

2014

ANNUAL REPORT NORLAM



The Norwegian Mission of Rule of Law Advisers to Moldova is a Programme implemented by the Norwegian Ministry of Justice and Public Safety and financed by the Norwegian Ministry of Foreign Affairs

FOREWORD



Democracy and human rights are essential in the Norwegian assistance to Moldova. NORLAM's contribution in 2014 has been in line with, and contributed directly to the implementation of the Strategy reform in the Justice Sector. NORLAM's mandated priorities lie in promoting good governance, rule of law, human rights and European integration of the Republic of Moldova. NORLAM's projects and activities are also anchored in the United Nations Security Council's resolution 1325 on women, peace and security, The UN Convention on the Rights of the Child and several other conventions. As a consequence NORLAM had a presentation at an international conference in Tiraspol dedicated to establishing a crisis center for victims of domestic violence and women who are in difficult situation in the territory of the Transdnistrian region of Moldova.

The feedback from the participants when conducting seminars at The National Institute of Justice gives us reason to believe that the participants achieve a better understanding of the importance of human rights when they perform their daily duties.

The International Security Sector Advisory Team (ISSAT) review on NORLAM, gave us important feedback on our work and also information regarding a possible further engagement for NORLAM beyond 2016.

The Moldovan Parliament adopted an amendment to the Criminal Procedure Code, based on a NORLAM draft, which implies that children, in some specific criminal cases, don't have to attend and give evidence in court if judicial examination of the child has been conducted prior to the court hearing. This is a great step towards a more child-friendly justice system.

A genuine reform cannot be built solely on new laws and regulations. A practical perspective attainable by personal observation during study trips always results in a deeper and better understanding of the essence of the intended reform. Therefore, during 2014, study trips to Bergen and Strasbourg were conducted within the framework of two of our projects.

In May NORLAM had the pleasure of hosting a meeting with the Norwegian Minister of Foreign Affairs, Mr Børge Brende and his delegation, which was accompanied by H.E. Mrs. Tove Bruvik Westberg, the Norwegian Ambassador to the Republic Moldova.

In June, a delegation of the Standing Committee on Foreign Affairs and Defence of the Norwegian Storting visited Moldova and met with representatives of NORLAM.

The year 2014 was a momentous year for Moldova, obtaining a visa-free regime with most of the EU member states, having signed an Association Agreement with the EU on June 27, and Parliamentary elections were held on November 30th.

A closer cooperation with the Norwegian Embassy in Bucharest has been very gratifying and much appreciated by NORLAM. We also appreciate the close and fruitful cooperation with the Norwegian Ministry of Justice and Public Safety.

Marit Helene Evjemo,

Head of Mission

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SUMMARY

There have been no changes in NORLAM's mandate or structure the previous year. We are still committed to assisting the Moldovan authorities in implementing Justice Sector Reform Strategy 2011 - 2016. Even though there are signs of improvement and a growing trust in Moldovan Justice Sector, there are still major challenges in implementing the Reform plan. To enhance the effect of our work we have further developed our result framework. NORLAM is currently implementing four projects and several other activities.

NORLAM's project in Goian Prison aiming at improving the treatment of imprisoned juveniles started in 2011. Most of the original objectives were achieved and Goian prison now stands out as a model for further development of the prison service in Moldova. In 2014 the focus has been mainly on further training of prison staff and ensuring the sustainability of the institutional change.

The project on establishing a Centre for Assisting Children Victims and Witnesses of Crimes, includes locating suitable premises, adjusting the legislation and establishing mechanisms and routines to ensure the rights of child victims and witnesses. Suitable premises have been located, the necessary amendments to the criminal procedure code have been adopted by Parliament but the necessary funding for the renovating of the facilities has not yet been allocated.

The Non-custodial Sentences project is aiming at reducing the number of juveniles in prison by introducing flexibility in execution and a larger focus on targeting criminogenic needs. Community sentence is suggested as a suitable framework.

Human Rights Resource Group has put emphasis on bringing together the three actors of the criminal justice chain in order to raise awareness on the observance of human rights in Moldova. It is expected that the Resource Group members will further act as trainers and serve as a resource in the process of adjusting the Moldovan legislation and judicial practice to the provisions of the ECHR and the jurisprudence of the ECtHR.

We notice that our submitted comments on amendment of laws to a large extent are reflected in the version decided by parliament. We find participation in different working-groups meaningful and that our expertise is highly regarded.

NORLAM's Transfer of knowledge is important for many professions. We run seminars for judges, lawyers and prosecutors together and separately. Seminars on human rights issues have also been held on the left bank of the river Nistru. Prison and Probation staff has been trained in communication skills. NORLAM has also contributed or co-arranged many different national and international seminars and conferences within a wide range of topics, such as Pre trial detention, Prevention of Ill-treatment and impunity, Psychology and Social work practice in prison, Community Sanctions in eastern European countries.

In addition to Goian Project, NORLAMs has been involved in three other prisons and has provided policy advice for the prison service. We have concluded that we reached our initial goals in Cricova Prison and we terminated our activities last year. Our plans in Rusca Prison for women of renovating the GYM have been changed in accordance with the Prison Governor's advice to focus on the educational facilities.

The International Security Sector Advisory team – ISSAT reviewed NORLAM's organisation and activities in 2014. The overall conclusion is that NORLAM's operation in Moldova, to a great extent has the intended impact and should be considered continued beyond 2016.



Europe - Moldova

NORLAM

The Norwegian Mission of Rule of Law Advisers to Moldova - NORLAM is a sector program implemented by the Norwegian Ministry of Justice and Public Security, Section for European and International Affairs, and financed by the Norwegian Ministry of Foreign Affairs.

The Program was launched in 2007 via the signing of the Memorandum of Understanding (MoU) between the Government of the Republic of Moldova and the Government of the Kingdom of Norway.

NORLAM's mandate stated in the MOU is 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.

The current Annual Report details NORLAMs work in 2014 with emphasis on indicators and the results achieved. In other words, the outputs delivered by NORLAM, the progress towards wanted outcomes, and NORLAM's contribution to the desired impact, which is: Moldova exercises Good Governance and Rule of Law in compliance with its Human Rights Commitments.



The current NORLAM team, from right to left: National Consultant - Nadia Burciu, Chief Probation officer - Njål Grimstad, National Legal Consultant - Dumitrita Bologan, Police Prosecutor - Yngve Skovly, Head of Mission & Senior Police Prosecutor - Marit Helene Evjemo, Judge - Tron Gundersen, Office Manager - Inga Burencova, National Legal Consultant - Denis Arcusa, Appeal Court Judge - Inger Wiig, Prison Governor - Hans Inge Jørstad.

GOOD GOVERNANCE AND RULE OF LAW

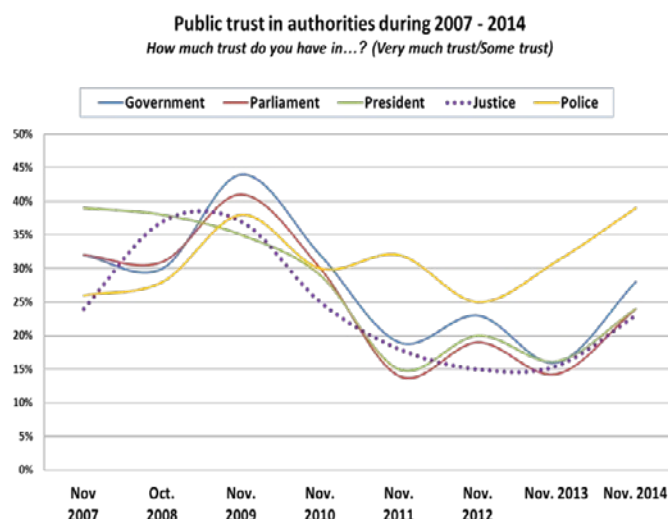
Following successful implementation of the conditions imposed by the EU for granting visa free regime, starting with April 2014, Moldovan citizens can freely travel to all EU member states, except for UK and Ireland, as well as to Iceland, Norway, Switzerland and Liechtenstein. This definitely represents an important step forward in bringing Moldovans closer to European integration.

Furthermore, on the 27th of June 2014, Moldova signed Association Agreement with the EU, followed by its ratification by the Moldovan and European Parliaments. According to the Association Agenda reforming the justice sector is one of the priorities,

"in particular ensuring the independence, impartiality, professionalism and efficiency of the judiciary, the prosecution, and law enforcement agencies, which should be free from political or any other undue interference, and intensifying the prevention of and fight against corruption in all its forms and at all levels".¹

Moldovan society gradually recovers the trust in the justice system and in other public authorities. According to the Barometer of Public Opinion², 23 % of Moldovans have trust in the justice system, compared to only 15,5% in

November 2013. According to a recent sociological survey carried out by the Transparency International Moldova which analyses perceptions and encounters with corruption of households and business people in Moldova, poverty, unemployment and corruption were mentioned as major problems, followed by a number of other issues, among which; unfair judicial system, political instability and frequent changes in legislation³.



In December 2013, Moldova adopted an extensive anticorruption package of laws, a move that was strongly advised and supported by the EU-Delegation. However, the public continued to perceive a high degree of corruption among government officials. Despite all the efforts of the Government, in 2014, Moldova ranked 103rd of 175 countries in

¹ Association Agenda available at <http://infoeuropa.md/ue-privind-rm/agenda-de-asociere-dintre-uniunea-europeana-si-republica-moldova/>

² Institute of Public Policy, <http://www.ipp.md/lib.php?l=en&idc=156>

³ Sociological Research: Corruption in Moldova, perceptions and experience of households and businessmen, 2014, Transparency International Moldova http://www.transparency.md/files/docs/Sondaj_2_014%20_ROM.pdf

the Transparency International's *Corruption Perception Index*, and it ranked 3rd among the Eastern Partnership countries, according to the same index.

According to the ***Global Competitiveness Index***⁴ Moldova improved its overall score from 3.9 in 2011, 2012 and 2013 to 4.0 in 2014 (where 7 is best) according to the report of 2014-2015 by World Economic Forum⁵. In two of the assessed indicators; judicial independence and irregular payments for obtaining a favourable judicial decision, Moldova scored 2.0 and 1.8 respectively.

According to the ***Rule of Law Index*** developed by the World Justice Project, in 2014, Moldova ranked 75th overall out of 99 countries. Moldova outperforms most of its regional peers in delivering order and security, however, of continuing concern is the delivery of civil and criminal justice.⁶

When it comes to Moldova's standing at the **European Court of Human Rights**, it has been summed up by the Moldovan Minister of Justice Mr. Oleg Efrim as follows: *"It is a gladdening trend for us, especially due to the fact that the majority of violations registered in 2013 were connected to detention conditions in Moldovan penitentiaries and had been*

submitted to the European Court prior to 2009. [...] Thus, the conviction rate of the Republic of Moldova is only 0.6%, whereas average rate at the ECtHR is of 3.9%". The Minister also mentioned the following: *"... the Republic of Moldova no longer is in the top ten countries with the highest number of applications to the High Court, although our country used to be one of the leaders in this category for a long period of time".* According to the Minister of Justice, at the beginning of 2012 there had been 4261 applications pending at the European Court, in 2013 - 3256 applications, and as of 1 January 2014 this number had decreased to 1414 applications.

According to a recent report by IRP, in more than 90% of the monitored court hearings "the special requirements for examination of cases involving juveniles were observed", which represents and improvement in comparison with previous periods (2013 - 78%, 2012 - 66%).⁷

NORLAM's support to Moldovan authorities has had a positive effect on several groups of citizens. The immediate impact is more visible on the vulnerable groups which are the final beneficiaries of our projects. For example, the imprisoned juveniles are better treated by the staff due to the joint NORLAM-DIP project in Goian. Another case in point is the increased focus on the needs of the child victims and the improved legal procedure adopted by the Parliament which entirely reflects NORLAM's input on the said provisions. At the same time, some of the

⁴ The Global Competitiveness Report 2014-2015, pg. 272, Country Profile: Moldova
<http://www3.weforum.org/docs/GCR2014-15/Moldova.pdf>

⁵ The Global Competitiveness Report 2014-2015, full report
http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2014-15.pdf

⁶ Source:
http://worldjusticeproject.org/sites/default/files/files/wjp_rule_of_law_index_2014_report.pdf

⁷ Report on Monitoring Court Hearings which Involve Children by I. Dolea, V. Zaharia and V. Rotaru, 2014

positive trends in the justice sector can be considered as being the result of contributions from more actors, including NORLAM.

Implementation of the Strategy for Justice Sector Reform

During 2014, the Moldovan authorities continued to implement activities provided for in the Strategy for Justice Sector Reform 2011-2016 and the respective Action Plan. The process of implementation of this reform naturally followed the path initiated in 2012 with an emphasis on deepening of the reform and enhanced coordination. The Moldovan Ministry of Justice manifested improved capacity and dexterity in ensuring secretariat work and coordinating donors' and civil society's contributions, as well as its reporting practices. An important role in assisting the Moldovan authorities belongs to the EU Project to Support the Coordination of Justice Sector Reform in Moldova. In November 2014, three more technical assistance projects were launched by EU for purposes of helping Moldova to advance in the reform.

It is noteworthy that in 2014 greater emphasis was placed on the quality of the reform process. In this context, the EU Project to Support the Coordination of Justice Sector Reform in Moldova developed a special "Monitoring Tool - Weights Assignment", which attributes different weights to actions in the Reform Strategy depending on their importance for the implementation of the reform.

As of September 2014, the overall level of implementation of the Strategy constituted 53%. NORLAM continues to

monitor Pillar II of the Reform Strategy "Criminal Justice" on behalf of the donors' community, having participated in several meetings during the year. Due to its capacity of monitor in this pillar of the Strategy, the NORLAM team have a good overview of the most important reform processes in the field of criminal justice and had an opportunity to directly observe the mechanism of the interaction of state authorities, international donors and civil society in the context of the reform. This experience is unique and crucial when it comes to understanding and assessing the quality of the reform and its impact on the entire justice sector.

The implementation of the justice reform is supported by the international donors' community operating in Moldova. For purposes of more efficient interaction and cooperation a special donor coordination mechanism has been designed. Thus, twice a year the Moldovan Ministry of Justice organizes meetings with donors for purposes of coordinating efforts and discussing various practical challenges. In this context, the EU Project to Support the Coordination of Justice Sector Reform in Moldova is developing an on-line interactive tool to allow for a better overview of current and planned activities and will contain more detailed information such as agendas of different activities (trainings, conferences, etc.), links to various press releases, inputs (studies, guidelines or other produced documents) etc.

Besides the mechanism described above, many of the state authorities involved in the reform process periodically organize

coordination meetings with their international development partners in order to discuss relevant technical assistance in more details.

Another discussion and coordination platform is the Justice and Security Sector Donors Coordination meetings normally held on a monthly basis and hosted by rotation by all participating entities. The primary goal is to exchange information on current and planned projects in order to avoid any overlap and to discuss drawbacks in the reform implementation process and possible solutions.

Gender considerations – UN Security Council Resolution 1325 (2000)

Moldova's international standing in gender equality improved compared to previous years and ranks 25th best worldwide, which is well above the average among countries in the region ^[1].

NORLAM has the last few years focused on women and their situation in society and the justice sector. In our mix seminars and judge seminars domestic violence and trafficking in human beings has been a recurring topic. To better fight this type of crimes and to ensure that the perpetrator is prosecuted, it has been important to raise awareness of this topic among prosecutors, judges and lawyer in the criminal justice system.

^[1] Global Gender Gap Report 2014 by World Economic Forum. Moldova had an overall score of 0.74 in 2014, 0.70 in 2013, where 0.00 means inequality and 1.00 means equality. For more details, follow this link: <http://reports.weforum.org/global-gender-gap-report-2014/economies/#economy=MDA>

The average proportion of women in our mix seminars and judge seminars held at NIJ is between 40-50 %. The average proportion of women participating in our seminars on probation has been approximately 70%.

In Transnistria NORLAM has cooperated with the Center for support and development of civic initiatives "Resonance ". They are working towards bringing international standards for establishing services for victims of domestic violence in the Transdnistrian region of Moldova.

NORLAM's "Resource group" project, with the aim of raising awareness and knowledge in the human right field, consists of prosecutors, judges and lawyers of which 11 women and 12 men.

NORLAM attends the monthly meeting in the OSCE, aimed at securing the rights of women and children in the society, criminal justice and healthcare services to mention some of the areas touched upon.

In Goian Juvenile Prison for young men, established by the Department of Penitentiary and NORLAM, a female director was appointed and the staff consists of 24% women, which is a high number compared to the rest of the prisons in Moldova.

In Rusca prison for women, vision tests have been conducted and NORLAM has contributed in an activity preparing the women for release, showing them how to write a CV, to apply for a job and how to establish an individual company/firm.

NORLAM'S CONTRIBUTION TO RULE OF LAW DEVELOPMENT - OUTPUTS AND OUTCOMES

Model Prison for juveniles according to European Standards in Goian

Short term outcome:

Goian Prison staff applies individual, crime preventive measures and respect juvenile's rights.

Medium term outcome:

Good practices from Goian are replicated to other prisons.

Long term outcome:

Prison authorities better respect inmates' rights and work for their rehabilitation.

Desired impact of the project:

Offenders, especially juveniles, are better re-integrated into society.

It contributes to the JSRS Action Plan,
*Action 6.3.4 Ensuring respect for the rights of
children in detention of the*

In 2012, in the Lipcani Prison, all juveniles were detained in two large dormitories with old infrastructure and poor hygiene. Only 30% of the staff members were interacting and working with juveniles, the rest were performing static, guarding functions. Out of all juveniles released during 2005-2013 (before the opening of Goian), 25% returned to the prison system.⁸ Overall, returning to prison rate in Moldova is estimated at 60%⁹ and it is

⁸ Source: Study carried out by the Department of Penitentiary Institutions, MoJ.

⁹ National Development Strategy of Moldova 2012-2020, pg. 56.
<http://www.cancelaria.gov.md/lib.php?l=en&idc=435>

generated by degrading detention conditions¹⁰, poorly developed re-education mechanism, existing criminal subculture in prisons and inefficient post-release reintegration. This leads to limited employment possibilities for former prisoners. Most affected by these problems were the imprisoned juveniles.

NORLAM initiated the idea of creating a pilot prison for juveniles to serve as a model for the prison system reform and provided the Norwegian example of treating imprisoned juveniles. The Project aimed at changing the current system of detention of juveniles from one based on punitive principles and passive intervention, into a re-education system through pro-active methods, participation and life-skills development.

The trainings and study visits carried out by NORLAM in cooperation with Oslo Prison and Bergen Juvenile Unit have increased the knowledge and competence of around half of the prison staff. Inspired by the Norwegian prisons, Goian prison staff apply new working methods identified during study trips to Norway in 2012 and 2014, such as:

- 1) each juvenile has a personal contact officer (case manager);
- 2) 65% of the staff is involved in the correctional work (dynamic security);

¹⁰ As of 2011, 51 out of 59 cases against Moldova invoking article 3 are complaining against detention conditions, ECtHR statistics

3) each juvenile has an individual week plan, using the Norwegian template;

4) Goian staff works according to the case management methodology.

As a result of this project the prison conditions for juveniles improved, the rights of the juveniles are better respected and the staff applies individual, crime-preventive working methodologies. NORLAM's close follow-up and support provided within the project has positively influenced staff's attitudes and practice.

The improved institutional capacity of Goian resulted in an increased occupancy level of juveniles. For example, 90% of juveniles are daily involved in meaningful activities (2014), compared to only 60% in the Lipcani prison (2012).

There were only 2 petitions from the imprisoned juveniles in 2014 (1 in 2013), of which none were complaints against staff¹¹. The number of self-hurting cases committed by juveniles also decreased from 4 cases in Lipcani in 2012 (35 juveniles in total)¹² to 2 cases of self-hurting and no case of hunger strike in Goian in 2014.

In May Goian celebrated its first year as a prison for juveniles. The number of prisoners throughout 2014 has been steadily around 26-30 whilst six juveniles have been released. The prison has taken major steps towards experience and maturity in the field of rehabilitation of juvenile delinquents. NORLAM has had

regular meetings and seminars with the management and prison staff.

Activities in Goian in 2014:

Competence building of the Goian Prison staff

NORLAM organized one-day training for 15 new employees in July focusing on communication and security. The third part of module III was completed in October with the assistance of two senior officers from Oslo prison (15 officers, one week). In accordance with the study plan developed by the Correctional Service of Norway Staff Academy (KRUS) and the Moldovan Prison Training Centre and NORLAM, the training focused on remand prison and handling of juveniles remand prisoners. A follow-up training of sub-officers lasting for two days with the same topics was organized by NORLAM in November. Moreover, Goian staff's communication and counselling skills have been also improved by trainings in Motivational Interviewing carried out by UNDP and will be followed up by NORLAM in 2015.

Study trips to Bjørgvin unit for juveniles

In April and November two groups of employees from Goian including the Director General of DIP went on study trips to Bergen. The groups visited the juvenile unit in Bjørgvin prison, Bergen prison, the probation service, the mediation service and the Norwegian Correctional Services Region West. The purpose of these visits was to learn from the Norwegian experience and practice, to gain knowledge and inspiration from the Norwegian system of execution of

¹¹ Source: Study on the complaining system in the prison and probation systems.

¹² Lipcani Prison's Report to the Department of Penitentiary Institutions, 2012.

sentences by juvenile delinquents. The feedback from the participants has been unanimously positive.



Director of DIP and Goian visiting Bjørgvin Prison

Release Coordinator responsible for facilitation of interaction between prison, probation and relevant actors from the community

During May 2013 – May 2014 a Release Coordinator concept was piloted in Goian in cooperation with CPO.

Anthropology Study

In coordination with DIP and the Anthropology Faculty of the State University of Moldova an anthropological study has been conducted in Goian. Juvenile delinquency often includes school absenteeism and dropout. Training and education are keys to success in re-socialization and reintegration of juveniles and minors. The study consisted in analysing the relationships between children, on the one hand, and their relationships with prison staff, on the other hand, relationships that can facilitate or hinder the re-socialization process. The final report will be shared with DIP and Goian.

Round table with the community-based institutions that cooperate with Goian

In February NORLAM and Goian organized a round table entitled “Is the society ready to receive juveniles from detention?” attended by 24 participants, teachers, a representative of Ombudsman Office, a judge, a prosecutor, representatives from probation, DIP and NGOs. The purpose of the event was to address the issue of re-socialization of juvenile prisoners, preparing them for release and protection of children's rights.

Job seeking skills training in cooperation with Syslab Career Development Centre

In coordination with the UNDP, the Ministry of Economy of the Republic of Moldova and the Norwegian company SYSLAB Chisinau Centre, NORLAM facilitated a three-day pilot training for juveniles entitled “job seeking course”. A special approach was adopted by SYSLAB Centre concerning taboo topics and forbidden aspects to be considered in the communication with this category of juveniles.

Vision tests for juveniles offered by the Norwegian NGO “Hjelp Moldova”

Facilitated by NORLAM, opticians from “Hjelp Moldova” organized vision tests for the juveniles and received glasses free of charge. The NGO plans to organize more vision tests in 2015.

Synergies and multiplier effects

The numerous meetings with donors and the efforts to promote the Goian project proved successful and created a multiplier effect. Goian became a success-story and currently benefits from several other

projects run by other organizations. For instance, the “Memoria” NGO implemented a one-year project financed by the Government of the Netherlands; “Regina Pacis” financed by the Italian Government supported several vocational trainings, the Romanian Government financially supported the renovation of workshop facilities. The renovation is completed and the new workshops are to be functioning starting with 2015.

Media coverage:

Goian benefited from large media coverage in 2014. Many delegations, including journalists visited Goian during 2014. In addition, the Goian Prison Governor, Mrs. Liuba Jignea gave several interviews in the written media and the Goian’s Facebook Page is regularly updated with information about the organized events.

The various events arranged by Goian were broadcasted on the national TV channels. In February, NORLAM’s Prison

Expert, Mr. Hans Inge Jørstad, was interviewed by Moldovan TV channel TV 7 about the conditions in Goian prison.

Replication of Goian Model

The piloting phase is over at the end of 2014, however, the opening of the prison has been delayed for six months. Therefore, Goian project will be extended for six months. The desired medium term outcome of the Goian project is to have the good practices replicated in other prisons in Moldova, which should ultimately lead to an improved treatment of prisoners by the staff and better reintegration of offenders into society.

NORLAM was invited to provide advisory support to the new Strategic Document drafted by DIP on prison reform. In this process, NORLAM will suggest changes at the system level based on the experience in Goian.

A Project Evaluation Report will be drafted in 2015.



Oslo prison senior officers training Goian staff

Centre for Assisting Children Victims and Witnesses of Crimes in Chisinau

Contributes to the following outcomes:

- * Relevant specialists apply a multidisciplinary approach towards child victims/witnesses based on the best interest of the child
- * Law making authorities adjust national legislation to human rights commitments
- * Legal professionals correctly apply ECHR.

It directly contributes to the Action Plan for the implementation of the JSRS 2011-2016:

6.3.1. Ensuring justice system actors specialization in working with children

6.3.2. Strengthening protection instruments for child victims or witnesses of crime in criminal proceedings

In the recent years growing emphasis has been put on the juvenile justice. The Republic of Moldova has ratified the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention), however it still lacks a comprehensive approach to ensuring the rights of juvenile victims and witnesses. Thus, recent research shows that in practice, children victims/witnesses can be heard as often as up to 8 times during a criminal case. In this context, one of the problems identified by NORLAM is the lack of a multidisciplinary approach for prompt and well-coordinated treatment of and assistance for the child victim or witness, ensuring qualitative collection and securing of evidence, avoiding re-victimization/traumatization of the child.

In order to overcome this challenge, NORLAM suggested creating a

comprehensive multidisciplinary mechanism which would be materialized in form of a special centre located in Chisinau that would ensure hearing, medical examination and other necessary services, all located under one roof in a child friendly environment in the best interest of the child.

In late 2013, NORLAM started the process of identifying the implementing partner in Moldova. The representatives of both the General Prosecutor's Office and the Ministry of Justice were of the opinion that the most relevant implementer would be the Ministry of Labour, Social Protection and Family (MLSPF). In December 2013, NORLAM had several meetings with the Deputy Prime-Minister Mrs. Tatiana Poting in connection with the project. As a result, Mrs. Poting suggested that the project be implemented by the MLSPF.

A working group was formed with the task to draft a Common Activity Agreement that would serve as basis for the establishment of the Children's Centre. After a series of working meetings hosted by NORLAM during January-February 2014 the draft agreement was prepared, in which the responsibility of renovating the relevant premises lays with the Moldovan implementing partner.

During a period of almost four months, relevant ministries and agencies were required to identify suitable premises for the project, which was a difficult task due to a deficit of available state-owned premises in the capital. In June 2014, representatives of the General Prosecutor's Office (GPO) managed to

identify a separate building located in the centre of Chisinau, which requires a serious renovation. The building was officially transferred from the GPO to the Government by a Government Decision of 8 October 2014 after a lengthy coordination with a number of relevant state agencies.

Due to a number of objective reasons such as the problems related to finding suitable premises for the establishment of the Children's Centre and the lengthy formal process connected to the transfer of the building, the project has been considerably delayed, although on numerous occasions we have received assurances of the openness and willingness of the MLSPF to implement the project.

Now that the building has been identified and both its location and the premises layout perfectly match the needs of the project, the next crucial step is to ensure its renovation. Moldovan authorities have repeatedly assured NORLAM that the agreement will be signed in the near future. Thus, at a meeting of the National Council for Child Protection held in the Government in September 2014, Deputy Prime-Minister Mrs. Tatiana Poting officially announced that there would be established a Centre for child victims and witnesses in Chisinau in cooperation with NORLAM.

In order to accelerate the process, NORLAM has approached in writing both the Deputy Prime Minister and the Prime Minister of Moldova and met with representatives of the MLSPF. Throughout December 2014, we were in

close contact with representatives of the MLSPF, according to whom the Moldovan authorities are trying to identify funds for the renovation of the building and it is to be believed that they will do their best to secure such funds. Despite these efforts, the Common Activity Agreement on creation of the Children's Centre has not been signed by 31 December 2014, including due to the volatile situation characteristic for any pre- and post-election period.

In 2014, NORLAM continued to play a key role in promoting amendments to Art. 110¹ of the Moldovan CPC, regarding judge hearing of children, which were based, to a certain extent, on the corresponding provisions in the Norwegian Criminal Procedure Code and relevant jurisprudence of the ECtHR. Thus, during the first half of the year we participated in several meetings in which particularities of the proposed amendments were discussed with a representative of the Parliament. Subsequently, the said amendments were approved by the Parliament and entered into force on 22 August 2014. These amendments faithfully reflect NORLAM's suggestions and among the most important novelties, the following can be mentioned: introduction of the new procedural actor - the "interviewer", exclusion of the suspect/accused from the monitoring room, use of the recorded statement in court as evidence instead of child's presence, and making this special hearing procedure obligatory. Implementation of these measures will allow to both observing the rights of the child to private life guaranteed by Art. 8 of

the ECHR and the fair trial safeguards for the suspect in Art. 6. The new legislation will serve as basis for appropriate functioning of the Centre.

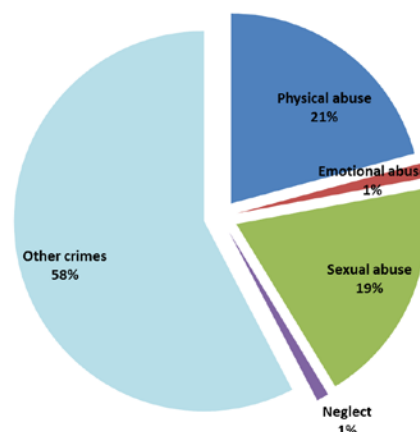
According to representatives of the two Chisinau-based NGOs and investigative authorities, currently the special hearing procedure to some extent is carried out in line with the new legislation.

In March 2014, the Moldovan Ministry of Justice reformatted and re-launched the initial working group with a broader mandate to address the entire area of juvenile justice. This working group represents an efficient platform for the stakeholders to communicate and find mutually acceptable solutions. It is extremely important that the institutions involved are guided by the supreme interest of the child and not by their corporate interests. This is constantly emphasized by NORLAM. We have noticed a considerable progress among the Moldovan authorities in understanding the concept of special procedure of child hearings and an increased will to cooperate.

Meanwhile, NORLAM insisted on having a well-coordinated and unified approach in regards to training of the interviewers and other professionals involved in the special hearing procedure and, therefore, proposed to include this topic on the agenda of the Working Group on juvenile justice. Consequently, NORLAM has been delegated the task to facilitate and coordinate stakeholders' efforts in this field. A first draft curriculum for training of interviewers was prepared by NORLAM in cooperation with Moldovan

counterparts. On 27 October 2014, NORLAM publicly presented the draft curriculum to all the relevant stakeholders for further discussions.

Recorded Crimes against Children in 2013
Source: Ministry of Internal Affairs



Physical abuse includes the following crimes: deliberate murder, infanticide, deprivation of life by imprudence, intentional severe bodily injury or damage to health, intentional less severe bodily injury or damage to health, severe or less severe bodily injury or damage to health caused by imprudence, kidnapping, trafficking in human beings, illegal deprivation of liberty, slavery and conditions similar to slavery, forced labour, tress passing, robbery, trafficking in children, hooliganism, organized begging.

Emotional abuse includes: threatening with murder or severe bodily injury or damage to health, blackmail, involving juveniles into criminal activity or encouraging them to commit immoral acts.

Sexual abuse includes: rape, violent actions of a sexual character, coercion to actions of a sexual character, sexual intercourse with a person under the age of 16, perverted actions, pimping.

Neglect includes: abandonment in danger, violation by negligence of medical assistance rules and methods.

Non-custodial Sanctions of Good Quality

Contributes to the following outcome:
Probation Service implements non-custodial sanctions of good quality.

Consistent with the Action Plan to the Strategy for Justice Sector Reform:

* Pillar II, 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;*

* Pillar VI, 6.3.3. *Consolidation of the juvenile probation system;*

* Pillar VI, 6.5.3. *Ensuring continuity of the individualized probation process.*

With support from NORLAM, the Moldovan authorities, in 2008, introduced a penal policy more in line with the sentencing levels in the rest of Europe. As a result the prison population has continued to decrease and the non-custodial sentences (sentences executed in the community) increased. Moldova introduced Community Service, as unpaid work for the community, already in 2003.

The current challenge for the Moldovan Probation Service is that the quality of their execution of Community Sanctions is poor, resources are scarce but the expectations from the public, the legal community and partners are high. The Probation Service caseload is high and only about 20% of probation counsellors have desired professional background. Under current legislation the content of non-custodial sentences is regulated by law and gives the Probation Service small

possibilities to adapt the execution to the offenders needs. Information from Probation service suggests a need for flexibility in execution and a special focus on criminogenic needs such as employment, income and housing. Too many offenders sentenced to serve their sentences in the society end up in prison because of breaches of conditions during execution.

In cooperation with the Central Probation Office in 2013, we launched the idea of introducing Community Sentence in the Moldovan legislation. Primary target group was juveniles with offences punishable within the range from community service to shorter unconditional prison sentences.

Assessment after last year's preparatory phase showed that the initial target group was too small and must be changed.

The new approach suggests that Community Sentence could also be beneficial for offenders, who are unable to comply with rules and regulations during execution of conditional sentences and Community Service. Other low risk offenders now sentenced to unconditional prison should also be included. The primary target group still remains youngsters, but not only the age group 14 – 17. If the pre-sentence report shows criminogenic needs, the judge can decide that the hours measured out, shall be served partly as individually adapted elements, aimed at reducing reoffending. Besides having a clear penal focus, the Community Sentence also hold clear elements of re-socialisation.

Status

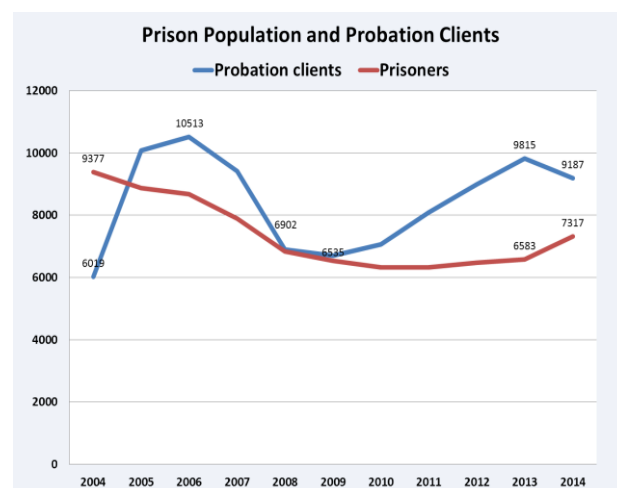
- Working group is established. The working group consisting of Moldovan Probation service and NORLAM, will be extended after the inception phase.

- Legal proposal to amend existing legislation on Community Service (Unpaid Work for the community) was presented to the working group in May 2014. An adjustment of this proposal according to new target group is necessary. To ensure a strong ownership and, thereby, the sustainability of the project, an adjusted proposal must be laid out in close cooperation with core stakeholders such as the Ministry of justice, Central Probation office, judges and representatives of the General Prosecutors office.

- Training in Motivational Interviewing – MI, has been carried out for 55 probation officers. In all the four one-week courses arranged, the feed-back from participants was extremely positive. (100% stated that the training was excellent and that it met its objectives). Comments suggest that trainings and seminars in Probation to a large extent were focused on legislation and “what they should do”. Nobody, until this seminar, actually taught them “how to do it”, “how to talk to the client”. Motivational Interviewing is, of course, viable both for Community Sentence target group - and other probation clients. To increase the effectiveness of the Motivational Interviewing-training, prison and probation staff will be trained together. To strengthen the sustainability,

NORLAM has been requested to start training of trainers in Motivational Interviewing.

Director of Moldovan Probation Service, Mr. Popa, has stated that Motivational Interviewing will be the basic tool for communication skills for probation officers in Moldova. All officers will receive MI training. He also hoped that NORLAM will continue to support the Probation Service in this field.



Source: Statistics from DIP and from the CPO

- The Probation service in Moldova has its strength in supervision and control. By this amendment they will also need to be trained on tools for giving the offenders guidance and assistance. These are core elements in individual adaptation of the punishment to reduce reoffending.

Elements aimed at reducing reoffending

Counselling by the Probation service is the back-bone of any sentence carried out in society. Mediation and unpaid work for the community has also a restorative function and may thereby reduce reoffending. Because of undisputed proof of their effectiveness, cognitive

programmes are often included. Moldovan probation Service has chosen to introduce programs aiming at violent offenders, drunk drivers or offenders with an addiction problem.

Basic training in rules and regulations for Community Sentence and communication skills should be offered to all Probation

counsellors. They will need additional assistance and tools for giving the offenders guidance and assistance.

Training for judges and prosecutors *should* focus both on the new legislation, on understanding Probation Service working methods and key variables in reduction of reoffending.



Participants at Motivational Interviewing Training

Human Rights Resource Group

Contributes to the following outcomes:

*Legal Professionals Correctly Apply ECHR"

*Law Making Authorities Adjust National Legislation to Human Rights Commitments.

It directly contributes to the following items in the Action Plan for the JSRS 2011-2016:

1.3.1. Reforming and improving the activity of the National Institute of Justice

p. 5 – "Training of trainers for initial and continuous training, including in the field of training methodology"

2.1.5. Improving the criminal procedure legislation, aiming to remove the contradictions with the standards of protection in the area of human rights and fundamental freedoms

Moldova faces challenges in ensuring observance of human rights. Thus, according to the Ombudsman's report for the first six months of 2014, during the reported period the Ombudsman's Office had received 700 complaints on various alleged violations of human rights (compared to 854 complaints received during the first half of 2013). Although, recently, many actions have been taken to improve the situation, we believe that the national legal community would greatly benefit from having a source of expertise on human rights related issues formed of local practitioners having in-depth, well-structured and practically-anchored knowledge and skills. Besides being able to make a multilateral assessment of the question of compliance of certain pieces of national legislation to the relevant international standards, the members of the Human Rights Resource Group will

also act as trainers in human rights. For this purpose, they have undergone a thorough training on adult teaching methodology and techniques.

Historically, there has been little to no cooperation between the three actors of the criminal justice: judge, prosecutor and defence attorney. This is partially due to the tradition inherited from the rigid inquisitorial system that had been in place before transition to the current adversarial system. One can often identify elements of that legacy in various discussion fora such as working groups, round tables and conferences where judges, prosecutors and defence attorneys tend to hold on to their "corporate interests" in detriment to a more constructive approach. In many aspects, such tensions lead to situations where judicial proceedings cannot be streamlined due to lack of sufficient cooperation on practical level. Mixed seminars attended by judges, prosecutors and defence attorneys, which were pioneered by NORLAM in cooperation with the National Institute of Justice back in 2008, have vividly demonstrated that open and constructive discussions between different professions are possible. The positive experience of the Human Rights Resource Group Project is a noteworthy achievement in this context, as it serves as a relatively rare example of efficient and respectful interaction between the three professions, which allows them to better understand and accept each other's perspective and rationale, the fact that has been confirmed, on several occasions, by

members of the Resource Group themselves.

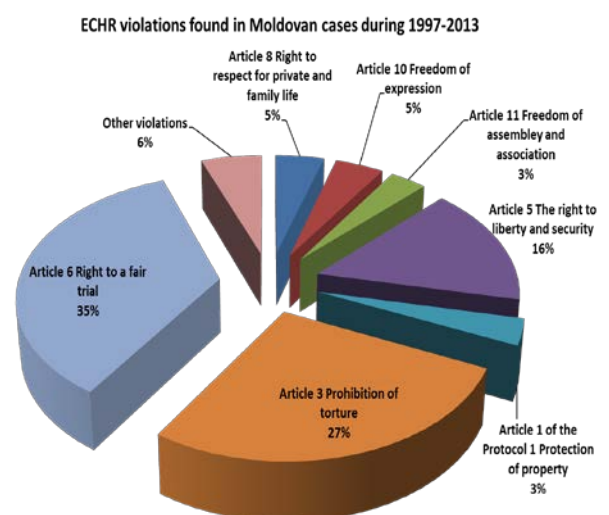
In order to address these challenges, the Human Rights Resource Group Project was initiated by NORLAM in 2013.

In 2014, NORLAM in cooperation with ABA ROLI Moldova and the National Institute of Justice organized several trainings for the Resource Group members, in one of which the Council of Europe Office in Moldova joined. These sessions had a multi-faceted approach and included work on draft legislative amendments for the Moldovan Criminal Procedure Code (addressing such issues as observance of the adversarial principle, application of special investigative measures, application of pre-trial detention, admissibility of evidence), procedure before the European Court for Human Rights (with invited trainer Mrs. Ana-Maria Telbis, European Human Rights Association, former assistant lawyer at the ECtHR and Mr. Lilian Apostol, Governmental Agent of the Republic of Moldova) and adult teaching methodology and techniques. The latter topic has a special importance in the context of the purposes of the Resource Group, and proved to be highly appreciated by the participants. All the participants insisted on having follow-up in-depth trainings regarding the art of communication, modern teaching techniques and interactive teaching methods.

Besides, in 2014, a number of steps were taken in order to contribute to future sustainability, autonomy and longevity of the Resource Group. Thus, in autumn the members of the Resource Group signed a

so-called Statute of the Resource Group whereby they undertook a moral obligation to remain actively involved in the project and to contribute to the realization of its goals. Also, in autumn, NORLAM and ABA ROLI Moldova signed a Letter of Intent detailing their cooperation regarding the Resource Group Project. In 2014, first successful cooperation within the Resource Group Project was initiated with the Council of Europe Office in Moldova, cooperation which is intended to be deepened in 2015.

During 2014 our cooperation partner the National Institute of Justice has become more involved and active when it comes to various organizational aspects of training sessions for the Resource Group, which is important in the light of the intended future take-over of this initiative by the NIJ in order to ensure its institutionalization.



Source: The Legal Resource Centre using the ECtHR statistics. This chart reflects the systemic problems affecting the Moldovan society.

To underline the practical implications of this project, a study visit to the European Court of Human Rights was organized in December. During the visit the participants had a unique opportunity to meet and discuss with various professionals, including the Norwegian and Moldovan judges at the ECtHR, lawyers working at the Registry and the Department for the Execution of ECtHR Judgments, and a representative of the Committee for the Prevention of Torture. What is more, the participants benefitted from a rare occasion of attending a Grand Chamber hearing, which gave them, in the words of one of the participants, a *“...sensational experience...”* witnessing *“... a solemn act of justice, where the parties expressed their positions in an extraordinary manner and of a high quality”*.

The training sessions held during the year and the practical complimentary study visit to the Strasbourg Court directly contributed to both promotion and observance of ECHR principles and ECtHR jurisprudence, as well as observance of the requirements of fair trial principle.

The feedback of the Resource Group members serves as a good illustration of this conclusion, as many of them referred to practical implications that the project had for their professional activity. For instance, one of the judges mentioned that the Grand Chamber Hearing was a *“model to be followed by all the judges in Moldova”*. According to other members, that experience made them *“feel better prepared from both theoretical and practical points of view”*. Moreover, many of the judges and defence attorneys also mentioned that it was crucial for them to understand how the judges at the ECtHR made their assessment so that they could apply similar methods in their work on the national level. Prosecutors also highly appreciated participation in this study visit, which is well summed up in the official letter received by NORLAM from the Head of the Section of International Legal Assistance and European Integration, in which it is said that the knowledge and information obtained during the study visit would be applied in daily work of prosecutors.



Resource Group visiting the ECtHR in Strasbourg

Improving the Legal Framework

We believe that the opportunity to directly contribute to the adjustment of the national legislation to Moldova's human rights commitments is extremely valuable since it has a direct and sustainable impact on the society as a whole.

During 2014, the NORLAM team was on several occasions requested to share their expertise on various legal issues, most of which are provided for in the Action Plan for the Implementation of the Justice Sector Reform.

In May, the NORLAM advisers presented their opinion to the Moldovan Constitutional Court regarding the challenged legal amendment to the Moldovan Criminal Procedure Code according to which limitation period for certain crimes had been excluded. We highly appreciate the fact that some of the key points in the rationale of the subsequent decision of the Constitutional Court were in line with the logic expressed in the opinion submitted by the NORLAM team.

In 2014, the NORLAM team also submitted to the Moldovan Ministry of Justice its comments and proposals regarding draft legal amendments to the Moldovan Criminal Procedure Code aiming at adjusting the national regulations to the safeguards of Art. 5 of the European Convention on Human Rights. We are glad that several of our principle suggestions were expressly supported and

accepted by the Deputy Chairman of the respective working group (the Governmental Agent of Moldova) during the final round-table in which the draft amendments were presented and discussed. According to the Study prepared by the Moldovan Ministry of Justice on Compatibility of the Moldovan Criminal Procedure Code with the Requirements of Art. 5 of ECHR, the working group recognized the leading role of NORLAM in *"promoting conceptual proposals"* regarding the respective legal amendments.

Another two topics on which NORLAM experts submitted their opinion to the Ministry of Justice were the draft law on amending the Law on the Statute of Judge and the draft law on amending the Regulation of the Institution of Investigative Judge. It is important to note that the recent amendments to the Law on the Statute of Judge adopted in 2014, which further limited the discretion of the Superior Council of Magistracy in authorizing criminal prosecution against judges, represent an important step forward, which contributes to gradual adjustment of the legislation regulating liability of judges to commonly accepted European practices. These amendments reflect the rationale expressed by NORLAM advisers in May 2014 in a letter to the Moldovan Ministry of Justice.

During 2014, NORLAM continued to be actively involved in the working group established under the Moldovan Ministry of Justice which drafted legal amendments regarding the special hearing procedure of

juvenile victims/witnesses. On August 22, 2014 the draft amendments proposed by the working group were approved by the Parliament and entered into force. The new legal provisions fully reproduce the proposals of the working group. Among the most important novelties, the following can be mentioned: introduction of the new procedural actor - the interviewer, exclusion of the suspect/accused from the monitoring room, use of the recorded statement in court as evidence instead of child's presence. Therefore, this objective can be viewed as accomplished, although it is advisable to develop secondary legislation to support these recent legal amendments.

An important component of the Justice Sector Reform Strategy is the reform and demilitarization of the prison system. Both the Department of Penitentiary Institutions and the Ministry of Justice have invited NORLAM to provide inputs and share expertise at different stages in the process of implementing the action 6.5.6 - *Revising the policy of employment and of the system of recruiting the personnel of the penitentiary institutions; complete demilitarization of the penitentiary system* of the Action Plan to the JSRS. NORLAM has been a part of a working group working on the drafting a *Public Policy Proposal on the Management of Human Resources* in the prison system (2012), subsequently, our prison and probation advisers offered examples and solutions from the Norwegian experience reflected in the *Comparative Study on the Employment Policy and Recruitment System of the prison staff and on the*

complete demilitarization of the prison system (2013) and finally, commented on the new *Draft Law on the National Prison Administration* (2014).

In May, NORLAM submitted comments on the new draft Law on Probation, upon Moldovan MoJ's request. Due to the fact that it was an election year, the draft is still in the Ministry of Justice and will be submitted to the Government.

Transfer of Knowledge

NORLAM organized or co-arranged 41 seminars or training courses in 2014, reaching in total approx. **159** judges, **79** prosecutors, **569** defence attorneys and lawyers, **66** probation officers and **118** prison employees, of which 38 prison staff from Goian¹³.

Seminars for Lawyers

On 28 March, NORLAM in cooperation with the Union of Lawyers of the Republic of Moldova and the Balti Bar Association organized a training for 148 lawyers from the Northern regions of the country on the following two topics: *Most Recent Amendments of the Moldovan Civil Procedure Code and Protection of Property Rights According to Article 1 of the Additional Protocol to ECHR*.

During 2014, NORLAM, in cooperation with the Chisinau NGO «Human Rights Embassy» and OSCE Mission to Moldova, co-organized and conducted six seminars

¹³ The total number of employees by profession is: 418 judges, ca 770 prosecutors, 1530 defence attorneys, 223 probation staff, ca 3500 prison staff, of which, 71 employees in Goian.

for practicing lawyers, jurists and human rights activists (so-called “Human Rights Clubs”) on various topics, such as *Strengthening Fight of Torture, Degrading Treatment and Impunity, Protection of Women’s Rights, Cooperation Between Human Rights Activists and Mass Media* etc.



Seminar for 148 lawyers in Balti

These seminars have a two-folded goal, both to improve knowledge and skills on human rights issues and to enhance and support cooperation and understanding of human rights between lawyers on both sides of the Dniester river. The exchange of experiences is a crucial element in these seminars. The seminars are held both in Transnistria and Chisinau. The number of participants is approximately 25 at each seminar with around half of the participants being from Transnistria. NORLAM contributes with lectures and facilitation of seminars, including remunerating lecturers. In 2014, NORLAM contributed with a presentation on various aspects of gender equality.

Also, in cooperation with «Human Rights Embassy» and Soros-Moldova Foundation, NORLAM co-organized three seminars for

Moldovan lawyers and lawyer interns within the project "Human Rights for Patients and Medical Personnel" on such issues as: *Patients of Psychiatric Institutions – Between the Law and Reality, Strategies for Protection of the Rights of Patients, HIV-positive Persons and Drug Addicts, and Access of Asylum Seekers to the Health System in Moldova.*

In cooperation with the Human Rights House Foundation, an international NGO based in Switzerland with its secretariat based in Oslo, Human Rights Embassy for several years has been conducting “on-line” training program for lawyers in the field of human rights. In 2014 NORLAM and Human Rights Embassy continued their cooperation regarding this initiative and co-organized two seminars for the Moldovan participants of the third training cycle within the project *Electronic Human Rights Education for Lawyers (EHREL)* under the Human Rights House Network program “*International Law in Advocacy*”.

Thirty Moldovan lawyers are currently participating in this project. The project is on-line based with frequent gatherings in Chisinau or other places in Moldova. The program is international with participating lawyers from Moldova, Azerbaijan, Belarus, Russia and Ukraine, one of the goals being enhancing cooperation between the lawyers from the said countries. Each year there are international conferences where the lawyers gather and discuss human rights issues of common interest. Next year, the conference will be held in Chisinau and, tentatively, in Vilnius. The program is basically financed by Human Rights House Foundation. The training lasts for one

year, the first cycle for Moldova took place in 2012-2013 and the current second cycle was launched in autumn 2014 and will finalize in 2015.

In the spring, NORLAM participated in a two-day “training for trainers” seminar organized by the European Union and Council of Europe Joint Programme *“Reinforcing the fight against ill-treatment and impunity”* for police investigators. NORLAM presented the Norwegian system of investigating allegations against police officers.

Regarding the Lawyers for Reform project which was designed as an open informal platform for active lawyers to meet and discuss their practical professional challenges, we have re-channelled our efforts in achieving the desired results due to the detected difficulties in retaining the activeness and involvement of the much occupied practicing defence attorneys. Thus, some of the issues identified within the Lawyers for Reform gatherings were and still can be addressed in other projects and activities, such as Resource Group, Human Rights Clubs and various trainings.

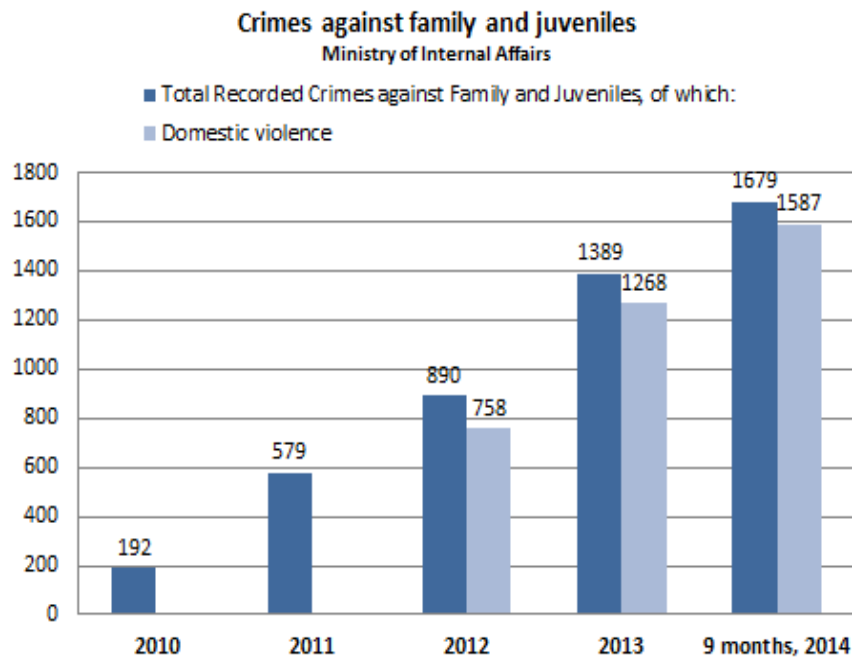
During the year, NORLAM took part in a series of seminars organized by the Soros-Foundation Moldova for judges, prosecutors and defence attorneys on the topic of *“Ensuring observance of European standards when applying pre-trial detention – reasoning techniques”*. NORLAM experts explained in detail the conditions that are to be met for a detention to be lawful, emphasis being placed on ECHR and relevant jurisprudence of the European Court.

Seminars in cooperation with NIJ

The seminars in cooperation with the NIJ have been a continuous activity of NORLAM since 2008. NORLAM seek to conduct the seminars in a manner that activates the participants. In 2014 this has been extended with the introduction of a “mock-trial”. There are two types of seminars:

Mixed seminars

NORLAM conducted several mixed seminars, each lasting for 2 days, with participants of lawyers, judges and prosecutors. The introduction of the mixed seminars has been a significant contribution to the common understanding and acknowledgement of each of the other profession. This kind of mixed seminars is in NORLAM’s opinion an innovative idea and has been acknowledged by the participants and the NIJ as highly successful. It contributes to and facilitates better communication between the professions which is essential, especially in court proceedings. The number of participants has been on average approximately 20 at each seminar. The topics this year have been *“Building practical skills for ensuring the fair trial principle”* and *“Protection of vulnerable persons in criminal proceedings. Challenges in investigating trafficking cases and International cooperation – good practices”*. The seminars this autumn introduced a “mock trial” which was intended to illustrate some of the topics of the seminars and proved to be very successful.



Judges' seminars

NORLAM conducted 4 two-day seminars for judges. Judges have been both from District Courts, Appeal Courts and the Supreme Court of Justice. The number of participants has varied, the average being 15 participants, although we intend to increase this number for next year. The topics have been *"Jurisprudence of the ECtHR and legal method according to case-law tradition"* and *"Practical application of the ECtHR principles ensuring well-reasoned judgments and uniform sentencing level"*. As with the mixed seminars, the Judges' Seminar has introduced a "mock-trial" to illustrate the practical application of the topics discussed. This part of the seminar was also very well received by the judges.

In these seminars, especially at the "mock-trial", the NORLAM team conducting the

seminars observed that participants correctly referred to the ECtHR jurisprudence in their arguments, especially Art. 6 of the ECHR, including the principle that guilt should be proven "beyond reasonable doubt". According to the statement of one of the judges participating in the seminar, he had become aware of what really stands behind this principle and of its practical application only due to NORLAM's seminar.

Moreover, based on feedback from practitioners and participants of the seminars and program, NORLAM is of the opinion that these seminars constitute a vital element in the endeavours to strengthen the awareness of and application of human rights and the ECHR, thus promoting the values and principles of the ECHR and that the legal community

follows the ECHR jurisprudence. Indeed, as was emphasized by the Moldovan Judge at the ECtHR, Mr. Valeriu Gritco, the awareness about the ECHR had risen considerably within the Moldovan legal community and there had been more and more young lawyers lodging applications with the Strasbourg Court. It should also be mentioned that the Legal Resource Centre of Moldova (LRCM), a significant Moldovan NGO, in a recent survey has reported that the Supreme Court of the Republic of Moldova has started to motivate better its decisions. This has to be welcomed as a visible sign that the values and principles of the ECHR are applied by the legal community, including the judiciary.

Both in Mixed Seminars and Judges' Seminars the application of ECHR, especially Article 6, has been the target. At the Mixed Seminars the principle of "reasonable doubt" has been a major topic. In the Judges' Seminars the focus has been on the reasoning of judgments.

As has been described above these principles seem to be more and more complied with among the justice actors, partially due to NORLAM's efforts and activities.

Seminars for judges, prosecutors and probation

Given the positive feedback after the regional mixt seminars with legal professionals and probation officers, and also in response to the NIJ request, NORLAM conducted 3 one-day seminars in Balti, Chisinau and Cahul in the spring of the reporting year. Trainers in the

seminars were the representatives of the respective professions from NORLAM and from Moldova. All in all, 31 judges, 22 prosecutors and 25 probation counsellors attended the seminars. These seminars are organized according to the Action Plan to the JSRS, action 6.5.3, regarding Probation.

NORLAM experts also participated as invited lecturers in the events mentioned below.

NORLAM contributed to the workshops on *pre-trial detention* organized by SOROS Foundation-Moldova (7 one-day seminars, ca 35 participants each).

The National Institute of Justice organized two seminars on *the efficiency of court proceedings* and NORLAM provided input on the Norwegian practice.

One training for trainers seminar on "*Prevention of Ill-Treatment and Impunity in the Light of the European Convention on Human Rights*" organized by the Council of Europe, General Police Inspectorate of Moldova in cooperation with the General Prosecutor's Office of the Republic of Moldova and "Human Rights Embassy".

In April 2014, NORLAM was invited to the Pedagogical State University in Chisinau to hold a presentation about the Norwegian Correctional Services system for master students in the field of Prison Psychology with focus on organisational structure, the different types of prisons and progressive detention regime, the role of prison staff etc. The students were particularly interested to compare Moldovan and Norwegian prisons.

In addition to the trainings listed above, NORLAM experts were invited to share Norwegian practices and international standards in various conferences, round-tables and public discussions, on such topics as: *ensuring uniform sentencing levels, application of professional ethical norms, initial and continuous training of lawyer interns.*

Appreciating the importance of promoting a uniform approach to human rights on both banks of the Dniester River, NORLAM expert, in February, gave a presentation at an international Conference in Tiraspol dedicated to **prevention and combating domestic violence** organized by the Centre for Development and Support of Civil Initiatives of “Rezonans” located in Bender.

Activities within the prison system

Prisons are filled with people from the margins of society. They often come from extreme poverty, and disrupted families; a high proportion has been unemployed; the levels of education are low; some will have lived on the streets and will have no social network outside this category. Changing the prospects in life of people with such disadvantages is not easy. To give the inmates the possibility to change and develop requires considerable skills and commitment from the prison staff.

In March 2014, NORLAM and DIP co-organized a Conference on the occasion of the “20 Years Anniversary of Psychology and Social Work Service in Moldovan

Prisons”. All the psychologists and social workers from Moldovan prisons were gathered. NORLAM’s presentation about the new juvenile sanction introduced in Norway as of July 2014 spurred the interest of the journalists present. Subsequently, a national newspaper published an article about the event and the new Norwegian punishment¹⁴.

Prison no 4 Cricova:

Meaningful daytime occupation is necessary in order to prevent damages by incarceration and it is also an arena for developing social skills. NORLAM initiated and supported several activities aiming both at preparing for future employment, and vocational training. The cooperation-agreement with Cricova ended in 2014.

Prison no 7 Rusca

In coordination with prison management, the Norwegian MFA granted EUR 52 000 for activities, renovation and dental services for the prisoners. The purpose of the grant was coordinated with the prison management.

During 2014, NORLAM held many meetings with the management of the prison and the Department of Penitentiary Institutions (DIP) about the planned renovation of the gym and festive room. However, eventually the parties decided to change the plans of renovating premises for leisure and instead focus on activities that are more beneficial for the

¹⁴ <http://www.jc.md/psihologii-in-penitenciare-intre-aspiratii-si-deficiente/>

reintegration of female prisoners. When asked: what should the prison do for better preparing you for release, 51% of female prisoners mentioned the vocational training (learning a profession) and 28% mentioned more access to school¹⁵. The vocational education obtained in the prison allows female inmates to perform remunerated work in the prison. 89% of the prisoners want to work and only 53% were employed at the time of the survey.

The existing premises of the school for the prisoners are in a poor condition and the prison wanted the donation to be used either to renovate the existing school or, alternatively, to construct wooden barracks. This discussion is ongoing and a decision will be made in early 2015.

In cooperation with Rusca prison, NORLAM facilitated dental services for inmates. As of the fall of 2014, a total of 249 prisoners have received dental treatment. NORLAM received monthly reports from the dentist. In the autumn of 2014 the contract with the dentist ended and the prison is now responsible for the dental services.

Since 2013, NORLAM has had a co-operation with the Norwegian-based and Norwegian MFA-funded NGO “Hjelp Moldova” who conducts vision test for socially and financially impaired Moldovans. Ophthalmologists have conducted vision tests and provided distance and reading glasses free of charge.

NORLAM has facilitated the a three-days training conducted by the SYSLAB Centre Chisinau, which is part of the project *Innovative Entrepreneurship for Sustainable Employment* implemented by the United Nations Development Program in Moldova (UNDP) in partnership with the Ministry of the Economy of the Republic of Moldova and supported by the Norwegian Ministry of Foreign Affairs. The selected participants were preparing for release and are offered follow-up by the four SYSLAB Centres running in Moldova.



Women in Rusca Prison, celebrating the 8th of March

¹⁵ Survey carried out in Rusca in November 2012

ISSAT REVIEW

In 2014, NORLAM's activities were reviewed by **International Security Sector Advisory Team (ISSAT)**. The review was carried out on behalf of the Norwegian Ministry of Justice and Public Safety and aimed at assessing NORLAM's contribution to justice reform in Moldova based on the last five years of its operation. One of the principle goals of the review was to provide guidance on how NORLAM should continue and what is necessary to enhance the effectiveness and impact of this program beyond 2016.

The said review included data collection and desk review of relevant strategic and sectorial documents, meetings with relevant stakeholders in Oslo, a field visit to Moldova. During the two week stay of the ISSAT team in Moldova in May, its members met approximately 50 representatives of key institutions of the

Moldovan justice sector, donor community, civil society and mass-media. Moreover, the field visit included detailed interviews with all NORLAM staff, site visits and direct observation of seminars co-organized by NORLAM.

The review focused on issues of sustainability, efficiency, quality of indicators used, coordination and overall effect of NORLAM's activities on the Moldovan justice actors.

As a result of the review, ISSAT compiled a report in which it comes to the conclusion that NORLAM should continue beyond 2016, provided that a set of identified recommendations are duly put in practice.

Overall, the review team has established that NORLAM's operation in Moldova is effective and has the intended impact on the justice sector.

OFFICIAL VISITS

In 2014 there was an active dialog between Moldova and Norway. Hence, several Norwegian officials visited Moldova in order to encourage Moldova in its European Integration endeavours.

The Norwegian Minister of Foreign Affairs, Mr Børge Brende, visited Moldova and met with the Moldovan Prime Minister, Speaker of the Parliament, Minister of Foreign Affairs and also NORLAM. In his speech, the Minister informed about Norway's willingness to further support the Republic of Moldova.



Norwegian Minister of Foreign Affairs, Mr Børge Brende and his delegation visiting NORLAM

During 2014, the Norwegian Ambassador to the Republic of Moldova, Her Excellency Tove Bruvik Westberg has visited The Republic of Moldova several times. On 12th of May, the Norwegian Embassy organized and NORLAM hosted the 200th anniversary of the Norwegian Constitution. We were honoured by the presence of the Deputy Speaker of the Royal Norwegian Parliament, Mr. Kenneth Svendsen, who made an inspiring

retrospective from 1814 up to our days. The Norwegian artists Torsten Sødal and Maria Arredondo gave everybody present at the reception a beautiful musical performance.

In June, members of the Norwegian Standing Committee on Foreign Affairs and Defence of the Norwegian Storting, headed by its chair Ms. Anniken Huitfeldt visited Moldova and met with representatives from the NORLAM team.

Following a request of the National Anti-corruption Centre (NAC) where the need for consultancy and training in relation to inter alia was emphasized, NORLAM approached the Norwegian National Authority for Investigation and Prosecution of Economical and Environmental Crime - ØKOKRIM. Subsequently, in November, NAC was visited by senior prosecutor Trude Stanghelle and police prosecutor Jens Halvard Bachke from the Fraud and Corruption team at ØKOKRIM. As a result of their meetings, NAC is invited to a workshop in Oslo in spring 2015, together with their Romanian colleagues to discuss a possible cooperation.

Representatives from the Norwegian Ministry of Justice and Public Safety visited NORLAM several times during 2014. Senior Adviser, Petter Bauck from NORAD assisted the team in further developing the results-based-management system.

PARTNERS AND USEFUL LINKS

ABA ROLI Moldova www.americanbar.org
Central Probation Office www.justice.gov.md
The Royal Norwegian Embassy in Bucharest www.norvegia.ro
Council of Europe Office in Moldova www.coe.md/
Department of Penitentiary Institutions (DIP) www.penitenciar.gov.md
The General Prosecutor's Office of the Republic of Moldova www.procuratura.md
Embassy of Romania to the Republic of Moldova chisinau.mae.ro/
EU Delegation to Moldova www.eeas.europa.eu/delegations/moldova/index_ro.htm
Help Moldova <http://www.hjelp-moldova.no/>
Human Rights Embassy www.humanrightsembassy.org
Human Rights House Foundation www.humanrightshouse.org
Institute for Penal Reform www.irp.md
International Centre "La Strada" www.lastrada.md/en/
Legal Resources Centre from Moldova www.crim.org
Ministry of Internal Affairs of the Republic of Moldova www.mai.gov.md/
Ministry of Justice of the Republic of Moldova www.justice.gov.md
Moldovan Ministry of Labour, Social Protection and Family www.mmpsrf.gov.md/
National Centre for the Prevention of Child Abuse www.cnpac.org.md
National Institute of Justice www.inj.md
Rusca Prison www.facebook.com/penitenciarul.rusca
Soros Foundation-Moldova www.soros.md/
State University of Moldova www.usm.md
Superior Council of Magistracy www.csm.md
The Supreme Court of Justice of the Republic of Moldova www.csj.md
The Union of Lawyers of the Republic of Moldova www.avocatul.md
Superior Council of Prosecutors www.procuratura.md/md/CSP/
Syslab Moldova <http://www.syslab.org/cms/international/moldova/?lang=en>
The American Embassy in Chisinau www.moldova.usembassy.gov/
The Embassy of Sweden in Chisinau www.swedenabroad.com/en-GB/Embassies/Chisinau/
The Goian Prison <https://www.facebook.com/GoianPrisonMoldova>
The OSCE Mission to Moldova www.osce.org/ro/moldova
UNICEF Moldova www.unicef.org/moldova/
United Nations Development Programme in Moldova www.md.undp.org/

LIST OF ACRONYMS

ABA ROLI	American Bar Association Rule of Law Initiative
Art.	Article
CNPAC	National Centre for Child Abuse Prevention (Centrul Național de Prevenire a Abuzului față de Copii)
CoE	Council of Europe
CPC	Criminal Procedure Code
DIP	Department for Penitentiary Institutions (Departamentul Instituțiilor Penitenciare)
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
JSRS	Justice Sector Reform Strategy
GPO	General Prosecutor's Office
HoM	Head of Mission
MoJ	Ministry of Justice of the Republic of Moldova
NIJ	National Institute of Justice
NGO	Non-governmental organisation
NORAD	Norwegian Agency for Development Cooperation
NORLAM	Norwegian Mission of Rule of Law Advisers to Moldova
NMoJPS	Norwegian Ministry of Justice and Public Safety
NMFA	Norwegian Ministry of Foreign Affairs
MI	Motivational Interviewing
MLSPF	Ministry of Labour, Social Protection and Family of Republic of Moldova
MoU	Memorandum of Understanding
OSCE	Organisation for Security and Co-operation in Europe
ToT	Training of Trainers
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund
US	United States
USAID	United States Agency for International Development