



*Empowered lives.
Resilient nations.*

**Perceptions of population on
corruption and the vulnerable
sectors to unjustified incomes
and property, conflicts of
interest and incompatibilities**

2015

This report is an analysis of the survey results that was carried out by the Independent Sociological and Information Service “OPINIA” during August-September 2015, within the framework of the UNDP project “Strengthening Capacities of the National Integrity Commission of the Republic of Moldova”, funded by the Ministry of Foreign Affairs from Romania. The expressed opinions belong in totality to the authors and do not reflect the point of view of UNDP, donors or any other partner institutions or organizations.



*Empowered lives.
Resilient nations.*

Table of Contents

I. INTRODUCTION	6
1.1. RESEARCH OBJECTIVES AND SCOPE	7
1.2. RESEARCH METHODOLOGY	8
SURVEY FINDINGS	
II. CORRUPTION PHENOMENON IN THE REPUBLIC OF MOLDOVA	10
2.1. EVALUATION OF THE CORRUPTION PHENOMENON	10
2.2. THE LEVEL OF CORRUPTION AND THE CAUSES OF ITS EXITENCE	11
2.3. INFORMATION SOURCES	13
2.4. THE PERCEPTION OF THE POPULATION ABOUT THE CORRUPTION PRACTICES	14
2.5. THE CONSEQUENCES OF CORRUPTION	17
2.6. THE INSTITUTIONS OF PREVENTING AND CONTROL OF CORRUPTION AND THEIR IMAGE	18
2.6. MEASURES FOR FIGHTING CORRUPTION	20
III. THE NATIONAL INTEGRITY COMMISSION (NIC)	22
3.1. POPULATION AWARENESS ON NIC ACTIVITY	22
3.2. NIC EFFICIENCY	
IV. UNJUSTIFIED INCOME AND PROPERTIES	26
4.1. PUBLIC SECTOR VULNERABLE AREAS	27
4.2. NIC IMPACT AND THE BARRIERS IN ITS EFFECTIVE ACTIVITY	28
4.3. SANCTIONS FOR UNJUSTIFIED INCOME AND PROPERTIES	29
V. CONFLICT OF INTEREST	31
5.1. PUBLIC SECTOR VULNERABLE TO CONFLICT OF INTEREST	31
5.2. THE NIC IMPACT AND BARRIERS IN ITS EFFECTIVE ACTIVITY	32
5.3. SANCTIONS FOR THE CONFLICT OF INTEREST	34
VI. INCOMPATIBILITIES	35
6.1. LEVEL OF POPULATION AWARENESS ON THE DIMENSION OF INCOMPATIBILITIES	35
6.2. THE IMPACT OF NIC AND THE BARRIERS IN ITS EFFECTIVE ACTIVITY	36
6.3. SANCTIONS FOR PUBLIC OFFICIALS IN INCOMPATIBILITY OF DUTIES	36
VII. FACTORS WHICH WOULD DETERMINE AN OFFICIAL NOT TO BE CORRUPT	38
VIII. PUBLIC OPINION AWARENESS CONCERNING SITUATIONS OF UNJUSTIFIED INCOME AND PROPERTIES, CONFLICT OF INTEREST AND INCOMPATIBILITIES	42
IX. CONCLUSIONS	43
X. REFERENCES	46

LIST OF TABLES

Table 1. Research subjects;

Table 2. How effective are the following measures for preventing and controlling corruption among public authorities?

LIST OF FIGURES

Figure 1. The level of corruption in the Republic of Moldova;

Figure 2. The main causes of corruption appearance in the public institutions of Moldova

Figure 3. Population's availability to participate voluntarily in corruption activities;

Figure 4. The main information sources concerning corruption;

Figure 5. The credibility of information sources regarding the phenomenon of corruption;

Figure 6. The understanding of population regarding the corruption cases with the involvement of public officials from their locality;

Figure 7. Have you offered bribes during the last five years?;

Figure 8. Have you been requested to offer bribe or it was your voluntary decision?;

Figure 9. In case you did not offer bribe or remuneration, was your problem solved anyways?;

Figure 10. Had the person who received the bribe or remuneration fulfilled his promise?;

Figure 11. Forms of corruption and population's perception regarding the frequency of their appearance;

Figure 12. The corruption consequences;

Figure 13. The degree of knowledge of the institutions authorized to fight corruption;

Figure 14. Population's perception regarding the efficiency of the institutions authorized to fight corruption;

Figure 15. The degree of institutional corruption;

Figure 16. Practices used in controlling the phenomenon of corruption in public institutions;

Figure 17. The level of population awareness on NIC activity;

Figure 18. The NIC interdependence towards public authorities, political parties etc..;

Figure 19. The sufficiency of financial and human resources needed by NIC;

Figure 20. The characteristics of National Integrity Commission activities;

Figure 21. The necessity of legislation modification in order to increase the sanctions for infractions concerning the unjustified income and property;

Figure 22. Do you consider that public officials have unjustified income?

Figure 23. Most vulnerable sectors where civil servants have unjustified income and property;

Figure 24. Are the leaders of commercial societies or joint-stocks companies, where the government has a share, supposed to turn in reports on income and property?;

Figure 25. Sectors which include officials with unjustified income and properties in locality;

Figure 26. NIC impact on unreported or unjustified income and properties;

Figure 27. Proposed sanctions for public officials who have unjustified income and properties;

Figure 28. Circumstances in which most often is admitted conflict of interest;

Figure 29. Do you consider it necessary to extend the category of "related persons"?

Figure 30. What categories of people you've added to the list?;

Figure 31. The officials who favour their relatives the most;

Figure 32. The impact of National Integrity Commission on conflict of interest;

Figure 33. Sanctions for public officials detected in conflicts of interest;

Figure 34. The level of information regarding the cases of having more public functions at the same time in respondents' locality;

Figure 35. The impact of National Integrity Commission on incompatibilities;

Figure 36. Sanctions for officials who hold more public functions at the same time

Figure 37. What would make a corrupt official not to be corrupt?;

Figure 38. Would you accept to denounce a civil servant who is in conflict of interest or has unjustified income or properties? (A);

Figure 39. Where would you address to denounce a civil servant who are in conflict of interest or has unjustified income or properties?;

Figure 40. Why you would not denounce a civil servant who are in conflict of interest or has unjustified income or properties?.

I. INTRODUCTION

The National Integrity Commission of the Republic of Moldova (NIC) has been created according to the Law nr. 180 from 19.12.2011¹ (enforced from March 1, 2015) as a result of implementation of the National Anticorruption Strategy for the years 2011-2015².

NIC mission is to contribute to the development and implementation of fighting and preventing corruption state policies. It is a central public and autonomous authority, an institution which is actively engaged in the application of integrity standards, public administration practises, and also of discouraging the behaviour which generates corruption in the public administration.

Its mandate includes monitoring and controlling of income and properties, the control and investigation of the conflict of interest of approximately 60000 employees from the public sector: judges, prosecutors, civil servants, and high level public officials.

In 2013 the Romanian Centre for European Policies has evaluated the capacities of NIC and concluded that there is an urgent need of external support for institutional development and also the development of NIC capacities in order to complete its mandate on the appropriate level and to become an efficient mechanism for prevention and fight against corruption in Moldova. NIC is a new institution which requires a suitable regulatory framework, procedures, processes and tools as well as well trained staff to perform their duties.

In this context, starting October 2014, UNDP has initiated the project „Strengthening Capacities of the National Integrity Commission of the Republic of Moldova” financed by the Ministry of Foreign Affairs of Romania. The main goal of the project is to develop the institutional capacity of NIC and to create a favourable environment for its implementation. The objectives are to contribute to NIC capacity building in order to help it become an effective institution in ensuring the integrity, transparency and public sector’s, and also to support the role of NIC in implementing the Action Plan of National Anticorruption Strategy and other political strategic documents in this area.

The project was intended to implement activities which would consolidate NIC capacities regarding the analysis of corruption prevention, strategic planning, implementing the conflict of interest framework, unjustified income and properties and incompatibilities.

In order to strengthen NIC capacities, the project has proposed to carry out a sociological survey concerning the public sector vulnerability to corruption and to the conflict of interest, unjustified income and properties and incompatibilities.

The need of such a study has been established by the National Anticorruption Strategy for the period 2011-2015 as well, mentioning the high importance of the factors which lead to corruption appearance in preventing and controlling corruption: the forms of expression of this phenomenon, the circumstances which perpetuate the transformation, extension, or on the opposite - the reduction of different forms of corruption.

The report „The perception of the population about corruption and sectors vulnerable to unjustified income and properties, conflict of interest and incompatibilities” represents an

¹Law nr.180 from 19.12.2011 regarding the National Integrity Commission
<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=341741>

²Parliament Decision nr.154 from 21.07.2011,
<http://lex.justice.md/index.php?action=view&view=doc&lang=1&id=340429>

analysis of the results of the sociological survey carried out by the Independent Sociological and Information Service „OPINIA” in the period of August-September 2015 in the framework of the UNDP project „Strengthening capacities of the National Integrity Commission of the Republic of Moldova”, financed by the Ministry of Foreign Affairs of Romania.

The concept, techniques and research methods have been developed by the Sociological ISIS „OPINIA” in cooperation with UNDP and NIC representatives.

Key words: integrity, public official, corruption, public sector, unjustified income and properties, conflict of interest, incompatibilities.

1.1. Research objectives and purpose

The purpose of the research consists in identifying the perception of the Moldovan population about the vulnerable to conflict of interest, incompatibilities and unjustified income and properties, central and local public administration sectors, including factors that contribute to the appearance of corruption in these sectors.

Research objectives:

-Identification of the information sources and their credibility in distributing information about corruption;

Determining the level of corruption in Moldova, population awareness of the gravity of this phenomenon, the establishment of the most vulnerable sectors, of the causes which lead to the appearance of corruption in the public institutions and the consequences of this phenomenon;

The evaluation of the degree of trust in the institutions authorized to fight corruption;

The evaluation of the level of population awareness of National Integrity Commission (NIC), of the respondents perception on the efficiency and independence of this institution, the population level of trust NIC, the impact of its activity in the fighting corruption in the Republic of Moldova;

Emphasizing the most vulnerable sectors to unjustified income and properties, the efficiency of NIC in the process of verification of the reports turned in by the officials, and the identification of the existence of barriers in the NIC activity;

Investigation of population perception on the conflict of interest and incompatibilities: NIC impact, the sanctions needed to be applied;

Determine the possibilities to decrease corruption in the public sector and the techniques to raise the public opinion concerning unjustified income and properties, conflicts of interest and incompatibilities.

1.2. Research methodology

In order to have a full approach and a valued and complete analysis of the population perception about the central and local public authorities sectors vulnerable to conflict of interest, incompatibilities and unjustified income and property, there have been applied three methods of sociological research as follows:

- Experts study (4 in-depth interviews);
- Focus groups (3 discussions);
- Survey on a representative sample of 1500 respondents.

The target group of the in-depth interviews were anticorruption experts, experts in the area of anticorruption strategy: Sorin Mereacre (the president of the East-European Foundation, Republic of Moldova); Mariana Kalughin (vice-director of the Centre for Analysis and Corruption Prevention, Republic of Moldova); Laura Stefan (anticorruption expert, Expert Forum Romania); Przemyslaw Musialkowski (2011-2013- EU High Level Policy Adviser of the Director of the National Anticorruption Centre / former CCCEC, Poland). The period of conducting the expert interviews: 07-11 September 2015.

Another method of qualitative research was the focus group. There have been held 3 focus group discussions (Balti, Chisinau and Cahul), which target group was people employed in city halls and local councils, courts, prosecutor offices, police, education and medical institutions. 24 participants have attended the focus-groups. The period of conducting focus groups discussions: 10-12 September 2015.

The sociological survey has been performed at national level, among the adult population of the Republic of Moldova with the age of 18+. The sample was multistage, probabilistic, and representative by sex, age, region and nationality. The volume of the sample consisted of 1500 respondents. In order to design the sample ISIS OPINIA has used the preliminary data of the population census from 2014, offered by the National Bureau of Statistics of the Republic of Moldova. The localities were chosen according to geographic regions (mun. Chisinau, North, Centre and South, including ATU Gagauzia), and the administrative-territorial structure of the republic with a proportional share in the total rural and urban population of the republic. In order to conduct the study there have been selected 79 localities, including Chisinau city, 2 villages from mun. Chisinau, 27 localities from North, 29 localities in the Centre and 20 localities in South. The survey has been performed at the respondents' homes through individual questioning „face to face”.

The method of collecting the data was PAPI, all the applied instruments were on paper support. In the localities included in the sample, the households have been selected randomly with a determined statistical step, and the respondents have been identified through Kish method. All the respondents have been questioned by the ISIS OPINIA interviewers, which were taught during the trainings. The trainings included the initiation in the research topic, its objectives, the methodology for working in the field, and measures for conducting the interview in a professional manner.

The questionnaire „The perception of the population about corruption and the public central and local administration sectors vulnerable to unjustified income and properties, conflict of interest and incompatibilities” has been elaborated by ISIS OPINIA. A special attention has been dedicated to the suggestions from National Integrity Commission.

The final questionnaire is composed of 7 research subjects, the way it is illustrated in Table 1.

Table 1. Research subjects

Sections	Research subjects
1	Information sources
2	Corruption
3	National Integrity Commission
4	Unjustified income and properties
5	Conflict of interest
6	Incompatibilities
D	Demographic data

The period of collecting information: 27 August – 17 September 2015.

The survey has an error margin of +/- 2,5% on a probability level of 95%.

The processing of the information: Sociologic information collected from the field has been processed in SPSS.

Results: The data is presented according to the questionnaire (thematic sections of questions and answers) and shown in percents towards the total number of questioned people.

The sociological results obtained reflect the public opinion, attitudes, appreciations, perceptions and wishes of the citizens of the Republic of Moldova from the study area.

II. THE PHENOMENON OF CORRUPTION IN THE REPUBLIC OF MOLDOVA

2.1. Evaluation of the corruption phenomenon

The problem of corruption in the Republic of Moldova worsens year by year, coming to affect all the levels of governance.

An important condition for public sector to contribute to country development is the integrity and degree of professionalism of the public sector employees, the elements that depends on the well-functioning of some institutions and efficient implementation of the regulations in this domain.

During the entire period of the state consolidation there have been adopted a wide range of normative acts and created multiple commissions with the definite goal of fighting corruption. The political and banking system crisis have proved that the existence of corruption in different sectors can influence on the political, macro-economic, and on the citizens well-being level.

Regarding the measures for fighting corruption, approved by the Government, it has to be mentioned that they have provided to implement a series of actions aimed to ensure the regulatory framework, establishing measures to prevent corruption and improve the system control, achieve economic actions, financial, technical, material and human support of law institutions, etc.

The awareness of impossibility of eradicating corruption, only through the application of criminal-restrictive measures has determined prompting a new approach to this vicious phenomenon.

Thus the National Strategy for Preventing and Fighting Corruption and the Action Plan for its implementation have been developed and adopted by the Parliament of Moldova on the 16 of December 2004.

The legislative framework is overregulated and when there is over-regulation there is always the possibility that norms would fail to work. An implementation of the entire legal framework from this domain is needed, in this way this framework will become clearer faster, efficient and with an implementation method.

(Mariana Kalughin, judicial expert, CAPC)

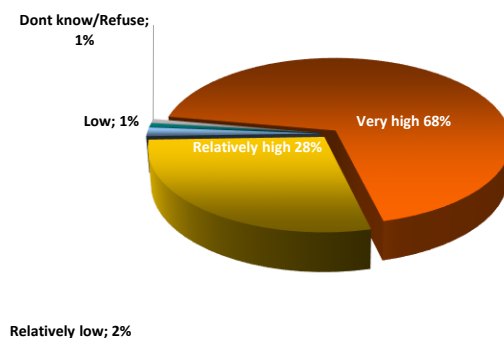
"If the laws do not remain only at the level of government decision, but will be brought to a good ending and not only through words but also with the help of enforcement mechanisms - then it will be clearer for a simple man and a leader as well.." FG 3, M, 41 years.

According to the investigated subjects, the legislation which regulates the prevention of corruption is insufficient, 76.6% of respondents support this idea. Only 13,3% of the respondents consider that the legal framework is broad enough in order to prevent the corruption phenomenon, and there is no need for any addition, but we need to point out that this opinion belongs mostly to the people with a lower level of education.

2.2. The level of corruption and the causes of its existence

The results of the study show that the majority of the population (96.7%) thinks of the level of corruption in the country as a high one, regardless of the age, level of education or residence. Therefore, 68.4% of the investigated subjects consider that the present level of corruption is very high, and 28.3% consider it quite high; significantly fewer respondents evaluated the level of corruption as a quite low one (1.7%), and very low level (0.8%).

Figure1. Level of corruption in the Republic of Moldova, %



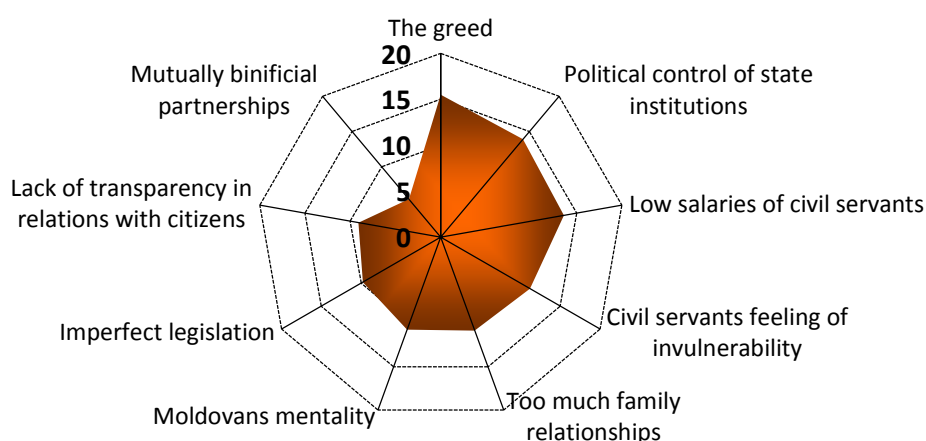
According to the experts, corruption is specific mostly to the political system and political parties from Moldova because through them different interests are being promoted.

One of the reasons is the permissiveness of the law concerning political parties, just like the current electoral code on transparency on sources of funding of political parties and financing of the election campaign. According to the judicial expert Mariana Kalughin, there is a need of clear and easy laws to be enforced, so that the parties could assure the intern democracy and not to allow a total control of financing/donors, who most of the times do not promote the interest of the society.

Another precondition that contributes to the raise of corruption is the lack of transparency in the appointment of directors of agencies, directors of state enterprises, the degree of ministers' professionalism, of deputy-ministers and other people suggested for the forefront of state institutions. The investigation journalists and experts have stated repeatedly that the election campaigns of political parties are sponsored from the money circulating in these institutions, especially state-owned enterprises. On the other hand, the low salaries of civil servants also have an impact on the integrity of public institutions.

The former consultant of the Director of the Centre for Combating Economic Crimes and Corruption (CCECC), Przemyslaw Musialkowski states that corruption in Moldova is systemic because the system of tax collection is imperfect. In these circumstances the lack of funds from the state budget for increasing the salaries of public officials, is covered by population through bribery. When someone wants to tighten the tax collection system - everyone is against it, so that explains why many areas are still vulnerable to corruption, especially public acquisitions.

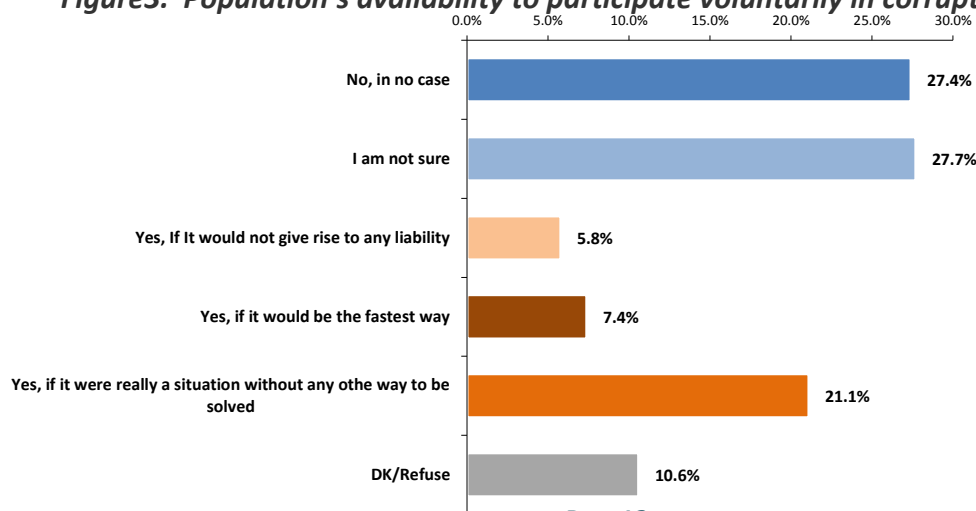
Figure 2. Main causes for corruption appearance in the state institutions of the Republic of Moldova, %



The emphasized by respondents factors which lead to worsening the phenomenon of corruption have been divided in two categories: *individual order and administrative order*. When mentioning the factors favouring corruption, most of the respondents made reference to those of the individual order, on the top of the ranking is a quality of the system employees which is difficult to control - the greed. Another cause is the lack of an effective institutional control (13.9%) caused by the politicization of the state institutions of protecting the legal norms and regulatory norms. According to the subjects of the investigation the third factor that promotes corruption in Moldova, is the low salaries of the civil servants (13.6%). In the order of ideas, another cause is the feeling of invulnerability of the officials, and the belief that they will not be punished according to the law and the sanctions will not be applied for corruption irregularities, this factor has been mentioned by 11.2% of respondents. Other structural factors are: the lack of firmness of the state institutions and instability in enforcement of the legislation, gaps or permeability of the legal framework, institutions mismanagement and lack of transparency in relations with citizens - causes listed by 1/3 of respondents. We cannot neglect the factor that the population of the Republic of Moldova is aware that one of the causes of the existence of corruption is the mentality of Moldovans and the drawback of the information of the population located at the poles of active or passive corruption.

"Here it comes to the habitoo, because someone who is used to live on some extra funds - will always accept the "extra ". It is about tradition; the official will always accept "something extra" "FG 1, F, 53 years

Figure3. Population's availability to participate voluntarily in corruption activities



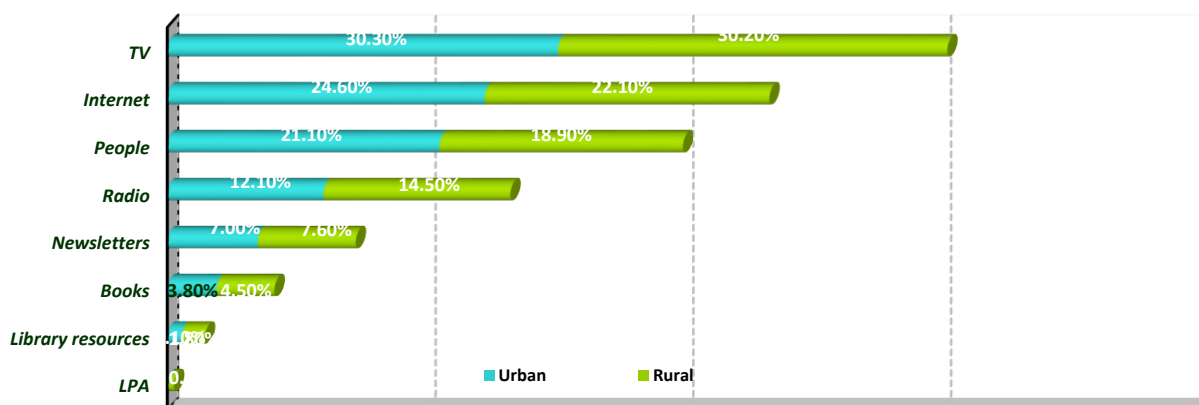
In assessing the possibility of voluntary participation of respondents to acts of corruption it has been found that 62% of the investigated subjects would admit to solve problems on informal ways, through actions of corruption, 21.1% would be willing to offer a reward or a service to the public official if their problem could not be solved in a different way, 7.4% would corrupt the worker if this would be the quickest way of solving the problem, and 5.8% would turn to illegal means only if they could be sure that they will not be supposed to support the penalties. Only 27.4% of respondents of the entire sample would not be willing to offer rewards or services to public officials in order to solve a current problem faster, under any circumstances.

2.3. Sources of Information

In order to evaluate awareness of corruption, it is necessary to identify the sources of information and the environment in which citizens' perception of the seriousness of the phenomenon is created.

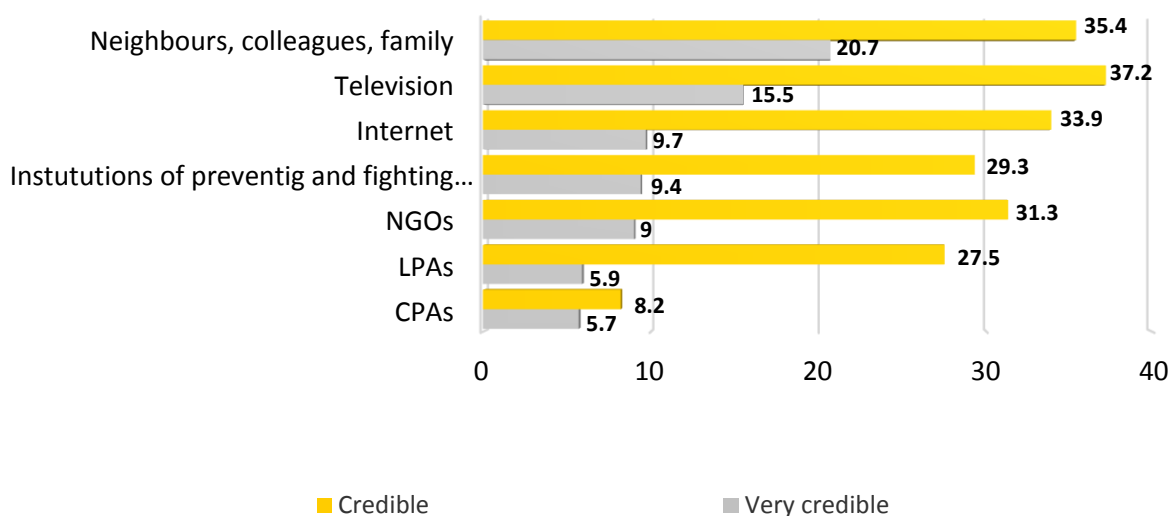
As shown in multiple recent studies conducted on the territory of the Republic of Moldova, the television remains to be the primary source of information for the great majority of the respondents (60,5%), being followed by the Internet (46,7%) and the information passed by word of mouth (40%). One third of the respondents use more than two sources, when aims to get informed about the latest events in the country or community. This scepticism which leads to double checking of the accuracy of the information is directly proportional to the respondent's income.

Figure 4. Main sources of sources of information



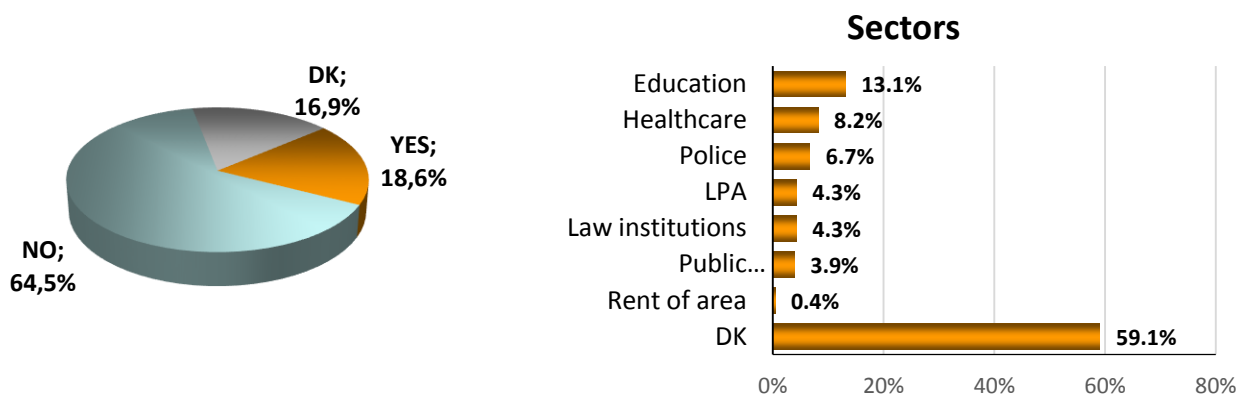
Most of those interviewed (56.1%) believe that the most credible information about corruption can be obtained from the discussions with neighbours, colleagues and family members. Although television is the top rating source of information for citizens in terms of information about corruption provided, this is not the most credible source, it ranks second place for both respondents in rural areas and for those from urban area. The least mentioned credible sources are public local authorities and the institutions of prevention and control of corruption (58,8%). – see figure 5.

Figure 5. The credibility of information sources regarding the phenomenon of corruption, %



2.4. Population perceptions about the corruption practices

Figure 6. The understanding of population regarding the corruption cases with the involvement of civil servants from their locality



We need to note that in terms of the degree of information on cases of corruption involving public officials in the locality where the respondent live only 18.6% of them declared that they had heard of such cases, which is explained by perception of corruption more on the national level than on the local one. The subjects from the rural areas believe that, in their localities, this phenomenon is less widespread because it does not involve too much financial interest. The leaders of the ranking of the community sectors affected the most by the corruption are education, medicine and police. According to respondents, the employees of state institutions in these areas are the ones who claim and obtain unofficial payments or other rewards in order to solve current problems of citizens. The economic approach of Rose-Ackerman³ highlights in the best ways the situations where widespread corruption determines the side which wins all the benefits and the side which supports the costs, most particularly in the transition countries. Some researchers

³Susan Rose-Ackerman, *Corruption and Government: Causes, Consequences, and Reform*, Journal Public Choice, Volume 4, p. 199.

have developed economic models in which bribery has "positive" features, and the unofficial payments are being presented as a kind of incentive for state employees

In this context, one of the objectives of the study was to identify the share of the respondents who have faced the situations where they had to give bribe during the last 5 years. According to the survey results, 45.4% of the respondents stated that they have had such situations in the indicated period, while 46.9% of those interviewed in the last 5 years - have faced situations where they had to bribe an employee from a state institution for the resolution of a current problem.

Figure 7. Over the last 5 years, have you bribed a civil servant?

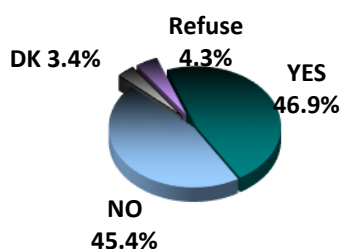
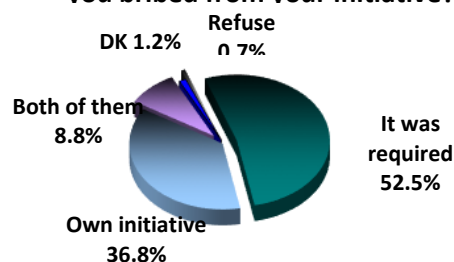


Figure 8. It was required from you, or you bribed from your initiative?, %



According to the survey results, 45.4% of the respondents stated that they have had such situations in the indicated period, while 46.9% of those interviewed in the last 5 years - have faced situations where they had to bribe an employee from a state institution for the resolution of a current problem. It is alarming that in many of these cases, the bribery carries a voluntary character - 36.8% of the investigated subjects have done it from their own initiative.

Figure 9. In case you did not offer bribe or remuneration, was your problem solved anyways?

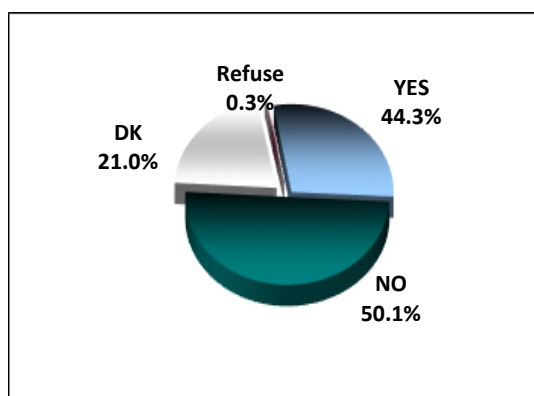
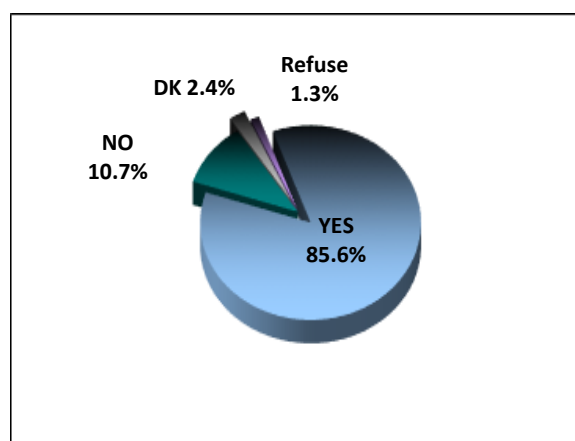


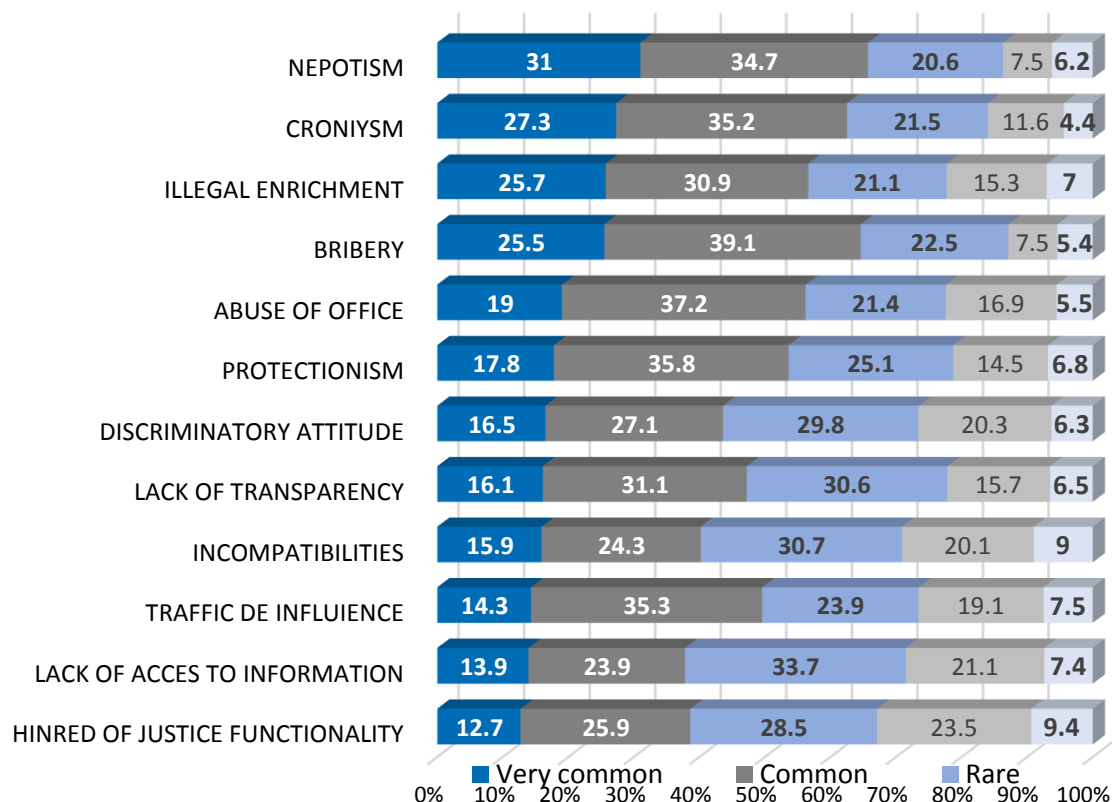
Figure 10. Had the person who received the bribe or remuneration fulfilled his promise?



One of the key elements on which the mechanism of corruption is based is the existence of two sides in the act of corruption / the fact of corruptive behaviour, misuse of function or of the quality possessed by one of the parties, the offering of an illicit benefit between the parties or the facilitating of advantage for the one who offers the bribe. Furthermore, the stimulation of the officials who offer services for unofficial rewards seems to be functional in our country - 85.6% of the respondents say that the person, to whom they addressed and gave bribe, had

fulfilled his promise. At the same time, the majority of the respondents (50,1%) are convinced that their problem would not have been solved if they refused to offer a bribe or without the contribution of the person employed in the state institution, although that supposed some extraexpenses. In this context, we have to conclude that the amplitude of corruption reduces drastically the credibility in public functions and of the democratic institutions, and it contributes on the other side, to the deepening of poverty and the weakening of the system of services provided to citizens.

Figure 11. Forms of corruption and population's perception regarding the frequency of their appearance, %



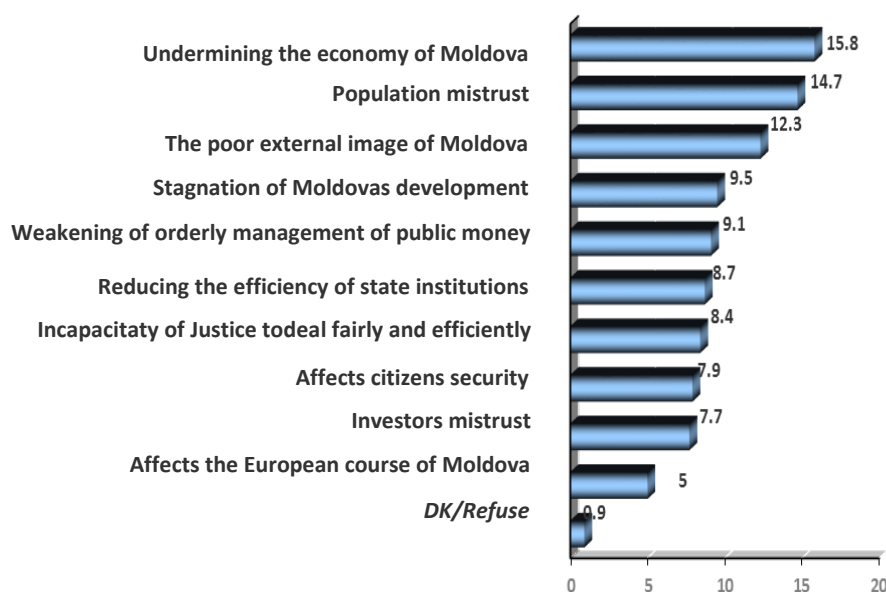
Analysing the results of the study it is being revealed that in Moldova, the most common forms of corruption are "nepotism" (65.7%), bribery (64.6%) and the "cronyism" (62.5%), followed in descending order by illicit enrichment (56.6%), abuse of office (56.2%), protectionism (53.6%) etc. The fighting corruption can be performed by applying prevention measures which will focus, firstly, on the factors mentioned before, and also by removing the conditions that generate corruption.

2.5. The consequences of corruption

The phenomenon of corruption in the administration system affects first of all in a direct way the citizens. If the employees of an institution are corrupt, and especially the ones who make decisions, then the entire institution is considered to be corrupt.

Respectively, a corrupt institution activates in the detriment of the state economic interest, and the interests of the community that the institution should represent.

Figure12 .Consequences of corruption, %



According to the respondents, this situation has as consequences the undermining of the national economy (15.8%), stagnation of country development (9.5%), weakening the ability of orderly management of public money by institutions (9.1%) and mistrust of the investors (7.7%). From the administrative point of view, corruption seriously affects the confidence in the public authorities and institutions (14.7%) and reduces significantly their efficiency (8.7%). Another repercussion has an impact on the external image of the country (12.3%) and Moldova's European course (5%).

"...corruption will lead to the distortion of all the state institutions. The state will become sick ... there will be a chaos. " FG 3, M, 47 years

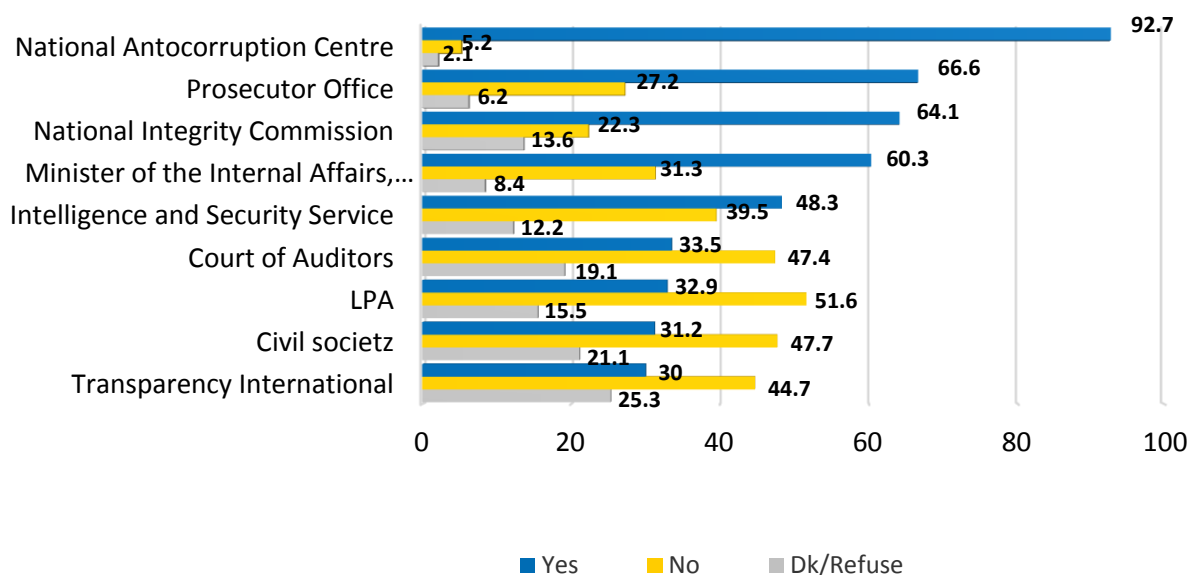
A society developed from the economic, financial, cultural and educational point of view is based on its social middle class. In a strong society this social-economic category should represent more than half of the total population number. During the focus-group discussions there have been mentioned the fact that one of the corruption phenomenon consequences is the polarization of the society.

"... I believe that the middle class will disappear; now the poor live on salary, which means that they work for the state, and the rich are those who offer bribes and solve their problems. Corruption would result in permanent loss of the middle class. »FG2, M, 38 years

2.6.The institutions authorized to prevent and control corruption and their image

At the moment the National Anticorruption Centre, the National integrity Commission, Prosecutor Office, The Court of Auditors, and Information and Security Service are the authorized institutions to prevent and control the corruption through policies and practices in this sphere. There are also other central institutions of the public administration and the authorities of local public administration, and civil responsibilities in the limits of the competences established in the national legislation, which generate the same authorization.

Figure 13. The degree of knowledge of the institutions authorized to fight against corruption, %



The degree of perception of corruption is also studied through the identification of the institutions responsible for fighting corruption in Moldova.

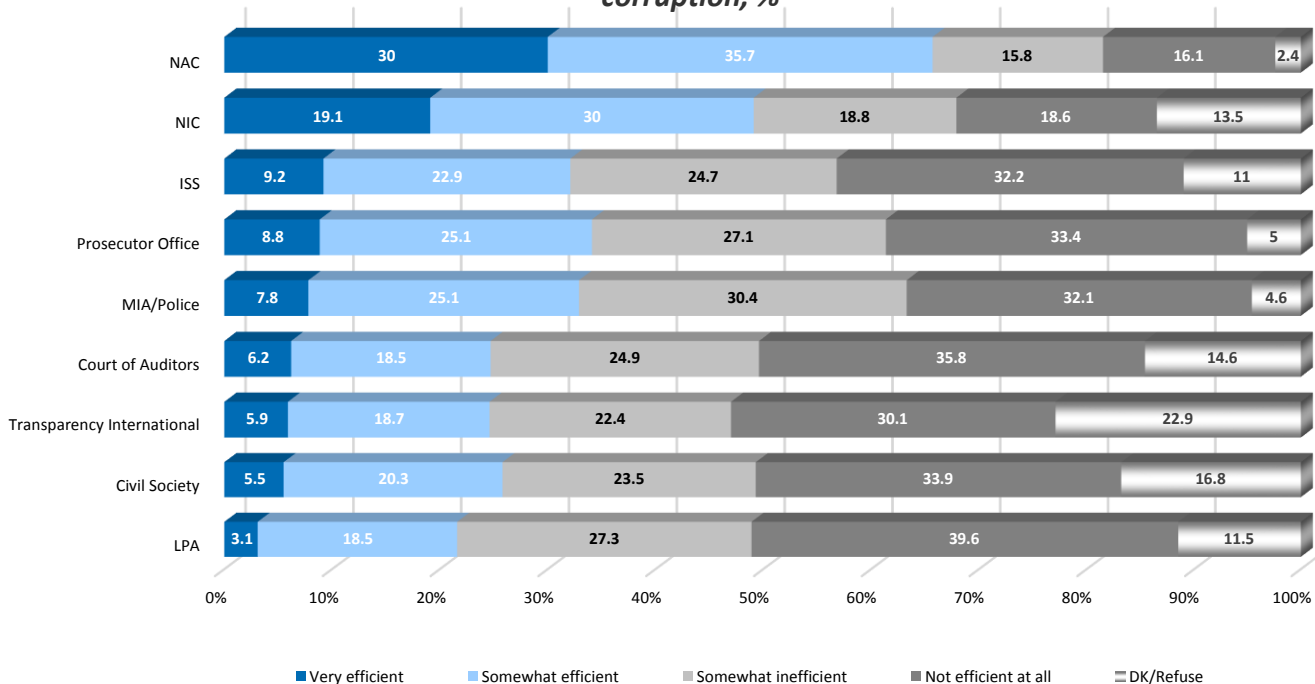
The most famous institution responsible for preventing and fighting corruption is the National Anti-Corruption Centre (NAC), identified by 92.7% of respondents, followed by the Prosecutor office (66.6%), the National Integrity Commission (64.1%) and the Ministry of Internal Affairs (60.3%). Also, a great majority of the citizens have attributed this role to the NGOs, even though they are not holding the right to action in order to combat corruption, but rather with the role of information and prevention.

It should be understood very well at the political level that the fight against high-level corruption is not a simple thing and nevertheless a painless thing - we are talking about very important people in the state and state structures. *Laura Ștefan, anti-corruption expert, Expert-Forum România*

Referring to the efficiency of these institutions, we can not say that we have solid structures which can manage the problem of corruption in an effective and consistent manner.

At the moment, Moldova is in the process of institutional strengthening, and this is as well reflected in the perception of the effectiveness of these institutions by population.

Figure 14. Population's perception regarding the efficiency of the institutions fighting the corruption, %



National Anti-Corruption Centre is considered to be very effective by 30% of citizens, and at the same time its total inefficiency is mentioned by 16.1% of respondents, while 15.8% consider its activity as "less effective". According to the population, among the most effective institutions in fighting corruption is the National Integrity Commission (19.1% - very effective and 30% - somewhat effective), the Intelligence and Security Service, Prosecutor's Office and the Ministry of Internal Affairs – the institutions whose activity is evaluated as positive - "very effective" or "somewhat effective" by 1/3 of respondents. It should be noted that 21.6% of those interviewed said that the City Hall is one of the institutions that would have the abilities concerning this problem and in can be effective in fighting corruption.

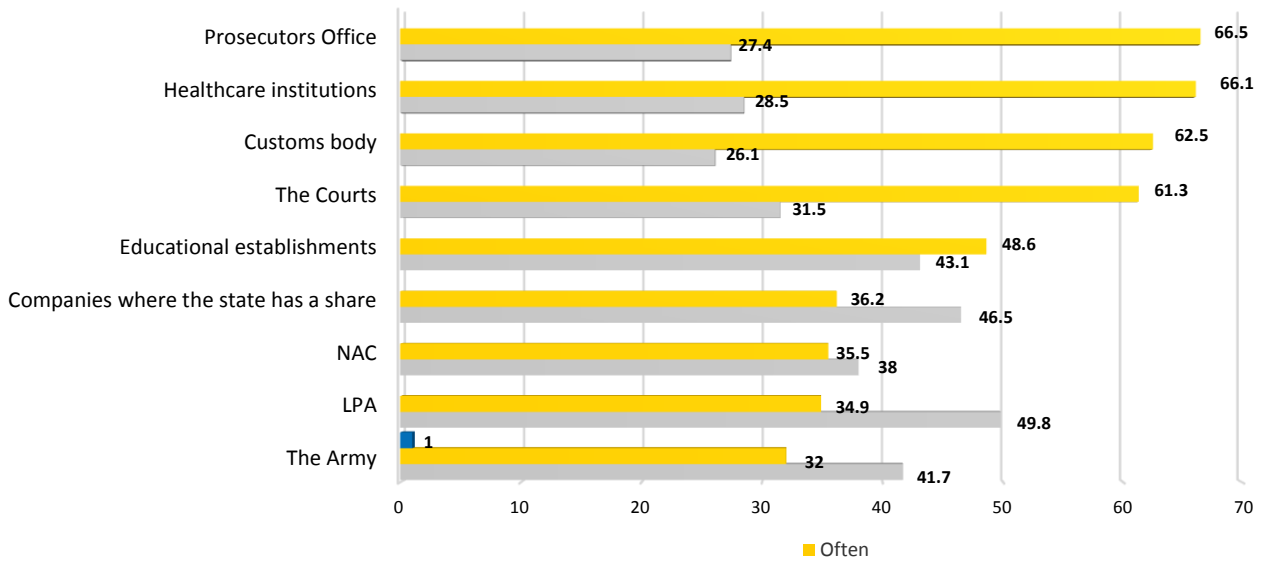
However, the institutional fragmentation and fragmentation of the competence is so great that it is easy for institutions to accuse each other of lack of desire to work and to fight corruption.

*"... The work of all institutions is stopped because they are politically dependent. Also the problem is that they do not cooperate. As long as this continues, they will be ineffective."
"FG2, M, 38 years*

The appreciation of institutions effectiveness meant the manifestation of positive expectations regarding the activity of public institutions and society.

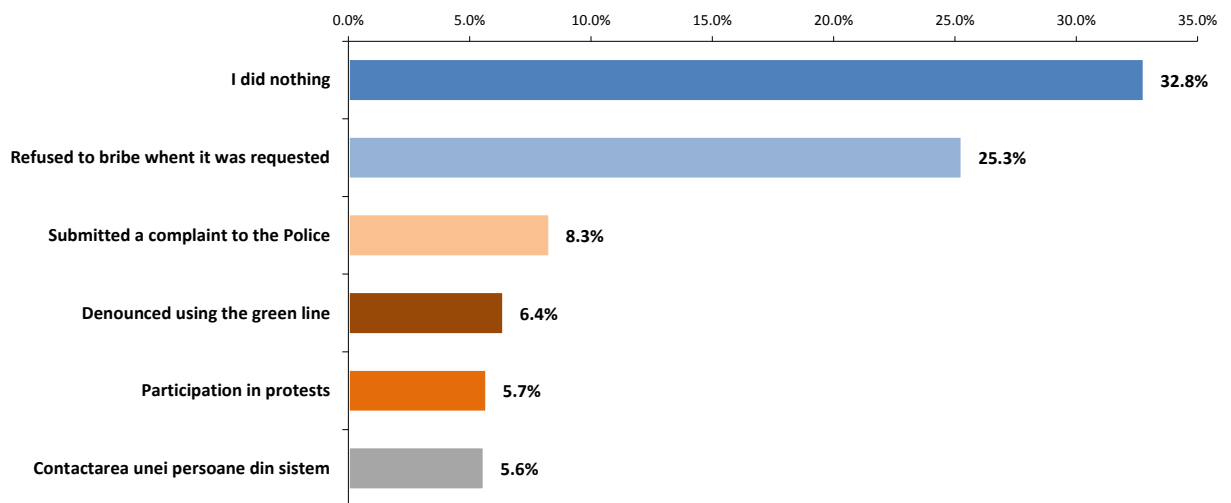
The study results indicate that the public institutions which are the most corrupt are central public authorities: with the Government and Parliament in the top, followed by Prosecutors Office and medical institutions. The Customs Service and the Courts were mentioned by more than 60% of respondents, regardless of demographic indicators. The urban population, and in particular people from the age group 25-44 are more critical towards the educational institutions and considers that their corruption level is high.

Figure 15. The degree of institutional corruption, %



2.7. Measures of controlling the corruption

Figure 16. Practices used in fighting the phenomenon of corruption in public institutions



The awareness degree of the issue and level of involvement of community members in the solution should be proportional, but from the study results it is concluded that a third part of those confirming the presence in their locality the concerned phenomenon, state that they have not done anything in order to prevent or stop this process (32.8%). A quarter of those surveyed, however, got involved in the prevention and combating the phenomenon in their community, opposing to the employees from public institutions when they requested informal rewards for certain services. A practice used in Moldova is contacting a person who is working in the system to ask for help when a state service employee refuses to honour its obligations and proposes unofficial ways or asks for rewards for services, this method usually is applied by people with a high level of education and by those who are employed in private companies or freelancers, while the respondents who claimed they were employees of the state institutions were more willing to notify the police in case of corruption behaviour from public employees.

The impact of corruption can be found and on the community as well, this manifests in moral and normative state of imbalance of Moldovan community, affecting social relations at the interpersonal level and institutional level.

One solution would be the creation of civic groups in each district, which would be made up of farmers, doctors, civil society etc. and all of them would participate in monitoring the work of Prosecutor's office and they would have the right of veto enforced by law. We should find other solutions that would give citizens direct levers so that they can influence the act of justice ...With the current political class we will not be able to solve the problem of corruption. And if we can have a parliament with honest people, then we can apply transparent competitions and employments, appointments, which would operate in a normal and civilized state ...

(Sorin Mereacre, President of the East European Foundation, Moldova)

It is worth noting that the majority of respondents believe that the most effective way to fight corruption and which would empower the officials is the practice of criminal sanction and the dismissal from the held position. At the same time, the investigated subjects believe that the law is not applied suitable in Moldova,

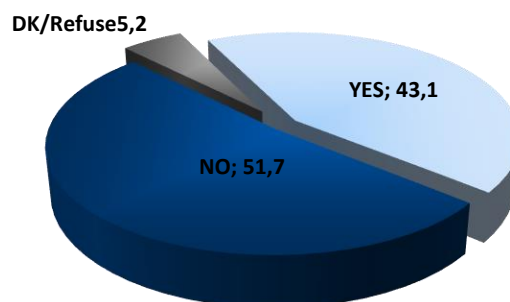
they have invoked the need of tightening the sanctions. Another measure to prevent and fight against corruption is considered to be an increase in the salaries of the officials in state institutions, which would make them more integrated.

III. NATIONAL INTEGRITY COMMISSION

As a result of the consistent dialogue between the Republic of Moldova and European Union regarding anticorruption policies, two anticorruption institutions have been created during the last years. The dialogue has been initiated in order to move to the second phase of implementation of the visas liberalisation plan. Thereby, the legal framework of the former Centre for Controlling the Economic Crimes and Corruption has been revised and in this way the institution could receive a clearer and more limited mandate. The National Integrity Commission (NIC) has been created in order to complete the provisions of the previous legislation on declaration and control of income and properties of public officials, judges, prosecutors, public clerks and some people with leading positions (2002), and also the law concerning conflicts of interest from 2008.

3.1. Population awareness on NIC activity

Figure 17. The level of population awareness on NIC activity, %



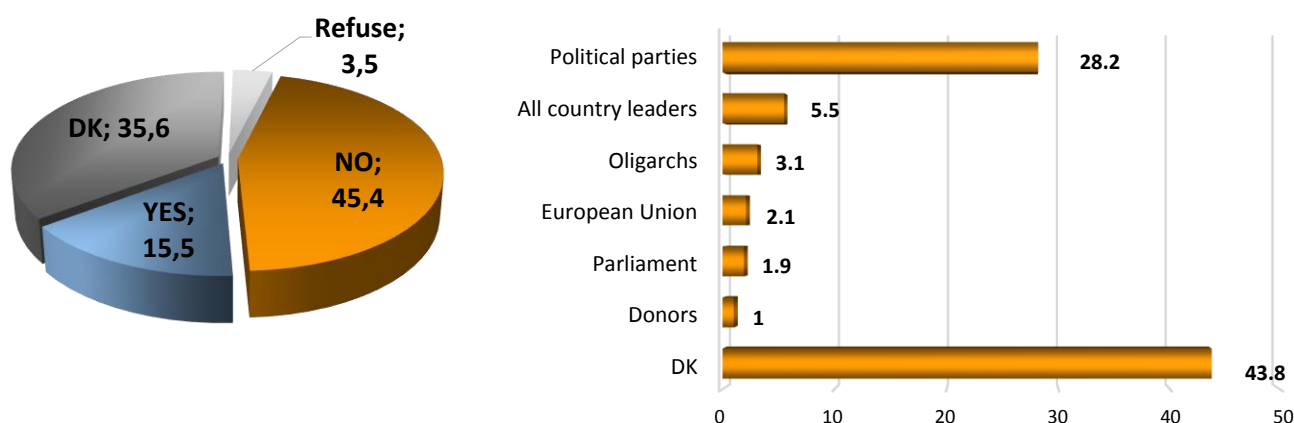
The results of the study reveal that 43,1% of the respondents are aware of the existence and activity of NIC, this category includes, especially, respondents with a higher level of education and income. In order to find out the awareness of population regarding this Commission's responsibilities, the respondents received a predetermined list in which they were asked to check the field of activity of this institution. The share of those who consider that NIC is empowered to fight against corruption infringements accounts to approximately 20%. Other two irregularities investigated by the Commission are supposed to be : unjustified income and properties (15,2%), illicit enrichment (including the abuse of power(11,6%), the violation of the Code of Conduct (7,8%), conflict of interests (7,1%), frauds(6,3%), and public clerks unprofessional behaviour(4,0%) etc.

"Sometimes I analyse the information on internet, NIC declare on their website that they are dealing with specific officials, elaborate processes to some officials just because they have not declared their income. I do not understand why the officials must declare their income, from my point of view, this is a humiliation! Why should they post on the internet the officials income for last year? In this way people gossip about you! I think that there is something wrong in our country. There should be another method." FG3, M, 57 years.

*“There is a pyramid; it is examined up and down, but not until the end, because on the top of the pyramid there is an obstacle which does not allow NIC to continue the examination.”
FG3, M, 41 years.*

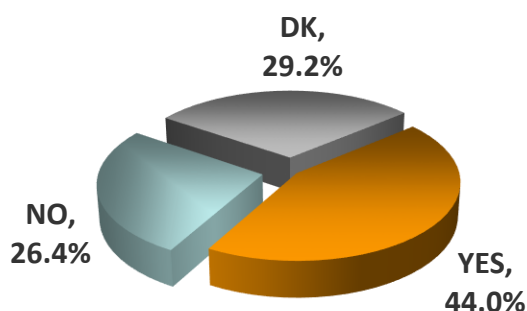
The experts express their scepticism towards NIC credibility. They consider that this institution is no longer credible through the mechanism of assigning new NIC members. These opinions are based on the scandals in which NIC members were involved – while some members were insisting on examining specific files in order to punish the officials; other members were blocking the voting of these decisions.

Figure 18. The NIC dependence towards public authorities, political parties etc..?



Only 15,5% of the respondents believe that NIC is an independent institution. A high share of 1/3 from those questioned were not able to state their point of view on this question. According to the survey data it can be concluded that the population has doubts regarding National Integrity Commission’s independence (out of 45.4% respondents who consider it dependent), approximately 30% suppose that it is obedient to political parties. A share of 43,8% of the questioned people who claimed that NIC manifests an affiliation towards a certain body had refused to specify their assumption.

Figure19. The sufficiency of financial and human resources needed in order to activate on state’s benefit, %



Even the population identifies the insufficiency of financial and human resources for performing NIC activities. Less than a half of the respondents state that the available resources are not sufficient.

“...it would be better if there were an analysis department so that this process was in NIC competence and it would not require sending any complaints to other organs. NIC would also need more specialists –accountants, etc., who would ask for information from statistics, Fiscal Inspectorate, and would perform a more detailed official’s analysis ...” FG 1, M, 35 years

The picture offered by this survey proves that NIC is not effective and does not match the expectations. According to the results, the incapacity of NIC to verify all public officials’ statements is considered to be an inadvertence. A solution proposed by the respondents can be the implementation of an automatic informational system which would exclude the human factor in many aspects, especially in selective election of statements according to the will of some members. Likewise, NIC could register better performances if it could have a more advanced system of information management, and if it had access to the data base of other institutions.

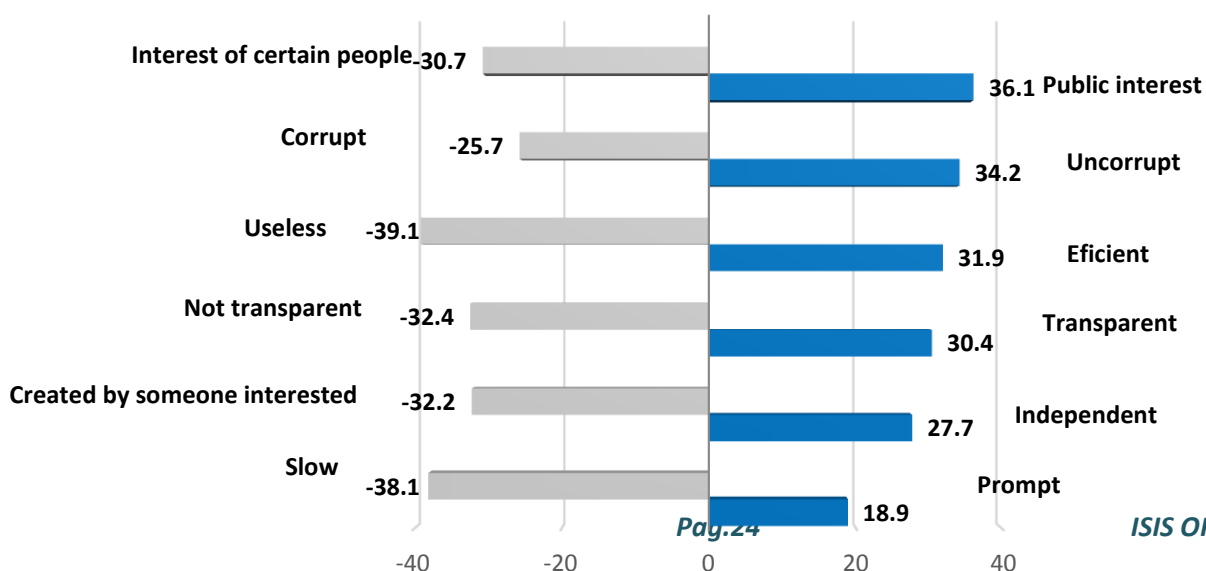
3.2. NIC efficiency

The respondents consider that the fact that National Integrity Commission does not verify all declarations is a weak point of its activity. So is considered to be favouring certain sectors. This way, the survey results highlight that each 3-rd respondent believes that the activity of the institution is „useless”, only 31,9% of respondents consider that it is „efficient” while 29% preferred not to comment on this.

«From the moment of creating of this Commission we are waiting for results... but NIC should verify more state institutions where there are huge sums of money – the Parliament, political parties, justice. But they have started from the bottom. And they never reach the top..... » FG2, M, 38 years

Although 36,1% of the questioned consider that this Commission activates on public interest (and this exceeds the share of people who called it an institution which serves the interests of specific people or officials), every 4th respondent refrained from stating anything concerning this question. On the same note, the interdependence of NIC is appreciated by 27.7% of respondents while the share of those who consider it created by an interested person accounts to 32.2%.

Figure 20. The characteristics National integrity Commission activities, , %



NIC regulation needs to be improved⁴, despite all the efforts from the elaboration phase, the concept has been revised substantially in the process of parliamentary debates.

Probably NIC reformation is linked more not to the method of naming its members but to their integrity towards political factor. The primary factor would be the need of a upright political system. Many experts are sceptical about the reformation of NIC, NAC, or Prosecutor office. They believe that these changes will not bring efficiency to the previously mentioned institutions. The official framework does not allow a full NIC efficiency because it is very technical.

"An obstacle of NIC is the weak operational system; it is difficult to monitor the declarations, properties. It takes a long time to discover the owners." FG2, M, 41 years.

NIC investigation instruments are fragile, and the necessity of some technical instruments that will be used in investigations is rational, because this Commission cannot apply sanctions directly. When some irregularities have been discovered, NIC sends them to NAC or Tax Service for investigations. This favours a possible misapplication of sanctions in time.

The necessity of reforming and reorganizing of the National Commission of Integrity through the elaboration and implementing of a lucrative legal framework would ensure the efficiency of this institution's activity.

⁴Expertise report nr. 472 from 20.05.2011 for the project of Law regarding Primary Ethic Commission, its structure and functioning method.

<http://capc.md/ro/expertise/avize/nr-427.html>.

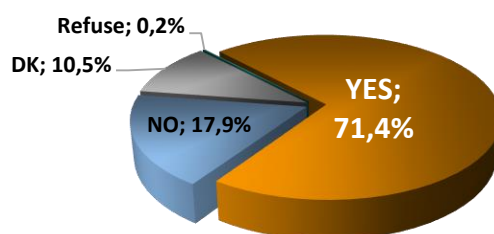
IV. UNJUSTIFIED INCOME AND PROPERTIES

The Parliament of the Republic of Moldova has approved the Law nr.1264-XV regarding the income and property declaration by people with high public functions, judges, prosecutors, public clerks and some people with leading positions. The law has been adopted in order to institute some measures of prevention and controlling the unjustified enrichment of people with high public functions, judges, prosecutors, public clerks and some people with leading positions. This law was enforced on September 2, 2002, and established the obligation, the method of declaring and exercise of the control upon income and property of the people who are employed in the unmentioned functions.

If there is an obvious difference among the gained income and the gained property during the period of exertion of their function, then the income and property are considered „unjustified”. This is mentioned in the Declaration regarding income and property⁵ which is supposed to be turned in by the declarant “within 20 days from being appointed, annually until March 31 of the next year, at the end of the mandate, or the end of the activity or after a year has passed since the official has ended his activity until March 31 of the next year”⁶.

The enforcement of this law concerning the examination of declarations of income and property is conducted by National Integrity Commission.⁷

Figure 21. The necessity of legislation modification in order to increase the sanctions for infractions concerning the unjustified income and property



71,4% of questioned people support the increase of the sanctions applied in the cases of officials income and property concealment. This opinion belongs to respondent's regardless demographic indicators. However, every 5th respondent does not see the necessity of legal framework modification, because the provided basis at the moment is sufficient and it is more important to apply the law when irregularities are detected.

4.1. Public sector vulnerable areas

Although the annual NIC statistics present a great number of checked declarations of income and property of judges, prosecutors, law enforcement authorities, and public authorities' workers, the experts manifest their dissatisfaction with reference to the fact that NIC does not

⁵Law nr. 1264-XV from 19th July 2002 regarding the income and property declaration by people with high public functions, judges, prosecutors, public clerks and some people with leading positions, Annex 1.

⁶Ibidem, art. 8,9.

⁷Law nr.180 from 19.12.2011 regarding National Integrity Commission, annex 1, chap. II, nr. 4, lit. a).

verify all of them. Only by their analysis they can obtain a better vision as the most vulnerable sectors are concerned. Of course there might be irregularities during the declaration or non-declaration of the income and properties in every sector, but not all of them reach NIC. This is why it is necessary to create a reporting system which would allow investigating the declarations for every category of officials.

Figure 22. Do you consider that public officials have unjustified income?%

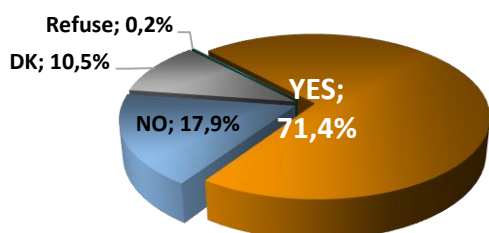
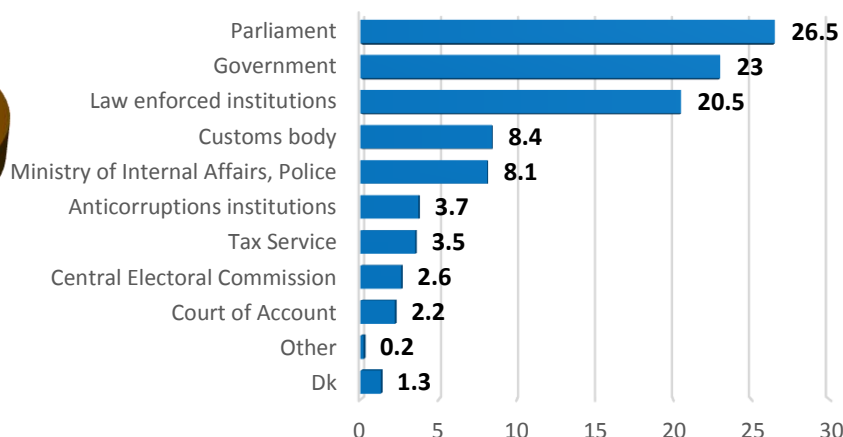


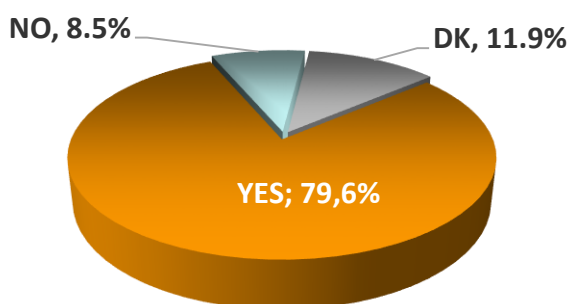
Figure 23. Most vulnerable sectors where civil servants have unjustified income and property?, %



Almost 81% of people from this sample claim that public field employees own unjustified income.

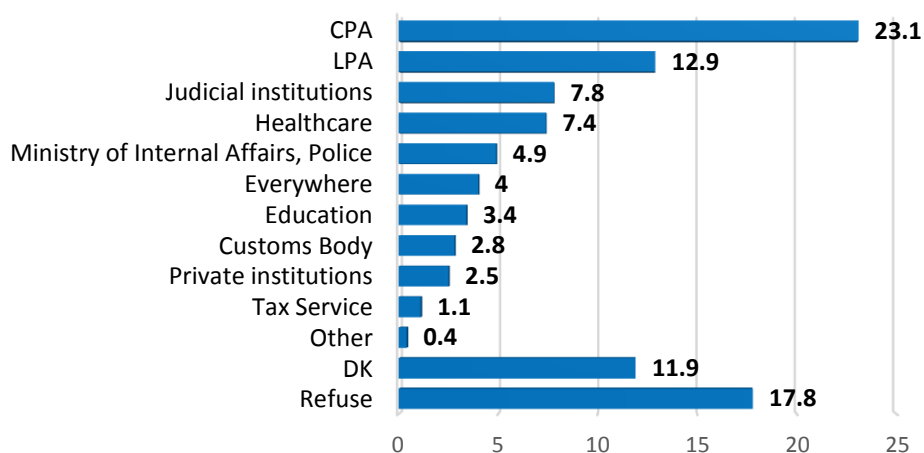
The central public authorities are in the top of the ranking. They are being followed by the Legislative representatives (26,5%), the Executive representatives, and also representatives of Law institutions: Customs Service, the Ministry of Internal Affairs and Police. The respondents with a high level of education and those from Chisinau municipality manifest a high level of scepticism regarding the rightness of income and property declared by the officials from Central Electoral Commission and Tax Service. At the same time, the rural areas population considers that the law institutions employees are the ones who hide their income more often. When asked, if the leaders of commercial societies or joint-stocks companies, where the government has a share, must report their income and properties, almost 80% of the respondents stated that they surely must follow this procedure (see fig. 24).

Figure 24. Are the leaders of commercial societies or joint-stocks companies, where the government has a share, supposed to turn in reports on income and property?, %



The respondents have been asked if they are aware of some cases from their community when the income and property owned by a person with a leading role does not correspond to his official income. It is obvious that every fifth respondent has abstained from giving an answer to this question, and more than 50% of them have mentioned that they are not aware of such situations in their locality. However, every 3rd person has confirmed the existence of such individuals in their localities, and when asked to name the areas of activity of those specific people who possess assets that do not correspond to their official income, the respondents have mentioned more frequently the central and local public authorities (see figure 25). The judicial sector (law institutions) and medical field have also been mentioned but in a smaller proportion (7.4%). The medical sector has been mentioned mostly by urban population.

Figure 25. Sectors which include officials with unjustified income and properties in locality;

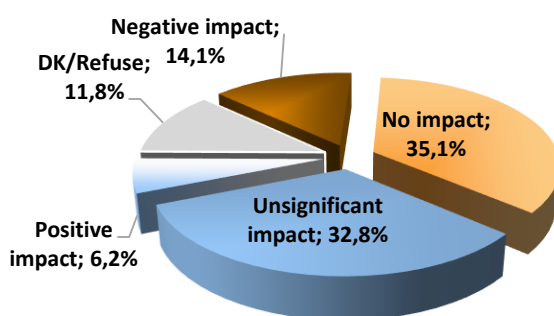


„As a rule, the people who have high responsibility functions own income which does not correspond to the official reports. But I did not hear of any punishment for them. The period for this regulation lasts 2 years, and this is too little.” FG 1, M, 42 years

4.2. NIC impact and the barriers in its effective activity

The citizens do not believe that NIC can control the undeclared income and properties. A share of 35,1% of the respondents consider that the activity of this institution does not have any impact (see figure 26). 2,5 percentage points lesser is the share of those respondents who trust the activity of the Commission. They also consider that the institution has some impact upon income and property concealing. The existence of such an institution which controls the wealth declarations is well-known, but the positive impact of this process is noticed by only 6,2% of the survey respondents. The population is expecting an immediate effect after some irregularities have been discovered, but despite that the actual procedures require more time, and the sanctions are reduced to fines, which for similar reasons, are not applied at all.

Figure 26. NIC impact on unreported or unjustified income and properties%

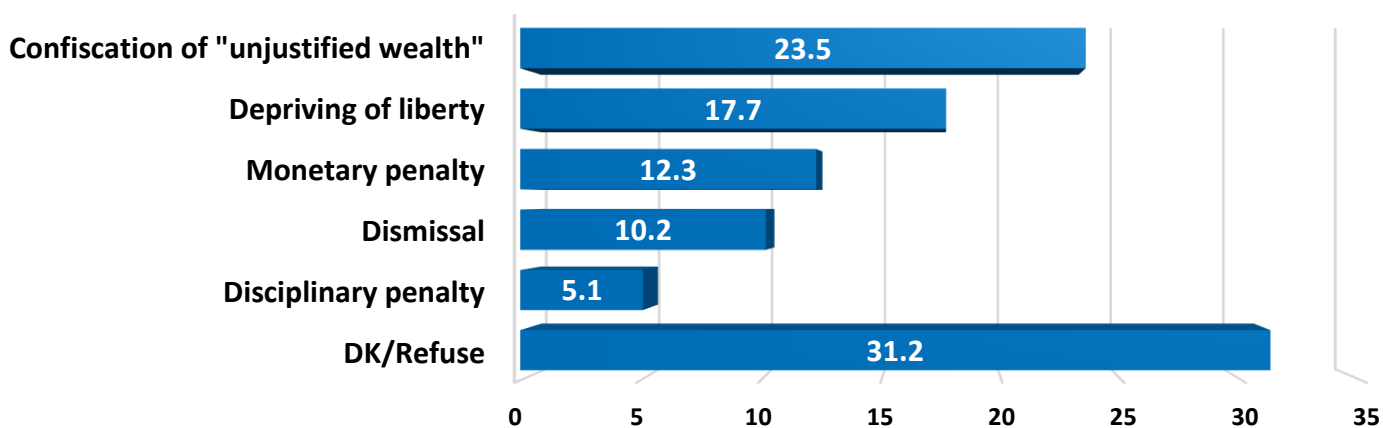


A problem always pointed out by National Integrity Commission is the lack of levers for checking the properties of public officials from abroad. According to the experts, in this case the institution must undertake all the needed interpellations, to document these cases and to announce the Prosecutor Office. This is proved by the numerous cases when the politicians took advantage of NIC weakness regarding this matter. That explains why the expert Mariana Kalughin claims that NIC is politically dependent – although the commission is more efficient in the case of local public administration; it is less efficient for highly ranked politicians.

In the context increasing the influence of NIC concerning unreported income and property, it is very important not only to establish the sanctions which should be applied, but also to establish the possibility to apply these sanctions. The gravity of the sanction does not affect the official as long as he knows that it will not be applied.

4.3. Sanctions for unjustified income and properties

Figure 27. Proposed sanctions for public officials who have unjustified income and properties, %



23.5% of the respondents have suggested to confiscate all the assets and resources of the officials who own unjustified income and properties, it is by far the only penalty which puts the officials who break the law under the pressure.

“The first sanction should be the sequestration of the unjustified wealth – but according to our legislation the wealth accumulated before the act of corruption cannot be sequestered – and it is not fair.” FG2, M, 38 years

Almost 18% of respondents have mentioned another sanction – the deprivation of liberty. The monetary penalties such as the fine (penal or administrative) have been suggested by 12,3% of respondents. Although only 10% of questioned people suggested such penalty as the dismissal of the officials who concealed their wealth, the experts consider this penalty useful, especially if it included a monetary penalty. Experts believe that as far as the legal framework will be improved and NIC will be more efficient, the cases of unjustified income and properties are rarer, which by itself could change the public servants integrity.

V. CONFLICT OF INTEREST

It is considered to be a „ conflict of interest” the situation when public dignitaries with public functions or others provided by law⁸, could improperly influence the impartial and objective performance of the obligations and their responsibilities according to the law, through the failure to perform their held duties, with personal benefit..

People with public dignity, public or other functions are required to submit declarations of personal interests *within 15 days from the date of employment, or of the confirmation of the mandate, or annual employment until March 31 or after the expiry of one year after its termination work until 31 March of the following year*⁹.

The objective of avoiding and, respectively, punishing conflicts of interest is to remove situations where, by abusing the power entrusted it comes to favouring personal interests instead of public interest..

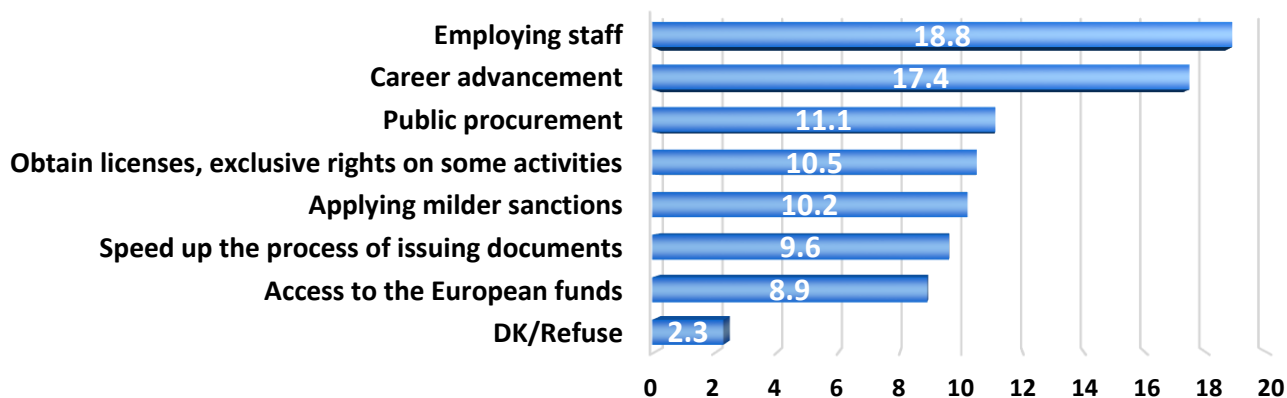
5.1. Public sectors vulnerable to conflict of interest

The conflict of interest is a phenomenon existent in all areas, in the Republic of Moldova.

First of all, the phenomenon is associated with hiring staff, career advancement and public acquisitions - favouring contracting by state institutions of private services, by receiving licenses or exclusive rights activities, and also by speeding the emission of in formations or documents from the authorized institutions. Conflicts of interest are admitted, according to the survey results, also in the cases of use of European funds, and lack of access to information about accessing these funds as well, as confirmed by 8.9% of respondents.

The phenomenon is certified by both central public institutions and the local ones. According to NIC statistics we deduce a higher share of LPA involved in conflict of interest, this fact might be motivated by not checking the majority of declarations concerning the conflict of interest. However, in comparison to the CPA, where this hierarchy is already traditional, local public authorities continue to be more vulnerable, because the conflict of interest is a phenomenon linked to more decisional factors, and the cases of making decisions in institutions are done by medium level functionaries very seldom. At the moment the fact that many local counsellors are not investigated, should be taken into account.

Figure 28. Circumstances in which most often is admitted conflict of interest, %



⁸Law nr.16-XVI from 15 february 2008 regarding the conflict of interest , art.3.

⁹Ibidem, art. 14.

5.2. NIC impactand sanctions for conflict of interest

Experts claim that in the declaration concerning the conflict of interest the officials should declare their social quotas or shares in certain commercial companies or limited liability companies or joint stock companies. They also have to declare if they are members of the administrative council or if they hold other positions in NGOs, foundations etc. This information is used later while deciding if a specific action of the official has happened as an interest conflict or not. Following this idea, there should be headings for all his relatives and close people, especially in Moldova.

I would merge these two declarations, because you can identify more from the declaration regarding income and property rather from the personal interests declaration. This is simply because the declaration concerning personal interests is the one linked directly to the official, while the decalaration regarding conflicts of interest should contain a longer list, and it should offer the official the possibility to recuse any time he considers it to be necessary.

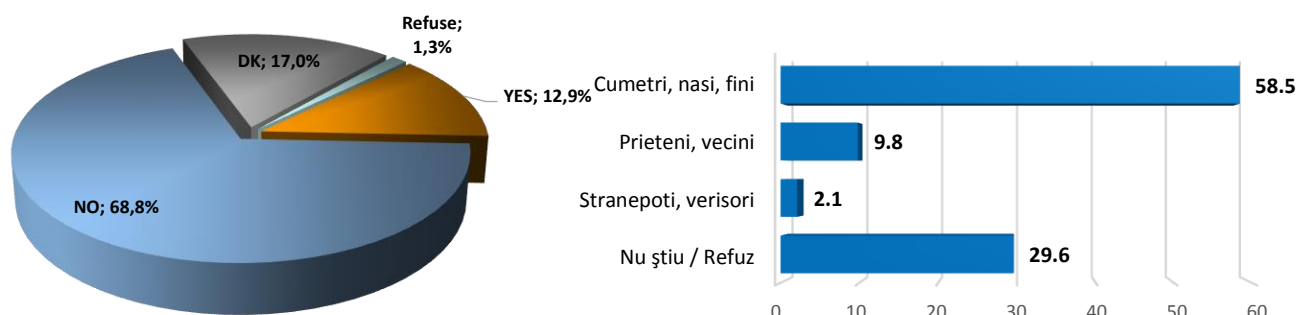
(Mariana Kalughin, legal expert , CAPC)

It is rather difficult to identify the conflict of interests. NIC verifies the declarations of conflict of interests, but the actual cases are discovered *post factum*, by rule only after the act has been committed and someone has notified it .Due to the fact that the official is not always under the sight of NIC and cannot be monitored.

There are situations when it is impossible to avoid the conflict of interests, if so, the people with responsible positions should manifest transparency and also to announce the authorities in advance about the existence of a risk. They also need to justify why this conflict is unavoidable. The official should have the possibility to recues in any situation if he considers that he is not able to exercise his official duties, and this right should be accepted at once.

Figure 29. Do you consider it necessary to extend the category of "related persons"?

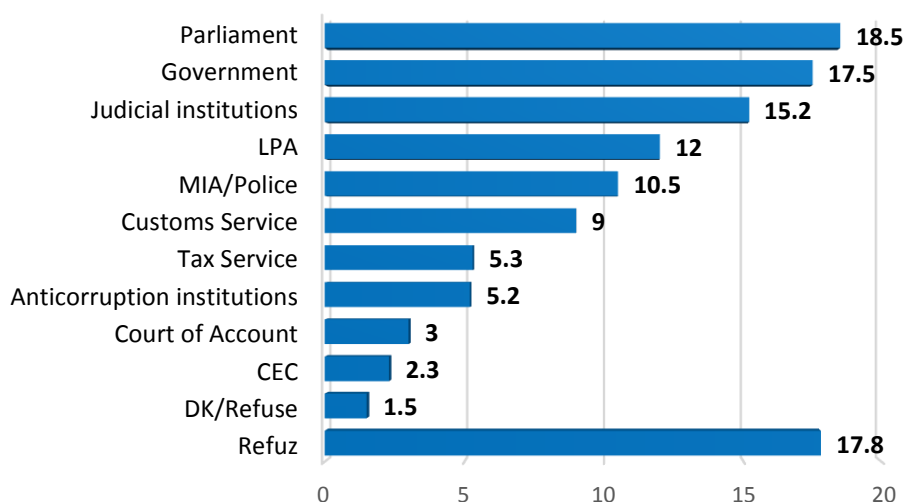
Figure 30. What categories of people you've added to the list ?;



Some respondents consider that the extension of this category is something useful, 58% of them have suggested to complete the list with such categories as „godparents, godsons”, other 10% would like to include there also – „friends and neighbours”. However the majority of the respondents are aware that it is difficult to demonstrate legally such relations. Despite all that, the experts are warning that a broad definition for the category „close people” can have many reverse effects; they also warn that any changes in this chapter should be done with caution.

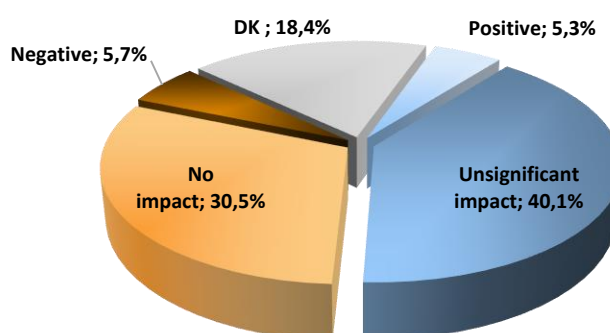
“We all have many relatives and in order to avoid the law, the best solution would be to enrich the relatives, and you at the same time stay „clean”. “ FG 1, F, 53 years

Figure 31. The officials who favour their relatives the most;



When asking the respondents to expose their opinion towards which people favour their relatives the most, each fourth of them mentioned the representatives of Legislative, they also mentioned Government representatives with a percentage difference of one to one hundred percent. Anticorruption institutions have been mentioned by 5.2% of the questioned people, they also have been included in the list of authorities where close people of the officials are favoured more often.

Figure 32. NIC impact on conflict of interest, %



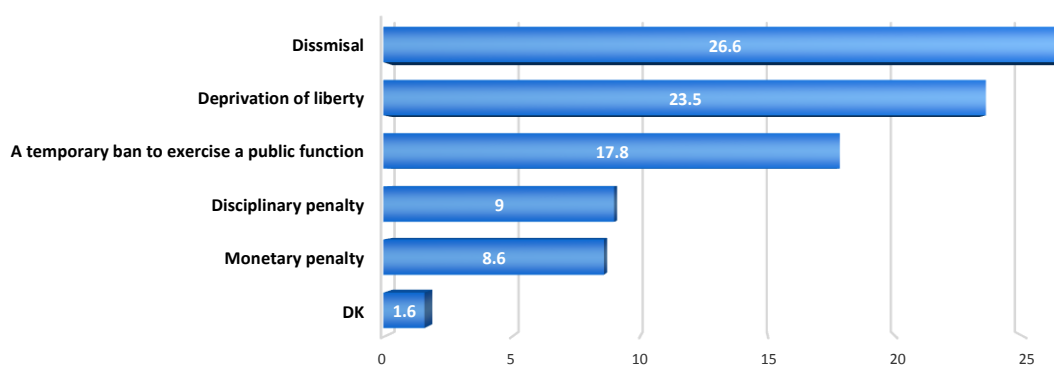
40.1% of the total respondents consider that NIC has a certain impact on the conflict of interest's dimension. (See figure 32). At the same time, the results of the study express confusion, as long as only 5% of the participants were able to formulate by themselves a vision about a certain impact of the commission, positive or negative.

Smaller shares of people with a more advanced level of education notify a certain impact of the institution. The opinion of people from urban area is the similar.

The sanctions for conflicts of interest should be proportional to the gravity of irregularities. The penalties are as important as their application. The responsibility for the committed irregularity is the feeling which leads to the accountability of the officials and dignitaries.

“ ...When the people from the government are punished, then other officials of smaller range will be more attentive...” FG1, M, 42 years

Figure33. Propose sanctions for officials detected in conflict of interest



According to the respondents the penalties for the officials detected in conflicts of interest should be diversified according to the proportion of the irregularity. The most respondents consider that the person detected to be in a conflict of interest should be dismiss, ¼ of the questioned people support this idea. 23.5% respondents have suggested penal sanctions, while 17,8% respondents believe that they should not have the right to exercise any public function for a specific period of time (see figure 33). The sanctions which imply deprivation of liberty have been proposed by 23,5% of the respondents, a big proportion of them included more urban population and less people with a higher than average education. The reduction of wage could be a sanction which would make all the officials detected a conflict of interest be more responsible. This measure has been suggested by 12,9% of the questioned subjects.

VI. INCOMPATIBILITIES

The incompatibilities situations and their removal method is monitored and investigated by NIC in accordance with the provisions in the Law nr.6-XVI from 15.02.2008, in the chapter IV Incompatibilities and restrictions.

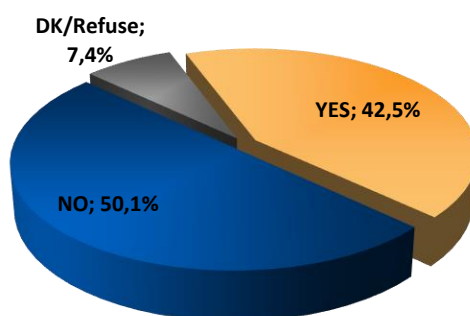
In jurisprudence the word „incompatibilities” represents a legal interdiction for someone to be employed simultaneously in 2 positions, which are contradictory through their character. According to the Legislation of the Republic of Moldova, the incompatibilities regarding public functions are those established by the Constitution of RM, through the law which regulate the activity of public authorities where the people with high public positions is working based on this law, on public service legislation, on laws regarding public elected official’s status, according to the public local administration, controlling corruption and protectionism, as well as through other laws.¹⁰

Unlike the „Conflict of interest”, the situations of „incompatibilities” in exercising public dignities and functions are determined not generically but nominally. In this way, each position of public official or civil servant is regulated in a specific way, for each separate case being established the other functions and qualities which the official cannot possess at the same time.¹¹

According to the experts the legal framework on this dimension is imperfect and there is the necessity of modifying it in order to make it more clear and appropriate for certain specific public functions.

6.1. Level of population awareness on the dimension of incompatibilities

Figure 34. The level of information regarding the cases of having more public functions at the same time in respondents locality;



When being asked if they know any cases of people in their locality who occupy more public functions at the same time, 42,5% of the respondents gave a positive answer. The share of these cases is proved more often in rural communities, by Gagauzian and Moldovan respondents.

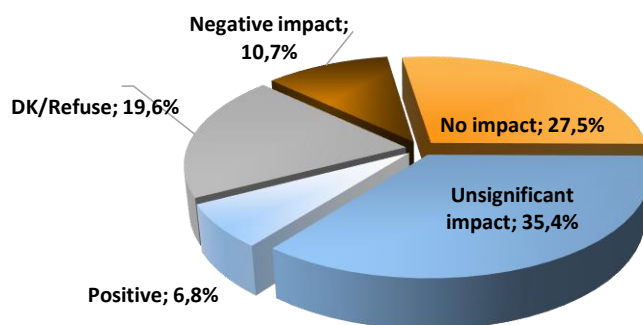
¹⁰Law nr.6-XVI from 15.02.2008 concerning the conflict of interest, art.19.

¹¹“Conflict of interest and the regime of incompatibilities in local public administrations from RM”, the project „The support of elaborating public policies”.

6.2. NIC impact and barriers in an efficient activity

The domain of incompatibilities is less explored and known, especially at the level of public administration. NIC does not have the possibility to check all of the officials who might be in incompatibility at the moment. This would mean to monitor all public functions. For this reason, a reaction in useful time is necessary every time when a case of the violation of the incompatibility regime is detected.

Figure 35. NIC impact on incompatibilities



The impact of NIC on the incompatibilities dimension has been qualified as „positive” by 6,8% of the respondents, and the share of those who confirm that there is a certain impact of NIC on this dimension reaches 35,4% (see figure 35). The inefficiency of the Commission activity and the lack of an impact in the realisation of its duties is felt by 27,5% of the questioned people, by 16,8 percentage points more than the share of those who appreciate this impact as a negative one. In great proportion, the share of those who gave a negative appreciation for NIC impact on this dimension consists of people with a higher than average level of education and by people with an adult age.

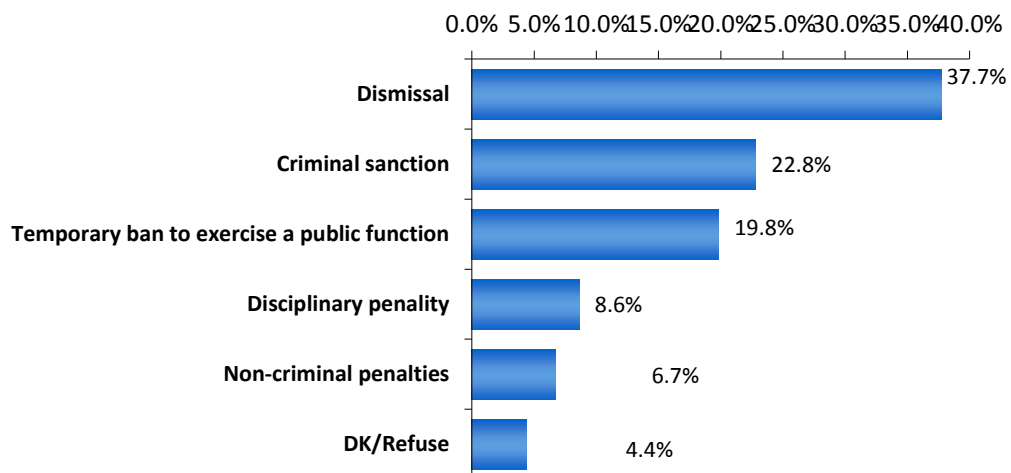
6.3. Sanctions for civil servants detected in incompatibility of functions

The importance of punishing and increasing the responsibility of the officials is very important on incompatibilities dimension as well. Every irregularity should be punished. Regardless who committed it, the irregularity should be followed, punished and redeemed.

If an action is prohibited through law, it is obvious that the person who committed these irregularities should be forced to resign from one of the functions possessed at the same time. This is not a punishment, but could be a minimal sanction in order to avoid such incompatibilities situations.

(Przemyslaw Musiałkowski, - EU High Level Policy Adviser of the Director of the National Anticorruption Centre / former CCCEC, Poland)

Figure 36. Sanctions for civil servants detected in incompatibilities



There is a visible highlight in 37,7% of the related opinions on the dismissal of those who are in a incompatibility situation. The experts have as well confirmed that the person who proved a lack of integrity should be dismissed from public service for at least some time. Each official wants to have a career, and this is why the deprivation from exercising any public function could be a good measure, and at the same time it could make this specific people more responsible. This change could serve as an incentive for more conscious and integrated decisions.

In this order of ideas, 19.8% of questioned people suggested the deprivation from exercising a certain function or activity for a specific period of time, the majority of those who suggested this penalty are free lancers or employers (24,3%). Moreover, 22.8% of the respondents believe that the application of some sanctions which would include the deprivation of freedom for the officials, who are in an incompatible function, would increase their level of responsibility. The disciplining and non-criminal penalties have not been very popular among the survey participants, only 8,6% and 6,7% of the total number of respondents suggested them.

VII. FACTORS WHICH WOULD DETERMINE AN OFFICIAL NOT TO BE CORRUPT

Due the conditions of the Republic of Moldova and its corruption traditions in the system, many officials tend to be absorbed into it. The state attitude and perception of public functionary is neglected – this status does not tolerate the lack of integrity.

Table 2. How effective are the following measures for preventing and controlling the corruption among public authorities?, %

	Very efficient	Somewhat efficient	Somewhat inefficient	Not efficient at all	(DK)
campaigns of awareness on corruption counteraction	21.1	33.4	37.7	5.3	2.5
Increasing the salaries of civil servants	27.7	29.5	31.9	9.5	1.4
well-training and attentive selection of the public officials	29.4	40.5	23.0	4.9	2.2
presenting the corruption cases in mass-media	28.1	32.8	28.9	7.5	2.6
immediate punishment for all the errors of employees	36.9	32.9	19.6	6.7	3.9
Sanctioning citizens who pay bribes or put pressure on employees to solve their current problems in an illegal way	26.0	34.8	27.4	8.7	3.1
Making the controlling bodies more efficient	22.7	38.9	27.3	8.2	2.9
identification of the unjustified or hidden wealth and the punishment of the people who activate in public administration	32.5	28.9	24.5	10.3	3.8

According to the respondents the punishment measures are considered to be the most useful for preventing and controlling corruption within public authorities.

Taking to account the survey data, the biggest quota of the respondents options (36,9%), regarding the most effective/very effective measure for prevention and controlling corruption included in public authorities has been offered for „immediate punishment for all the errors of employees”, 32.9% of respondents find it very effective.

32,5% of those opinions, consider that an effective method is the identification of the unjustified or hidden wealth and the punishment of the people who activate in public administration. We can notice that people rank on top positions as very effective, the prevention and control of corruption measures unlike those of punishment.

A very important condition would be the well-training and attentive selection of the public officials. This measure has been suggested by the majority of respondents, including 1/3 of the respondents who consider it very efficient, and 40,5% of people who appreciate it as a efficient enough method.

Another effective measure is considered the information of population and the promotion of the techniques of corruption counteraction with the help of campaigns of awareness. 21.1% of the total number of respondents claimed that this is a very efficient method, and 33,4% - an effective enough method. As a rule, the informing campaigns are suggested by people with a level of education more advanced than average and the people with an average adult age. In the same context, each third respondent has confirmed that presenting the corruption cases in mass-media would be a method of a major effectiveness. However, it is important to publicize

the ending too, the application of penalties. In order to change the behaviour of the officials it is important to make them believe that everyone will be punished in case they act against the law.

“...education, training and also checking, monitoring the activities can change the corrupt official this would be a factor which could lead to minimizing corruption.” FG3, M, 36 years

Not the least, the respondents have emphasized the effectiveness of controlling bodies, this measure will have an impact on preventing the phenomenon of corruption.

The increase in the effectiveness of the institutions responsible for controlling and preventing the corruption, has been noticed by 61,6% of the respondents,

22,7% of them consider it very effective, and 38,9% consider it effective enough.

If there would exist someone who could make the public official not corrupt, then he could get involved in all the countries from the world, and there would not exist corruption anymore. There are various methods of control – legal and administrative and public pressure, pressure from civil society or independent as well, etc.

Przemyslaw Musiałkowski, - EU High Level Policy Adviser of the Director of the National Anticorruption Centre / former

Increasing the salaries of the public officials is one of the methods, but it is inefficient it is applied individually. The other methods like the integrity test, continue monitoring of the people who held public functions or the awareness of public opinion, are also important.

Przemyslaw Musiałkowski, - EU High Level Policy Adviser of the Director of the National Anticorruption Centre / former CCCEC, Poland)

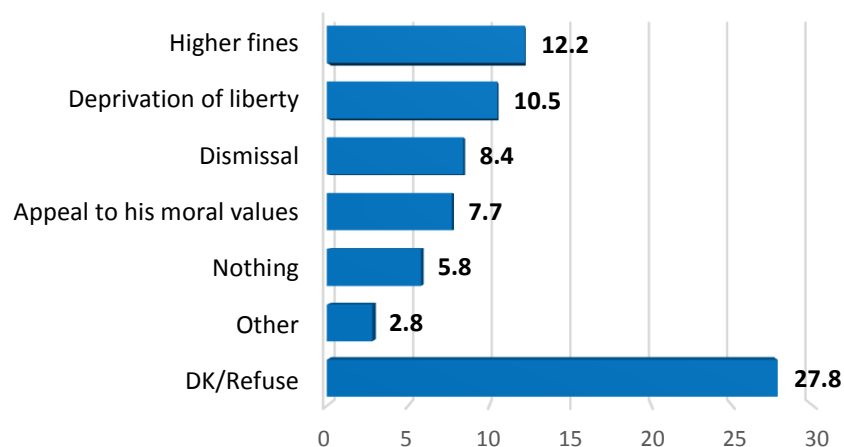
As it has been mentioned in the chapter dedicated to corruption, this phenomenon is linked to the citizens' and that is why one of the methods of prevention suggested by the respondents is the punishment of the citizens who give bribes or make pressures on the employees in order to solve some cases illegally. This opinion has been exposed by 60,8% of the respondents. 57.2% of the questioned people believe that the creation and implementing of a motivational system of salaries for public functionaries is an effective

method, this will contribute significantly to diminishing the acts of corruption.

«...regarding the wages, I believe that if there would be an increase of the salaries, the cost for illegal services will also increase.» FG3, F, 35 years

According to the expert's opinion, in order to fight against corruption it is beneficial to establish new criterion of naming and hiring on public functions, to elaborate new encouraging methods, to discuss with the employees about their situation in public system, their level of satisfaction from work that they do. Also, a system of evaluation of the capacities and performances of the employees of the public institutions would be beneficial as well.

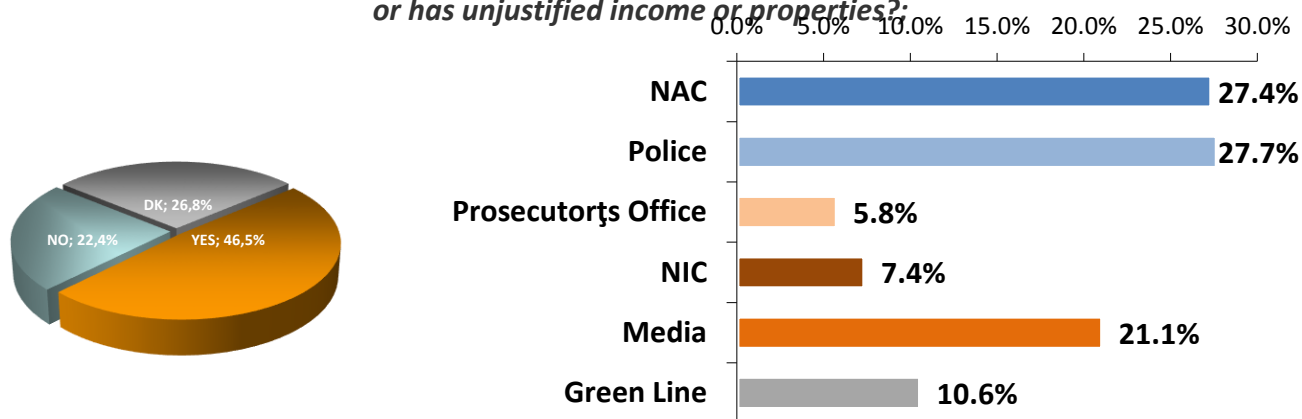
Figure 37. What would make a corrupt official not to be corrupt?, %



Higher fees for corruption doings are the solutions of this phenomenon prevention proposed by 12.2% of those interviewed. In case of some system deficiencies, the call to personal values would make the prevention of corruption possible. The modification of the corrupt official behaviour is left on the account of own conscience, that is how 7.7% of the respondents think.

Figure 38. Would you accept to denounce a civil servant who is in conflict of interest or has unjustified income or properties? (A);

Figure 39. Where would you address to denounce a civil servant who are in conflict of interest or has unjustified income or properties?;

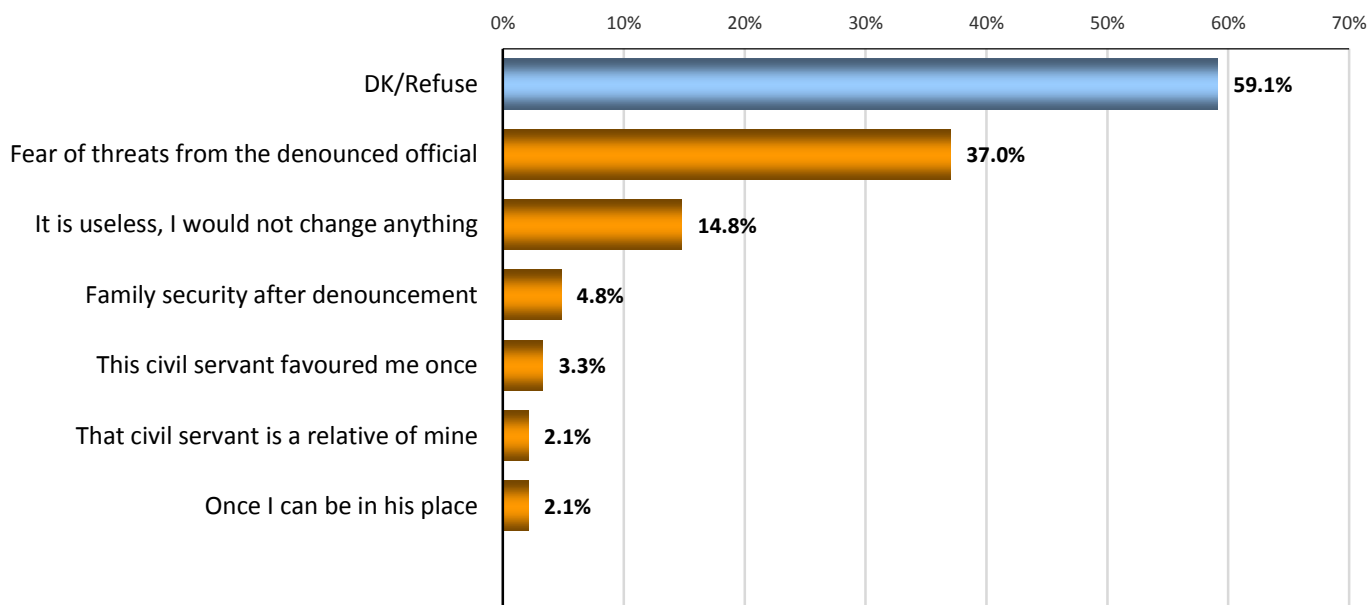


When asked if they would denounce the official who is known for owning wealth gained on illegal ways or who is involved in a conflict of interests, almost half of the interviewed people (46,5%) gave a positive answer. The respondents who are ready to inform the authorized bodies about unjustified properties and goods cases or situations of conflicts of interest, they would address to National Anticorruption Centre (31%), mostly mean would reach this institution. Other institutions and legal bodies where the citizens would address in such a situation are: police (23.3%), Prosecutor office (17.5%) and National Integrity Commission, the

last being mentioned by 12.9% of the respondents, 14% of those being women. Also 10.7% of the questioned people would address to mass-media or to the green line(2.4%).

The share of those who would not denounce the officials from their locality who own unjustified wealth or who are involved in conflict of interests is 22,3%, the reasons of not implication of the competent bodies are various, but in most of the cases are emphasized by the fear of eventual threats from the denounced person. 37% of the respondents who would not denounce the official feel the danger of being intimidated or put under pressure by that official, and 4.8% of the survey participants and who would not denounce the official have motivated their actions with the fear for their family security after denouncement (*see figure 40*). One out of seven respondents who would not denounce an official in conflict of interest explains their hesitation concerning the change of the behaviour of the functionary or his legal submission and consider that it would not be worth denouncing him.

Figure 40. Why you would not denounce a civil servant who are in conflict of interest or has unjustified income or properties?.



VIII. PUBLIC OPINION AWARENESS CONCERNING UNJUSTIFIED INCOME AND PROPERTIES, CONFLICT OF INTEREST AND INCOMPATIBILITIES

Citizens' anticorruption awareness, active cooperation of institutional chain in fighting corruption with civil society concerning the propagation in mass of an anticorruption culture, is very important in prevention of this phenomenon.

Corruption is a phenomenon which cannot be abolished through quotes like „*Don't be corrupt*” or „*Do not take bribes*”, because the officials who commit this are very responsible and rational, their main goal is to enrich through a simple and sure way, as long as the risks are minimal.

Under the conditions that each television channel works in the favor of a political party, mass-media loses its credibility, and the cases released to the press could be seen as political quarrels.

Przemysław Musiałkowski, - EU High Level Policy Adviser of the Director of the National Anticorruption Centre / former CCCEC, Poland)

Nowadays, the effects of corruption and its consequences have grown roots in Moldovan society. In the expert's opinion, an effective and functional campaign of rising awareness of the public opinion should use primary information sources used in country: television and on-line resources.

The awareness campaigns for public services beneficiaries (social publicity) would also be useful, it should be accessible for everybody regardless juridical culture. It should reflect typical situations which fall under law's incidence (for example employing relatives and people who hold high dignity functions, signing contracts on providing services with own enterprises or with those founded by relatives). But in order to make this awareness campaigns more credible, there should be effective punishing mechanism which are not existent in a needed quantity in the Republic of Moldova at the moment

Although education is a known method of preventing corruption and it needs the implication at a high professionalism level, this method is functioning only when there is control.

The image of institutions which have attributions to prevent corruption and to monitor this phenomenon is directly related to the results presented in this context, the National Integrity Commission should focus their *campaigns to raise public awareness on the idea that the sanction should be applied for every detected irregularity, regardless of status or position of public officials and dignitaries.*

The population does not trust the system of corruption abolishment, they attest that corruption cases are not resolved always in the favour of those affected, for this reason, any functional campaign of the National Integrity Commission should include performance indicators that would reflect the effectiveness of this institution and a non-selective verifying of declarations, finding violations and monitor the uniform and homogeneous path toward sanctions provided by law.

The meetings of the competent bodies of preventing and fighting corruption with public employees are useful as well, there would be discussed their obligations, the essence of status integrity and how to avoid conflicts of interest, etc.

National Integrity Commission needs strengthening capacity to provide advice in the process of declaration of income, property and conflicts of interest. In this context a greater need is the clarity of the legal framework.

IX. CONCLUSIONS

- The absolute majority of the participants in this study (96.7%) think that corruption level in the country is high. Thus, it is necessary to educate intolerance to corruption for society members. Especially since the study data show that the Moldovan population is aware of the presence of this social evil, and at the same time, do not take steps to prevent or to denounce the current cases.

- In assessing the possibility of voluntary participation in the crime of corruption of respondents it has been found that 62% of investigated subjects would admit to solve their problem through informal ways – corruption procedures. *Moldova's population is aware that one of the reasons of the prevalence of corruption is Moldovan mentality and the deficiency of training for population located at the poles of active or passive corruption poles;*
- Factors of individual order which are favouring the phenomenon of corruption are the greed of officials and sense of the impunity of those who commit actions of corruption, the lack of an effective institutional control.
- Structural factors which favour corruption are: the politicizing of the institutions of enforcement of law and the regulatory ones, the lack of firmness from the state institutions and non-application of laws or the permeability of law, poor management of institutions and lack of transparency in relations with citizens;
- The economic consequences of corruption, according to the respondents, undermine the national economy, stagnate the development of the country, weaken the ability of institutions to properly manage public money and cause the distrust of investors.
- From the administrative point of view, corruption seriously affects the trust in the public authorities and institutions and reduces considerably their efficiency.
- Another negative repercussion of corruption is affecting the external image and of the European path of Moldova.
- The survey participants consider that one of the consequences of corruption is the polarization of the society. One economically, financially, culturally and educationally developed society relies on its middle social class and in a strong society this social-economic category must represent more than half the total population.
- In the view of the respondents and experts, the institutions competent in the prevention and fighting corruption, *including the National Integrity Commission, are dependent on political factors.* Thus, it is *necessary to depoliticise the institutions mentioned, their independence would improve their activity and would enhance their impact upon the monitored spheres.*

- The most corrupt public institutions are local and central authorities, on the top are the Parliament and Government with more than 65%.

- An advantage for the efficiency of the NIC would be the control of all declarations, and these should not be selected at the discretion of the National Integrity Commission anymore.
- National Integrity Commission's activity does not yet have a major impact on unjustified income and property; according to the study participants. The population expects an immediate effect after the detection of irregularities. The insignificant impact of NIC upon this dimension leads to *diminishing of the degree of responsibility of the officials concerned, as long as the procedures are for long term and the penalties suppose some symbolic fines, which often are not applied*. In the context of increasing of NIC impact on income and property concealment, it is very important *to determine the penalty which will be applied and its inevitability*.
- Any official wants a career, so *the deprivation of the right to exercise a public function would be a beneficial one, and at the same time, it would empower the officials in conflict of interest or situations of incompatibility*, it would make them to take decisions more conscious and upright, due to the fear of not having the opportunity to be promoted in public functions.
- Although NIC members cannot assure the checking of all statements, a method of monitoring them would be *the implementation of an automated informational system that would minimize the human factor involvement*. Also, NIC may register better performance with the operation of the *interoperability information system between state institutions* and to be given the access to databases of other institutions.
- National Integrity Commission is unable to verify whether an official is in an incompatibility at the moment, as this would mean monitoring all public functions. It is therefore very important that *when making findings of breach of the incompatibility to take the necessary measures promptly*.
- In order to change the behaviour of officials monitored by NIC there must be introduced a guarantee that nobody will remain unpunished when acting against the law. *Immediate sanctioning of the violations made by officials and dignitaries would be the most effective measure to prevent corruption*, in the opinion of 70% of the subjects investigated, regardless of demographic indicators.
- The *meetings with the bodies competent in preventing and fighting corruption with public employees* would be useful, where the obligations, the essence of integrity in the status that they hold and how to avoid conflicts of interest will be discussed..
- Corruption is a phenomenon that cannot be eradicated by the slogan "Do not be corrupt" or "Do not take bribes" because the officials who commit corrupt actions are responsible and do it rationally, their main purpose is to enrich through a simple and secure way, as long as the risks are minimal. *The awareness campaigns for beneficiaries of public services - social advertising, which is accessible to everyone, regardless of legal culture, which is reflected in the most typical situations which fall within the law, would be useful*.

- As the population does not trust the system to root out corruption and consider punitive measures most effective in the prevention of this phenomenon, *any functional campaign NIC should include indicators of its performance which would reflect the effectiveness of this institution in checking the non-selective statements, finding the violations and monitoring their way to uniform and homogeneous punishment in accordance to the law.*

- According to the experts there would be beneficial the new criteria for the appointment and employment in public functions, to be developed methods of encouragement, to talk with officials about their situation in the public system, their level of satisfaction in the work that they do. Also *a system of evaluation of the capacity and performance of public institutions' employees would be welcome.*

REFERENCES

Parliament Decision nr.154 of 21.07.2011;
Parliament Decision nr.154 of 21.07.2011;
Parliament Decision nr.76 of 16.05.2014;
Parliament Decision nr.145 of 22.06.2012;

Law nr.180 of 19.12.2011 regarding the *National Integrity Commission*;
Law nr. 294 of 25.12.2008 regarding the *Prosecutor Office*;
Law nr. 261 of 5.12.2008 regarding the *Court of Account*;
Law nr. 90 of 25.04.2008 regarding *the prevention and fighting the corruption*;
Law nr.320 of 27.12.2012 regarding *the Police and the statute of a policeman*;
Law nr. 1264-XV of 19.07.2002 regarding *the declaration and control of income and properties of persons with functions of public dignity, judges, prosecutors, officials, and persons with leading functions*;
Law nr. 6-XVI of 15.02.2008 regarding *the conflict of interest*;

Expert Report nr. 472 of 20.05.2011 *of the draft Law on the Main Ethics Commission, structure and functioning thereof*;

National Integrity System Assessment, Moldova 2014, Transparency International;
Policy Paper nr.60 „*10 problems of the public integrity system of the Republic of Moldova*”, Romanian Centre of European Policies;
Report, “*National Integrity Commission on 2 years of activity, expectations and achievements*”, Mariana Kalughin, (ADEPT), Chisinau, November 2014;
Report “*Conflict of interest and incompatibilities within local public administration in Republic of Moldova*”, in the framework of the „*Supporting the development of public policies*” Project;

Susan Rose-Ackerman, *Corruption and Government: Causes, Consequences, and Reform*, Journal Public Choice, Volume 4.