

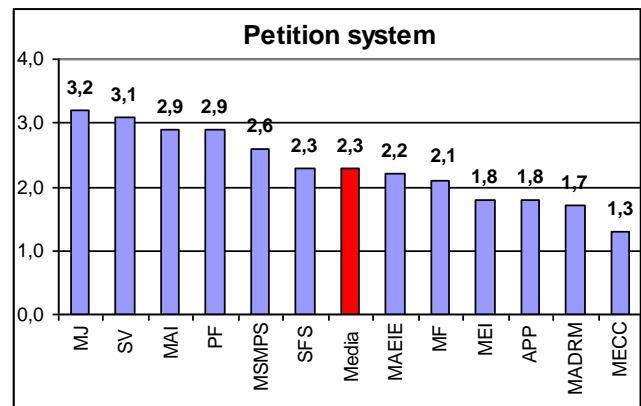
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Monitoring the Anti-corruption Policies in Central Public Authorities: Petition/Complaint System

The monitoring is part of a project supported by the National Endowment for Democracy, with **the aim** of analysing how central public authorities (CPAs) apply the anti-corruption policies set out in the UN Convention against Corruption, identify eventual problems and come with recommendations to improve the quality of the public policies. **The subjects of monitoring** are 12 CPAs, including 4 subordinate entities at high risk of corruption. The **reference period** is 2018-2019.

Methodological aspects. The monitoring process included the analysis of the information provided by the monitored CPA, the data on their web pages and the government portals, data from the activity reports of the State Chancellery, the National Anti-Corruption Centre (NAC), studies of NGOs and articles of investigative journalists. The information was analysed from the perspective of the conformity to the relevant normative acts, confrontation of data from different sources. Following the analysis carried out, summary tables reflecting the current state of the policy were filled. The tables include individual findings and proposals to improve the situation, allow comparing the situation in different authorities and offer the possibility to undertake the good practices. Depending on the findings, the authorities were assigned scores on a scale from 0 to 4.

The results of the monitoring show that the public entities have taken steps to implement the policy; however, there are a number of problems in this area:



Following the revision of the legal framework in 2018, regulations have become complex and difficult to understand for ordinary citizens. The instructions for holding secretarial work on petitions of natural and legal persons approved in 1995 are outdated and incomplete.

The management of the petition system leaves much to be desired. 2/3 of the monitored entities claim to have internal regulations on working with petitions, but the regulations are not usually updated.

Although in 2018 there were changes in the legal framework in the field, requiring training for civil servants, 40% of entities did not organize them.

About 60% of the entities claim that they have not performed the control over the functioning of the petition system (Over the evidence of the process of registration, examination of petitions and reception in audience. The reports reflect, in particular, the dynamics of the petitions and citizens heard, the forwarding of petitions, the issues frequently raised by petitioners and the legality of decision-making).

In half of the monitored entities there is a high share of petitions examined in excess of deadlines, irregularities were identified following internal audits, however, the entities reported that they did not detect deviations and did not apply sanctions.

Only half of the entities reported on the preparation of reports on the operation of the petition system, which were not posted on the website. Although entities offer the possibility to submit petitions online, including through web pages, this option is poorly exploited by petitioners. Although assessing the level of satisfaction of petitioners with the functioning of the petitioning system could help to improve the quality of the system, no entity has conducted any surveys for this purpose.

Public entities use different SIA to manage documents / petitions, there are cases when they do not meet the current requirements of systematization and analysis of information, some statistics on the operation of the petition system are still collected manually.

The control carried out by the State Chancellery regarding the functioning of the petitioning system in the governmental authorities, including the monitored entities seems to be insufficient: there is no system of indicators that would allow the evaluation of the performances of the public entities;

The SIA used does not allow the generalization of data on the functioning of the petitioning system and the evaluation of managerial performances;

The report on the results of the control of the entities' compliance with the legislation in the field is not published on the Chancellery's website;

The issues related to the functioning of the petition system are not discussed at Government meetings.

Recommendations:

- Updating the normative framework regarding the keeping of secretarial works regarding the petitions of natural and legal persons;

- Elaborating / updating by the public entities of the internal documents regarding the work with the petitions and the reception in the audience, their placement on the web page in order to allow the exchange of experience between the entities;
- Ensuring the performance in the public entities of the control over the secretarial works regarding the petitions (with the presentation of the management of the weekly and half-yearly information provided), as well as on the legality of the decisions taken;
- Carrying out internal audit missions regarding the functioning of the petitioning system and publishing on the web page the synthesis / summary of the audit report;
- Systemically analyzing the situation regarding the functioning of the petitioning system based on the results of the controls and audits performed by the heads of public entities and, in case of identifying deviations, - sanction the guilty persons;
- Revising the reception schedule in accordance with GD 463/2019, exclusion of errors and updating of data on web pages (relevant legal framework, hearing schedule), placement of contact details for registration in the audience (tel., E-mail) and the responsible person ;
- Ensuring the continuous training of officials involved in the process of keeping records and examining petitions, especially through online methods;
- Familiarizing the population with the provisions of the legal framework in the field, in particular, the elaboration of an explicit and friendly guide regarding the functioning of the petitioning system;
- Promoting among the population the advantages of sending electronic petitions; offering the possibility to attach to the online forms the petitions on the web pages of the public entities, of the afferent documents;
- Increasing transparency in the application of the policy, in particular, by placing on the website of public entities the information / annual report on the examination of petitions and the reception of persons in audience;
- Periodically evaluating the level of satisfaction of the petitioners regarding the functioning of the petitioning system, based on surveys. To give the polls more credibility, conduct them with the support of NGOs;
- Modernizing the existing SIA / s for document / petition management or, possibly, elaboration of a new SIA, in compliance with the legal provisions related to the operation and use of such systems (technical concept, regulation, etc.). The system should allow the generation of different types of reports for the authorities, including in the profile of subordinate entities, as well as ensure access for petitioners to view the stage of the petition examination process, the official(s) responsible for examining petitions, their resolution, etc.;
- Strengthening the control of the State Chancellery on the CPAA's compliance with the legislation in the field of petitioners, publishing the report on the results of the control on the website of the State Chancellery, discussing the problems identified in the functioning of the petition system at Government meetings.

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