

## Project proposal

### United Nations Development Programme

Country: Moldova

#### ADDENDUM

#### To Project “Support to Justice Sector Reform in Moldova”

<b>Project Title</b>	<b>Support to Justice Sector Reform – Building the quality assurance system of the National Centre for Judicial Expertise</b>
<b>UNPF Outcome(s):</b>	<b>Justice sector actors are better able to promote access to justice and uphold rule of law in compliance with international commitments;</b>
<b>Expected CPAP Output(s):</b>	<b>Law enforcement authorities are better able to secure fundamental rights of all parties in criminal proceedings;</b>
<b>Partner Agency:</b>	<b>National Centre for Judicial Expertise, Ministry of Justice of the Republic of Moldova</b>

Proposed activities will be implemented through expanded Justice Sector Reform Project. The objective of this particular action is to contribute to achieving a more transparent, fair and accountable justice system by strengthening the capacities of the National Centre for Judicial Expertise to provide access to reliable forensic evidence based on internal quality assurance mechanism established in line with ISO 17025 standard.

Project Period:	<u>2014 – 2016</u>	Total Project Budget:	\$ 1,921,806
Atlas Project ID:	00062264	Total allocated resources:	
Start date:	<u>01.2016</u>	• UNDP	\$ 76,700
End Date	<u>12.2016</u>	• Government of USA	\$ 1,510,000
Management Arrangements:		• Government of Moldova	\$ 165,111
<u>Support to National Implementation</u>		• Government of Romania	\$ 120,744
		• Government of Italy	\$ 32,379
		• Unfunded (requested from the Government of Italy)	\$16,872

## Project description

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The Justice Sector Reform Strategy for 2011 – 2016 had been approved in 2011. The Strategy itself and the progress achieved in its implementation was one of the main conditions for the successful negotiation and signature in 2014 of the EU-Moldova Association Agreement. EU had provided the Sector Budget Support and four technical assistance projects to assist the Government of Moldova in the implementation of the Strategy. However, the tasks, as set forth in the Strategy, are very ambitious, and although other international partners (USA, Council of Europe, Romania, Norway, and Denmark) also provide support, it is still not sufficient to achieve the planned progress. The current political and economic situation in Moldova have influenced substantially the progress in Strategy implementation. The Ministry of Justice (MoJ) have indicated that a number of important drawbacks in the implementation of the particular actions as per the Strategy's Implementation Plan are due to the assistance gaps in particular areas of the reform that national actors do not have sufficient capacity to address<sup>1</sup>.

The MoJ approached UNDP repeatedly with the request to provide support addressing the identified assistance gaps in a series of important issues making reference to UNDP assistance's key role in the elaboration of the Justice Sector Reform Strategy and in setting up an effective coordination, monitoring and reporting mechanism for its implementation, to the urgency of the needed support, the ability of UNDP to mobilize rapidly needed expertise and to the fact that these particular issues do not allow for a continuous and steady progress of the Reform in the Justice sector.

One of these topics refers to the modernization of judicial expertise/forensic system. Forensic expertise is an indispensable element of an effective and fair justice system. The conclusions/results provided by forensic experts are crucial for the administration of justice. The quality and accuracy of forensic investigations and examinations have an extensive impact on the quality of justice and affect the overall perception of users about the justice system. The ultimate objective of forensic science is to contribute to finding the truth by providing the justice system with precise and reliable answers. Thus, a well-established forensic infrastructure, compliant with the quality standards and equipped with all relevant tools, is crucial for the ability of forensic evidence to adequately put the case under review at all stages of the process.

With regard to the importance of the forensic science to establish the truth and secure justice, it becomes essential that this area receives an increased attention both from the national authorities and development partners. The strategic document which addresses this issue is the Justice Sector Reform Strategy for 2011-2016, which, under Pillar 2 "Criminal Justice", aims at implementation of modern investigative and criminal investigation methodologies (priority 2.3.1), as well as enhancing the capacities and reconsidering the place and the role of forensic centers and forensic experts (priority 2.3.3). The Justice Sector Reform Strategy Action Plan further elaborates and stipulates as specific actions: *strengthening the capacities of forensic medicine laboratories (DNA analysis) (Activity 2.3.1.1)* and *drafting of the methodologies for each type of forensic expertise (Activity 2.3.1.6)*.

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<sup>1</sup> For more details, see 2014 Annual Report for the Implementation of the Justice Sector Reform Strategy, [http://justice.gov.md/public/files/file/reforma\\_sectorul\\_justitiei/rapoarte/2015/Raport\\_SRSJ\\_En\\_2015\\_electronic.pdf](http://justice.gov.md/public/files/file/reforma_sectorul_justitiei/rapoarte/2015/Raport_SRSJ_En_2015_electronic.pdf)

In order to respond in a comprehensive manner to the need for modernization of forensic system, a new draft law on forensic expertise was developed under the Justice Sector Reform implementation. One novelty this draft law is going to introduce refers to the accreditation of forensic science institutions in line with ISO standards (in particular, ISO 17025 standard (International Standardization Organization 2005 *General Requirements for the Competence of Testing and Calibration Laboratories*)).

Accreditation is needed for a forensic laboratory or institution to convince the users in its reliability. In essence the accreditation is a proof of competence and capability of a forensic laboratory/institution to perform specified activities properly. Results produced by an accredited forensic laboratory are less likely to be questioned and reversed. A big advantage of the accreditation process is that all internal procedures are laid down in written and are followed by the persons involved in the examination/investigation processes, thus also ensuring the sustainability of the investment. By this way, the accuracy of evidence provided by the forensic expertise is expected to increase, as well as the public's trust in justice system overall.

The work under the previous intervention concerning the modernization of forensic system in the part related to the mandate of the Centre for Judicial Expertise under the Ministry of Justice, funded by the Italian Government in 2014 - 2015, sets the foundation for providing further assistance to efforts of the National Centre for Judicial Expertise towards accreditation in line with ISO 17025 standard. This is a long lasting and demanding process, which requires full institutional support and dedication. As part of the previous intervention, the national partner established expert level contacts and shared experiences with the peer institution from Romania (National Institute for Forensic Expertise), strengthened the knowledge of its staff on several topics required by the ISO 17025 standard (for instance, traceability of measurement results, comparison schemes for laboratories), as well as started the work on setting up the internal quality assurance mechanism by developing the Quality Manual and other internal documentation.

The activities under the proposed intervention will capitalize on results achieved so far and will further support the ISO accreditation efforts of the National Centre for Judicial Expertise:

- (a) staff will be further subject to capacity building initiatives/trainings on ISO 17025 related topics, organized in country or abroad;
- (b) coaching and mentoring scheme (including accreditation simulations) set up with the peer institution from Romania will be continued in order to provide the institutional expertise necessary to advance the documental preparations (quality assurance protocols, general procedures, special procedures) for accreditation;
- (c) exchange of experience (through a study visit) with another accredited forensic science institution (tentatively from Estonia) will be organized to expose the national partner to a different experience and perspective concerning the challenges the ISO accreditation process may involve in an environment with similar past and background;
- (d) internal capacities of the National Center for Judicial Expertise to develop investigation methodologies/protocols will be strengthened by providing access to modern forensic and scientific literature.

This intervention is in line with the UNDP specialization in the institutional capacity development and links well to the previous support UNDP provided to the Justice Sector Reform in general, to the Center for Forensic Medicine under the Ministry of Health in 2011-2012, and currently to the General Police Inspectorate under the Ministry of Interior where UNDP supports strengthening capacities in criminal investigation expertise (equipped laboratory vans, expertise kits and training to police investigators), including assistance on ISO 17025 accreditation issues. Therefore, the project to support building the internal quality assurance system of the National Center for Judicial Expertise in line with ISO 17025 standard will be a logical component of the work carried out by UNDP aiming to ensure high quality evidence for a fair justice system and will contribute to establishing a complex modern system of the forensic expertise across the mandated institutions to serve as a part of the overall justice system adding to its enhanced credibility.

All in all, the intervention will contribute to achieving more transparency, objectivity and accountability in the courts of justice work reducing possibilities for corrupted behaviors by judges, for taking subjective decisions under any type of influence by the provision of strong evidence in the courts' proceedings.

The current activities supporting the modernization of forensic science institutions in the Republic of Moldova are being implemented by the UNDP under "Support to Justice Sector Reform" Project with the overall budget amounting at USD 1,904,934. The activity to support building the internal quality assurance mechanism at the National Centre for Judicial Expertise submitted for the consideration to the Embassy of Italy in the Republic of Moldova is planned as a part of this large intervention with the cost of activity amounting at Euro 15,000.00 (approx. USD 16,872.00) and constituting 0.88% of the total cost of the project.

**Objective.** To contribute to achieving a more transparent, fair and accountable justice system by strengthening the capacities of the National Centre for Judicial Expertise to provide access to reliable forensic evidence based on internal quality assurance mechanism established in line with ISO 17025 standard.

**Proposed Activity Plan:**

No.	Activity	Date of delivery
1	Capacity building initiatives/trainings on ISO 17025 related topics, organized in country or abroad	February-October 2016
2	Coaching and mentoring scheme (set up with the peer institution from) Romania in order to provide the institutional expertise necessary to advance the preparations for accreditation and to help in the institutionalizing of required standards of work	January-November 2016
3	Exchange of experience (study visit) with an accredited forensic science institution (tentatively from Estonia) on challenges the ISO accreditation process may involve in an environment with similar past and background	May 2016
4	Provision of modern forensic and scientific literature	March-June 2016

**Budget (USD):****Support to Justice Sector Reform Programme, TOTAL**

Activity	Donor	Budget description	Total budget, USD
<b>Building the internal quality assurance mechanism of the NCJE</b>	Italy		
Inward international travel (including, 6 round-trip tickets, per diems – 18 nights)		Travel	5,000.00
Outward Study Visit travel (including, 4 round trip tickets, per diems – 12 nights)		Travel	5,600.00
Trainings on ISO 17025 related topics		Training, Workshops	3,522.00
Provision of modern forensic and scientific literature		Procurement	1,500.00
Indirect costs (8% - General Management Services)			1,250.00
<b>Subtotal</b>			
<b>Support to ISO accreditation efforts of the National Centre for Judicial Expertise (initiation phase)</b>	Italy	Technical assistance	32,379.00
<b>Support Capacity Development for General Prosecutor Office</b>	Prosecutor Office	Technical assistance	165,111.00
<b>Strengthened professional capacities of the Department of Penitentiary Institutions</b>	Romania	Technical assistance, construction	120,744.00
<b>Support to Police Reform</b>	USA	Technical assistance, construction	1,510,000.00
<b>Legal tariffs and taxation of legal professions connected to the justice system</b>	UNDP	Technical assistance	56,700.00
<b>Study/Recommendations on setting up the DNA laboratory in the Republic of Moldova</b>	UNDP	Technical assistance	20,000.00
<b>Grand TOTAL</b>			<b>1,921,806.00</b>

\* Costs for travel are indicative