

# Moldova

## Community Paralegals: Recognition & Financing



Community paralegals are trained in basic law and in skills like mediation, organizing, education, and advocacy.

They are called different names in different places – including "community legal worker," "barefoot lawyer," "grassroots legal advocate," or a host of other titles. All share a common purpose: to help people to understand, use, and shape the law.

## Introduction

Community paralegals are dedicated to legal empowerment: they help people to understand, use, and shape the law. These advocates are called different names in different places – including "community legal worker," "barefoot lawyer," "grassroots legal advocate," or a host of other titles. They are trained in law and policy and in skills like mediation, organizing, and advocacy. Some are generalist – they engage whatever justice issues community members bring to them. Others specialize – they may focus on supporting survivors of sexual violence, or protecting community land rights, or in addressing failures in the delivery of public services.

Community paralegals are client-facing. Although they are called "community paralegals," they are not the kind of paralegals who primarily serve as lawyers' assistants. Community paralegals work with clients to seek concrete solutions to instances of injustice, often at the community or administrative levels. They form a dynamic, creative frontline that can engage formal and traditional institutions alike. Moreover, just as primary health workers are connected to doctors, community paralegals are often connected to lawyers who may help to pursue litigation or high-level advocacy if frontline methods fail.

This research brief is part of a series that reviews the nature of the work undertaken by community paralegals, and the extent to which that work is recognized or funded by government. Please note that the first briefs published for this series focus on the types of community paralegals who have been formally recognized either in law or policy. We acknowledge that this is just a small part of a much larger picture. Beyond the government-recognized paralegals discussed in these briefs, a broader, dynamic ecosystem of community paralegals operates effectively without state recognition in many countries. We aim to one day expand our research to offer a more comprehensive analysis of this larger universe. For now, however, our research briefs are limited to offering summary information and illustrative examples of the community paralegals who have been formally recognized by law or policy.

Each of these briefs is a living document-- if you have an update, addition or a correction, please contact us at [community@namati.org](mailto:community@namati.org).

## Acknowledgements

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		Notes
<b>NATURE OF WORK</b>		
<b>Recognition*</b>		
Are community paralegals formally recognized?	Yes	In Law No. 198-XVI Law on State Guaranteed Legal Aid (2007).
What are community paralegals called?	-	Formally*, "paralegals"
<b>Recognized Functions</b>		
Educating community and clients about the law?	Yes	
Mediating disputes?	Yes	
Organizing community members for collective action?	Yes	
Advocating to authorities?	N/S	Not specified, but occurs in practice.
Monitoring for violations of rights?	N/S	Not specified, but occurs in practice.
Litigating (with or without the help of lawyers)?		
- Criminal	No	
- Civil	No	
Navigating administrative processes?	N/S	Not specified, but occurs in practice.
<b>Recognized Places of Work</b>		
Government-run offices or legal aid centers?	Yes	Local Public Authorities provide an office for paralegals.
Non Governmental Organizations?	Yes	
Independent practice?	Yes	
<b>INDEPENDENCE AND ACCOUNTABILITY</b>		
Is the independence of community paralegals explicitly protected?	Yes	
Are there boards or bodies that monitor community paralegals?	Yes	The National Legal Aid Council is the statutory body authorized to monitor paralegals.
If so, are these boards or bodies separate from the government (e.g. Ministry of Justice)?	Yes	
If so, do these boards or bodies include civil society representatives?	Yes	The law requires civil society representation on the Board.
<b>QUALITY AND STANDARDS</b>		
Must community paralegals meet certain criteria in order to practice?	Yes	Must have completed higher education and engage in continuous training.
Is there a board, body, or certification scheme to recognize qualified community paralegals?	Yes	The National Legal Aid Council certifies community paralegals.

Notes		
<b>SCALE AND FINANCING</b>		
Does any public revenue fund community paralegals?	Yes	The remuneration of paralegals is from the state budget.

Do Community Paralegals Work on this Issue?	Is Community Paralegal Work on this Issue Formally Recognized?	Does the Government Fund Community Paralegals who Work on this Issue?
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*Note: The law does not restrict community paralegals to specific sectors. It provides for funding for community paralegals working on all issues without any restricted sectors.*

Issues			
Criminal Justice	Yes	Yes	Yes
Civil and Political Rights	Yes	Yes	Yes
Education	Yes	Yes	Yes
Environmental Justice	Yes	Yes	Yes
Family Law	Yes	Yes	Yes
Health	Yes	Yes	Yes
Housing	Yes	Yes	Yes
Labor & Employment	Yes	Yes	Yes
Land & Natural Resources	Yes	Yes	Yes
Migrants, Refugees, & Citizenship	Yes	Yes	Yes
Peace-building	?	Yes	Yes
Transparency	Yes	Yes	Yes
Water & Sanitation	Yes	Yes	Yes

Key	
N/S = Not specified	? = Unknown. To share data on this point, contact <a href="mailto:community@namati.org">community@namati.org</a>

\*Note that we consider the following as sources of formal recognition: legislation, regulations, policies, court judgments, memorandums of understanding, etc.

## The Law In Practice

### Defining Community Paralegals

#### Are community paralegals recognized? How are they defined?

Community paralegals are recognized in the 2007 Law on the State Guaranteed Legal Aid, which states that primary legal aid may be granted by paralegals and non-governmental organizations specializing in the delivery of legal aid. A paralegal is defined in the Law on State Guaranteed Legal Aid as a person who is held in high esteem and respected by the local community, has either an incomplete legal education or has completed a higher education program in a non-legal field, but does not practice law.<sup>1</sup> Such paralegals are specially trained and qualified to deliver primary legal aid to members of the community from the funds for legal assistance guaranteed by the State in accordance with the rules on the status and qualification of paralegals. Community-based paralegals are recognized as providers of ‘primary’ legal aid (that is, consultations to anyone in need of legal assistance), but are not permitted to provide ‘qualified’ legal aid (i.e. representation in court, among other litigation-oriented legal services). Beginning in February 2018, paralegals have been recognized as an official occupation class (in the Moldova’s Classifier of Occupation)<sup>2</sup> – it is believed that this will set the grounds for an improved licensing and monitoring system.<sup>3</sup>

In this brief, we refer to community paralegals as “paralegals”.

#### What do community paralegals do? What issues do they focus on?

The first official community paralegal program in Moldova began in 2009 and was motivated by three key factors: the need to educate communities about their rights and the means of vindicating those rights, the imperative of training persons who could provide basic legal advice, and a desire to involve community members in local decision-making processes.<sup>4</sup> Since the launch of the paralegal project, an estimated 38,295 Moldovan citizens received basic legal services that they had previously not had access to.<sup>5</sup>

As mentioned above, paralegals in Moldova are authorized to provide ‘primary legal aid’. This includes the provision of information regarding the laws and regulations in place in Moldova, the rights and obligations that persons have with respect to these laws, and enforcing these rights in judicial and extra-judicial proceedings,

<sup>1</sup> *Law on State Guaranteed Legal Aid*, No.198, GOVERNMENT OF MOLDOVA, Article 2, (2007), <http://lex.justice.md/viewdoc.php?action=view&view=doc&id=325350&lang=1>.

<sup>2</sup> Order on Classifier of Occupation, GOVERNMENT OF MOLDOVA (2018), <http://lex.justice.md/md/374413/>

<sup>3</sup> Oleg Efrim, Vlad Rosca, Natalia Rosca, et al., *Roadmap: Strengthening the Paralegal Profession within the National System of State Guaranteed Primary Legal Aid*, SOROS FOUNDATION-MOLDOVA, (2017), at P. 7

<sup>4</sup> Nadejda Hriptievshi, *Establishment of community-based paralegals in Moldova – main conclusions and recommendations based on a two-year pilot project*, SOROS FOUNDATION-MOLDOVA, 2, (2012).

<sup>5</sup> *Rapoarte de activitate* (2010-2017), NATIONAL LEGAL AID COUNCIL (2018), <http://www.cnajgs.md/ro/rapoarte-de-activitate>

counseling on legal issues, assistance in drafting legal documents, and – crucially – other forms of legal aid that are not classified as ‘qualified legal aid.’<sup>6</sup> It is important to note that the definition of ‘primary legal aid’ is written in an expansive manner. By prohibiting only those forms of legal activity outlined in the definition of ‘qualified legal aid’, the Moldovan government seems to have given paralegals freedom to provide a range of legal services, including those acts ancillary to courtroom proceedings.

Paralegals are not restricted to specific areas of law. They are allowed to provide primary legal aid in all areas of law. As of early 2018, some of the top issue areas in which paralegals work include pensions, civil law, divorce or termination of marriage, contract, and property law.<sup>7</sup>

Moldovan paralegals are not permitted to provide ‘qualified legal aid’, as it is defined in the Law on State Guaranteed Legal Aid. This type of legal assistance includes providing legal services counseling, and representing clients in criminal courts, administrative, civil, or other litigation, or before government authorities.<sup>8</sup> Essentially, paralegals may not participate in the litigation process within the courtroom, although they are permitted to provide advice beforehand and assist in the preparation of necessary legal documents. When paralegals are approached with criminal matters, they may help any party to seek assistance from a professional legal aid lawyer. Even though paralegals sometimes work on community mobilization efforts, such efforts are to be conducted within the limits of the law – paralegals are not expected to encourage or support collective action, which is more confrontational in nature.<sup>9</sup>

### Where do community paralegals work?

The National Legal Aid Council (NLAC) and its Territorial Offices are the main bodies administering the legal aid system in Moldova. Paralegals typically operate out of the territorial offices of the NLAC in Chişinău, Balti, Cahul and Comrat. These are the four Moldovan cities where the Courts of Appeals are based.<sup>10</sup> Paralegals also play an important role in the justice system by providing primary legal aid assistance to localities where there are no Territorial Offices. More than 52 paralegals are spread throughout Moldova today and work in both urban and rural areas.

## Independence and Accountability

### Is the independence of community paralegals explicitly protected?

Yes. The 2014 National Legal Aid Council (NLAC) Regulation on Paralegal Activity states in Article 5 that paralegals are independent of any influence from public authorities while providing state guaranteed legal aid.<sup>11</sup>

<sup>6</sup> *Law on State Guaranteed Legal Aid*, *supra* Note 1, Article 2; *National Legal Aid Council Regulation on Paralegal Activity* 2014, NATIONAL LEGAL AID COUNCIL (GOVERNMENT OF MOLDOVA), Article 3, <http://lex.justice.md/md/356312/>.

<sup>7</sup> *Statistica activităţii parajuriştilor în Moldova*, CONSILIUL NAȚIONAL PENTRU ASISTENȚA JURIDICĂ GARANTATĂ DE STAT (JULY 2018) <http://statparajurist.cnaigs.md/>.

<sup>8</sup> *National Legal Aid Council Regulation on Paralegal Activity* 2014, *supra* Note 6, Articles 35-36.

<sup>9</sup> *Paralegal Job Description*, NATIONAL LEGAL AID COUNCIL.

<sup>10</sup> *National Legal Aid Council*, NATIONAL LEGAL AID COUNCIL (2017), <http://www.cnaigs.md/en/structure/page/nlac>.

<sup>11</sup> *National Legal Aid Council Regulation on Paralegal Activity* 2014, *supra* Note 6, Article 5.

In May 2017, the paralegals in Moldova formed an association National Paralegal Association from Moldova (Asociația Națională a Para-juriștilor din Moldova). This association has developed a three-year strategy with the support of the Justice and Human Rights Department of Soros Foundation-Moldova.<sup>12</sup>

**Are there boards or bodies that monitor community paralegals? If so, are these boards or bodies separate from the government (e.g. Ministry of Justice)? Do these boards or bodies include civil society representatives?**

The NLAC, a collegial body created by the government is tasked with monitoring the paralegals. Under NLAC Regulation on Paralegal Activity, the NLAC is required to review the standards of activity and professional development of paralegals,<sup>13</sup> issue recommendations to paralegals based on information about the primary legal aid assistance provided by the paralegals,<sup>14</sup> keep records of the paralegals, and coordinate the process of providing primary legal aid.<sup>15</sup>

Further, the NLAC is required to conduct periodic monitoring and assessment based on objective criteria to evaluate the strengths and opportunities of the paralegals. Periodically – but not more than once every six months – paralegals are subject to complex monitoring and assessment, based on objective criteria in relation to their strengths, vulnerabilities, and opportunities in the paralegal’s activity.<sup>16</sup> Conclusions of these assessments are shared openly with the paralegals, who are then encouraged to integrate them into their practice. Article 12 (2)(j) of the Law on State Guaranteed Legal Aid laid the basis for the legally mandated monitoring of qualified paralegals in Moldova by the NLAC. The objective criteria for monitoring and evaluation include assessments on the quality and quantity of primary legal aid provided, paralegals conduct of public lessons, interactions with NLAC and other public officials, participation in continuous and self-training, and future commitments undertaken.<sup>17</sup>

Article 11(2) of the Law on State Guaranteed Legal Aid stipulates that the National Legal Aid Council (a collegial body consisting of seven members) must include at least one member from civil society or academia at all times.<sup>18</sup>

## Quality and Standards

**Must community paralegals meet certain criteria in order to practice? Is there a board, body, or certification scheme to recognize qualified community paralegals?**

Paralegals are required to undergo training – this requirement is contained in the Law on State Guaranteed

<sup>12</sup> *Para-juriștii din Republica Moldova au format o Asociație Națională* [Paralegals from the Republic of Moldova formed a National Association] (May 2017), <https://www.bizlaw.md/2017/05/19/para-juristii-din-republica-moldova-au-format-o-asocatie-nationala/> (Translated – English).

<sup>13</sup> *Law on State Guaranteed Legal Aid*, *supra* Note 1, Article 12 (2)(j); *National Legal Aid Council Regulation on Paralegal Activity* 2014, *supra* Note 6, Article 63.

<sup>14</sup> *National Legal Aid Council Regulation on Paralegal Activity* 2014, *supra* Note 6, Article 57.

<sup>15</sup> *National Legal Aid Council Regulation on Paralegal Activity* 2014, *supra* Note 6, Article 48.

<sup>16</sup> *National Legal Aid Council Regulation on Paralegal Activity* 2014, *supra* Note 6, Article 53-62.

<sup>17</sup> *National Legal Aid Council Regulation on Paralegal Activity* 2014, *supra* Note 6, Article 48 and Annex 6 (Evaluation Grid).

<sup>18</sup> *Law on State Guaranteed Legal Aid Law*, *supra* Note 1, Article 11(2).

Legal Aid, NLAC Regulation on Paralegal Activity, and the job description signed by the paralegals. The definition of paralegals under the Law states that paralegals have to be “specially trained” and qualified to provide primary legal aid in accordance with the regulation.<sup>19</sup> The Law specifies that the NLAC will be the body monitoring and administering professional standards for the paralegals.<sup>20</sup>

The NLAC Regulation on Paralegal Activity provides that paralegals must engage in a continuous training and self-training process, wherein they must attend at least forty-hours of accredited courses per year in order to retain their certification.<sup>21</sup> These courses are to be organized and facilitated by the NLAC and the National Institute of Justice.<sup>22</sup> In practice, the National Institute of Justice has not played a role in organizing or facilitating trainings yet. The NLAC has also additionally issued decisions on paralegal quality in 2014.<sup>23</sup>

According to the NLAC approved job description, the paralegals will be assessed on the basis of the correctness of assessing the problems by beneficiaries, interest in their problems, level of satisfaction of the beneficiaries, interest in community problems, accuracy of documents drafted, initiative and dedication, and motivation for knowledge.<sup>24</sup>

The NLAC also administers the process through which paralegals are recruited, interviewed, and contracted. Thus, they exert an additional control over the qualifications potential paralegals must possess in order to be employed and certified by NLAC.<sup>25</sup>

### Is community paralegal training available? What does it look like?

Article 16 of the Law on State Guaranteed Legal Aid established that paralegals are to be trained by the NLAC with funds provided by the national government or other sources not prohibited by law. The NLAC and the Soros Foundation-Moldova have published three paralegal training manuals – ‘Elementary Legal Guidelines for Citizens’, ‘Paralegals Guide to Human Rights’ and the ‘Methodological Guide for Paralegals’ – which paralegals are asked to read in order to prepare for their work. Training sessions usually last five days and are composed of skills-building workshops. They are facilitated through the NLAC or other entities that have both been accredited by and have entered into a cooperation agreement with the NLAC.<sup>26</sup> Even though the National Institute of Justice is required to carry out training, this has not happened in practice. Further, the quality of trainings provided by the NLAC has not been up to the mark according to certain paralegals.

<sup>19</sup> *Law on State Guaranteed Legal Aid*, *supra* Note 1, Article 2.

<sup>20</sup> *Law on State Guaranteed Legal Aid*, *supra* Note 1, Article 12 (2) (j).

<sup>21</sup> *National Legal Aid Council Regulation on Paralegal Activity 2014*, *supra* Note 6, Article 24.

<sup>22</sup> *National Legal Aid Council Regulation on Paralegal Activity 2014*, *supra* Note 6, Article 23

<sup>23</sup> *Decision No. 17 of 15.07.2014*, National Legal Aid Council (2014),

[http://www.cnajgs.md/uploads/asset/file/ro/445/Hot\\_nr.\\_17\\_aprobare\\_standarde\\_calitate\\_paraj.pdf](http://www.cnajgs.md/uploads/asset/file/ro/445/Hot_nr._17_aprobare_standarde_calitate_paraj.pdf)

<sup>24</sup> *National Legal Aid Council Regulation on Paralegal Activity 2014*, *supra* Note 6, Annexe 6 (evaluation grid).

<sup>25</sup> *National Legal Aid Council Regulation on Paralegal Activity 2014*, *supra* Note 6, Article 9 – 21.

<sup>26</sup> Efrim et. al., *supra* Note 3, at P. 19.



Under the law, paralegals undergo an initial training session and then another session once every two to three months. Such sessions count towards the forty-hour per year continuous training requirement. In practice, such trainings are not conducted regularly. NLAC Decision No. 11 created a curriculum for the initial classes, which was subsequently approved in NLAC Decision No. 12 on June 20<sup>th</sup>, 2014<sup>27</sup>. Continuous trainings are usually organized by NGOs such as Soros Foundation-Moldova and Institute for Penal Reforms.

## Public Financing

### Does any public revenue fund community paralegals?

The remuneration for services delivered by paralegals is provided from the state budget as well as from other sources not prohibited by law as stated in the Law on State Guaranteed Legal Aid.<sup>28</sup> Article 43 of the NLAC Regulation on Paralegal Activity affirms that paralegals are to be compensated with funds set aside by the Moldovan government.<sup>29</sup> A scheme for the payment of paralegals was established through a decision of the NLAC (Decision 4 of 2013).<sup>30</sup> The NLAC is currently paying for the fee or honoraria payable to paralegals and the equipment used by them. While paralegals are not supposed to charge for their services, paralegals are allowed to carry out other paid activities other than a position at a local public office, civil servant, or public office positions or disreputable positions with the consent of the NLAC.

## Practitioner Perspectives on Community Paralegals

### General observations about the law in practice

The push to develop a cadre of paralegals in Moldova has taken place against a backdrop of the reform of the wider justice system in the nation. In Moldova's Justice Sector Reform Strategy 2011-2016, "improve[ing] the institutional framework and processes to ensure effective access to justice: efficient legal aid...[and] upgrading the status of some legal professionals related [to] the justice system" is listed as an express strategy goal.<sup>31</sup> Prior to the enactment of this national strategy, the Moldovan government doubled the budget for the national legal aid system between 2008 – 2011.<sup>32</sup> However, the authors of a report conducted with the support of the Soros Foundation-Moldova cited a "[lack] of financial, human and infrastructure capacity of NLAC to organize and conduct the initial and continuous training" as one of the legal aid system's deficiencies in a 2014 report evaluating the paralegal pilot program.<sup>33</sup> While the Moldovan government had made legal aid a priority in the

<sup>27</sup> See *Decision No. 11 of 2014*, NATIONAL LEGAL AID COUNCIL,

[http://www.cnajgs.md/uploads/asset/file/ro/379/Hotarirea\\_nr\\_11\\_din\\_20.06.14\\_aprobarea\\_curriculumului\\_de\\_instruire\\_initia\\_a\\_PJ\\_anexa.pdf](http://www.cnajgs.md/uploads/asset/file/ro/379/Hotarirea_nr_11_din_20.06.14_aprobarea_curriculumului_de_instruire_initia_a_PJ_anexa.pdf)

*Decision 12 of 2014*, NATIONAL LEGAL AID COUNCIL,

[http://www.cnajgs.md/uploads/asset/file/ro/378/Hotarirea\\_nr\\_12\\_din\\_20.06.14\\_aprobarea\\_curriculumului\\_de\\_instruire\\_continua\\_a\\_PJ\\_anexa.pdf](http://www.cnajgs.md/uploads/asset/file/ro/378/Hotarirea_nr_12_din_20.06.14_aprobarea_curriculumului_de_instruire_continua_a_PJ_anexa.pdf)

<sup>28</sup> *Law on State Guaranteed Legal Aid*, *supra* Note 1, at Article 16 (4).

<sup>29</sup> *National Legal Aid Council Regulation on Paralegal Activity 2014*, *supra* Note 6, Article 43.

<sup>30</sup> See *Decision No. 4 of 2013*, NATIONAL LEGAL AID COUNCIL, [http://www.cnajgs.md/uploads/asset/file/ro/148/Hotararea\\_nr.4\\_din\\_15.02.2013.pdf](http://www.cnajgs.md/uploads/asset/file/ro/148/Hotararea_nr.4_din_15.02.2013.pdf)

<sup>31</sup> *Moldova Justice Sector Reform Strategy 2011-2016*, GOVERNMENT OF MOLDOVA, 1, (2010).

<sup>32</sup> Martin Gramatikov and Nadejda Hriptievschi, *Impact Assessment of the Moldovan Law on State Guaranteed Legal Aid*, SOROS FOUNDATION-MOLDOVA, P. 3, (February 2012).

<sup>33</sup> Efrim, et. al., *supra* Note 3, at P. 20.

face of its own financial constraints, additional human and financial resources should be funneled towards improving the existing paralegal program infrastructure.

The legal aid system is growing quickly, from 23,007 beneficiaries of qualified legal aid in 2010 to 65,322 in 2017.<sup>34</sup> Additionally in 2017, 10,849 Moldovan citizens benefited from primary legal aid, 69% of which was provided by licensed paralegals.<sup>35</sup> The number of paralegals remain small – as of July 2018, there were 52 paralegals providing primary legal aid in 40 rural and urban localities.<sup>36</sup>

The law allowed the initiative to gradually become independent from the Soros Foundation-Moldova by specifying that the NLAC is the institutional body which has assumed the responsibilities of financing and regulation. However, the foundation continues to provide support on other fronts - for example, with the new association of paralegals. Further, the foundation has in 2018 piloted a paralegal program for especially vulnerable groups (for drug users, sex workers, and people living with HIV). The project is implemented by the Union for HIV Prevention and Harm Reduction, NLAC, and National Association of Paralegals from Moldova. The objective of this initiative is to scale-up legal empowerment to vulnerable/marginalized groups.

Many people in Moldova are not aware that their problems have a legal nature. Community paralegals can play an important role in remedying this issue. The program has increased citizens' knowledge of their rights and rural residents' confidence in the legal system and decreased complaints resulting from a misunderstanding of the law. The program has also allowed the government, NGOs, and paralegals to learn by doing or through experience. Future amendments will be based on that experience, such as revisions to the training curricula and a referral mechanism. More recently, some paralegals have created a paralegal association to act as umbrella organizations for the profession. The Moldovan Ministry of Justice has created an Inter-Institutional Working Group in August 2017<sup>37</sup> to improve the regulatory framework governing primary legal aid and legal empowerment policies – the group has succeeded in getting official recognition of the paralegal occupation.<sup>38</sup> The NLAC improved and digitized the case management, reporting, and monitoring and evaluation system for paralegals with the financial support of the Soros Foundation-Moldova.

<sup>34</sup> *Raport de Activitate In Sistemul De Acordare A Asistentei Juridice Garantate De Stat* (2010), NATIONAL LEGAL AID COUNCIL, P.7, <http://www.cnajgs.md/ro/rapoarte-de-activitate>; *Raport de Activitate In Sistemul De Acordare A Asistentei Juridice Garantate De Stat* (2017), NATIONAL LEGAL AID COUNCIL, P.4 [http://www.cnajgs.md/uploads/asset/file/ro/1266/Raportul\\_de\\_activitatea\\_al\\_CNAJGS\\_2017\\_1\\_.pdf](http://www.cnajgs.md/uploads/asset/file/ro/1266/Raportul_de_activitatea_al_CNAJGS_2017_1_.pdf)

<sup>35</sup> *Raport de Activitate In Sistemul De Acordare A Asistentei Juridice Garantate De Stat* (2017), NATIONAL LEGAL AID COUNCIL, P.5, [http://www.cnajgs.md/uploads/asset/file/ro/1266/Raportul\\_de\\_activitatea\\_al\\_CNAJGS\\_2017\\_1\\_.pdf](http://www.cnajgs.md/uploads/asset/file/ro/1266/Raportul_de_activitatea_al_CNAJGS_2017_1_.pdf)

<sup>36</sup> <http://www.parajurist.md/about-us> Actually on the web site is mentioned 42 paralegals in 40 localities

<sup>37</sup> Activity Report, SOROS MOLDOVA FOUNDATION (2017) [http://soros.md/files/Activity\\_report\\_Soros-Moldova\\_2017.pdf](http://soros.md/files/Activity_report_Soros-Moldova_2017.pdf)

<sup>38</sup> Order on Classifier of Occupation, *Supra*, Note 2.

## ANNEX: The Law (Excerpts)

### Law on the State Guaranteed Legal Aid, 2007\*

\* Please note that the following text of the law in English has been obtained from an unofficial translation from the Joint Programme between the Council of Europe and the European Commission. This does not reflect subsequent amendments to the law and is not an official version. For an official version, please see <http://lex.justice.md/>.

#### Article 2. Main Definitions

*primary legal aid* – provision of information regarding the legal system of the Republic of Moldova, the normative acts in force, the rights and the obligations of subjects of law, the method of enforcing and exercising the persons' rights both in the judicial and extrajudicial proceedings; delivering counseling on legal issues; delivering assistance in drafting juridical acts; delivering other forms of legal aid that do not constitute qualified legal aid;

*qualified legal aid* – delivery of legal services of counseling, representation and/or defense before the criminal investigation bodies, courts of law in criminal cases, administrative offences cases, civil cases or cases of administrative jurisdiction, as well as representation before the public administration authorities;

*paralegal* – a person that enjoys high respect from the local community, who has incomplete legal education or complete higher legal education that does not practice law and is specially trained and qualified to deliver primary legal aid to members of the community from the financial means intended for the delivery of state guaranteed legal aid in accordance with the Rules on the status and qualification of the paralegals.

#### Article 8. Authorities administrating the system of delivering of state guaranteed legal aid

The administration of the system of delivering of state guaranteed legal aid shall be carried out by the:

a) Ministry of Justice; b) The Bar Association; c) The National Council for State Guaranteed Legal Aid and its territorial offices.

#### Article 11. The National Council for State Guaranteed Legal Aid

(1) The National Council for State Guaranteed Legal Aid (hereinafter referred to as the National Council) is a collegial body with the status of a legal person of public law, formed of 7 members and established with the purpose of administrating the process of delivering of state guaranteed legal aid.

(2) The composition of the Council includes: 2 representatives delegated by the Ministry of Justice, 2 representatives delegated by the Bar Association, one representative delegated by the Ministry of Finances, one representative delegated by the Superior Council of Magistracy and one representative of the non-governmental organizations or of the academic field.

#### Article 15. Primary legal aid

(2) Primary legal aid can be granted, under the present law, by paralegals and non-governmental organizations specialized in the legal aid delivery.

## Article 16. Paralegals

- (1) Paralegals work in conditions of the Regulation approved by the National Council.
- (2) Paralegals may associate in consulting agencies.
- (3) The training of paralegals is carried out by the National Council from the budgetary funds as well as from other means provided by sources not prohibited by law, allocated for this purpose.
- (4) The remuneration for services delivered by paralegals is provided from the state budget as well as from other sources not prohibited by law, on the basis of the cooperation agreement concluded with the territorial office which delivers these services within its scope of activity.
- (5) The local public administration authorities can provide paralegals with necessary premises and material and technical supplies.

## The National Legal Aid Council Regulation on Paralegal Activity (2014)

### CONSILIUL NAȚIONAL PENTRU ASISTENȚĂ JURIDICĂ GARANTATĂ DE STAT

3. Asistență juridică primară reprezintă furnizare de informații privind sistemul de drept al Republicii Moldova, privind actele normative în vigoare, drepturile și obligațiile subiecților de drept, privind modalitatea de realizare și de valorificare a drepturilor pe cale judiciară și extrajudiciară; acordare de consultanță în probleme juridice; acordare de asistență în vederea întocmirii actelor juridice; acordare a altor forme de asistență, care nu intră în categoria de asistență juridică calificată.

5. În procesul de acordare a asistenței juridice primare garantate de stat, parajuriștii sînt independenți de oricare influență din partea autorităților publice. Orice imixtiune neprevăzută de Lege în activitatea profesională a parajuristului este interzisă.

9. Selectarea parajuriștilor pentru acordarea asistenței juridice primare se efectuează în bază de concurs, organizat de Comisia de concurs (în continuare – Comisia) în modul stabilit de prezentul Regulament.

10. Comisia de concurs este compusă din coordonator și un reprezentant al oficiului teritorial al Consiliului Național și un reprezentant al administrației publice locale. Componenta nominală a Comisiei se aprobă de către Consiliul Național.

11. Comisia are următoarele atribuții:

- 1) desfășurarea concursului și întocmirea documentelor necesare după concurs;
- 2) întocmirea listei finale a parajuriștilor selectați;
- 3) alte atribuții necesare pentru procesul de selectare prin concurs a parajuriștilor.

12. Concursul se anunță de către Oficiile teritoriale ale Consiliului Național, conform razei de activitate a acestora. Informația despre organizarea și desfășurarea concursului, cerințele față de candidați, actele necesare pentru anunțarea și desfășurarea concursului, precum și data desfășurării concursului se elaborează și se plasează pe pagina web a Consiliului Național cu cel puțin 15 zile înainte de data desfășurării concursului.

13. Procedura de organizare și desfășurare a concursului se bazează pe următoarele principii:

- 1) competiția deschisă, prin asigurarea accesului liber de participare la concurs a oricărei persoane care îndeplinește condițiile cerute de lege;
- 2) alegere după merit, prin selectarea, în baza rezultatelor obținute, a celor mai competente persoane;
- 3) asigurarea transparenței, prin punerea la dispoziție tuturor celor interesați a informațiilor referitoare la modul de desfășurare a concursului;
- 4) tratamentul egal, prin aplicarea în mod nediscriminatoriu a unor criterii de selectare obiective și clar definite, astfel încât orice candidat să aibă șanse egale.

14. Cererile pentru participare la concurs se depun de către candidați la sediul oficiului teritorial al Consiliului Național în raza de activitate a căruia este anunțat concursul. Dosarul de participare la concurs trebuie să includă următoarele acte:

- 1) cerere pentru participare la concurs cu indicarea localității solicitate;
- 2) copia buletinului de identitate;
- 3) diploma de studii juridice incomplete sau, după caz, diploma de studii superioare complete;
- 4) scrisoare de motivație;
- 5) declarația solicitantului că nu se află în niciunul dintre cazurile de incompatibilitate prevăzute la punctul 42 din prezentul Regulament;
- 6) declarație cu privire la conflictul de interese în cazul existenței acestuia;
- 7) ancheta completată de primarul localității (conform anexei nr. 1 la prezentul Regulament);
- 8) alte acte pe care candidatul le consideră necesare pentru a demonstra calificarea sa.

15. În cazul în care nu a fost depus niciun dosar pentru participare la concurs, sau, ca rezultat al concursului, nu au fost suplinite toate unitățile vacante de parajurist, se anunță concurs repetat pentru unitățile nesuplinite. Anunțul cu privire la organizarea concursului repetat se plasează pe pagina web a Consiliului Național cu cel puțin 7 zile înainte de desfășurarea acestuia.

16. Comisia examinează dosarele prezentate de solicitanți conform criteriilor de selectare și invită candidații care au depus dosarele complete la interviu. Comisia stabilește data, locul și ora desfășurării interviului și anunță candidații preselecți despre aceasta.

17. În cadrul interviului, fiecare membru al Comisiei completează câte un act de evaluare a candidatului (conform anexei nr. 2 la prezentul Regulament), pentru fiecare candidat în parte, cu indicarea punctajului pentru fiecare criteriu de selectare și a punctajului total acumulat. Se consideră selecți pentru a acorda asistență juridică primară candidații care au acumulat cel mai mare număr de puncte.

18. Constituie un avantaj la evaluarea candidatului disponibilitatea acestuia de a acorda asistență juridică primară și în localitățile învecinate, precum și disponibilitatea de a acorda asistență juridică primară mai mult decît 15 ore pe săptămână.

19. Lucrările ședinței Comisiei se consemnează într-un proces-verbal, care include: prezența membrilor Comisiei, conținutul dezbaterilor și decizia adoptată, problemele puse la vot și rezultatele votării. Procesul-verbal se întocmește în decursul a 3 zile după ședință, se semnează de membrii Comisiei și se păstrează în arhiva oficiului teritorial al Consiliului Național.

20. Decizia Comisiei privind rezultatele concursului se întocmește în scris și include componența Comisiei, data și locul adoptării, ordinea de zi. Decizia se adoptă și se semnează de membrii Comisiei. Decizia Comisiei se aduce la cunoștință candidaților în scris, în termen de 5 zile de la adoptarea acesteia.
21. Oficiul teritorial al Consiliului Național încheie cu persoanele care au fost selectate în calitate de parajuriști contracte prevăzute la pct. 44 din prezentul Regulament.
35. Parajuristul refuză preluarea unui caz și acordarea corespunzător de asistență juridică primară în cazul în care calificarea sa profesională nu permite a îndeplini corespunzător atribuțiile care îi revin.
36. Parajuristului i se interzice a acorda servicii, care conform legii țin de competența exclusivă a avocaților, notarilor, executorilor judecătorești și altor categorii de profesii și servicii juridice care nu sînt atribuite prin lege parajuriștilor.
48. Coordonarea procesului de acordare a asistenței juridice primare, ținerea registrului persoanelor autorizate să acorde asistență juridică primară și organizarea controlului asupra calității serviciilor acordate se efectuează de Consiliul Național prin intermediul Aparatului administrativ și Oficiilor sale teritoriale.
53. Oficiul teritorial examinează raportul trimestrial de activitate al parajuristului în termen de 15 zile de la data prezentării. Raportul se examinează de către consultantul desemnat de coordonatorul oficiului teritorial.
54. Datele prezentate în raportul de activitate sînt confruntate cu datele înscrise în registrul asistenței juridice primare, prezentat în copie de către parajurist, de asemenea, se verifică corespunderea înscririlor la rubrica ore de instruire continuă cu planul de autoinstruire și instruire continuă din raportul prezentat pentru perioada precedentă de raportare. Datele ce se conțin în raportul de activitate privind volumul asistenței juridice acordate și categoriile de beneficiari se introduc în raportul consolidat privind acordarea asistenței juridice primare în perioada de referință. În caz de necesitate, pot fi solicitate date suplimentare în scris, telefonic sau, după caz, explicații verbale.
55. Concluziile evaluării raportului trimestrial de activitate al parajuristului se aduc la cunoștința acestuia și pot servi drept temei pentru declanșarea procesului de monitorizare și evaluare neplanificată a activității parajuristului.
56. Periodic, dar nu mai rar de o dată în șase luni, activitatea parajuristului este supusă monitorizării și evaluării complexe, în baza unor criterii obiective. Scopul monitorizării și evaluării este identificarea punctelor forte, vulnerabile, riscurilor și oportunităților în activitatea parajuristului și adaptarea activității acestuia la necesitățile beneficiarilor, conform obiectivelor Legii cu privire la asistența juridică garantată de stat.
57. Concluziile formulate în procesul de monitorizare și evaluare au, de regulă, un caracter proactiv, deduse în mod participativ cu implicarea parajuristului, astfel încît parajuristul monitorizat și evaluat să poate beneficia efectiv de rezultatele procesului de monitorizare și evaluare.
58. Criteriile de monitorizare și evaluare a activității parajuristului sînt:
- 1) acordarea asistenței juridice primare de către parajurist;
  - 2) negocierea și medierea cauzelor;
  - 3) desfășurarea lecțiilor publice;

- 4) interacțiunea cu oficiul teritorial al Consiliului Național și avocații;
- 5) interacționarea cu alte autorități publice;
- 6) acțiuni de promovare a intereselor comunității;
- 7) instruirea inițială, continuă și autoinstruirea;
- 8) activități de bună funcționare a oficiului.

59. Rapoartele trimestriale de activitate a parajuristului și registrul asistenței juridice primare acordate constituie surse de verificare a informației în procesul de monitorizare și evaluare. De asemenea, sursă de verificare reprezintă opinia parajuristului, după caz, a reprezentanților administrației publice locale și a membrilor comunității.

60. În cadrul procesului de monitorizare, consultantul oficiului teritorial întocmește un act de monitorizare, conform anexei nr. 5 la prezentul Regulament. Actul de monitorizare, semnat de responsabilul de monitorizare și de către parajurist, se transmite Coordonatorului oficiului teritorial.

61. În baza actului de monitorizare și a documentelor anexate la acesta, consultantul oficiului teritorial evaluează activitatea parajuristului. Fiecare compartiment este evaluat cu un calificativ de la 1 la 10, în baza grilei de evaluare, conform anexei nr. 6 la prezentul Regulament. Calificativul obținut se înmulțește cu coeficientul stabilit la rubrica corespunzătoare, punctajul rezultat fiind inclus în tabel. La final, punctele acumulate se sumează.

62. La finalizarea procesului de evaluare, consultantul oficiului teritorial întocmește actul de evaluare, conform anexei nr. 7 la prezentul Regulament. Dacă în urma evaluării a acumulat 90-100 puncte, parajuristul urmează a continua activitatea, fără modificări esențiale. În cazul în care în urma evaluării a acumulat 75-89 puncte, parajuristul urmează a continua activitatea, cu îndeplinirea angajamentelor specificate la pct. IX din actul de monitorizare. În cazul în care în urma evaluării a acumulat 50-74 puncte, parajuristul urmează a continua activitatea îndeplinind angajamentele specificate la pct. IX din actul de monitorizare, cu efectuarea unei monitorizări și evaluări repetate în termen util care ar permite remediarea deficiențelor. În cazul în care în urma evaluării a acumulat până la 50 puncte, oficiul teritorial reziliază contractul de acordare a asistenței juridice primare cu parajuristul respectiv.