



Project funded by
the European Union

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Advancing democracy and human rights

REPORT no. 4

CIVIC MONITORING OF POLICE REFORM IN THE REPUBLIC OF MOLDOVA

Monitoring period: 1 January - 30 June 2020
Published: October 2020

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SUMMARY

General framework of the Police reform. The first semester of 2020 has been marked by the outbreak and spread of the new type of Coronavirus; a state of emergency being declared throughout the territory of Moldova in the period of 17 March - 15 May 2020. Consequently, the activity of the Ministry of Internal Affairs and, implicitly, of the Police focused on ensuring the compliance of Moldovan citizens with the measures imposed by the National Commission for Emergency Situations in the Republic of Moldova. As a result, several activities outlined in policy documents could not be carried out in this period.

At the same time, the fact that no public consultations on the new strategic document for the Police Development in the next period were initiated in the first semester of 2020 raises concerns. It is worth noting that 2020 is the last year for the implementation of the 2016-2020 Police Development Strategy.

The present report covers the period of 1 January - 30 June 2020. The monitors have not identified any activities with expiring deadlines in the current monitoring period. Respectively, Promo-LEX analyzed the activities outlined in the Budget Support Policy Matrix, as well as 10 sub-actions of the Action Plan for the implementation of the Police Development Strategy qualified as unfulfilled in the previous reports.

The degree of implementation of Police Reform objectives. Objective no. 1 aims at ensuring access to quality police services by consolidating the professionalism, transparency and efficiency of the Police. Quantitatively, it is the objective that has the most commitments, including the largest number of actions (7) and sub-actions (36).

According to the observations of Promo-LEX, 25 sub-actions (69.4%) were planned for the period of 2016–2019. Regarding this objective, we analyzed the implementation of six outstanding sub-actions (under four actions) of the Strategy rated as unfulfilled in the previous reports. We also considered an activity within the Policy Matrix as its performance indicator for the year 2019 was not reached.

The findings of Report no. 4 outline the fact that all six sub-actions within the PDS remain unfulfilled after the expiry of the first semester of 2020. At the same time, we found that by the end of the first semester of 2020, the performance indicator for an activity within the Policy Matrix is considered reached.

Objective 2 also aims at increasing citizens' access to quality police services, but already placing the emphasis on human rights in policing. Quantitatively, the objective contains practically the fewest actions (2) and sub-actions (8).

According to the findings of Promo-LEX, half of sub-actions (4) were expected to be implemented during 2016-2018 and none of them was to be fulfilled in 2020. Of these, two outstanding sub-actions have been the target of this report. In Report no. 4 we find that both sub-actions remain unfulfilled after the expiry of the first semester of 2020.

Objective 3 aims at consolidating the capacities of the Police in the fight against crime as well as at ensuring public security. It contains 2 actions and 12 sub-shares. According to Promo-LEX observations, 10 of the sub-actions (83.3%) were planned for the period of 2016–2019.

Referring to the previous monitoring reports, Promo-LEX found only one unfulfilled sub-action, it being monitored in the first semester of 2020. The examination revealed that the sub-action remained outstanding.

Objective 4 contains sub-actions aimed at modernizing the police service in line with European and international standards. It is a general objective, containing three actions and 20 sub-actions. According to Promo-LEX observations, 11 sub-actions were to be implemented in the period of 2016–2019. Of these, one was not carried out, being targeted by Promo-LEX in the first semester of 2020. The analysis of the activities undertaken allowed us to conclude that, in the future, the remaining sub-action can be considered unrealized.

Objective 5 was developed in order to promote and ensure transparency in the activity and professional integrity of the Police. It contains 2 actions and 8 sub-actions. The deadlines for 3 sub-actions expired in the period of 2016 – 2019. None of these sub-actions was regarded as unrealized in the previous reports, and therefore, no activity within this objective has been examined in the present report.

General conclusions. Of the 10 outstanding sub-actions under the Action Plan for the implementation of the PDS, qualified in previous reports as unfulfilled, none changed its rating. Thus, they are still considered by Promo-LEX as unfulfilled.

However, it should be noted that the activity A.1.2 of the Policy Matrix for 2019 was reached in the first semester of 2020.

INTRODUCTION

The Promo-LEX Association is a non-governmental, non-profit and apolitical organization, which pursues public benefit and operates in accordance with the applicable laws of the Republic of Moldova. The mission of the Promo-LEX Association is to contribute to the development of democracy in the Republic of Moldova by promoting and defending human rights, monitoring democratic processes and strengthening civil society.

The Republic of Moldova needs profound reforms in many areas. One of these areas is the activity of internal affairs bodies and the police - institutions empowered to protect the rights of citizens. Historically, institutions in this field are undergoing a continuous process of restructuring and modernization. In this context, on May 12th, 2016, the Government of the Republic of Moldova adopted the 2016-2020 Police Development Strategy. In the same year, the EU Delegation and the Government of the RM signed the Support for Police Reform Financing Agreement, providing for complementary support for monitoring the Police Reform.

In order to fulfill the statutory provisions, in the period of December 14, 2018 - December 13, 2021, the Promo-LEX Association is implementing the “Civic Monitoring of Police Reform in the Republic of Moldova” project, funded by the European Union as of December 14, 2018.

The “Civic Monitoring of Police Reform in the Republic of Moldova” highlights the role of civic oversight by non-governmental organizations during the implementation of reforms, as well as the right of citizens to participate in the decision-making process. The overall objective of the project is to consolidate the responsibility, efficiency and transparency of the police reform in the Republic of Moldova.

The findings and conclusions of the civic monitoring of the police reform are presented in periodic, annual and semi-annual reports, elaborated by the Promo-LEX Association.

Report on 4 on Civic Monitoring of Police Reform is a semi-annual one, drafted for the period of 1 January – 30 June 2020, based on the analysis of 10 sub-actions outlined in the Action Plan for the implementation of the Police Development Strategy under the Budget Support Performance Matrix. Sub-actions subject to examinations had been reported as unfulfilled in the previous civic monitoring reports of the Police Reform. The Promo-LEX Association did not identify any activities with expiring deadlines in the current monitoring period.

CIVIC MONITORING METHODOLOGY

The monitoring reports are developed based on a methodology prepared by an international expert, which includes, on the one hand, methods used to analyze documents and interviews with central level decision-makers, exploited mainly by the central team of the Association. On the other hand, the methodology provides for direct observation and interviewing of monitoring subjects at regional and local levels.

The conclusions of the Promo-LEX Association on the fulfilment of operational objectives of the reform have been developed by referring to the performance indicators and the deadlines stipulated in the relevant program documents. The ratings used to assess the achievement of the objectives are: *fulfilled*, *partially fulfilled* and *unfulfilled*. According to the existing methodology, the rating - *fulfilled* is assigned to actions/activities that were considered sufficient and relevant for the achievement of the proposed objective; *unfulfilled* is assigned to the actions/activities that did not generate the intended objective; and *partially fulfilled* is assigned to the actions/activities that did not fully contribute to the achievement of performance indicators.

Similarly, with respect to the Policy Matrix, the ratings used to assess the achievement of the performance criteria are as follows: *achieved*, *partially achieved* or *unachieved*.

The sub-actions, which are too broadly formulated and whose indicators are immeasurable contain comments only, without being rated as *fulfilled*, *partially fulfilled* or *unfulfilled*.

Report no. 4 of civic monitoring of Police Reform in the Republic of Moldova is a semi- annual report, developed for the period of 1 January -30 June 2020. It analyzes the actions/the sub-actions necessary for the implementation of the 2016-2020 Police Development Strategy that have been rated as unfulfilled in the previous monitoring reports. Also, the Report no. 4 provides an analysis of the extent to which the performance indicators have been met for the activities set through the Policy Matrix developed for 2019, which had been qualified as unachieved in Report no. 3.

In this connection, the monitors analyzed the Police Action Plan for 2020¹, the Police Activity Report for the first semester of 2020² and the activities carried out by the MIA, GIP and their subdivisions in the reference period.

In addition to the analysis of publicly available documents, the methodology for civic monitoring of the degree of achievement of the reform in semester I 2020 included filing information requests to the authorities implementing the activities in the first semester of 2020.

¹ 2020 Police Action [Plan](#).

² Police Activity [Report](#), semester I, 2020.

GENERAL FRAMEWORK OF POLICE REFORM

The 2016-2020 Police Development Strategy (PDS) and the Action Plan on its implementation were approved by Government Decision no. 587 on 12.05.2016. The Strategy ensures the continuity of the reform process initiated by the Concept for the Reform of the Ministry of Internal Affairs (MIA) and its Subordinated and Decentralized Structures and represents an alignment of the actions planned with the provisions of the European Union - Republic of Moldova Association Agreement.³

The general objectives of the Strategy are:

1. Consolidating the responsibility, efficiency, transparency and professionalism of the Police.
2. Ensuring fair, efficient and effective application of human rights legislation in the activity of the Police.
3. Consolidating the capacities of the Police to fight organized crime, trafficking in human beings, cybercrime, violence, including gender offenses, drugs and weapons smuggling, counterfeiting and money laundering.
4. Creating a modern police service, in accordance with the best international standards and practices of the European Union, able to respond proactively and equally to the needs of citizens and society as a whole.
5. Promoting and implementing the principle of zero tolerance for corruption, discrimination and ill-treatment in the activity of the Police.

Subsequently, in December 2016, the Government of the Republic of Moldova (RM) and the European Commission signed the "Support for Police Reform" Financing Agreement worth 57 million euros.

The Overall Objective of the "Support for the Police Reform" Agreement (Budget Support Program) is to assist the Government of the Republic of Moldova in ensuring the rule of law, consolidating public order and security, combating organized crime and protecting human rights by developing a transparent, efficient, responsible and accessible policing.

The specific objectives of the Budget Support Program are similar to the general objectives of the Police Development Strategy with the express mention of alignment with the best EU and international standards and practices. The description of the specific conditions and annual indicators for the disbursement of installments is provided in the Policy Matrix.

On January 24, 2020, the General Inspectorate of Police (GIP) approved, by Order no. 29, the 2020 Police Action Plan⁴, which included 35 activities to ensure the implementation of the actions outlined in the Action Plan and the Police Development Strategy, most of which are first priority, being planned to be completed by December. Subsequently, on May 19, 2020, by GIP Order no. 136, the Action Plan has been updated⁵, the activities remaining largely the same.

According to the Police Activity Report for the semester I of 2020⁶, to ensure the implementation of the 2016-2020 Police Development Strategy, the Moldova-EU Association Agreement, as well as other strategic documents, the institution has made the following achievements in the first semester of 2020:

- prepared and conducted public tenders for the purchase of trucks and communication equipment in compliance with TETRA standards;

³ Title II: "Political Dialogue and Reform, Foreign and Security Policy Cooperation" and Title III: "Justice, Freedom and Security".

⁴ 2020 Police Action [Plan](#), approved by GIP Order no. 29 of 24.01.2020.

⁵ 2020 Police Action [Plan](#), approved by GIP Order no. 136 of 19.05.2020.

⁶ Police Activity [Report](#), semester I, 2020.

- reviewed and approved standard operating procedures for apprehension, escorting and transporting a person deprived of liberty, placing the detainee in preventive detention facility, and developing mandatory minimum requirements for setting in Police subdivisions special premises for hearing the suspects, presenting them for identification, premises for confidential meeting of suspects / accused with defense counsel and temporary facilities (for those in transit);
- ensured the commissioning of three police stations under the Police Inspectorates of Ceadar -Lunga, Dubasari, Bender;
- launched the pilot project on equipping 100 police officers with body -worn camaras.

At the same time, a draft law amending the Law on Police Activity and the Status of police officer⁷ was registered in the Parliament by a Member of the Parliament in March 2000. The draft law provides legal conditions for the regionalization of the police. Although the draft is crucial for the implementation of several activities under the Police Development Strategy and Policy Matrix it was not voted on by the Parliament by the end of semester I, 2020. We consider that unjustified delay of the draft laws or government decisions necessary for the implementation of public policy documents point out to the lack of authorities' will to implement the policy documents assumed.

Mention should be made that Promo-LEX sent its opinion⁸ on the draft law to the parliamentary committee in charge. It was also noted in the opinion that a draft law, which aims at ensuring the implementation of undertaken policies should be initiated, developed and promoted by the implementing institutions (GIP, MIA), providing for decisional transparency. The initiation and elaboration of such a draft law by an MP / a group of MPs could create the impression that public consultations are avoided, thus reducing the terms for public consultations provided by the normative framework in force.

At the same time, considering that it is the last year for the implementation of Police Development Strategy, the fact that no public consultations on the new strategic document for the Police Development in the next period were initiated raises concerns.

According to the GIP, MIA Order no. 39 of 28.01.2020 "On the establishment of the Working Group for the development of the 2021-2024 Police Development Strategy and of the Action Plan for its implementation" set the deadline for elaboration of the project for 30.06.2020. At the same time, following the approval of the Government Decision no. 386 of 17.06.2020⁹, which entered into force on 27.07.2020, the type and structure of policy documents have been modified. These circumstances affect institutional processes and respectively, the institutional strategy that must be adopted under the new policy documents (for example, the strategy is developed for a period of 6-10 years).

Development of a new strategy is one of the priorities outlined in the Police Activity Report for semester I, 2020. Promo-LEX mentions that the new strategic document has to be approved long before January 1, 2021, respecting the decision-making transparency and organizing broad public consultations.

It should be noted that the first semester of 2020 has been marked by the outbreak and spread of the new type of Coronavirus; a state of emergency being declared throughout the territory of Moldova for the period of 17 March - 15 May 2020.¹⁰ During the state of emergency, several measures were instituted to prevent, reduce and eliminate the consequences of the COVID-19 pandemic. Of the measures applied, we should mention establishing special country entry and exit regimes, special regimes for movement

⁷ [Draft law](#) no. 142 of 27.03.2020 for amending the Law on the activity of the Police and the status of the police officer.

⁸ Promo-LEX [opinion](#) regarding the draft law no. 142 of 27.03.2020 for the amendment of the Law on the activity of the Police and the statute of the police officer no. 320/2012 (art. 15).

⁹ Government [Decision](#) no. 386 of 17.06.2020 on the planning, development, approval, implementation, monitoring and evaluation of public policies, published in the Official Gazette no. 153-158 of 26.06.2020, entered into force on 27.07.2020.

¹⁰ Parliament [Decision](#) no. 55 of 17.03.2020 regarding the declaration of the state of emergency.

throughout the country, and the introduction of quarantine in some regions. The activity of the Ministry of Internal Affairs and, implicitly, of Police was focused on monitoring citizens' compliance with the measures established by the National Commission for Emergency Situations in the Republic of Moldova. At the same time, due to the pandemic, several activities of the policy documents could not be carried out during this period. According to the GIP, the failure to implement some of the activities is also explained by the delay in the operationalization of new structures of the GIP that following the approval of Government Decision no. 547 of 12.11.2019 regarding the organization and functioning of the General Inspectorate of Police¹¹.

¹¹ Government [Decision](#) no. 547 of 12.11.2019 regarding the organization and functioning of the General Inspectorate of Police.

IMPLEMENTATION OF POLICE REFORM OBJECTIVES FROM THE PERSPECTIVE OF CIVIC MONITORING

OBJECTIVE 1: Consolidating the responsibility, efficiency, transparency and professionalism of the Police

Objective 1 has the mission to ensure access to more qualitative police services by enhancing the professionalism, transparency and efficiency of the Police. Quantitatively, it is the objective with the most commitments comprising the largest number of actions (7) and sub-actions (36).

According to the observations of Promo-LEX, 25 of the sub-actions (69.4%) were planned to be implemented in the period between 2016 and 2019. Regarding this objective, we analyzed the implementation of six outstanding sub-actions (under four actions) of the Strategy rated as unfulfilled in the previous reports. We also considered an activity within the Policy Matrix as its performance indicator for the year 2019 was not reached. It should be emphasized that all six outstanding sub-actions within the Police Development Strategy remain unfulfilled by the end of the first semester of 2020. At the same time, the performance indicator for an activity within the Policy Matrix is considered reached as of the end of the first semester of 2020.

Based on the Police Development Strategy

1.1. Ensuring a transparent and merit-based system for recruiting and promoting staff based on clear selection, assessment and promotion criteria

1.1.2. Development of a Guide for the assessment of collective performances, development of a system to assess individual performances and career advancement

Performance indicators: Guide for the assessment of collective performances developed and approved; System to assess individual performances and career advancement established.

Timeframe: second semester of 2016 - first semester of 2017

The Strategic Program for the Development of Police (SPDP) for 2017–2019¹², mentioned the following instruments/ methods or verification measures:

- 1) collective performance assessment system approved and published on the website of the Police and
- 2) system for evaluating individual performance and career advancement established.

Additionally, motivated staff, promoted exclusively on the basis of institutionalized professional performance criteria are mentioned as expected results.

It should be noted that a report on the implementation of the Strategic Program for the Development of Police for 2017 - 2019 has not been published on the website of the Police. Also, the new program for strategic development for 2020 has not been approved, because by the Government Decision no. 386 of 17.06.2020¹³ excluded the Strategic Development Program from the list of planning documents¹⁴.

¹² [Strategic Program for the Development of the Police](#) for the period of 2017 - 2019 approved by GIP Order No. 150 of March 28, 2017.

¹³ Government [Decision](#) no. 386 of 17.06.2020 on the planning, elaboration, approval, implementation, monitoring and evaluation of public policy documents, entered into force on 26.07.2020.

¹⁴ According to point 15 of the Regulation on the planning, elaboration, approval, implementation, monitoring and evaluation of public policy documents, the long, medium- and short-term planning documents are: 1) National Development Strategy, 2) Program of the Government, 3) National Development Plan 4) Medium-term budgetary framework, 5) the Annual Plan of the Government, 6) the Annual Plan of Public Authority.

Although, a Program for the Strategic Development of the Police for 2017 – 2019 was developed, according to the GIP, the PDS is developed only at the level of MIA and is implemented through the annual action plan. This results from the provisions of Government Decision no. 176/2011 on the approval of the Methodology for elaborating the strategic development programs of the central public administration authorities. Likewise, according to point 52 of this government decision, the final evaluation of the implementation of the PDS aims to present the information necessary for planning the PDS for the next period. *However, Promo-LEX considers that any approved action plan must end with a report on the performance or non-performance of the activities set in in, even if no legal obligation has been established. Moreover, to ensure the transparency of the decision-making processes within the GIP, it would be necessary to publish the reports attesting the degree of accomplishment of the activities included in the PDS. The publication of this report is especially important considering that the PDS details the performance indicators set out in sub-action 1.1.2 of the Action Plan for the implementation of the PDS.* According to the Police Development Strategy, it is necessary to create and develop a performance assessment mechanism both at individual level and at subdivision level, the current assessment system being an ascertaining one unable to identify the positive developments achieved by the institution. It is highlighted that "the current system of individual performance assessment and career advancement is incomplete, which causes a very subjective approach to these processes".

In 2017, amendments to the MIA Order no. 138 of 18.04.2013 regarding the approval of the Regulation on the assessment of professional performance of the employees with special status within the subdivisions of the MIA were approved. **The elaboration of the Guide for the assessment of collective performance was stopped** with the abrogation of the Government Decision no. 94 of 0 1.02.2013 for the approval of its Regulation on the assessment of collective performance. Thus, the authorities responsible for carrying out the action, targeting the elaboration of the Guide for the assessment of collective performance and the development of a system to assess collective performances, **considered it obsolete**.

Although general normative acts provide rules on the assessment of individual performance (on a **quarterly basis** - to increase staff performance and annually - to assess the performance of employees with special status), we consider that a clear, objective and transparent system for assessing individual performance and career advancement must be established at the institutional level. Moreover, point 46 of the Regulation on the career development of civil servants with special status within the Ministry of Internal Affairs refers to the **customization of the professional career management of civil servants with special status** within the Ministry of Internal Affairs carried out by human resources structures in subdivisions, according to their competences.

According to the implementing institutions, in the first semester of 2020, the Directorate for Personnel Policy and Education of the MIA drafted the MIA order on assessing the professional performance of civil servants with special status within the MIA, without it being approved. According to the draft, the new regulations will enter into force starting with 2021, and the Regulation approved by the MIA Order no. 138/2013 will be repealed.

*Taking into account the above, and the fact that no system for the assessment of professional performance and career advancement was established in the first semester of 2020, as well as the fact that the approval of the Guide for assessing collective performance is considered obsolete, the **Promo-LEX Association repeatedly qualifies this sub-action as unfulfilled.***

1.3. Promoting the principles of transparency in the decision-making process

1.3.1. Streamlining the activity of the Coordinating Council of the General Inspectorate of Police in the decision-making process

Performance indicators: organized meetings; transparent decision-making process

Timeframe: semester II, 2016

The coordinating council of the GIP management was constituted by the GIP Order no. 62 of April 10, 2015, along with the approval of the Regulation on its organization and operation. By GIP Order no. 470 of December 22, 2016, **the order establishing the Coordinating Council for the management of the GIP was repealed** and the Strategic Council of the GIP was established along with its support structures: 1. The Strategic Council of the GIP; 2. The Executive Committee of the GIP Strategic Council; 3. Advisory Group of the GIP Strategic Council.

Considering that the activity targeting streamlining of the Strategic Council was not implemented in 2019¹⁵, it has been planned again for 2020. In addition, according to the Police Action Plan for 2020¹⁶, it was planned to **revise the activity the Management Council**, of the strategic and of operational councils of the General Inspectorate of Police, including due to the establishment of a Civil Council. Thus, by July 2020, the implementing institution was to develop and approve a Vision / a deliberative decision on the three Councils of GIP, and Regulations of their activity had to be developed / revised / modified. At the same time, following the approval of the respective documents, working meetings of the respective councils were to be held during the year, including with the participation of NGOs.

According to the GIP, the analysis of councils' activity revealed that the Operational Council was the most active and functional, its structure being a simple one unlike that of the Strategic Council of the GIP. Following the analysis, it was decided to establish three councils under the GIP: **1. Strategic Council; 2. Operational Council; 3. Crime Prevention Council**. Similarly, according to the GIP, the regulations of the existing councils have been revised and are developed/ modified.

According to points 15, 32 and 40 of the Regulations of the Strategic Council of the General Inspectorate of Police, the Council meets in ordinary meetings in the last month of each quarter, the agenda and minutes of meetings, Council decisions and other documents on the Council activity are to be made public by placing them on the GIP website. The Council Secretariat shall ensure, through the public relations office of the GIP, official information of the public of the work of the Council.

It should be mentioned that no information is published in the Transparency - Public Consultations section on the GIP website - www.politia.md. Moreover, there is no press release on the conduct of the meetings of the GIP Management Councils or GIP Strategic Council during the first semester of 2020.

From 01.04.2019, the moment of temporary cessation of the activity of the Strategic Council of the GIP, the activity of the Council has not been taken over, not a single meeting being organized in the first semester of 2020. The Promo-LEX Association notes that a meeting of the GIP Strategic Council was held at the beginning of the second semester of 2020, but it is outside the monitoring period of this report.

*Taking into account the lack of a legal framework for the operation of the GIP Management Council and the lack of changes in the action plan for the implementation of PDS in the first semester of 2020, the Promo-LEX Association considers this **sub-action unfulfilled**. Thus, we reiterate the recommendation on the resumption of the meetings of the GIP Advisory Council, in any form, with the conduct of regular meetings, ensuring a transparent decision-making process.*

1.3.5. Establishing a Council for coordination and monitoring of external assistance at the level of the General Inspectorate of Police to consolidate the capacity to absorb external financial assistance

Performance indicators: Council created; capacities to absorb external financial assistance in positive dynamics; training of staff involved in the process

Timeframe: semester II, 2016

¹⁵ 2019 Police Action [Plan](#), approved by GIP Order no. 35 of 28.01.2020, point 6.1.

¹⁶ 2020 [Police Action Plan](#), approved by GIP Order no. 29 of 24.01.2020, amended by the GIP Order no. 136 of 19.05.2020, point 4.1.

Point 14 of the Annex no. 1¹⁷ to the Government Decision no. 377 of 25.04.2018 stipulates that under the mechanism for coordination and management of external assistance, **foreign assistance sector is coordinated** by the central authority responsible for policy in the sector, namely the **Ministry of Internal Affairs**. At the same time, according to point 15², depending on the complexity of the field of public authority's activity, several sector councils in external assistance can be created within it.

Based on the provisions of the above government decision, MIA Order nr. 707/2019 "On the creation of the MIA Sectoral Council for external assistance" and the Regulation of the MIA Sectoral Council for external assistance were approved. The order mentioned that the administrative authorities and the subordinated institutions can, if necessary, create specialized subordinated councils. According to the implementing authorities, the MIA Sectoral Council for external assistance includes the GIP, the Council being **the only platform coordinating foreign assistance priorities** in communicating with MIA donors.

At the same time, some subdivisions within the Ministry of Internal Affairs and the GIP also have responsibilities regarding the coordination of external assistance. Thus:

- Within the MIA, the Directorate for Institutional Development Policies, established by Government Decision no. 438 of 11.09.2019, has the powers to coordinate, at institutional level, the support provided to the authorities and subdivisions of the MIA, providing support in capitalizing on external assistance by establishing a broad consultative process and dialogue between the MIA, development partners and civil society;
- Within the GIP, the Directorate for Project Management, established by Government Decision no. 547 of 12.11.2019, as a separate unit responsible for coordinating the processes of identifying, accessing and implementing foreign assistance projects for the Police, is vested with powers to collect, systematize and present on a platform for external assistance the assistance needs, not covered by budgetary funds, to be discussed and communicated with the donor community.

Although the 2020 Police Action Plan provides for resumption of the coordination and monitoring of external assistance in the GIP¹⁸, **the Council has not been established in the first semester of 2020**. It is worth noting that an application should have been submitted to the MIA and the draft Council Regulation on the coordination and monitoring of external assistance at the level of the GIP in a revised form should have been submitted for approval by June 2020.

According to the GIP, at this stage, as long as it is in the initial stage of development, it is irrelevant to create alternative platforms for MIA Sectoral Council for external assistance, which are to be chaired by the President of the Council. Additionally, all proposals and institutional needs of the GIP with no financial coverage were communicated to the MIA to be included on the agenda for the first meeting of the Sectoral Council of MIA.

Starting from the fact that no Council for coordination and monitoring of external assistance has been established at the GIP level even in the first semester of 2020, and the action plan for the implementation of the PDS was not modified, we qualify sub-action no. 1.3.5 as unfulfilled. It should be mentioned that the implementing authorities consider it unjustified and inappropriate to modify the Action Plan for the implementation of the PDS in the last year of implementation.

¹⁷ [Regulation](#) on the institutional mechanism for coordination and management of external assistance, approved by Government Decision no. 377 of 25.04.2018 on regulating the institutional framework and the mechanism for coordination and management of external assistance.

¹⁸ 2020 [Police Action Plan](#), approved by GIP Order no. 29 of 24.01.2020, amended by the GIP Order no. 136 of 19.05.2020, point 4.1.

1.4. Reorganization of the system of maintaining, ensuring and restoring public order

1.4.3. Deconcentration of activities for maintaining and ensuring public order at the level of territorial subdivisions of the Police

Performance Indicators: adjusted regulatory framework for maintaining and ensuring public order, enhanced capacities of territorial subdivisions for maintaining and ensuring public order

Timeframe: 2016–2017

Following the approval of the Government Decision no. 547 of 12.11.2019 on the organization and operation of the GIP¹⁹, the General Directorate of Public Security and the National Patrol Inspectorate merged into the National Inspectorate of Public Security (NIPS). However, the Regulation on the operation of the NIPS and GIP was approved only in August 2020.

The 2020 Police Action Plan provides for the implementation of activities aimed at deconcentrating the activities aimed at maintaining and ensuring public order at the level of territorial subdivisions of the Police²⁰. By June 2020, the organizational structure of territorial subdivisions should have been reviewed, and the normative framework for functioning and ensuring public order of territorial subdivisions should have been developed. However, these changes have not been implemented in the first semester of 2020.

Promo-LEX noted that it requested from the GIP information on decentralizing the activities to maintain public order at the level of territorial subdivisions, including the powers passed over to territorial subdivisions as a result of reorganization. In response, the General Inspectorate of Police said that **no positions have been passed over to territorial subdivisions, they all have been used to fortify the capacities of the National Inspectorate of Investigation (NII) and the GIP**. Thus, by the MIA Order no. 200 of 21.04.2020, the patrol and rapid response subdivision of the Chisinau Police Department was completed with 90 positions, and the positions intended for the crime investigation were supplemented by 56 units.

It should be noted that in the presentation and discussion of draft laws on the reorganization of subordinated and territorial structures of the Police (NIPS, NII, regional subdivisions), Promo-LEX submitted, in February 2020, to the General Inspectorate of Police its opinion²¹. It raised the question whether “*the implementation of the new organizational structure will ensure decentralization or, on the contrary, it will impose a regional control on the local level structures (police section, police inspectorate) rather than one based on the analysis of risk factors*”. However, it seems that the concerns raised in the opinion, as well as in the process of public consultations, have not been taken into account.

*Considering the above, we conclude that the **reorganization carried out not only failed to lead to decentralizing of activities aimed at keeping and maintaining public order, it rather fortified and sustained concentration** of such activities. Thus, Promo-LEX qualifies this sub-action as **unfulfilled**. In this regard, we recommend to the implementing institutions to make the necessary efforts in order to effectively carry out sub-action no. 1.4.3.*

¹⁹ Government [Decision](#) no. 547 of 12.11.2019 on the organization and operation of the GIP.

²⁰ 2020 Police Action [Plan](#), approved by GIP Order no. 29 of 24.01.2020, point 6.2.

²¹ The opinion has been prepared and submitted in the context of the organization, on February 7, 2020, of a roundtable, within it, the GIP presented to the development partners and to some representatives of civil society its vision and projects with respect to the organizational structure of NII and NIPS.

1.4.4. Improvement of the legal framework for the organization of public gatherings

Performance indicator: legal adjustment framework in the field developed and approved

Timeframe: semester II, 2016 - semester I, 2017

The draft Law on Public Assemblies was submitted for public consultations on 4.02.2016. By the resolution ordered in 2018, the draft amendment to the Law on Public Assemblies was abandoned. Starting from the renunciation of the draft amendment, non-approval of the amendments to the Law on Public Assemblies in the first semester of 2020, as well as the lack of amendments to the Action Plan on the implementation of the PDS, Promo-LEX notes that **sub-action no. 1.4.4 was not fulfilled**.

It should be noted that, according to the Police Activity Report for the first six months of 2020²², 5941 meetings were held in the Republic of Moldova (526 in Chisinau), attended by about 418 115 people (75 011 in Chisinau). In the first semester of 2020, the number of meetings held is by 8317 less than in the first six months of 2019, the decrease being, mostly, due to the COVID-19 pandemic and restrictions put in times of emergency.

1.7. Consolidation of the capacities of the Police to participate in international missions and operations of the European Union in crisis management operations

1.7.3. Development and approval of a curriculum to train the staff selected for participation in international missions

Performance Indicators: curriculum approved; organized and conducted training.

Timeframe: 2016–2017

The Curriculum for a basic training of carabinieri for participation in international missions was approved in 2018, but there is no similar curriculum for police officers, as it was not approved in the first semester of 2020 either.

At the request for information on the development and approval of a Training Curriculum for police personnel selected for participation in international missions and trainings conducted, the implementing authorities have notified that para. (7), art. 22 of Law no. 219 / 2018²³ expressly reflects the right of the General Inspectorate of Carabinieri to participate in international operations and missions. Thus, at the institutional level, several activities were initiated and undertaken:

- it approved the concept / vision of the GIC on international missions and operations and the action plan for 2020 - 2022;
- it developed GIC curriculum for international missions and operations in accordance with the best practices of the Armed Forces of the Republic of Moldova and of their counterparts in Romanian Gendarmerie;
- it developed the Regulation on the recruitment, selection and participation in international missions and operations, which was subsequently approved at the level of GIC structures;
- it developed the Regulation on the organization and operation of the Independent Company for International Missions and Operations, "Center" Regional Directorate of the GIC;
- it elaborated and approved job descriptions of the military of the Independent Company for international missions and operations.

²² Police Activity [Report](#), semester I, 2020.

²³ [Law](#) no. 219 of 08.11.2018 on the General Inspectorate of Carabinieri.

At the same time, at the initiative of the Women Police Association, the National Association of Women in the Internal Affairs and the Women's Association of the National Army, organized, with the support of UN Women Moldova, on May 29, 2020, a video conference dedicated to the International Day of UN peace keepers. During the event, the military shared their experience with the women employed at MAI and the police.

*Considering that neither the sub-action nor the performance indicators have been achieved in the first semester of 2020, we qualify the **sub-action 1.7.3 as unfulfilled**. At the same time, we reiterate the recommendation to implement all the planned activities, even if their deadlines have expired.*

Based on Policy Matrix

A.1.2. Increasing women's participation in the Police

Indicator 2019: The overall share of women in the Police reached 18%

Having received our request for information on the number of women employed in the Police, the GIP informed us that **as of July 1, 2020**:

- 1255 women police officers²⁴ (16.38 %) of the total of 7658 police employees are engaged in the Police, without those who have taken a childcare leave. The share of female police officers, including those who are on leave for childcare, is 18.87 % (see table no. 1);
- 1427 women²⁵ (**18.14 %**) were engaged in the Police of the total of 7866, without those who have taken a childcare leave. Thus, the share of women employed in the Police, taking into account those who are on childcare leave, is 20.5%.

Table 's no. 1. The share of women in the Police, according to the data provided by the GIP

Criteria	Police force (officers, non-commissioned officers)		Civilian positions		Total	
	Women	Men	Women	Men	Women	Men
Employed	1255 (16.38%)	6403	172	36	1427 (18.14%)	6439
	7658		208		7866	
On childcare leave	288	229	5	0	293	229
	517		5		522	
Total	1543 (18.87%)	6632	177	36	1720 (20.5%)	6668
	8175		213		8388	

We reiterate that, from our point of view, the share of women in the Police should be calculated from the number of people actually employed in the police. The number of persons whose employment contract is suspended for various reasons (including persons who have taken maternity / paternity / childcare leave) is to be excluded from the calculation. Typically, other people are employed for a determined period

²⁴ This number includes only women employed as officers and non-commissioned officers.

²⁵ This number included women employed both as police officers and in civilian positions.

of time to replace those on a leave. At the same time, summing these two categories lead to distorted data for women's representation in the police.

Moreover, according to the European Police Code of Ethics (Explanatory Memorandum)²⁶, “it is a reality that women in general are much underrepresented in the police in EU Member States, and this is much more visible in leadership and senior positions than in basic positions. A similar situation can generally be described for minority groups, including ethnic minority groups, in the Member States. **It is estimated that the relations between the police and the society will benefit from the composition of the police, which will reflect that of the society**”.

Thus, we consider that the minimum percentage limit set for women in the Police must be representative and visible in the society. For this reason, it is important that women are properly represented, including in the territorial structures of the Police.

*Considering that the overall share of women in the Police as of 1.07. 2020 is **18.14 %**, we find that the indicator set for 2019 to meet the Objective A.1.2 **was achieved** in the first semester of 2020.*

According to the Police Activity Report for semester I, 2020²⁷, 478 people (92 - women, 386 - men) were employed and 477 people (75 - women, 402 - men) were dismissed in the reference period.

At the same time, although efforts are being made to fill vacancies, the large number of vacancies in the GIP remains worrying. As of June 30, 2020, there were 690 vacant positions of police officers, 564 vacancies for non-commissioned officers and 35 vacancies for civilian positions.

*Taking into account the above, Promo-LEX found that the efforts to employ women in the Police were considerable in the first semester of 2020, and the **performance criteria set for 2019 was met**. However, we recommend the implementing institutions to continue making efforts to increase the number of women working effectively in the Police to 20%, ensuring a representative share in territorial subdivisions of the Police.*

OBJECTIVE 2: Ensuring fair, efficient and effective enforcement of human rights law in the activity of the Police

Objective 2 primary aims at increasing citizens' access to more qualitative police services; the emphasis being laid on respecting human rights in the activity of the Police. Quantitatively, the objective contains practically the fewest actions (2) and sub-actions (8).

According to the findings of Promo-LEX, half of sub-actions (4) were expected to be implemented during 2016-2018 and none of them was to be fulfilled in 2020. Of these, two outstanding sub-actions have been the target of this report. In Report no. 4 we find that both sub-actions remain unfulfilled even after the expiry of the first semester of 2020.

²⁶ [The European Code](#) of Police Ethics, Recommendation Rex (2001) 10 adopted by the Committee of Ministers of the Council of Europe on 19 September 2001 and explanatory memorandum.

²⁷ Police Activity [Report](#), semester I, 2020.

2.2. Reviewing the status of investigation officers and criminal investigators

2.2.1. Establishing the role, place and duties of the criminal prosecution subdivisions within the Police in the context of judicial reform

Performance Indicators: joint working group created; concept developed and recommendations formulated

Timeframe: 2016–2017

According to the progress report for the implementation of the PDS, an interdepartmental working group was set up in 2016 to develop the concept for “establishing the role, place and duties of the criminal investigation subdivisions within the Police in the context of the judicial reform”. It was found in a meeting of the group that the proposed action is derived from the Justice Reform Strategy for 2011-2016 and that its implementation is possible only after an activity set out in the Judicial Reform is carried out at inter-ministerial level, in accordance with the Justice Reform Strategy. Ultimately, it was concluded that the activity of the working group set up was inappropriate at that time.

Although this activity was delayed in the period of 2016 - 2019, in the first semester of 2020, a draft law was developed proposing to grant to the State Tax Service powers to conduct activities of special investigation and prosecution in accordance with the Law no. 59/2012 on special investigation activity and the Criminal Procedure Code for the offenses referred to in art. 241, 241¹, 242, 244, 244¹, 250, 250¹, 251, 252, 253, 335¹ of the Penal Code. According to the informative note, specialized subdivisions will be established within the State Tax Service, which will investigate economic crimes. Thus, the powers of finding and examining some contraventions related to entrepreneurial activity are to be excluded from the competence of the finding agents within the MIA. The reason for excluding these tasks is that finding agents of the MIA are involved in activities that are less specific to the Police and, in fact, do not coincide with the competences of state control bodies or of the finding agents.

Considering the lack of a comprehensive study on the prosecution, its role and responsibilities and the absence of a single vision and strategy on the prosecuting authorities and powers granted to them, the Promo-LEX Association disagreed with the proposed draft law²⁸ and sent to the parliamentary commission in charge its opinion²⁹ on the draft law no. 298 of 06.07.2020. *Inter alia, Promo-LEX finds it irresponsible on behalf of the Government and the Ministry of Finance to promote the draft law, and it considers that the parliamentary commission and the general meeting of the Parliament unjustifiably approved in first reading a draft law that affects the strategic processes initiated at least five years ago. Thus, the implementation of the Police Development Strategy is being jeopardized when it comes to establishing the role, place and powers of the criminal investigation subdivisions within the Police in the context of judicial reform.*

At the same time, being requested to provide information on activities carried out in the first semester of 2020 to achieve sub-action 2.2.1, the implementing authorities reported that on June 15, 2020, they sent an application (nr. 38/1995) requesting the registration with the State Chancellery of the draft law amending the Code of Criminal Procedure of the Republic of Moldova no. 122/2003, which proposed the modification of the competence of the criminal investigation bodies with regard to the offenses provided in art. 243 and 279 of the Criminal Code.

²⁸ [The draft law no. 298](#) of 06.07.2020 amending certain laws (Tax Code no. 1163/1997 and the Code of Criminal Procedure of the Republic of Moldova).

²⁹ [Opinion of the Promo-LEX Association](#) on the draft law no. 298 of 07.06.2020 amending certain laws (Tax Code no. 1163/1997 and the Code of Criminal Procedure of the Republic of Moldova).

*Considering that in the first semester of 2020 the implementing institutions failed to develop a concept and to formulate recommendations to establish the role, place and functions of the criminal investigation subdivisions, Promo-LEX considers sub-action no. 2.2.1 as **unfulfilled**.*

2.2.3. Adaptation of the legal framework for special investigation activity to the community standards

Performance indicator: Draft law developed and submitted for approval

Timeframe: 2016–2018

On 31.07.2017 a draft law amending and supplementing some legislative acts (Law on financial institutions no. 550-XIII of 21.07.1995, Code of Criminal Procedure of the Republic of Moldova, Law no. 59 of 29.03.2012 on special investigation activity) developed by an inter-ministerial working group³⁰, was submitted by the Ministry of Justice for public consultations, the inter-ministerial working group ceasing its activity in August 2017.

In 2019, the Ministry of Internal Affairs repeatedly requested the Ministry of Justice to review some amendments and start the process for their adoption. The amendments proposed target changes to the Code of Criminal Procedure and Law no. 59/2012 on special investigation activity³¹. According to the implementing authorities, on March 10, 2020, they sent a letter to the Ministry of Justice requesting it to inform the Ministry of Internal Affairs about the status of their application, but no response was received. At the same time, we find that in the first semester of 2020, the amendments proposed by the respective draft law were not approved.

*Thus, Promo-LEX notes the delay of the Ministry of Justice in promoting the legal amendments regarding the special investigation activity and considers this sub-action **unfulfilled**. In this regard, we recommend that Moldovan authorities take the necessary actions to approve in proximate terms the amendments, which aim at adopting the legal framework for special investigative activity to EU standards.*

OBJECTIVE 3: Consolidating the capacity of the Police to fight organized crime, trafficking in human beings, cybercrime, violence, including gender-based crime, drugs and arms smuggling, counterfeiting and money laundering

Objective 3 aims at consolidating the capacities of the Police in the fight against crime as well as at ensuring public security. It contains 2 actions and 12 sub-shares. According to Promo-LEX observations, 10 of the sub-actions (83.3%) were planned for the period of 2016–2019.

Referring to the previous monitoring reports, Promo-LEX found only one unfulfilled sub-action, it being monitored in the first semester of 2020. The examination revealed that the sub-action remains outstanding.

³⁰ [Draft](#) law amending and supplementing legislation (on special investigation activity).

³¹ The proposed amendments seek to anticipate possible impediments to prosecuting and bringing perpetrators to criminal liability; concentrating the efforts of the criminal prosecution bodies in order to investigate crimes with a high degree of social danger; avoiding the unconstitutionality of certain rules; ensuring the protection of fundamental rights and freedoms by establishing additional guarantees; removal of existing gaps in legislation, and other objectives in order to harmonize legislation.

3.2. Extending the powers of the Police to preventing and combating money laundering

3.2.1 Elaboration and approval of draft laws amending the legislative and normative framework to regulate the competences of the Police in preventing and combating the phenomenon of money laundering

Performance indicator: Harmonized legislative and normative framework

Timeframe: semester II, 2016

On 22.12.2017, a new Law on preventing and combating money laundering and terrorist financing was approved, in force since 23.02.2018.

The project developed by GIP granting police powers to prevent and combat money laundering crimes with regard to the crimes falling under the jurisdiction of the MIA, without interfering with the powers and competences of the Service for Prevention and Combating Money Laundering within the NAC, was overturned by the NAC so the amendments to the legislative and normative framework were not approved.

In 2019, the NII within the GIP repeatedly initiated³² the procedure for modifying the provisions of art. 269 of the Code of Penal Procedure on the exclusion of art. 243 (Money Laundering) from the competence of the National Anticorruption Center, which, however, was not finalized.

Likewise, in the first half of 2020, the Ministry of Internal Affairs made efforts to promote the above draft law. On June 15, 2020, the Ministry of Internal Affairs submitted to the State Chancellery a request to register the draft law for the amendment of the Code of Criminal Procedure of the Republic of Moldova no. 122/2003. This draft law proposed the completion of art. 269² of the Code of Criminal Procedure, according to which offenses under art. 243 (Money Laundering) and 279 (Terrorist Financing) of the Criminal Code, are examined by the criminal investigation body in whose competence the crime is. However, on June 17, 2020, the State Chancellery returned the submitted draft law as it was to be taken over by the Ministry of Justice.

Based on the above, Promo-LEX found that the authorities lack a common vision on police powers granted to prevent and combat money laundering and / or promote unjustified delay of the respective draft law.

*Considering the above-mentioned and the fact that no changes have been made to the Action Plan for the implementation of the PDS in the first semester of 2020³³, the Promo-LEX Association finds that the sub-action on amending the legislative and regulatory framework **has not been fulfilled**. Thus, we recommend the authorities finding a common vision on police powers granted to prevent and combat money laundering and, where appropriate, approving the amendments proposed by the Ministry of Internal Affairs by the Government and Parliament.*

³² In 2018, NII within the GIP submitted for review and approval the draft law amending the Code of Criminal Procedure, namely art. 269, para. (1) Code of Criminal Procedure, but, at the initiative of Legal Directorate of the GIP the draft law was withdrawn.

³³ Modification of the Action Plan on the implementation of PDS in the last year of implementation is considered unjustified and inappropriate by the implementing authorities.

OBJECTIVE 4: Creating a modern police service in line with international standards and best practices of the EU, able to respond proactively and equally to the needs of citizens and society as a whole

Objective 4 contains sub-actions aimed at modernizing the police service in line with European and international standards. It is a general objective, containing three actions and 20 sub-actions. According to Promo-LEX observations, 11 sub-actions were to be implemented in the period of 2016–2019. Of these, one was not carried out, being targeted by Promo-LEX in the first semester of 2020. The analysis of the activities undertaken allowed us to conclude that, in the future, the remaining sub-action can be considered unrealized.

Based on the Police Development Strategy

4.2. Development of Intelligence-led policing and extending it throughout the territory of the Republic of Moldova.

4.2.2. Participating in the implementation of institutional twinning projects for the implementation of intelligence-led policing concept

Performance indicators: projects developed and implemented

Timeframe: 2017–2019

During the first semester of 2020, no institutional twinning project on the implementation of Intelligence-led policing was accepted or signed by the parties.

Thus, the *Promo-LEX Association found the **failure to implement this sub-action** and recommends the implementing institutions to continue making efforts to develop the Intelligence-led policing concept, and to expand it throughout the territory of the country.*

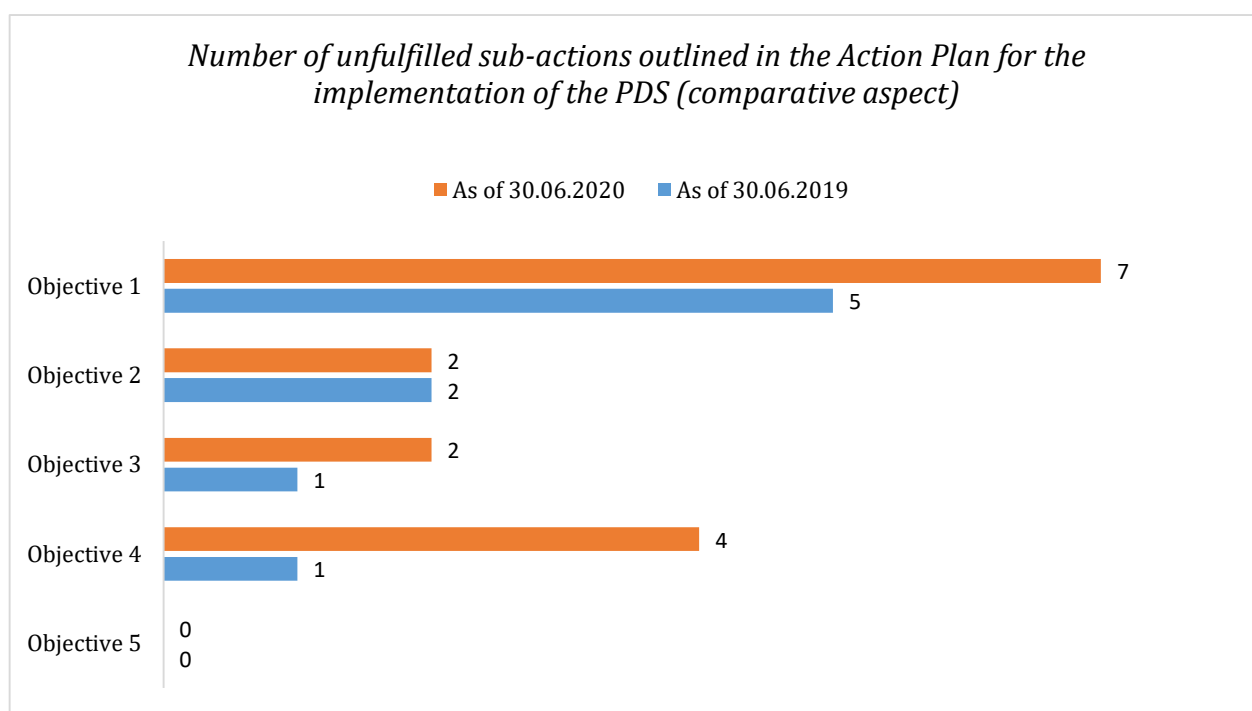
GENERAL CONCLUSIONS

Report no. 3 of Civic Monitoring of Police Reform found that of the total activities included in the Action Plan for the implementation of the Police Development Strategy (2016–2020), by the end of 2019, 53 sub-actions had to be implemented (63 %). The Promo-LEX Association concluded that out of 53 sub-actions, 10 (18.9 %) were qualified at that time as unfulfilled, given that the execution period had expired. At the same time, of the total performance criteria established for 2019 within the Policy Matrix, the indicators of one action could be qualified as unachieved.

These 10 sub-actions outlined in the Action Plan for the implementation of PDS and one activity of the Policy Matrix have been analyzed in the current report to see if their status has changed in the first semester of 2020.

The general conclusion is that no sub-action has changed its status, and the Promo-LEX Association still considers them unfulfilled.

Chart no. 1



However, it should be noted that the activity A.1.2 of the Policy Matrix for 2019 was reached in the first semester of 2020.

RECOMMENDATIONS

To the Parliament of the Republic of Moldova

1. Giving first priority to the approval of the draft law no. 142 of 27.03.2020 for the amendment of Law no. 320/2012 on the activity of the Police and the Status of Police Officer.
2. Increasing the salary of Police employees.

To the Government of the Republic of Moldova

3. Ensuring the promotion of legal changes necessary for the activity of criminal investigation officers and special investigators.
4. Re-examining the need to extend the powers of the Police in preventing and combating money laundering and, where appropriate, identifying effective solutions to fully ensure the prevention and combating of money laundering in crimes falling within the competence of the Ministry of Internal Affairs.
5. Initiating the approval of the new Police Development Strategic documents for the next period.
6. Increasing the salary of Police employees.

To the Ministry of Internal Affairs

7. Carrying out the necessary actions to regionalize the Police.
8. Elaborating, submitting for public consultations and approval of strategic documents for the development of the Police in the next period, including in them only the actions and activities achievable within the expected timeframe, with expected results, measurable indicators and specific deadlines.
9. Elaborating and approving, in the near future, the normative and departmental framework leading to the decentralization of activities aimed at maintaining and ensuring public order at the level of territorial subdivisions.
10. Elaborating and approving the training curriculum for the GIP employees selected for participation in international missions.

To the General Inspectorate of Police

11. Carrying out, jointly with the Ministry of Internal Affairs, the actions necessary to regionalize the Police.
12. Deconcentration of activities of maintaining and ensuring public order at the level of the territorial subdivisions of the Police, by providing to the territorial subdivisions of the Police the competences and staff necessary to manage the situation at the local level.
13. Ensuring further increase of the share of women employed in the Police.
14. Development of a system for assessing individual performance and institutional career advancement with specific criteria for each subdivision, allowing for an objective evaluation of all employees, with the necessary mentions of the reversal of job pyramid.
15. Resuming the activity of the advisory body of the GIP in any form, but carrying out regular meetings and providing for a transparent decision-making process.
16. Publication of draft strategic decisions and / or decisions of public interest on the website of the GIP.
17. Carrying out activities necessary for the creation of the Council for the coordination and monitoring of external assistance at the level of the GIP.

LIST OF ABBREVIATIONS

GDPS - General Directorate for Public Security
GD - Government Decision
GIC - General Inspectorate of Carabinieri
GIP - General Inspectorate of Police
ILP - Intelligence-Led Policing
NII - National Inspectorate of Investigations
NPI - National Patrol Inspectorate
NIPS - National Inspectorate of Public Security
PI – Police Inspectorate
MIA - Ministry of Internal Affairs
SDP- Strategic Development Program
PDS – Police Development Strategy
PS - police section
MLPCS - Money Laundering Prevention and Combating Service