reform Strategy of the Republic of Moldova. Review of Implementation, Assessment and Recommendations* (December 2017), [https://crjm.org/wp-content/uploads/2018/02/Moldova-JSRS\\_assessment.pdf](https://crjm.org/wp-content/uploads/2018/02/Moldova-JSRS_assessment.pdf).

<sup>4</sup> [https://eeas.europa.eu/headquarters/headquarters-homepage/33723/moldova-eu-cuts-budget-support-programme-justice-reforms\\_en](https://eeas.europa.eu/headquarters/headquarters-homepage/33723/moldova-eu-cuts-budget-support-programme-justice-reforms_en)

<sup>5</sup> Introduction of a redesigned legal aid system, optimization of court map, implementation of Integrated Case Management System (ICMS), audio recording of court proceedings, reform of prosecution service, etc.

<sup>6</sup> World Bank, *Moldova - Improving Access to Justice: From Resources to Results. A Justice Sector Public Expenditure and Institutional Review* (Report No. 124516-MD), 2018,

<http://documents.worldbank.org/curated/en/683491537501435060/pdf/Moldova-JSPEIR-English-Version-Sep-13-2018.pdf>

<sup>7</sup> Judiciary - 26,1% (25,2% men/27,2% women); General Prosecutor's Office – 25,7% (23,9% men, 27,8% women).

Barometer of Public Opinion (December 2019), <http://ipp.md/wp-content/uploads/2019/12/BOP-FINAL-decembrie-2019.pdf>

<sup>8</sup> 2017-18 Surveys of Court Users, conducted by the World Bank in collaboration with the MOJ and SCM, available at <http://documents.worldbank.org/curated/en/683491537501435060/pdf/Moldova-JSPEIR-English-Version-Sep-13-2018.pdf>



do not expect fair court proceedings. On the same note, the 2018 Human Rights Perceptions Study<sup>9</sup> reveals that the right to a fair trial is among the most violated human rights.

Under the Article 6 of the European Convention on Human Rights, the right to a fair trial has been interpreted to include a judicial decision that clearly expresses the reasoning behind the judgment.<sup>10</sup> International standards further require that judicial decisions be clearly written, consistent in reasoning, and address the factual and legal issues at the heart of the case.<sup>11</sup> Moreover the ECtHR has found that decisions must also include all legal and factual issues that could affect the outcome.<sup>12</sup>

Besides the ECtHR standards, the United Nations treaty bodies include the obligation to provide reasons for an act of justice as an integral part of the right to a fair trial. Article 14 of the International Covenant on Civil and Political Rights requires the national courts of member states to give reasons for their judgments in both civil and criminal cases and to give detailed answers to those arguments of the parties which are fundamental to the outcome of the case. By providing proper reasoning the courts in a democratic society inspire confidence in the public.<sup>13</sup>

The problem of inadequate and insufficient reasoning/argumentation of judicial acts represents an issue of major concern for the whole judicial system. Reasoning of decisions is a primary function and responsibility of judges under the rule of law.<sup>14</sup> Unlike other branches of power, the powers of judges are not subject to the same controls from the general public and society and, therefore, courts need the active acceptance by the public of their decisions. It is important to demonstrate that the judges proceed in a non-arbitrary manner. Hence, one of the main functions of the judgment is to reconcile the public with the use of power by courts. Thus, judicial decisions must be publicly justified according to certain traditionally accepted techniques.<sup>15</sup>

These judgment requirements implicate more than just a litigant's right to a fair trial. They improve the public's access to justice by promoting a greater understanding of judicial decision making.<sup>16</sup> They provide an important anti-corruption and transparency mechanism. They protect minorities and vulnerable populations by preventing arbitrary governmental action. Finally, judgments that are clear, logical and comprehensive advance the rule of law by helping the population better understand the rules and engender respect for judicial institutions and judicial professionals.<sup>17</sup>

The Government of Moldova is committed to protecting these rights but has yet to create a judiciary that consistently adheres to the above-mentioned standards. In a recent independent evaluation of Moldovan judgments, many shortcomings were found. Instead of finding clearly written judgments, the

<sup>9</sup> Perception of Human Rights in the Republic of Moldova, 2018, <http://md.one.un.org/content/unct/moldova/en/home/publications/joint-publications/Perceptii-asupra-drepturilor-omului-Moldova.html>.

<sup>10</sup> See *Karakasus v Greece*, Application No 38194/97 (17 October 2000).

<sup>11</sup> See Opinion no. 11 of the Consultative Council of European Judges.

<sup>12</sup> See *Vetrenko v. Moldova*, Application No. 36552/02 (18 May 2010); *Hiro Balani v. Spain*, Application No. 18064/91 (9 December 1994).

<sup>13</sup> UN Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, U.N. Doc. CCPR/C/GC/32 (2007):

[http://tbinternet.ohchr.org/\\_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f32&Lang=en](http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f32&Lang=en); For ECtHR's case-law see, for ex., the Case of *De Cubber v. Belgium*, 26 October 1984, para. 26, Series A no. 86; or the Case of *Oleksandr Volkov v. Ukraine*, Application no. 21722/11, para. 106.

<sup>14</sup> "Only an empty shell". *The Undelivered Promise of an Independent Judiciary in Moldova*, Report by International Commission of Jurists (2019), available at <https://www.icj.org/wp-content/uploads/2019/03/Moldova-Only-an-empty-shell-Publications-Reports-Mission-reports-2019-ENG.pdf>

<sup>15</sup> Lyndel V. Prott. *Judicial Reasoning in the Common Law and Code Law Systems/ARSP: Archiv für Rechts- und Sozialphilosophie/Archives for Philosophy of Law and Social Philosophy*, Vol. 64, No. 3 (1978), pp. 418-419.

<sup>16</sup> See *Tatishvili v Russia*, Application No. 1509/02 (22 February 2007).

<sup>17</sup> *Rule of Law Index*, World Justice Project, 2019, available at <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2019>.



report found language that “is often convoluted and hard to understand.”<sup>18</sup> Instead of consistent reasoning, the report found that the reasoning in Moldovan judgments was “frequently flawed.”<sup>19</sup> Finally, Moldovan judgments fail to properly address the factual and legal issues at the heart of the case.<sup>20</sup>

These shortcomings in legal reasoning and writing have contributed to poor judicial performance. Moldova received particularly low scores for Criminal Justice (.34) and Civil Justice (.47) in the 2019 WJP Rule of Law Index, which were below the country’s overall score of .49. Only 30% of Moldovans views the courts favorably, according to a recent survey.<sup>21</sup>

Quality and professionalism of justice sector personnel is, thus, an issue requiring specific attention. 45% of court users believe that justice professionals are not sufficiently qualified,<sup>22</sup> while the quality of judicial acts is assessed to be the weakest point of Moldovan judiciary.<sup>23</sup> The causes of these shortcomings are varied, but the most significant factor is a lack of capacity. Moldovan judges have not been properly trained and do not have the experience of writing high-quality judgments. As a result, they are ill-equipped to deliver the kind of judgments that might comply with the international standards, and to respond to the demands for efficient justice for all.

The National Institute of Justice (NIJ) plays the central role in training Moldovan judges and prosecutors (providing both initial and in-service training). Circa 30 to 45 trainees graduate the NIJ yearly, with a relatively well balanced situation in terms of gender representation of candidates.<sup>24</sup> Therefore, through its training activity, the NIJ can directly influence the quality of judicial acts, the reform of the justice system and ultimately the trust of people in justice institutions and processes.

The NIJ has been consistently developing its capacities to ensure that the trainings provided are up-to-date and the training activities are organized in adequate training facilities. In 2015-2016 complex assessments of the NIJ’s institutional capacities and curricula had been performed. They revealed the need to strengthen NIJ’s institutional and managerial capacities, to reform the training methods, shift the focus to skills building and practice-oriented training approaches and introduce e-tools for the operation of NIJ’s administrative and training processes. During the 2015-2017 the NIJ with UNDP’s support implemented a series of transformations aimed at developing the institution and improving the quality of trainings provided. As a result, the new practices-oriented and simulations-based training curricula for 2017-2018 educational year has been approved, which is a prerequisite for the NIJ to become one of the leading judicial training institutions in the region, including in terms of the complete rethinking of the training process. However, additional interventions are required to further improve institutional capacities, training facilities and approaches to the training processes, as well as to expand the integration of technologies with the NIJ’s business processes. The Covid-19 pandemic triggers the need to rethink the NIJ’s operations and shifts the gears towards a deeper transformation of NIJ’s digital ecosystem that will ensure the business and training continuity in a crisis situation.

<sup>18</sup> *Judgement-drafting and Training on Legal Writing in the Republic of Moldova*, p. 5, 10-12, report from United Nations Development Programme (2019) (hereinafter “UNDP Report”).

<sup>19</sup> UNDP Report, at p. 4.

<sup>20</sup> UNDP Report, at p. 12-36.

<sup>21</sup> *Public Opinion Survey: Residents of Moldova*, Center for Insights in Survey Research (2019), available at [https://www.iri.org/sites/default/files/iri\\_moldova\\_poll\\_december\\_2018-january\\_2019.pdf](https://www.iri.org/sites/default/files/iri_moldova_poll_december_2018-january_2019.pdf). The same survey found only a 26% favorability rating for the Prosecutor’s Office.

<sup>22</sup> 2018 Survey on Public Opinion about the Justice System in Moldova (Romanian), available at

<https://www.justitiatransparenta.md/rezultatele-sondajului-privind-opinia-publica-despre-sistemul-judecatoresc-din-moldova/>

<sup>23</sup> Soros-Moldova. *Assessing the First Year of Moldova’s Implementation of the Association Agenda – Progress and Opportunities in the Political Sphere*. Working paper. Chisinau: Soros-Moldova, 2016.

<sup>24</sup> *Assessment of Gender Dimension in the Justice Sector of the Republic of Moldova. The Personal Price Paid by Women in the Judiciary*, available at [https://crjm.org/wp-content/uploads/2019/10/Raport\\_Analiza-dimensiunii-de-gen\\_ENG.pdf](https://crjm.org/wp-content/uploads/2019/10/Raport_Analiza-dimensiunii-de-gen_ENG.pdf)



## II. STRATEGY

There is growing evidence that justice systems and the rule of law contribute to sustainable development and inclusive growth. The accessibility and efficiency of justice services directly affect the way legal disputes are resolved, government accountability is promoted, and businesses' decisions to invest and enter contractual relationships.<sup>25</sup> In line with these, the Republic of Moldova has committed to "promote the rule of law at the national and international levels, and ensure equal access to justice for all", as part of the Sustainable Development Goal (SDG) 16.

Acknowledging the importance of professionalism in ensuring efficient justice delivery and equal access to justice for all, the Project will strengthen the institutional capacities and further reinforce the physical infrastructure of the National Institute of Justice to enable an environment for nurturing next-generation justice professionals, equipped with skills, knowledge and competences compliant with the demand for efficient justice. To this end, the NIJ will be assisted to lay the foundation and incorporate concepts of legal research, reasoning and writing into the professional training of judges and prosecutors, building upon the NIJ's vision on practice-oriented training program.

The NIJ will be supported to upgrade its digital offer by further developing, integrating and enhancing the learning technology, capability and content to improve retention and acceleration of immersive skills-based learning. Engaging with the institution in digital transformation efforts will also respond to emerging needs to ensure the business and training continuity of the NIJ during a crisis situation.

The project will also focus on possible gender imbalances or influences. Efforts will be made to ensure that Project activities engage both men and women and reflect balance and inclusion.

### The overall theory of change of the Project is that

**If,**

- a. Proper emphasis and resources are focused on improving the quality of judicial and prosecutorial decision making
- b. The National Institute of Justice has the necessary institutional capacities and infrastructure to develop and deliver skills-based training for justice professionals in line with modern learning methodologies
- c. Upgraded digital learning technologies, capabilities and content are integrated with National Institute of Justice's training infrastructure to improve retention and acceleration of immersive learning for justice professionals

**then**

the justice users will benefit from improved quality of justice in Moldova

**because**

Moldovan judges and prosecutors will be better skilled to deliver justice and protect human rights.

<sup>25</sup> Understanding Effective Access to Justice (Workshop Background Paper, April 2016), <http://www.oecd.org/gov/Understanding-effective-access-justice-workshop-paper-final.pdf>



The improvements in judicial training system should also increase the transparency of the justice and lead to the better quality of the acts of justice in Moldova. As a result, the right of citizens to a fair trial and access to justice should be strengthened and the trust to the justice system shall increase. Taken together, these results can increase public confidence in and support for justice processes, enhancing system performance and, ultimately, the integrity of the law.

This intervention will directly address one of the priority areas established within the United Nations Development Assistance Framework for the Republic of Moldova (2018-2022) (UNDAF)<sup>26</sup>, which highlights the need for continuous support in promoting democratic people-centred governance, justice, equality and human rights – Outcome 1: *The people of Moldova, in particular the most vulnerable, demand and benefit from democratic, transparent and accountable governance, gender-sensitive, human rights- and evidence-based public policies, equitable services, and efficient, effective and responsive public institutions.*

The same is further supported and elaborated in the UNDP Country Programme Document for the Republic of Moldova (2018-2022) (CPD)<sup>27</sup> in Output 1.4: *Women and men, including from minority and marginalized groups, are enjoying rule of law and protection of human rights ensured by inclusive institutions.*

The Project will also advance the Global Agenda 2030 that aims at “leaving no one behind” by contributing to the achievement of the Sustainable Development Goals and corresponding national targets. Equal access of all women, men and children to fair trial is crucial for the sustainable development, while the lack thereof is one of major reasons of reduced trust in justice. In this respect, the proposed interventions will contribute to the achievement of the SDG nationalized target 16.3: “Promoting the rule of law and ensuring equal access to justice for all women, men and children”. This SDG nationalized target has influence on many other SDG targets. Ensuring justice and rule of law is important for the implementation of target 5.1 (end gender discrimination), target 5.2 (end family violence), target 8.1 (sustained economic growth), target 8.2 (higher economic productivity), target 8.7 (eradicate work exploitation), target 8.8 (protect labour rights), target 10.2 (promote inclusion), target 10.3 (eliminate discriminatory practices), target 11.2 (access to transport system), target 11.4 (preserve heritage), target 14.4 (eliminate illegal fishing), target 15.7 (end poaching), target 16.1 (reduction of violence), target 16.2 (end children abuse), target 16.4 (reduce organized crime and arms trafficking), target 16.5 (reduction of corruption), target 16.6 (open institutions), target 16.10 (access to public information).<sup>28</sup>

---

### III. RESULTS AND PARTNERSHIPS

#### *Expected results*

The general objective of the Project is to foster a more efficient justice system accessible to all by reinforcing national capacities and structures to provide efficient skills-based training for legal professionals in Moldova.

The achievement of Project’s overall objective will be further advanced by delivering the following Project outputs:

<sup>26</sup> <http://md.one.un.org/content/dam/unct/moldova/docs/pub/strateg/UNDAF%20Moldova%20EN.pdf>

<sup>27</sup> <http://www.md.undp.org/content/dam/moldova/docs/Legal%20Framework/CPD%202018-2022.pdf>

<sup>28</sup> Adapting the 2030 Agenda on Sustainable Development to the Context of the Republic of Moldova, [http://www.md.undp.org/content/dam/moldova/docs/Publications/Targets\\_ONU\\_EN.pdf](http://www.md.undp.org/content/dam/moldova/docs/Publications/Targets_ONU_EN.pdf)



## A. Enhanced NIJ's Capacities to Incorporate Concepts of Legal Research, Reasoning, and Writing into the Legal Professionals' Training

International documents or research papers regarding the quality of judgements usually indicate that the language the judge employs should be clear, simple and concise and that the reasoning should be well structured, logical and coherent. A workable (if not very academic) definition could be that a judgement is clear and coherent if an average reader is able to understand what the facts of the case were, how the court established them and how it applied the law to the facts.

The evaluation of Moldovan judgments, conducted in 2019 with INL and UNDP support, identified many shortcomings. Instead of finding clearly written judgments, the report found language that "is often convoluted and hard to understand."<sup>29</sup> Instead of consistent reasoning, the report found that the reasoning in Moldovan judgments was "frequently flawed."<sup>30</sup> Finally, Moldovan judgments fail to properly address the factual and legal issues at the heart of the case.<sup>31</sup>

Legal research, reasoning and writing are essential skills for any legal professional and for judges, in particular. Despite their importance, the NIJ trainees have previously not undergone any formal training in that area. Therefore, the NIJ should fill in the gap in knowledge and skills that candidates need to discharge their duties as judges or prosecutors.

Nevertheless, the above-mentioned report concludes that the trainees require more time dedicated to legal drafting during the professional training at the NIJ, more writing assignments and a deeper feedback provided by the mentors on documents drafted in the course of the mock trial exercises.

Thus, the interventions under this project component will assist the NIJ to incorporate the concepts of legal research, reasoning and writing into the legal professional training and contribute to building transferable skills on these matters.

The legal research, reasoning and writing are interdependent concepts. Legal reasoning is the foundation of good legal writing. Before writing, the author must understand how to frame the legal inquiry, how to engage in an effective analysis (including legal research), and how to reach a clear and logical conclusion. Legal reasoning is the foundational skill that enables legal and judicial practitioners to undertake these initial tasks, prior to writing.

These concepts are not very well internalized by the legal professionals from Moldova, while the knowledge on these concepts within the NIJ is limited. Therefore, the Project will address this knowledge gap by translating and editing into Romanian the book 'How Judges Think' by Richard Posner. This is a renowned piece of literature addressing matters of judicial thinking, judicial reasoning and judicial process. It will reinforce NIJ's legal reasoning framework and will empower young professionals to engage in creative and logical exploration of legal and judicial questions.

Providing access to useful materials on legal reasoning and writing from around the world will enhance the NIJ's capacities and trainers' understanding of relevant advanced topics and research and will strengthen the sustainability of the investment. This will add to the NIJ's knowledge base, promote further expertise in legal research, reasoning and writing, as well as elevate the understanding of these concepts to a higher status.

---

<sup>29</sup> *Judgement-drafting and Training on Legal Writing in the Republic of Moldova*, p. 5, 10-12, report from United Nations Development Programme (2019) (hereinafter "UNDP Report").

<sup>30</sup> UNDP Report, at p. 4.

<sup>31</sup> UNDP Report, at p. 12-36.



On the other hand, this intervention will serve as an essential foundational step for the NIJ to draw from and build upon in designing further curricular reform, both in the qualification course and in continuing education, in the sphere of legal research/reasoning/writing.

Thus, the Project will work with the NIJ to conceptualize a methodology for embedding the legal research, reasoning and writing concepts with the NIJ's mock trial program, based on the report on judgment drafting and training on legal writing, drafted with INL and UNDP support. A review will be conducted to assess the implementation of the mock trial program and to improve it to better incorporate writing assignments and increase the feedback mechanisms. This will reinforce the mock trial program as a skills-building tool, designed to carry out the learning in a context similar to the actual court practice.

## **B. Reinforced Institutional and Technical Capacities of the NIJ to Provide Skills-Based Training to Legal Professionals**

The NIJ's central role in organizing and delivering training for Moldovan judges and prosecutors has a potential to position the institution as a gamechanger and trend setter. The transformations at the NIJ (facilitated mainly by UNDP interventions) in terms of modernization of professional judicial training, introduction of e-tools for admission and graduation, increase of accessibility of training premises, etc., helped the institution to become a role model both for national partners and regional peer institutions. Through its activity, it can also directly influence the quality of judicial acts, the reform of the justice system and ultimately the trust of people in justice institutions and processes.

Despite these achievements, the NIJ is in need of further support to advance institutional transformations and continue the modernization of legal professional training in Moldova. The Covid-19 pandemic catalyzed the need for upgrading the NIJ's digital offer and expanding the NIJ's digital solutions that will ensure the business and training continuity in crisis situations.

Therefore, the activities under this project component will be focused on further strengthening the NIJ's institutional and technical capacities to provide skills-based training for the next generation of legal professionals, so that it can play this critical role within the justice sector.

### **B.1 Enhancing the NIJ's IT Ecosystem**

Since 2016, NIJ with UNDP support has gradually introduced different e-tools enhancing the quality and transparency of admission, training and graduation processes and reducing the interference of human factor in the assessment procedures. These instruments were introduced one by one, adapting the necessary workflows to the existing software environment. All instruments developed and introduced are up and running, strengthening the merit-based competition and contributing to achieving greater transparency and public trust in the justice system at large.

Nevertheless, the software solutions put in place are running on different content management platforms depending on the type of process or workflow they manage. This diversity creates difficulties in properly managing the data and administering the processes involved. Thus, the information system remains a work in progress. Additional support is needed to upgrade and advance the use of IT tools in the professional training process at the NIJ, ensuring greater integration, interconnectivity and security of data. An upgraded IT system of the NIJ will increase the efficiency of daily operations through streamlined case workflow; will eliminate redundant data and will provide for faster and more efficient case processing. The upgraded system will seek to generate disaggregated statistical data that will improve the management and transparency of internal processes and provide the NIJ with the tools necessary to better oversee the training process, from admission to graduation.



The NIJ will be supported to upgrade its digital offer by further developing, integrating and enhancing learning technology, capability and content to improve retention and acceleration of immersive skills-based learning.

The Covid-19 pandemic triggered the need to rethink how the legal professional training is delivered at the NIJ taking into account the requirements of social distancing and self-isolation. A solution is to equip the NIJ with powerful and collaborative tools (for instance, a 'virtual classroom' platform with technical features finetuned to the NIJ training requirements and processes) to deliver interactive educational sessions and learning experience that go beyond the physical space of a classroom. This type of tools has the potential to shift the training of legal professionals towards the 'new normal', responding to the immediate needs and advancing the digital transformation of the institution.

The interventions under this project component will enhance the NIJ capacities in securely managing the internal IT ecosystems and will expand the technology-based learning capabilities of the institute, including:

- Conduct an inventory and assessment of the NIJ's IT ecosystem;
- Upgrade and integrate the NIJ's e-tools and content management platform;
- Develop and integrate a 'virtual classroom' tool with the NIJ's digital offer for legal professionals training;
- Upgrade relevant hardware capacities (to be identified following an assessment);
- Expand e-Learning capacities and content.

## **B.2 Renovating NIJ's Building Envelope**

To create necessary conditions for conducting mock trials and simulations, the NIJ's inner training premises have been remodeled and renovated with INL and UNDP support for the purposes of re-creating courtroom settings and their adaption to specific training related needs and tasks. This implied not only the refurbishment of the premises, but also equipping them with all necessary technical tools to be used in training and post-training evaluation sessions.

To complete the rehabilitation and transformation of the NIJ premises into a user-friendly, accessible and modernized training space, the improvements under this intervention will focus on renovating the outer shell of the NIJ building, affected by wear and tear and exposure to weather conditions. The types of intervention include, but do not limit to external plastering and finishing works, replacing rain gutters, external lighting, restoration of building's plinth, reinforcing the anti-seismic belt of the building, external painting works and other associated works. All interventions will be done based on the technical expert reports and technical designs, developed in line with the applicable national regulations. As the NIJ building is included in the list of monuments of architecture, the interventions will aim to preserve the historical appearance, decorative elements and colors of the facade for the benefit of the Chisinau community.

UNDP will engage an engineering consultant for designs for the renovation and/or construction of the National Institute of Justice facilities and envelope, to include, but not limited to, architectural, structural, civil, mechanical, electrical, life safety (fire suppression systems), as applicable. The engineering consultant will be hired through a competitive process. The construction contracts will be awarded through competitive bidding to ensure transparency. If required, a pre-qualification of contractors will be done through the aforementioned open bid process.

Before issuing tender solicitation documents to contractors for construction, all architectural and structural designs, Bill of Quantities (BOQ), cost estimates, specification of construction materials, construction design and drawings, and construction schedule will be submitted to US-INL and the

National Institute of Justice for review and approval. Once approved, INL requests weekly reports on construction/renovation progress and status. If necessary, and with US-INL approval, this project may include necessary upgrades, expansion, and/or enhancements to site support infrastructure systems.

Throughout the project implementation, UNDP will provide US-INL with all project-related documentation as requested, including, but not limited to, construction contracts, BOQs, copies of expenditures paid to the contractors. The scope and design technical review may be done from Washington DC. A final inspection will be conducted in person prior to INL acceptance of completed works.

### **B.3 Networking and engagement in activities of regional and international judicial training platforms**

Within this intervention, the NIJ will be supported in developing networking and knowledge sharing connections with peer institutions from other countries and engage with regional and international judicial training platforms (European Judicial Training Network – EJTN; International Organization for Judicial Training – IOJT) to share its achievements and learn from best practices available in the network. In 2016 the NIJ became an observer at the European Judicial Training Network (EJTN). The NIJ may now participate more actively in the activities of the EJTN. Through this organization, it can have access to up-to-date trainings for judges and prosecutors, exchange knowledge and experience with colleagues and experts from EU countries. The NIJ will be supported to participate in various activities in order to benefit from the experiences of this professional network and best practices: participation in congresses and other administrative activities and participation of Moldovan prosecutors and judges and NIJ's staff and trainers in various trainings organized by the EJTN, exchange visits, short-term internships, etc.

### **B.4 Legal English Curriculum Development**

Nowadays, delivering justice has gone beyond the borders of a particular jurisdiction. National justice systems are influenced by various factors and phenomena, including transborder crime, free movement of people and capital, migration, existence of supranational jurisdictions, etc. Therefore, mastering a foreign language and its legal terminology is important and should form part of the continuous training of legal practitioners. It is a precondition to effective contacts across the states, which are in turn the cornerstone for judicial cooperation. It is essential that all stakeholders pay attention to training on legal terminology of foreign languages.<sup>32</sup>

Legal English plays a key role in ensuring cooperation and understanding among justice actors coming from different jurisdictions. Therefore, the Project will work with the NIJ to develop a Legal English curriculum to be integrated with the legal professionals training program.

The Legal English program will be developed as a professional toolkit that both local (for instance, the NIJ trainers or local legal professionals fluent in English) and international trainers (for instance, guest trainers from the U.S. Embassy or international community) can use for training. The curriculum will include all assigned readings, exercises, presentations and testing materials, with clear learning and instructional objectives set forth in detailed, timed lesson plans for every module. The lesson plans and related curricular materials will be sufficiently detailed to allow the trainer to deliver the module by following the lesson plan, without further assistance or supervision.

<sup>32</sup> European Commission – Communication of 13 September 2011 on Building trust in EU-Wide Justice, A new dimension to European judicial training (COM (2011) 551), <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52011DC0551&from=en>



The course will be built as an English-language immersion course, intended for Moldovan legal professionals with a reasonable level of English (~A2/B1), aligned with international language standards. The course will aim at developing both the legal and linguistics skills of the participants by combining legal information and language exercises in a practical and dynamic way.

The target course would contain the following components:

- 20 modules of 90 min each
- Geared towards all legal professionals: judges, prosecutors, lawyers
- Interactive exercises
- Practice tests to reinforce learning
- A final test to pass in order to receive the course certificate

Interventions under this project component will aim at building the NIJ capacities to provide justice professionals with Legal English knowledge, based on existing good practices and experience on this matter (for instance, the EJTN (European Judicial Training Network) training courses on Legal English).

### ***Resources Required to Achieve the Expected Results***

The current timeframe for this intervention covers the period October 2020-March 2022, with an estimated budget of \$525,000 (a detailed breakdown of costs is presented in the attached Multi-Annual Work Plan). The funding is provided by the U.S. Government.

In addition to the above estimated budget, UNDP Moldova will make in-kind contribution to the project. The in-kind contribution will consist of provision of a partial project office running costs; provision of office equipment; and covering office communication costs. Overall UNDP Moldova's in-kind contribution is estimated in the amount of \$ 40,000.

To achieve the expected results, the Project will engage qualified international and national expertise, as well as specialized suppliers that will provide technical advice, services and goods required for the implementation of Project activities.

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

### ***Partnerships***

The project will be implemented in the partnership and with the National Institute of Justice (NIJ) for the achievement of the project objectives and ensuring national ownership over and sustainability of the results achieved. The Project will build on the already successful partnership that UNDP and INL have with the NIJ, including the operationalization of an interactive mock trial training program. Collaboration with other national stakeholders (e.g., Ministry of Justice, Supreme Court of Justice, Superior Council of Magistracy) will be developed as relevant. Coordination with projects and interventions in the justice sector, supported by the development partners (EU, Council of Europe, Sweden, USA etc.), will be sought to ensure synergies in achieving sector wide transformation.

### ***Risks and Assumptions***

Risks have been identified as part of the formulation process and captured in the risk log, attached as Annex 1. The Project implementation shall span over an 18 months period that might coincide with

important events and reforms in the country, some of which can be anticipated and carefully factored into Project plans, others will require the Project to adjust as unfolding. The Project team will consider the specific political context existing at the moment of implementation, and will plan the activities with caution, including timing and feasibility. Throughout the implementation period, the Project shall maintain an apolitical focus, which ensures the possibility to continue the operation and interaction with all the stakeholders during and after the politically charged elections period. The Project Risk Log will be maintained throughout the Project implementation to capture potential risks and associated mitigation measures.

The Project's success depends upon a long-term commitment on the part of the donor and NIJ to patiently work over the course of an extended period to find the most effective and sustainable solutions. It is assumed that internal factors such as Project design or Project team will perform at the highest level. It is also assumed that external factors, such as experts' quality, and stakeholder effort will all be strong. The Project results depend also on the assumptions that:

- 1) There is a strong political will to further strengthen the justice sector through enhanced professionalism, transparency, accountability and inclusiveness;
- 2) The national partner (NIJ) has a strong ownership over the project and effectively engage in its implementation and offer the time of staff and potentially financial (or in-kind) resources;
- 3) Project partners commit to sustain and further develop the results achieved with project support;
- 4) A strong donors' coordination mechanism in the justice sector is in place;
- 5) Project resources are sufficient to meet the identified needs and implement agreed activities.

### ***Stakeholder Engagement***

Effective stakeholders' engagement is one of the key success factors for the Project's implementation and UNDP will capitalize on the wide experience and methodologies that exist in the organization to ensure "no one is left behind". The Project envisages strong coordination among different stakeholders to achieve the expected results.

The National Institute of Justice is the main stakeholder engaged in Project implementation. The institution will act both as the core actor, contributing to the sustainable implementation of the Project activities, so as the beneficiary of achieved results.

NIJ will undertake specific responsibilities, meant to facilitate Project implementation (as described in activities above), including by ensuring the necessary internal regulatory framework and swift decision making on matters important for Project progress.

### ***South-South and Triangular Cooperation (SSC/TrC)***

The Framework of operational guidelines on UN support to South-South and triangular cooperation defines South-South cooperation (SSC)<sup>33</sup> to be "a process whereby two or more developing countries pursue their individual and/or shared national capacity development objectives through exchanges of knowledge, skills, resources and technical know-how, and through regional and interregional collective actions, including partnerships involving Governments, regional organizations, civil society, academia

<sup>33</sup> <https://digitallibrary.un.org/record/826679>



and the private sector, for their individual and/or mutual benefit within and across regions. South-South cooperation is not a substitute for, but rather a complement to, North-South cooperation”.

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

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

### ***Knowledge***

A specific focus shall be dedicated to developing and disseminating knowledge products to be used for knowledge sharing and replication of Project methodologies by interested entities beyond the timespan of the Project. Various knowledge products shall be produced as part of Project implementation, namely training materials, handbooks; activity reports and progress reports; public awareness materials. These key materials will be shared with the legal community and the public (when relevant). Ideally, they will help promote sound reasoning and writing and may help spur similar activities and training courses at the university level.

Experiences and achievements will be documented, to the extent possible, and shared to inform sector-wide policy change and reform initiatives at the national and/or regional levels. At the same time, the Project shall produce and disseminate through media outlets and social networks various success stories, blogs, other media products, to educate the public through vivid examples about the Projects methodologies and results.

### ***Sustainability and Scaling Up***

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

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

- ***working through existing institutions and building proactive institutional partnerships*** – all project activities will be implemented with a well-established partner (National Institute of Justice) whose institutional and professional capacities will be further enhanced to provide skills-based training for justice professionals. The Project will ensure a full and active engagement of targeted stakeholder at all stages of Project implementation. The efforts to enhance institutional capacities of Project beneficiary will contribute to nurturing a next generation of justice professionals in the long run.
- ***fostering ownership and internalization of Project results*** – as the Project aims to invest in enhancing institutional processes and capacities, achieving compliance with international standards and changed behaviors, the investment will stay with the partner institution and staff, as well as will be transformed into skills for more active engagement. The Project will build capacities by implementing activities in a calibrated way, considering national capabilities and creating conditions for context-specific innovations and solutions to emerge, which can be shared, all increasing the sustainability of the Project interventions;

- ***gearing self-multiplication mechanism*** – the project will work to leave behind a core group of professionals who are well prepared to continue the work and ensure that results do not only hold up, but that additional progress is made. Hence, the Project builds the multilateral capacity of stakeholder, transferring knowledge and skills rather than theories, and ensuring their buy-in and holding them accountable from the project onset. Tangible multiplier effects will be felt through the capacity building activities directed at relevant stakeholders. All trainings to be provided as part of this Project will provide institutional knowledge for future interventions, being accompanied by practical tools for replication (i.e. training toolkits, manuals), and will lead to increased professionalism.

#### IV. PROJECT MANAGEMENT

##### ***Cost Efficiency and Effectiveness***

The proposed strategy is expected to deliver maximum results while making the best use of available resources, offered by the U.S. Government. Further resource mobilisation efforts through the engagement with other Donors will be undertaken as necessary. The Project will look for synergies with other projects in the democratic governance, justice and human rights fields (or beyond) that might allow for joint activities and for cost-sharing of the activities to achieve higher value for money. The Project will also use the corporate Long-Term Agreements with providers of computer hardware (HP or Dell), available to UNDP, to supply the beneficiaries with envisaged hardware equipment. The Project will ensure sharing relevant expertise with other UNDP, INL-funded and other U.S. Government-funded projects and implementing joint procurement with other UNDP projects.

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

##### ***Project Management***

The implementation and monitoring of the project activities will be carried out by UNDP in accordance with its applicable regulations, rules, directives and procedures. UNDP Moldova will assume the overall management responsibility and accountability for project administration, including organizing implementation of Project activities, procurement of goods and services, recruitment of Project personnel and national and international consultants, connecting to national and international expertise and knowledge networks, and the quality assurance, ensuring the timely and expedient implementation of Project activities, including the provision of continuous feedback and information sharing among stakeholders.

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

<b>Support Services</b>	<b>Schedule for the Provision of the Support Services</b>	<b>Cost to UNDP of providing such Support Services</b>	<b>Amount and Method of Reimbursement of UNDP</b>
Payments, disbursement and other financial transactions, including	As agreed in the Annual Workplan	Cost-recovery based on UNDP	Periodic billing based on actual



direct payments, budget revisions, etc.	(AWP) from the inception to closure of the project	Universal Price List and Local Price List <sup>34</sup>	staff costs and agreed percentage
Recruitment of staff, project personnel and consultants, including creation of vendors, selection and recruitment of SC holders, personnel management services and banking administration, etc.			
Procurement of services and goods, including evaluation, proceeding through CAP, contracting, disposal and/or transfer of equipment and assets, customs clearance, etc.			
Travel support, including travel arrangements and authorization, ticket, visa and booking requests, F10 settlement, etc.			
Organization of conferences, workshops and trainings, etc.			
Communication support, ICT support, etc.			

The Project Team will be placed in shared rented premises and will require the necessary facilities and equipment to ensure functionality and operability of the project, including computers, communication costs, utilities cost, etc. The Project Team will have a possibility to take part in the staff development activities in country or abroad, as well as to accompany representatives of beneficiary/partner institutions in the study visits ensuring their good and efficient organisation and also building their capacities for the effective performance and efficient project implementation.

***Audit arrangements***

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

<sup>34</sup> <https://poppp.undp.org/SitePages/POPPSubject.aspx?SBJID=184&Menu=BusinessUnit>

The UNDP Office of Audit and Investigations (OAI) conducted an audit of UNDP Moldova in March-April 2018, covering the period 01 Jan 2017-31 Jan 2018. OAI assessed<sup>35</sup> the UNDP Moldova office as 'satisfactory' (the highest rating), which means "The assessed governance arrangements, risk management practices and controls were adequately established and functioning well. Issued identified by the audit, if any, are unlikely to affect the achievement of the objectives of the audited entity/area". Satisfactory performance was noted in the following relevant areas: governance, human resources management, procurement, financial resources management.

### ***Financial management***

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

### ***Anti-corruption***

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

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

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

### ***Intellectual property rights and use of logo***

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

---

<sup>35</sup> Audit of the UNDP Country Office in the Republic of Moldova, Report no. 1928 (23 May 2018), [http://audit-public-disclosure.undp.org/view\\_audit\\_rpt\\_2.cfm?audit\\_id=1928](http://audit-public-disclosure.undp.org/view_audit_rpt_2.cfm?audit_id=1928)



**V. RESULTS FRAMEWORK**

<p><b>UNDAF 2018-2022 Outcome 1:</b> The people of Moldova, in particular the most vulnerable, demand and benefit from democratic, transparent and accountable governance, gender-sensitive, human rights- and evidence-based public policies, equitable services, and efficient, effective and responsive public institutions</p>				
<p><b>Outcome 1 indicators as stated in the Country Programme Document 2018-2022, including baseline and targets:</b></p>				
<p><b>Indicator:</b> % of people who trust in governance institutions (Parliament, Government, Justice) by sex and urban/rural status;</p>				
<p><b>Baseline (April 2016):</b> Justice: total: 7.8%; Men/Women: 9.1%/6.7%; Urban/Rural: 7.5%/8.0%;</p>				
<p><b>Target (2022):</b> Justice: total: 25%; Men/Women: 25%/25%; Urban/Rural: 25%/25%.</p>				
<p><b>Means of verification:</b> Barometer of Public Opinion</p>				
<p><b>Applicable Output(s) from the UNDP Strategic Plan 2018-2021:</b> 2.2.3. Capacities, functions and financing of rule of law and national human rights institutions and systems strengthened to expand access to justice and combat discrimination, with a focus on women and other marginalized groups</p>				
<p><b>Project title and Atlas Project Number:</b> Support to Justice Sector Reform in Moldova - Reinforcing the National Capacities to Provide Efficient Skills-Based Training for Legal Professionals (Project ID 00120461)</p>				
EXPECTED OUTPUTS	OUTPUT INDICATORS	DATA SOURCE	BASELINE	TARGETS
			Value (2020)	By the end of the Project
<p><b>Output 1</b> Enhanced NIJ's capacity to incorporate concepts of legal research, reasoning</p>	<p>1.1 Number of legal professionals having access to leading literature on legal reasoning</p>	<p>Project reports, external testimony</p>	<p>0</p>	<p>1000 legal professionals (judges, prosecutors, lawyers) benefitting from leading literature on legal reasoning in Romanian</p>

<p>and writing into the legal professional's training</p>	<p>1.2 Number of classroom hours dedicated to writing assignments within the NIJ's mock trial program</p>	<p>Project reports, external testimony</p>	<p>44 classroom hours</p>	<p>Increase with 50% the time used for writing assignments within the NIJ's mock trial program</p>
<p><b>Output 2</b> Reinforced institutional and technical capacities of the NIJ to provide skills-based training to legal professionals</p>	<p>2.1 Level of progress made in developing and integrating the 'virtual classroom' tool with NIJ's digital offer</p>	<p>Project reports, external testimony</p>	<p>No virtual classroom tool available at the NIJ</p>	<p>Virtual classroom tool developed and integrated with the NIJ's suite of digital tools and applications</p>
	<p>2.2 Level of progress made in renovating the NIJ building envelope</p>	<p>Project reports, external testimony</p>	<p>Dilapidated condition of the external envelope of the NIJ building</p>	<p>External envelope of the NIJ building renovated</p>
	<p>2.3 Level of progress made in developing the Legal English curriculum</p>	<p>Project reports, external testimony</p>	<p>No Legal English course taught at the NIJ</p>	<p>Legal English curriculum developed and integrated with the NIJ training program for legal professionals</p>



## VI. MONITORING AND EVALUATION

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

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

### Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
<b>Track results progress</b>	Progress data against the results indicators in the RRF will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	Annually, or in the frequency required for each indicator.	Slower than expected progress will be addressed by project management.	N/A	Project Management and Project Quality Assurance costs
<b>Monitor and Manage Risk</b>	Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using a risk log (Annex 4). Audits will be conducted in accordance	Quarterly	Risks are identified by project management and actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken.	N/A	Project Management and Project Assurance costs

	with UNDP's audit policy to manage financial risk.					
<b>Learn</b>	Knowledge, good practices and lessons will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	At least annually	Relevant lessons are captured by the project team on the Project Reports and used to inform management decisions.	N/A	Project Management and Project Quality Assurance costs	
<b>Project Quality Assurance</b>	The quality of the project will be assessed against UNDP's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.	Annually	Areas of strength and weakness will be reviewed by project management and used to inform decisions to improve project performance.	N/A	Project Management and Project Quality Assurance costs	
<b>Review and Make Course Corrections</b>	Internal review of data and evidence from all monitoring actions to inform decision making.	At least annually	Performance data, risks, lessons and quality will be discussed by the project Steering Committee and used to make course corrections.	N/A	Project Management, Project Quality Assurance and the Project Steering Committee meetings costs	
<b>Project Report</b>	A progress report will be presented to the Project Steering Committee and key stakeholders, consisting of progress data showing the results achieved against pre-defined annual targets at the output level, the annual project	Annually, and at the end of the project (final report)	Project Reports will be drafted by the project management, reviewed for quality assurance purpose, presented to, discussed and voted by the project Steering	N/A	Project Management and Project Quality Assurance costs	



	<p>quality rating summary, an updated risk long with mitigation measures, and any evaluation or review reports prepared over the period.</p>		<p>Committee, and used for project progress documentation and decision making.</p>	N/A	
<p><b>Project Review (Project Board)</b></p>	<p>The project's governance mechanism (project Steering Committee) will hold regular project reviews to assess the performance of the project and review the Multi-Year Work Plan to ensure realistic budgeting over the life of the project. In the project's final year, the Project Steering Committee shall hold an end-of project review to capture lessons learned and discuss opportunities for scaling up and to socialize project results and lessons learned with relevant audiences.</p>	<p>Annually, or more frequently if deemed necessary</p>	<p>Any quality concerns or slower than expected progress should be discussed by the project Steering Committee and management actions agreed to address the issues identified.</p>	N/A	<p>Project Management, Project Quality Assurance and Project Steering Committee meetings costs</p>

**Evaluation Plan**

Evaluation Title	Partners (if joint)	UNDAF/CPD Outcome	Planned Completion Date	Key Evaluation Stakeholders	Cost and Source of Funding
N/A	N/A	N/A	N/A	N/A	N/A

---

## VII. MULTI-ANNUAL WORK PLAN

See Annex 1

---

## VIII. GOVERNANCE AND MANAGEMENT ARRANGEMENTS

The project will be implemented under the Support to the National Implementation Modality (NIM). This means that Project beneficiaries will be responsible for the general decision-making and implementation of Project activities, while UNDP Country Office will provide quality assurance and support services to the Project. In addition, UNDP CO will ensure project accountability, transparency, effectiveness and efficiency in implementation. The support services provided by the project may include: (i) identification and/or recruitment of project personnel; (ii) procurement of goods and services; (iii) financial services.

The National Institute of Justice will act as the Senior Executive (National Coordinator) and will represent the interests of the Government of Moldova and be responsible for the overall implementation of the Project. The National Coordinator's role is to ensure that the project is focused throughout its life cycle on achieving its objectives and delivering outputs that will contribute to higher level outcomes. The National Coordinator should ensure that the project provides value for money, ensuring a cost-efficient approach to the activities, balancing the demands of the beneficiary and supplier. In addition, the National Coordinator is responsible for convening and chairing the Project Steering Committee meetings, certifying the Project Annual Work Plans and Budgets approved by the Steering Committee, certifying the Budget Revisions generated by UNDP financial system, as necessary, and certifying Quarterly and Annual Project Combined Delivery Reports (CDR) generated by UNDP financial system.

A Project team will assist the Project beneficiary in the implementation of the Project.

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

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

The Project Steering Committee shall include representatives of senior beneficiary (National Institute of Justice, Ministry of Justice, Superior Council of Magistracy, Superior Council of Prosecutors), civil society organizations, UNDP and Project donor (U.S. Embassy), other multilateral or bilateral partners, as relevant.

The effective and efficient implementation of all activities will be ensured through a Project Support Team (PST) that will be staffed through open competitions and selected by a recruitment panel. The PST will include:

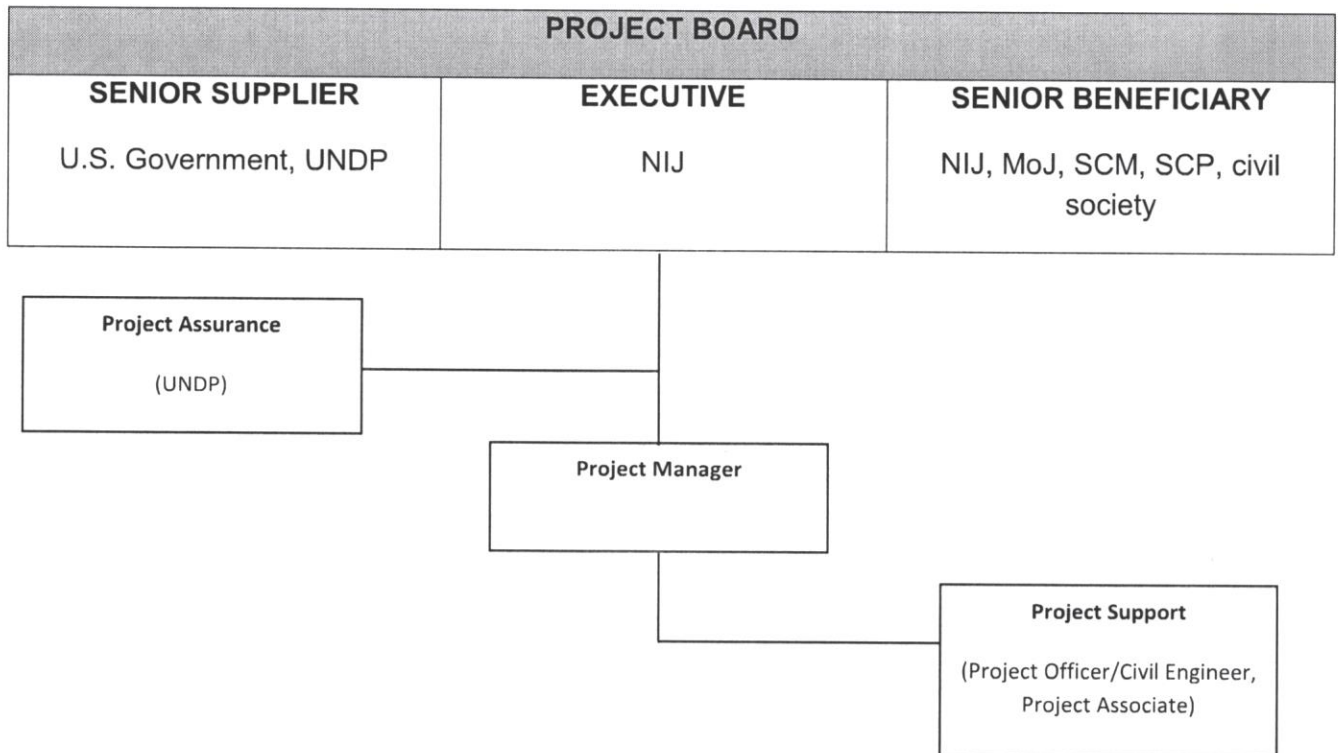


- Project Manager (full-time, 100%) – has the authority to run the Project on behalf and within the constraints laid down by the Project Steering Committee;
- Project Officer/Civil Engineer (part-time, 20%) – will ensure the effective and efficient implementation of infrastructure interventions, planned by the Project;
- Project Associate (part-time, 20%) – responsible for performing financial, administrative, procurement and other duties related to the implementation of project activities.

The Project Support Team will ensure close coordination of the project activities with other relevant programmes, projects and initiatives to avoid possible duplication. The Project Support Team will ensure results-based project management and successful implementation of the project, close monitoring and evaluation of project progress, observance of procedures, transparency and efficient use of funds, quality of works, and the involvement of national and local stakeholders in the decision-making processes.

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

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



---

## IX. LEGAL CONTEXT

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

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

---

## X. RISK MANAGEMENT

1. Consistent with the Article III of the SBAA, the responsibility for the safety and security of the Implementing Partner and its personnel and property, and of UNDP's property in the Implementing Partner's custody, rests with the Implementing Partner. To this end, the Implementing Partner 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 project is being carried;
  - b) assume all risks and liabilities related to the Implementing Partner's security, and the full implementation of the security plan.
2. 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 the Implementing Partner's obligations under this Project Document.
3. The Implementing Partner agrees to undertake all reasonable efforts to ensure that no UNDP funds received pursuant to the Project 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/sc/committees/1267/aq\\_sanctions\\_list.shtml](http://www.un.org/sc/committees/1267/aq_sanctions_list.shtml).
4. Social and environmental sustainability will be enhanced through application of the UNDP Social and Environmental Standards (<http://www.undp.org/ses>) and related Accountability Mechanism (<http://www.undp.org/secu-srm>).
5. The Implementing Partner shall: (a) conduct project and programme-related activities in a manner consistent with the UNDP Social and Environmental Standards, (b) implement any management or mitigation plan prepared for the project or programme to comply with such standards, and (c) engage in a constructive and timely manner to address any concerns and complaints raised through the Accountability Mechanism. UNDP will seek to ensure that communities and other project stakeholders are informed of and have access to the Accountability Mechanism.
6. All signatories to the Project Document shall cooperate in good faith with any exercise to evaluate any programme or project-related commitments or compliance with the UNDP Social



and Environmental Standards. This includes providing access to project sites, relevant personnel, information, and documentation.

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

Where the Implementing Partner becomes aware that a UNDP project or activity, in whole or in part, is the focus of investigation for alleged fraud/corruption, the Implementing Partner will inform the UNDP Resident Representative/Head of Office, who will promptly inform UNDP's Office of Audit and Investigations (OAI). The Implementing Partner shall provide regular updates to the head of UNDP in the country and OAI of the status of, and actions relating to, such investigation.

11. The Implementing Partner agrees that, where applicable, donors to UNDP (including the Government) whose funding is the source, in whole or in part, of the funds for the activities which are the subject of this Project Document, may seek recourse to the Implementing Partner for the recovery of any funds determined by UNDP to have been used inappropriately, including through fraud or corruption, or otherwise paid other than in accordance with the terms and conditions of the Project Document.

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

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

12. Each contract issued by the Implementing Partner in connection with this Project Document shall include a provision representing that no fees, gratuities, rebates, gifts, commissions or other payments, other than those shown in the proposal, have been given, received, or promised in connection with the selection process or in contract execution, and that the recipient of funds from the Implementing Partner shall cooperate with any and all investigations and post-payment audits.
13. Should UNDP refer to the relevant national authorities for appropriate legal action any alleged wrongdoing relating to the project, the Government will ensure that the relevant national authorities shall actively investigate the same and take appropriate legal action against all individuals found to have participated in the wrongdoing, recover and return any recovered funds to UNDP.
14. The Implementing Partner shall ensure that all of its obligations set forth under this section entitled "Risk Management" are passed on to each responsible party, subcontractor and sub-recipient and that all the clauses under this section entitled "Risk Management Standard Clauses" are included, *mutatis mutandis*, in all sub-contracts or sub-agreements entered into further to this Project Document.

---

## **XI. ANNEXES**

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