

2013

Annual report, NORLAM



The Norwegian Mission of Rule of Law
Advisers to Moldova
www.norlam.md

Table of Contents

Introduction.....	2
Moldova.....	3
NORLAM	4
Projects.....	5
Pilot Project: «Creating a Model Prison for Juveniles According to European Standards» in Goian Prison no. 10	5
Children’s Center – Judge Hearings.....	8
Community sentence program.....	10
Resource group – Human rights.....	10
Transfer of knowledge.....	12
Policy advice, inputs to legislation, various events.....	16
Official visits	20
Media.....	21
www.norlam.md	23

Introduction

2013 has been an eventful year for Moldova as well as for NORLAM. Development and change are key words. Our efforts to promote good governance and rule of law in compliance with Human Rights Commitments are steadily progressing. All activities; whether they are projects, transfer of knowledge, policy advice or input to legislation, are direct contributions to Moldova's ongoing Justice Reform and the EU initiated Justice Reform Strategy plan for 2011- 2016. Over the last year we have seen the prison for juveniles in Goian open and substantial progress has been made on the way to creating a Children's Centre for Judge's hearings of minors in Chisinau. Within probation a new post as Release-coordinator has been established based on the Norwegian Correctional Services model, and our Resource Group project aimed at improving Moldova's track record with regards to judgments in the European Court of Human Rights has been launched - involving some of the most highly skilled judges, prosecutors and lawyers in Moldova. NORLAM remains an important provider of advice in the process of drafting and amending of laws - in 2013 the main focus was on amendments to the Criminal Procedure Code. In close cooperation with implementing partners we have been able to organize several meetings between Transnistria- and Chisinau based lawyers on both sides of the Nistru river.

2013 started with a visit to the Republic of Moldova by then Norwegian Minister of Foreign Affairs, Espen Barth-Eide, in January. NORLAM had the pleasure of hosting a meeting with the Minister and his delegation that turned out to be very interesting as well as inspiring for all of us. In May, Mr. Iurie Leanca was appointed Prime Minister and a new government was formed. These events marked the end of a period of political turmoil in Moldova, hopefully stabilizing the political situation and contributing to the further development of the Moldovan society.

At the Eastern Partnership summit in Vilnius in November, Moldova received positive attention as it was acknowledged that the country had made significant progress in the areas of freedom, security and justice. The Partners signed an agreement, and it was expressed that the large cooperation programs that have been launched and implemented in Moldova over the last few years have contributed to the improvement of democratic governance and rule of law. The efforts made by NORLAM and other international donors – among them, have clearly had an influence in this area.

In December, Norway's Minister of Foreign Affairs, Mr. Børge Brende met with his Moldovan counterpart, Mrs. Natalia Gherman during the OSCE summit in Kiev. We are pleased to note that Mrs. Gherman underlined the important role NORLAM plays in the development of Human Rights and the Rule of Law in Moldova, and that she explicitly asked for NORLAM's continued presence in the country.

Chisinau, 25 March 2014

Mr. Harald B. Ciarlo,
Head of Mission

Moldova

Inhabitants	3,56 mill. including approximately 580 000 living in Transnistria.
Area	33,851 km ² (equals to the Norwegian counties Sogn og Fjordane and Hordaland)
Capital	Chisinau city – 671,111 inhabitants
Government	Republic established on Aug. 27 th 1991
Religion	More than 90 % of the population is Christian Orthodox
President	Nicolae Timofti
Prime minister	Iurie Leanca
Minister of Justice	Oleg Efrim
Official language	Romanian (in December 2013 the Constitutional Court of Moldova ruled that the Declaration of Independence from 1991, naming the official language Romanian, takes precedence over the Constitution's referral to the Moldovan language)
Currency	Moldovan leu

Useful links: www.norlam.md
www.moldova.md
www.statistica.md

The Republic of Moldova was established in 1991, after having been a part of the former USSR since 1944. The Republic of Moldova is still influenced by the previous Russian dominance.

The current Republic of Moldova holds most of the historical region Bessarabia, and has a complex and interesting history. The country has over the centuries been a meeting-point for a variety of cultures, and the scene of conflicts between Latin, Slavic and Turkish populations. Today, the Autonomous Territorial Unit of Gagauzia and the self-declared independent breakaway-state Transnistria (not recognized by any other country) are the only areas of occasional political disputes.

Ethnic Romanians constitute a majority (75,8 %) of the Moldovan population (ex. Transnistria). Minorities are ethnic Russians (5,9%), Ukrainians (8,4%) and a small Gagauzian (Turkish) minority of 4,4 % established in the south.

Currently, 40% of the working age population works abroad and remittances account for 30% of GDP (World Bank, 2011). An estimated number of 150 000 children are separated from their parents who have taken work abroad (Inst. for Development and Social Initiatives, 2014).

NORLAM

NORLAM is a sector program under the Norwegian Ministry of Justice and Public Security, Section for European and International Affairs, and financed by the Norwegian Ministry of Foreign Affairs.

The composition of the NORLAM-team has been more or less consistent since the launch in 2007. The current team holds a Defense attorney, Senior prosecutor, Police prosecutor, Prison governor, Head of probation office and a Judge, in addition to four Moldovan employees.

NORLAM's mandate, established in a

Memorandum of Understanding (MoU) signed between the Government of the Republic of Moldova and the Government of the Kingdom of Norway is stated as follows:

Competence building within the Ministry of Justice, the Ministry of Internal Affairs, the judicial system, the General Prosecutor's office and the legal profession, with the aim of increasing the efficiency of the institutions guaranteeing human rights and the rule of law in the Republic of Moldova in line with Moldova's European objectives and commitments.



From left: National Consultant Nadia Burciu, National Legal Consultant Denis Arcusa, Office Manager Inga Burencova, Lawyer and Head of Mission Harald B. Ciarlo, Police Prosecutor Bjørn Larsen, Head of Probation Office Ann Yvonne Høven, Judge Torolv Groseth, Prison Governor Hans Inge Jørstad, Senior Public Prosecutor Marit H. Evjemo, National Legal Consultant Dumitrita Bologan. Prison Governor and Head of Mission Mr. Kim Ekhaugen ended his term in NORLAM in June 2013.

Projects

Pilot Project: «Creating a Model Prison for Juveniles According to European Standards» in Goian Prison no. 10

The project contributes to the full or partial accomplishment of the following actions from the Strategy for Justice Sector Reform:

Action 6.3.4 Ensure respect for the rights of children in detention

6.3.4. (3) Develop methodology for individual planning of the execution of the sentence by children in detention

6.3.4. (4) Optimizing the educational staff, including the psychologists one, in the penitentiary institutions having children in custody

6.3.4. (5) Develop programs to prepare children for release from detention

6.3.4. (6) Development and implementation of general education and vocational programs for children in detention.

As of 31 December 2013 Goian had 27 inmates, whilst 6 inmates have been released in 2013.



The former Head of Mission Kim Ekhaugen holding speech during the Inauguration Ceremony in Goian

Goian prison for male juveniles was officially opened on 7 May, with the participation of the Parliamentary Vice President, Moldova's Minister of Justice, the deputy General Prosecutor, Romania's Ambassador to Moldova, as well as NORLAM's Head of Mission and staff. The opening was covered by several media companies with inmate and staff interviews being shown on several TV channels. NORLAM has registered that the opening was met with mixed reactions on a national level - some feel that the inmates are treated too well, whilst others expressed their support for the way the institution handles the challenges young offenders present.

Even though NORLAM and DIP (Department of Penitentiary Institutions) organized dozens of meetings and sent letters to various potential donors during 2012, the available funds for the renovation of the prison remained limited. Therefore, the original plan aiming at renovating three blocks and transferring all detained juveniles (sentenced and remand) to Goian, was adjusted. Given the extensive dedication of the prison staff and active engagement of the Director General in this project DIP managed to renovate one block using its own resources supplemented by donations from the prison and probation staff.

In 2012, DIP applied to the Embassy of Romania for financial support to Goian prison. The original application was accepted in spring 2013, and NORLAM supported DIP in writing the detailed project-document. DIP received a €90,000 support, and on 6 December 2013 UNDP and the Embassy of Romania signed the financing agreement on the management and

reporting of the Romanian contribution to Goian.

The funds will be used in 2014 to renovate and equip four workshops with necessary tools and equipment, training employees in Motivational Interviewing and violence reduction programs, as well as developing an adequate agenda for the juveniles while serving their sentence. The extra funding thus constitutes an essential enhancement in the efforts to secure a meaningful and constructive environment for the inmates. NORLAM is part of the project board, which approves the reports and monitors the implementation of the project.

In July 2013 NORLAM received extended project financing from the Norwegian Ministry of Foreign Affairs (NMFA) to the amount of €50,000. These funds will be used for the training of staff and co-financing of a the ceramic workshop. The objective is to engage the prisoners in meaningful activities and to develop their skills. Goian prison has received a ceramic stove from the Norwegian humanitarian organization "Help Moldova".

By organizing the trainings for staff in three modules, conducted over a three-year period before and after the opening of the prison, NORLAM facilitates the professional and personal development of the Goian prison staff. Furthermore, the time-span grants a gradually increased competence funded in ongoing work-experience.

The second part of module II was completed in March with the assistance of two senior officers from Oslo Prison. In accordance with the study plan developed by The Correctional Service of Norway Staff Academy (*Kriminalomsorgens Utdanningssenter, KRUS*), Moldovan Prison Training Centre and NORLAM, the training

focused on security, communication and management. The first part of Module III started in December 2013, also with the professional assistance from Oslo prison and with a particular focus on communication. The feedback from the participants has been unanimously positive.



Group work with Goian staff, seminar on individual week planning of the work with juveniles

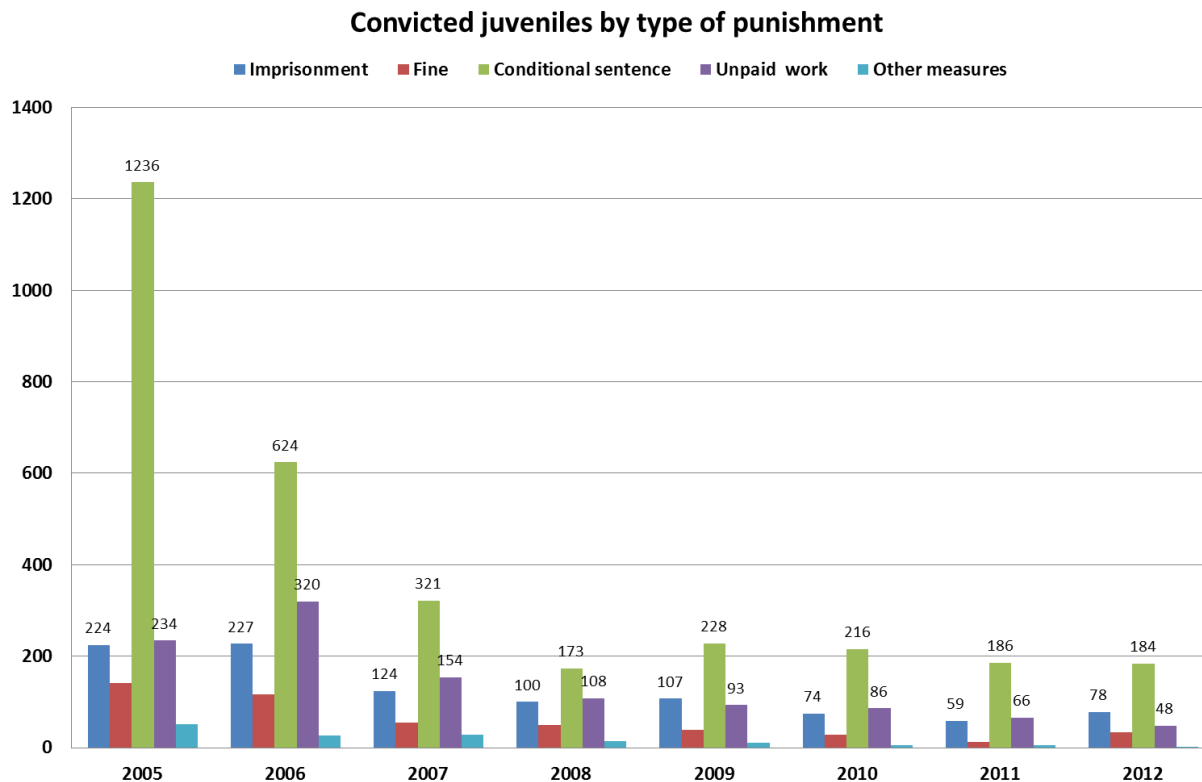
In January 2013, DIP developed a new methodology of working with juveniles to be piloted in Goian – *Case management*. When being consulted NORLAM agreed with the content of the methodology and offered to contribute to the training of staff on this topic. Three training days on *Case management, Risk assessment and Week planning* took place in February. During May-November 2013 the Case Management-approach was piloted and soon an evaluation report will be compiled by DIP.

The inmates in Goian follow a weekly schedule based on a model suggested by NORLAM. The schedule holds an individual plan for each juvenile, in addition to a general plan for the unit. During the summer months when the school is closed the juveniles are involved in sport activities, literacy lessons, language courses, and individual conversations with the staff. NORLAM has facilitated the contact between Goian and a Norwegian NGO whose

volunteers managed to activate all the juveniles for one full week. The teachers in Goian are employed by the local high school.

The project proposal states that the institution shall encourage family relationships and regularly invite family when the institution is

hosting events, thus maintaining the inmates' bonds to the world outside of prison. Since the opening, Goian has hosted several social activities for the inmates such as football matches against external teams, celebration of children's day, concerts and an open day for family and friends.



Source: National Bureau of Statistics, www.statistica.md

Release-coordinator in Goian Prison

A new post as release-coordinator was established in May 2013. The position is based on the Norwegian Correctional Services' *Tilbakeføringskoordinator* (Release coordinator), and is held by a long term-employee of the Moldovan probation service. The coordinator works part-time in Goian, and is financially supported and mentored by NORLAM.

Employed by probation, the coordinator uses his network and professional skills in preparing the juveniles for release. Through individual meetings with both inmates and their family-members, as well as meetings with official authorities and prison- and probation staff before and after the release, the coordinator aims at establishing a positive network for the inmate.

The coordinator participates in the Prison committee-meetings, addressing issues like

applying incentives and restrictions, transition from initial regime to common regime, examining various requests etc., thus bringing in the views of probation with a social-workers perspective.

Though contributing to juveniles' reintegration by establishing contact with family members and local probation offices prior to release, the work is demanding. Former prisoners are met with skepticism or even hostility, to a higher extent that we are familiar with in Norway. Out of the six juveniles released in 2013, five were received by their families. One of the juveniles was released on early terms, after having applied to court to have parts of his prison-sentence converted to unpaid work. The juvenile was previously strongly affected by the internal sub-culture amongst the inmates, and the transformation in attitude was only possible through persistent intervention and the active use of Motivational Interviewing (see pages 12 and 13) performed by the release-coordinator.

Children's Center – Judge Hearings

In 2012 the Parliament of the Republic of Moldova adopted a new article, Art. 110, 1 in the Criminal Procedure Code (CPC) regarding a special proceeding of judge hearings of children. However, the current text of the article does not fully ensure avoidance of re-victimization of children, because the child still has to appear in court and give evidence. Moreover, the defendant participates in the hearing procedure, although not having direct contact with the child. Another practice causing concern is the defendant's right to put questions directly to the offended party, even in cases where children appear in court as victims or witnesses. Therefore, NORLAM participated actively in the process of preparing the amendments to the said article. The amendments were aimed at

protecting children from re-victimization through repeatedly having to give statements in cases involving trafficking in children, domestic violence and/or sexual abuse.

In spring 2013 NORLAM conducted a number of meetings with representatives from the Government and national NGOs to submit proposals for further amendments to Art. 110, 1. Another proposal from NORLAM, with regards to the establishment of facilities for conducting judge hearings of children throughout the country, was to reduce the number of interviewing rooms from some fifty to less than ten. This was due to the fact that the planned model would maintain the main problem of several hearings of the child, i.e. a system where the child still would have to appear in court. Our proposal is based on experiences from Norway and the number of established Children's Centers (*Statens Barnehus*) in Norway. In accordance with our proposal, it has been decided to reduce numbers of interviewing rooms to seven throughout the country, and corresponding regulations reducing the number of interviews of the child to a minimum.

In March 2013 the Moldovan Ministry of Justice established an Inter-institutional working group for optimal implementation of item 6.3.2 p.2 of the Action Plan for Implementation of the Justice Sector Reform Strategy 2011-2016 - Preparation of rooms designed for providing assistance and for interviewing children within the premises of courts of law, prosecutor's offices and police commissariats. The group's assignment was among other tasks to decide upon the location of the seven interrogation rooms and to make necessary amendments to Art. 110, 1 and other relevant articles in the Criminal Procedure Code.



The Moldovan delegation visiting the Police Academy in Oslo.

In September the working group signed a resolution on amending Article 110,1 and the equipping of seven child hearing rooms based on NORLAM's proposals. The draft was sent to Parliament in December 2013.

In order to give the working group an understanding of how *Statens Barnehus* in Norway is organized and run, and to obtain knowledge about the specialization required to conduct judge hearings, NORLAM in August facilitated a study trip to Norway. The program included a visit to the Norwegian Police Academy, Oslo District court, Oslo Police District as well as a meeting with lawyer and former NORLAM-member Arne Gunnar Aas. The deputy Minister of Justice was one of the participants on the study-trip, and her participation has contributed to a better understanding of the project *Judge Hearing of Children- Children's Center* amongst other members of the Government. The trip was obviously an eye-opener to the participants, and resulted in a common objective from the group to establish a Children's Center in the Republic of Moldova.

NORLAM has in 2013 had a close cooperation with Ecaterina Berejan, Secretary of the National Committee for combating trafficking in human beings. During fall she was on a visit to Norway, and NORLAM facilitated a visit to *Statens Barnehus* in Bergen. During a meeting with Mrs. Liliana Palihovici, the vice-President of the Moldovan Parliament, NORLAM emphasized the importance of having Art. 110, 1 amended in accordance with the present proposal. In addition, she was given a short introduction to *Statens Barnehus* in Norway. The draft law, mentioned above, was later promoted in Parliament by vice-President Palihovici.

Upon application from NORLAM, the Norwegian Ministry of Foreign Affairs has granted a contribution for the purpose of establishing a Children's Center in Chisinau. During December 2013 several meetings were held with the Moldovan Deputy Prime Minister to negotiate a joint Memorandum of Understanding necessary to establish a Children's Center. NORLAM has the full support of the Moldovan Government in this project, and both parties are determined to

reach an agreement with regards to their respective obligations as soon as possible.



Meeting in Government chaired by Deputy Prime Minister Mrs. Tatiana Poting.

Community sentence program

The project contributes to the full or partial accomplishment of the following actions from the Strategy for Justice Sector Reform:

2.5.1. Liberalization of the penal policies by use of non-custodial sanctions and preventive measures for certain categories of persons and certain crimes

6.3.3. Consolidation of the juvenile probation system

6.5.1. Introduction of a modern probation concept that would contribute the security of the community through an effective rehabilitation of delinquents in the society.

By introducing the Community sentence program as an alternative sanction for young offenders, Moldovan probation will facilitate a justifiable, targeted and crime-preventive criminal punishment granting an individual approach for each convict. NORLAM's concept note, providing a reasoning for the new punishment as well as drawing a line between the Norwegian experience and a suggested amendment to the Moldovan Criminal Code,

was presented to the vice-Minister of Justice in December. The vice-Minister's acceptance and advice on how to proceed is taken into account in the future development of the project.

The Community sentence program, which will initially be implemented in selected court-districts and corresponding prosecution authorities and probation offices, requires a thorough and continuous training of the involved professionals. Awareness of probation as a facilitator for a crime-preventive, individualized criminal sanction has been raised through inputs at seminars for probation, prosecution and judges as well as in seminars specifically aimed at probation in 2013. The concept has also been presented to a selected group of high-ranking officials in probation, courts, prosecution, the MoJ's legislation department, the Institute for Penal Reform (Moldovan NGO) etc.

Furthermore, NORLAM has given an in-depth reply to the Central Probation Office's *Concept of developing the institution of Probation*. Thus, the foundation for implementing the Community sentence program in the Criminal Code has been laid. In 2014, the efforts will be aimed at having the law passed in Parliament, in parallel to identifying the project districts and initiating necessary trainings.

Resource group – Human rights

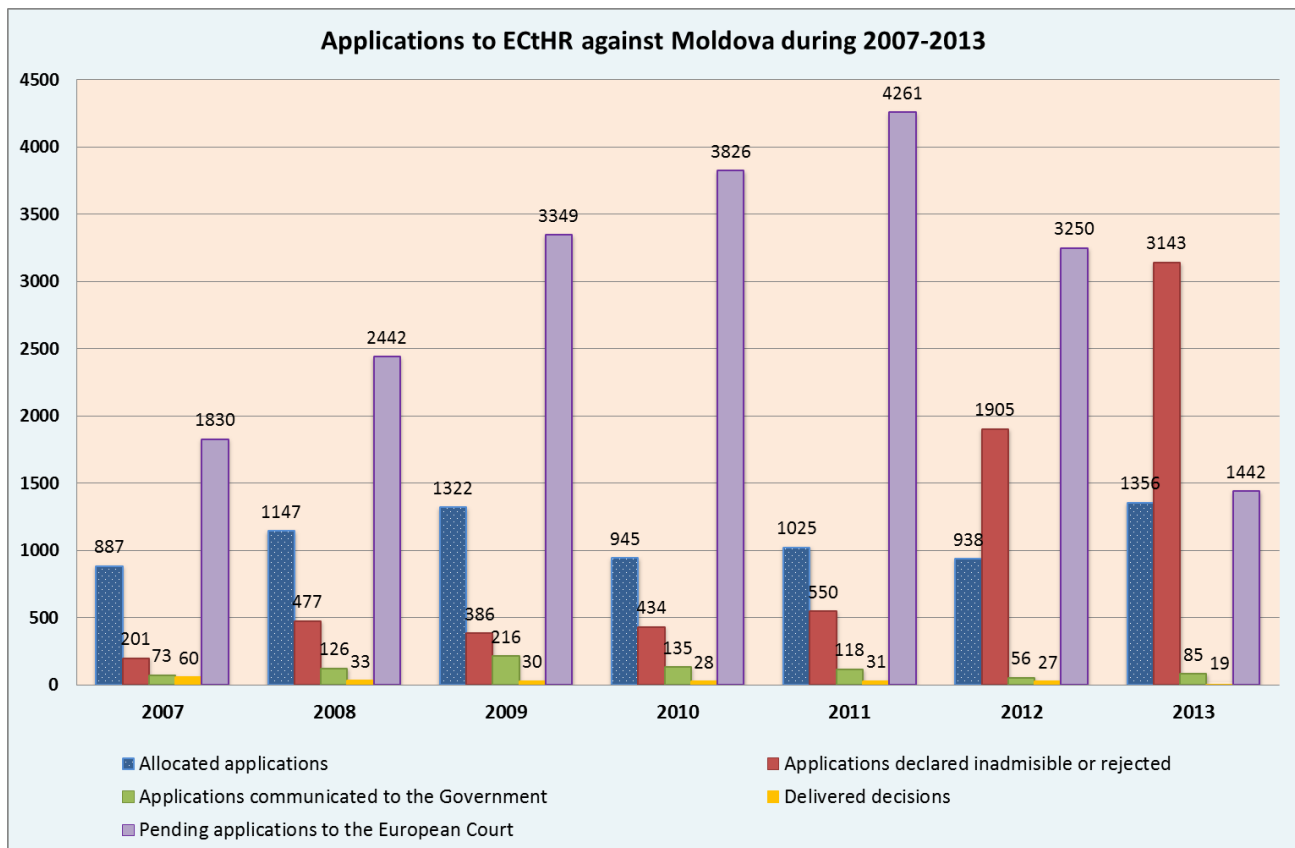
A resource group within the field of human rights has been established in order to reduce the relatively large number of judgments against Moldova in the European Court of Human Rights (ECtHR). The main goal for the Resource Group is to increase awareness and knowledge of Human Rights among judges, prosecutors and

lawyers. In time, this will reduce the number of judgments against Moldova in the ECtHR.

A further purpose of this group is to be an aid to colleagues, and a consultative resource for the Government and Parliament in questions related to Human Rights. In addition, the participants will be engaged in the training of judges, prosecutors and lawyers at the National Institute of Justice (NIJ). The resource group springs from a cooperation between NORLAM

and ABA ROLI Moldova (American Bar Association Rule of Law Initiative).

The initial plan was to point out the five most skilled judges, prosecutors and lawyers in Moldova, a total of 15 people. Due to unexpected interest from the three professions the group now holds 23 members. The initial meeting was held in June 2013, followed by two seminars in the second half of the year.



Source: Legal Resource Centre From Moldova, ECtHR statistics

For assessment of the chart, see the LRCM home-page www.crjm.org/news/view/262

During the seminars, identification of problematic aspects and corresponding solutions have been discussed. Inter alia, the Moldovan Supreme Court plenum decision of April 2013 on interpreting conditions for pre-trial detention in the Criminal Procedure Code (CPC) has been debated. During discussions in the seminar flaws in the plenum decision were identified and brought to the Supreme Court's attention.



Resource Group seminar

Preliminary efforts have been made to linking the Resource Group and a CoE project on adapting Moldovan legislation and judicial practice to the European Convention of Human Rights (ECHR) and the jurisprudence of the ECtHR. Thus, it has been proposed to involve the participants of the Resource Group as trainers in the CoE project.

Transfer of knowledge

Cooperation between probation, prosecution and courts

The seminars are anchored in the Strategy for Justice Sector Reform: Action plan pt. 6.5.3. (6).

NORLAM has, in cooperation with the NIJ and the Central Probation Office (CPO), the General Prosecutor's Office and the Superior Council of Magistracy arranged three joint seminars focusing on current and future cooperation between probation, prosecution and courts. Emphasis was

laid on the Norwegian practice, in addition to promoting best-practice experiences by participants and local speakers. The trainings were launched with an initial roundtable for 25 leading officials in the respective fields. By feedback received from some of the approx. 65 participants, we are confident that the trainings held in Chisinau, Balti and Cahul, respectively, will result in a better understanding and in the long term a closer cooperation between the three parties. Furthermore, the NIJ has requested that NORLAM conducts identical trainings in 2014, to reach a larger group of professionals.

Probation seminars

As a continuation of the previous trainings for counsellors specialized in working with minors; NORLAM has held two seminars aimed at increasing the knowledge of practical probation work. The seminars held in Chisinau and Balti, respectively, were attended by 38 participants and provided general information and practical examples on how to conduct a pre-sentence report. NORLAM's experts in probation and prosecution were speakers. As routines and the practice on keeping journals are scarce, the seminar also aimed at increasing knowledge and performance of such. In addition, an introduction to the importance and the reasoning for respecting the professional confidentiality was provided.

The seminars have increased probation officers' ability to act and interact in accordance with Western-European standards for probation.

Motivational Interviewing (MI) for Probation

MI is a client-centered and goal-oriented counselling technique, aimed at eliciting and strengthening motivation for change. By arranging a five-day introduction course in MI, NORLAM has

contributed to the improvement of the professional skills of selected probation counsellors.



MI training with probation counsellors

The training included 14 counsellors specialized in working with minors, and was conducted at the NORLAM premises by professionals from Romanian probation. Moldovan Probation has previously organized three trainings with Romanian and Latvian instructors, respectively, reaching approx. 40 probation counsellors. With NORLAM's contribution, continuing in 2014, the staff members have developed their skills in interacting with the clients, providing both support and structure. This significantly enhances the quality of the work performed in probation.

Seminars for judges

The seminars for judges are aimed at raising awareness of the importance of case law and the supremacy of the European Convention on Human Rights. In addition, we aim at increasing the knowledge on how to use the jurisprudence from the European Court of Human Rights (ECtHR) and how to find relevant judgments that can enlighten specific legal issues. The knowledge acquired during the seminars will help the participating judges to apply relevant case law from the ECtHR on national level, thus delivering better reasoned judgments in line with ECHR standards. It is intended to lead to a considerable improvement over the current

practice, and, in the long term, reduce the number of judgments against Moldova in the ECtHR.

In 2013 NORLAM conducted four two-day seminars for judges reaching approximately 100 participants.

Mixed-seminars

NORLAM started seminars for mixed groups of judges, prosecutors and lawyers in 2008, and was the first to conduct seminars in this concept in Moldova. At the time we faced some resistance to this idea, particularly in regards to having lawyers and judges in the same seminar, discussing legal issues. However, the concept of mixed groups was introduced, and has since been our most popular seminars. Bringing the professions together creates a unique dynamic, and an appreciated opportunity to discuss specific issues from different professional angles.



Seminar in NIJ

The Moldovan authorities have now embraced this concept to a degree that also lawyers providing free legal aid guaranteed by the state are introduced in the law on NIJ, as beneficiaries in line with judges and prosecutors. In addition, the NIJ now actively promote this concept, and urge other international donors with whom they cooperate, to have mixed sessions similar to the "NORLAM-model".

At the beginning of 2013 we amended the content of the mixed-seminars from the previous year. In line with the area of priorities for NORLAM, the seminars all throughout 2013 were focused on investigation of domestic violence cases, trafficking and international cooperation in criminal cases. NORLAM has in 2013 held four two-day seminars in cooperation with NIJ. Hence, there has been a raise in both awareness and professionalism on this topic amongst the 70 participating prosecutors, judges and lawyers.

Mixed-seminars in professional ethics

NORLAM has traditionally arranged seminars and workshops on professional ethics for prosecutors. These seminars originated in the beginning of 2009 and have since then been a continuous activity.

For 2013 NORLAM extended the target group – as mentioned in the last annual report - by including judges and lawyers, and adjusting the content of the seminars to include professional ethics for all stakeholders in the criminal justice sector. Two out of a total of three one-day seminars were held in the regions (Balti and Cahul), and the concept was very well received.

We had approximately 65 participants from all the mentioned professions.

International conference

NORLAM was one of the donors at the International Conference *Children victims of violence: systemic approaches in prevention and protection* held in Chisinau in November. The target group was professionals from Eastern Europe, supplemented with experts from France, Great Britain and Norway. NORLAM expert Marit H. Evjemo held the presentation *Judge hearing of child victims and witnesses, in light of Judgements from The European Court of Human Rights*. Astri Pettersen, Director at *Statens Barnehus* in Oslo, contributed

with a presentation of the Norwegian model of Children's Houses. The conference has resulted in further requests from, inter alia, UNICEF and Oak Foundation for more information and cooperation on the project *Judge Hearing of Children- Children's Center*.



Marit Evjemo holding a speech on "Judge hearings of child victims and witnesses in light of judgments from the European Court of Human Rights".

Training of Trainers on hearing of children

As part of NORLAMs continuous focus on awareness-raising and competence building with regards to the hearing of children, we had a presentation at a two-day seminar organized by the NIJ, the Police Academy and UNICEF on judge hearing of children and the parties' role in the interrogation situation. Emphasis was laid on ECtHR decisions. The participants attending the seminar were judges, lawyers and representatives from prosecution and police.

Pre-trial detention (with Soros Foundation - Moldova)

The issue of correct application of pre-trial detention has raised many concerns over the years, both when it comes to practice, and certain provisions in the legislation. Thus, NORLAM has been working continuously with aspects related to the use of pre-trial detention since 2007.

Other stakeholders are now looking into this domain, and in 2013 NORLAM and Soros Foundation - Moldova have joined forces in conducting workshops for judges, prosecutors and lawyers with regards to aspects of normative acts regulating pre-trial detention and interpretation of the regulations in the light of ECHR and decisions from ECtHR. NORLAM has contributed to the Soros Foundation - Moldova workshops by giving input on Moldovan practice and legislation, and how it can be amended to fulfill Moldova's international obligations. The workshops have covered approximately 35 participants, and provided them with an in-depth understanding of the flaws in the practice of pre-trial detention in Moldova, as well as tools to overcome the problems related to the demands of the ECHR.

The workshops are very much in line with the working methodology NORLAM has had over years, and we observe that other international donors have adopted NORLAM's concept of mixed groups of participants.

Efficiency in court proceedings (with the National Institute of Justice, NIJ)

The NIJ has during the year, and on their own initiative, arranged four workshops for 60 judges and court clerks aiming at preparing and conducting court proceedings in a more efficient manner. Based on our long cooperation and exchange of practice, NIJ invited NORLAM to contribute to these workshops by giving an overview of handling of criminal cases in Norwegian courts, including preparations made by the prosecution and the courts prior to the main hearing. Our inputs give the judges and court clerks a better foundation to plan and conduct the main hearings in criminal cases in a more efficient manner.

Seminars on prevention of torture

Prevention of ill-treatment, torture and impunity continues to be a significant issue. Thus, in the 19 judgments against Moldova delivered by ECtHR in 2013, 32 violations of the ECHR were found, out of which 15 referred to Art. 3 - Prohibition of torture.¹

NORLAM contributed to increasing the competence of approximately 90 police officers from the Northern, Southern and Central regions by co-lecturing in three two-day seminars on *Prevention of ill-treatment and impunity in light of the ECHR* organized by EU/CoE, General Inspectorate of Police, General Prosecutor's Office, Human Rights Embassy.

Lawyer's Clubs and seminars on Human Rights for lawyers

In its continued close cooperation with Human Rights Embassy, NORLAM has co-organized a total of 10 events for a total of approx. 350 lawyers in 2013 on various HR topics such as free legal aid, access to justice, strategic litigation towards ECtHR, relevant case-law and more. Three of these events have taken place in Transnistria in co-operation with the OSCE, enabling an exchange of experiences between lawyers from both sides of the river Nistru. The overall target group is lawyers with a particular interest in human rights, and the main objectives are to increase their knowledge in this field and to develop their skills in using the ECHR and ECtHR case-law actively and efficiently in their daily work.

Seminar on criminal procedure for lawyers in Balti

In November, the Balti chapter of the Moldovan Union of Lawyers organized a seminar attended by 139 lawyers and lawyer trainees from Balti and the surrounding northern part of the country. The topic

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<http://crjm.org/news/view/262#sthash.ocePZlnX.dpuf>

of the seminar was the application of certain provisions of the Criminal Procedure Code of the Republic of Moldova. Ghenadie Nicolaev, Judge at the Supreme Court of Justice, addressed the issue of application of amendments to the Criminal Procedure Code, while Vladimir Timofti, also a judge at the Supreme Court, commented on the Decision of the Plenum of the Supreme Court of Justice on judicial practice in criminal cases relating to murder. Daniel Lindhardt, Regional Director of ABA ROLI Moldova and former federal US prosecutor, spoke on the application of the adversarial principle, and NORLAM contributed with views on arrest and pre-trial detention. The seminar aimed at supplying the lawyers in the region with information that will increase their competence in criminal proceedings, as well as promoting the understanding of the importance of unified practice.

Policy advice, inputs to legislation, various events

Probation independence

Being placed under the auspices of the Enforcement Department when established in 2007, and transferred to DIP in 2012, Moldovan Probation is as of January 1st 2013 an independent unit within the MoJ. The independence was celebrated with a nation-wide conference for all staff-members, and NORLAM was invited to the event. Vice-minister of Justice Mr. Vladimir Grosu took the opportunity to encourage Probation to manage its newly achieved freedom with wisdom and responsibility.

NORLAM has actively supported the Central Probation Office (CPO) on its path to independence and the establishment of two regional offices. The legal amendments for establishing regional offices are supported by the MoJ, and will soon be submitted to Parliament.

Department of Penitentiary Institutions (DIP)- Reform

NORLAM has over the years established a strong and confident relation with the leadership and subordinates of DIP. As DIP is now in the process of carrying out a comprehensive reform, influencing the organizational structure and the competence of the staff as well as the handling of inmates, NORLAM is regarded as an obvious contributor.

In May, the General Director was appointed vice-Minister of the Ministry of Internal Affairs. NORLAM is pleased that his deputy, Ms. Ana Dabija, in the fall was appointed General Director of DIP.

Throughout 2013 NORLAM has, inter alia, given input to the *Comparative Study on the Penitentiary Institutions Staff Employment Policy and Recruitment System and Complete Demilitarization of the Penitentiary System* and shared Norway's experience in transferring the responsibility for healthcare service for inmates from the prison system to the Ministry of Health. As a follow up-of the focus on ethics and communication provided at our seminars, NORLAM has facilitated the distribution of a booklet with the DIP Ethics Code to all prison officers.

As part of the revision of the prison-staff organization, in May, NORLAM conducted a four-day study visit to Norway for the Director General and two other representatives of DIP, looking into the organization of the prison system, education of staff and decision-making. The attendees highly appreciated the insight in modern prison governance.

NORLAM's efforts in **Cricova Prison** have in 2013 been aimed at supplying the inmates with practical, documented skills in creating pottery, as well as continuing the ongoing facilitation of English- and guitar classes. The pottery tradition is strong in Moldova, and training in this craftsmanship

enhances the prisoners` possibility to provide for themselves upon release.

Cricova Prison has been a solid partner, and the production of ceramics is in progress with the inmates following an educational plan developed by the School of Arts in Chisinau. As part of this project a sales exhibition was set up during the NORLAM Christmas reception, where a number of the products manufactured at the prison were sold. This project has been financed by the NMFA and is in line with the Justice Reform Strategy². A total of 50 inmates from the prison participate in guitar, pottery and/or English lessons facilitated by NORLAM.

The Norwegian Ministry of Foreign Affairs (NMFA) has also granted funds to be used for the renovation of the festive room and a gym, and for establishing a dentist`s office in **Rusca prison for women**. A dentist chair has been donated by the Salvation Army and NORLAM has established a mutual coordination and communication with them.



Visit to Rusca prison for women with a representative of the Swedish Embassy

² Action Plan on the Implementation of the Strategy, action 6.5.9. Providing educational and occupational activities and other social activities for detainees

Furthermore, NORLAM has initiated co-operation with the Norwegian organizations *Help Moldova* and *Syslab International*, both co-funded by the NMFA. The organizations will be involved in the reintegration of inmates in Goian and Rusca in 2014, *Help Moldova* by carrying out free vision tests and donating glasses, and *Syslab International* by organizing career planning seminars for inmates.

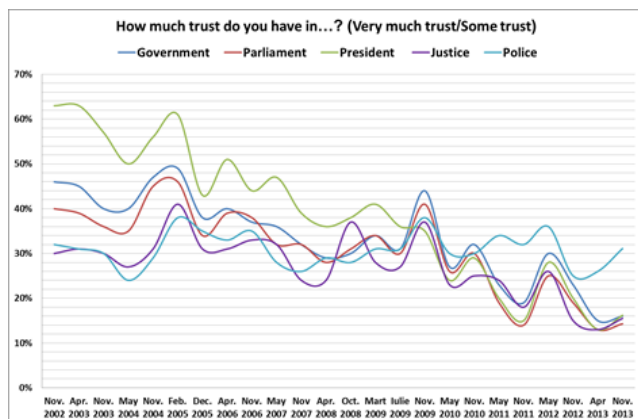
By grants from the Norwegian MFA, NORLAM has equipped two conference-rooms owned by CPO in the northern and southern regions of Moldova. By installing a projector, a screen, desks, chairs etc., probation now has the possibility to conduct trainings on a local level and without additional expenses. This is in line with NORLAM`s previous contribution to the training-of-trainers program in probation.

Judge hearings of children

As a result of NORLAM`s involvement in children`s rights in the criminal justice system, NORLAM has met with various foreign specialists in the field of judge hearing of children. In addition, several meetings have been held with representatives from UNICEF and a representative from the Embassy of France in Bucharest.

Justice sector reform

NORLAM has throughout the year continued to participate in Pillar group meetings, which are part of the Justice Reform Strategy plan for 2011 – 2016. Equally, we have sustained our contribution to the monthly Donor Coordination Meetings where international stakeholders meet to discuss and coordinate activities. The coordination-meetings are held to avoid overlap, and to find a common platform to work from.



Source: *Public Opinion Barometer, Institute for Public Policy*, www.ipp.md

Amendments to the Criminal Procedure Code – working group

In the spring of 2013, the legal department of the Moldovan Ministry of Justice established a working group mandated to review the entire criminal procedure code with a view to change regulations in the law that are not considered to be in compliance with the requirements of the ECHR. NORLAM has accepted the ministry's request to be a member of the working group.

Through the year the group has met several times and NORLAM has, in cooperation with Soros foundation - Moldova, a particular responsibility to examine all relevant issues concerning pre-trial detention (ECHR Art 5). We have made a joint concept paper proposing a number of specific amendments to the Criminal Procedure Code in this domain. Overall, our proposals were well received in the working group, and will be processed into a formal amendment document. The work includes assessment of and input to a number of areas within the criminal procedure where amendments are deemed necessary. The scope of the project suggests that this work will take some time, and NORLAM will be active in providing input to the process.

Organization of prosecutors – working group

NORLAM has been invited to participate as observers in a working group appointed by the Moldovan Ministry of Justice and the General Prosecutor's Office, with a mandate to review the Criminal Procedure Code and the Law on the Organization of the Prosecution service. The aim is demilitarization and reform of the Prosecution authority and the task is based in the Justice Sector Strategy Reform. The working group is also given the mandate to suggest the necessary strategy and appropriate legislative regulations of the prosecution's organization and function. NORLAM has participated in several working group meetings, and the strategy document (concept note) is now completed. In the further process of turning this concept note into formal law, NORLAM will submit written comments to the draft law and participate in public hearings in 2014.

Special investigative measures

Moldova adopted a law on Special Investigative Measures in 2012. Assisting the NIJ, General Prosecutor's Office, Ministry of Internal Affairs and the Supreme Court of Justice in conducting seminars for the relevant professions, NORLAM has contributed to increased awareness of challenges faced in this sensitive field. The issues raised were related to legal safeguards in cases where such measures are being applied, particularly in light of the protection of individuals given by the ECHR.

Providing input on the Norwegian legislation and practice in the domain, with a practical scope for possible exchange and use of best practice related to legal security and an adversarial process in the cases, the 60 participants gained knowledge on international standards.



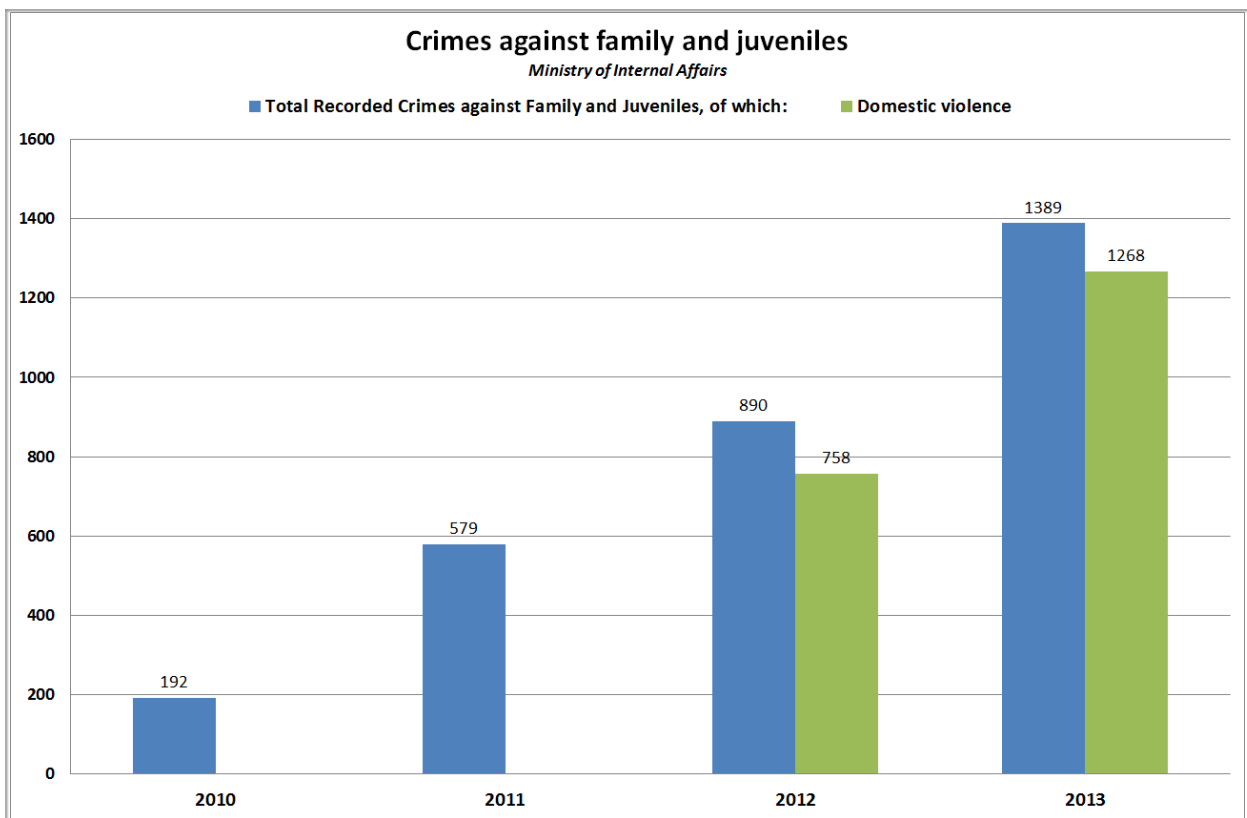
Resonance- Center for support and development of civic initiatives

Cooperation with the center “Resonance”

Through our cooperation with the Embassy of Sweden, NORLAM was asked to meet with the

women’s rights NGO “Resonance - Center for support and development of civic initiatives” located in Bender, Transnistria. A meeting focusing on domestic violence and the establishment of a crisis center for women on the territory of the Transnistria region of the Republic of Moldova took place in December.

The NORLAM project *Judge Hearing of Children-Children’s House* was another topic on the agenda. As a result of this cooperation, NORLAM has been invited to give a presentation at an international conference in Tiraspol in 2014. The title of the conference is *Bringing international standards for establishing services for victims of domestic violence in the Transnistria region of Moldova*.



Domestic violence as a crime was recently introduced in the Moldova Criminal Code

Official visits



The Norwegian Minister of Foreign Affairs, Mr. Espen Barth-Eide visiting NORLAM.

In January; NORLAM was honored to receive the Norwegian Minister of Foreign Affairs, Mr. Espen Barth-Eide and the Norwegian Ambassador to Romania, Mr. Øystein Hovdkinn. Mr. Espen Barth-Eide was the first Norwegian Foreign Minister to visit Moldova since the country became independent in 1991, and also had meetings with the Moldovan Prime Minister, Mr. Vlad Filat, and the Minister of Foreign Affairs, Mr. Iurie Leanca.

Following parliamentary elections in Norway in September, Mr. Barth-Eide has been succeeded by Mr. Børge Brende. Mr. Leanca has since been appointed Prime Minister.

Following tradition, NORLAM has in 2013 twice hosted a delegation from the Norwegian M of Justice's Section for European and International

Affairs. In June, the delegation was supplemented with a representative from the Ministry of Foreign Affairs (MFA), NORLAM's financial provider. Mrs. Heidi Sørdergren, Senior adviser in the section for European and International Affairs was accompanied by two representatives from NORAD (The Norwegian Agency for Development Cooperation), a directorate under the Norwegian MFA, on her visit in November.

The Norwegian Embassy in Bucharest covers both Romania and the Republic of Moldova. In November, Mrs. Tove Bruvik Westberg was appointed ambassador, replacing Øystein Hovdkinn. Following the accreditation ceremony at the Presidency of the Republic of Moldova in December, Mrs. Westberg paid a visit to NORLAM. The Ambassador recognized the significance and impact of NORLAM's work in Moldova.



The new Norwegian Ambassador to Romania, Tove Bruvik Westberg visiting NORLAM

Media

Our home page www.norlam.md is continuously updated, and records show that it is frequently visited. We see transparency as an important factor in our work, and promote the page actively.

In December, Head of Mission Mr. Harald B. Ciarlo was interviewed by the magazine of the National Institute of Justice (link: <http://inj.md/node/125>).

The opening of Goian prison was covered by several media agencies, this links to a news report from Unimedia: <http://unimedia.info/stiri/video--foto-penitenciarul-pentru-minori-a-fost-renovat-dupa-standardele-europene-60434.html#!prettyPhoto>

Links to further information on our major partners:

The Norwegian Government (with links to the Ministries) www.regjeringen.no

The Norwegian Embassy in Romania www.norvegia.ro

The Swedish Embassy in Moldova www.swedenabroad.com

Ministry of Justice, Moldova www.justice.gov.md

Department of Penitentiary Institutions (DIP) www.penitenciar.gov.md

Central Probation Office www.probatune.gov.md

General prosecutor's office www.procuratura.md

Human Rights Embassy <http://humanrightsembassy.org>

Human Rights House Foundation <http://humanrightshouse.org/>

Institute for penal reform www.irp.md

Legal Resources Centre From Moldova <http://crjm.org/>

Supreme Court of justice www.csj.md

Superior Council of Magistrates www.csm.md

The Union of Lawyers of Moldova www.avocatul.md

Hjelp Moldova www.hjelp-moldova.no

Syslab International www.syslab.org

UNICEF www.unicef.org/md

Council of Europe www.coe.md

Soros Foundation Moldova www.soros.md



www.norlam.md