

**NORLAM** | The Norwegian Mission of Rule  
of Law Advisers to Moldova

# 2016 ANNUAL REPORT



The Norwegian Mission of Rule  
of Law Advisers to Moldova –  
bilateral program implemented  
by the Norwegian Ministry of  
Justice and Public Security and  
financed by Norwegian Ministry  
of Foreign Affairs.





NORLAM TEAM IN FEBRUARY 2016



NORLAM TEAM IN DECEMBER 2016

## FOREWORD

NORLAM is a sector program under the Norwegian Ministry of Justice and Public Security and is funded by the Norwegian Ministry of Foreign Affairs. The NORLAM Mission was established in Moldova in 2007 through a Memorandum of Understanding that has successively been prolonged, most recently on 19<sup>th</sup> of December 2016, valid for the year of 2017. The end of June 2017 is decided to be the exit term for the program.

The year 2016 has been an unusual year for the Mission and can be divided into two parts. In the first part of the year, we have operated according to the prospect of prolongations of the Mission with three more years, until the end of 2019. This prospect was conveyed to our stakeholders and cooperating partners. The planning and development of projects has been subsequently adjusted into long-term solutions according to the signalled expectations. In September, we were informed that the Mission would be closed down, but an exit period and closing date still not decided upon. However, new projects and activities should not have been initiated and efforts to convey solutions to other donors or stakeholders for the best sustainability of our contributions were undertaken. Finally, in December, it was decided that only two Norwegian advisers would continue working by the end of June 2017, with the support of the local Moldovan advisers.

Despite these restraints, 2016 has been as a very productive year, with many highlights. It can be mentioned the high media coverage in April of the official inauguration of the Open Sector House at Rusca prison for the purpose of preparing women inmates for release, the international high level Criminology Conference in June, the Humanization law package for amending the legislation delivered to the Government in July, the Study trip in September of the Human Rights Resource Group to Norway, the workshop in Iasi, Romania, for prison and probation specialists to develop the new Enforcement code in cooperation with the Romanian peers. Our contribution in the prison field has been especially multifaceted, just to mention the summer school for juvenile inmates in Goian prison, the performance of Hamlet by lifetime convicted in Rezina prison in September, strengthening the rights of women inmates at Rusca prison, developing the Strategy for the Moldovan prison system, and the close cooperation with the Department for Penitentiary Institutions in drafting the new Enforcement code.

NORLAM is withdrawing in a period of high efficiency and appreciated performance. NORLAM's current priorities must be to conclude its operations in the best manner. We express our sincere wishes for the best development of the Moldovan justice sector and hope that our Moldovan cooperating partners will still find guidance in NORLAM's legacy for the demanding times to come.

Jogeir Nogva  
Head of Mission

## CONTENTS

<b>1. INTRODUCTION</b>	<b>6</b>
<b>2. EXECUTIVE SUMMARY</b>	<b>8</b>
<b>3. IMPLEMENTATION OF THE JUSTICE SECTOR REFORM STRATEGY 2011-2016</b>	<b>10</b>
<b>4. PROJECT: INDIVIDUAL AND HUMANE TREATMENT OF PRISONERS</b>	<b>12</b>
DIP has capacity to reform the system and implement the Strategy for Development of the Prison System	13
Goian staff applies individual, crime-preventive measures and respects juveniles' rights	16
Rusca prison for women has capacity to effectively rehabilitate women prisoners into law-abiding citizens and ensure a gradual release through the open sector	18
Life-sentenced prisoners	21
<b>5. PROJECT: PROBATION IMPLEMENTS NON-CUSTODIAL SANCTIONS OF GOOD QUALITY</b>	<b>24</b>
<b>6. HUMAN RIGHTS RESOURCE GROUP</b>	<b>30</b>
<b>7. HUMANISATION OF THE CRIMINAL JUSTICE</b>	<b>34</b>
<b>8. TRANSFER OF KNOWLEDGE AND LEGAL EXPERTISE</b>	<b>38</b>
Legal Expertise provided by NORLAM	42
<b>9. DEVIATIONS AND DISCONTINUED INITIATIVES</b>	<b>44</b>
<b>10. COOPERATION AND COORDINATION WITH DONOR COMMUNITY AND CIVIL SOCIETY</b>	<b>46</b>
<b>ANNEX: RESULT MONITORING INDICATORS</b>	<b>48</b>

## ACRONYMS

ABA ROLI	Moldova American Bar Association Rule of Law Initiative
Art.	Article
DIP	Department of Penitentiary Institutions
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EM	Electronic Monitoring
EU	European Union
EUTAP4	European Union Technical Assistance Project: Support to the Enforcement, Probation and Rehabilitation Systems in Moldova
GPO	General Prosecutor's Office
IT	Information Technologies
JSRS	Justice Sector Reform Strategy
MI	Motivational Interviewing
MoJ	Ministry of Justice of the Republic of Moldova
NGO	Non-governmental organisation
NIJ	National Institute of Justice
NORLAM	Norwegian Mission of Rule of Law Advisers to Moldova
NPI	National Probation Inspectorate
OSCE	Organisation for Security and Co-operation in Europe
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund
USAID	United States Agency for International Development

# 1

## Introduction

NORLAM is functioning according to a Grant Management Agreement between the Norwegian Ministry of Foreign Affairs and the Norwegian Ministry of Justice and Public Security. The Ministry of Justice and Public Security defines the objectives for NORLAM's operation and delegates necessary authorizations and funds. NORLAM's activities in the Republic of Moldova are based on a Memorandum of Understanding between Norway and Moldova from 2007, subsequently prolonged.

The end of June 2017 is planned as the exit for the program. In recent years, NORLAM's activities have been closely aligned to the objectives of the Moldovan Justice Sector Reform Strategy 2011-2016, currently prolonged for one more year.

NORLAM Mission's working methodology can be outlined in two effective and unique approaches, which makes NORLAM special compared to other donors. Firstly, it is the chain of justice through the interaction between the different professions, such as judges, prosecutors, defence attorneys, probation and prison officers and leaders. For this reason, the Norwegian members are all active practitioners recruited from parallel Norwegian institutions.

The second advantageous characteristic derives from the chain of activities on change management, establishing awareness of visions and values, mapping and developing projects with ownership, implementation and following up with evaluation. NORLAM has illustrated the capacity to follow local stakeholders all along. Moreover, through a long-term presence, flexibility and years of understanding the Moldovan realities, NORLAM has developed not only a heartfelt and devoted cooperation with our Moldovan partners, but an efficient one as well.

It addresses aspects of reform in the criminal justice field with focus on penal legislation, sentencing practice, corrections and juvenile justice. In a decade of operations in Moldova, NORLAM has undergone successes and failures; it has built a reputation of being a small and flexible team of highly qualified Norwegian practitioners able to respond promptly to requests of assistance.

NORLAM is now facing a termination, and has been supported by ISSAT experts during January 2017 to secure as far as possible the investments and achievements into solid ground for further development in Moldova. However, the remaining time is limited and priorities - difficult to comprise a multitude of areas. The ISSAT report will be launched 1st of February 2017, and will give important guidance for the exit.

Currently, the team is comprised of Nadia Burciu (Senior Project Officer), Dumitrița Bologan (Senior Legal Officer), Victor Drosu (Legal Officer), Natalia Vilcu (Legal Officer), and Inga Burencova (Office Administrator). Iulia Gheorghies (Legal Officer) entered her maternity leave at the end of December 2016. The current Norwegian members are Siri Fjortoft (prison governor, March 2015 – June 2017), Jørn-Lasse Refsnes (police prosecutor, March 2016 – June 2017), and Karin Aaland (probation expert, September 2016 – January 2017), and Jogeir Nogva, (public prosecutor and Head of Mission, May 2015 – January 2017). During 2016, the defence attorney Ksenija Nilsen – until end of June, the probation expert Njaal Grimstad – until August, judge Elizabeth Baumann – until September and judge Heidi Heggdal – from September to December were members of the team. From February to the end of June 2017, NORLAM will be represented by two Norwegians, Jørn-Lasse Refsnes and Siri Fjortoft (Head of Mission starting 1<sup>st</sup> of February) and the current Moldovan members.

# 2

## Executive Summary



The overall objective of NORLAM is to promote good governance, help strengthen the rule of law and promote human rights in Moldova. This report assesses NORLAM's contribution to increasing efficiency of Moldovan institutions guaranteeing rule of law and observance of human rights in the year 2016. It also examines the progress of projects and endeavours initiated in previous years. It presents experiences and challenges in the reporting year, actual outputs delivered and their contribution to stated outcomes, the likelihood of impact and a brief account of risks management.

The most significant progress in the corrections field was that both **Prison and Probation** services have drafted their Development Strategies for 2017-2020 with extensive support from Norwegian experts. These documents pave the way for future reforms in corrections and build their capacity by providing an instrument for strategic intervention. Currently, NORLAM is running two projects in the corrections field: "Individual and humane treatment of prisoners" and "Probation implements non-custodial sanctions of good quality". The first project is building upon Goian Pilot Prison Project (2012-2014) and second on the Community Sentence Project (2013-2014). For more information, please refer to previous Annual Reports.

An important achievement in 2016 was that **Rusca prison** has now capacity to place women prisoners in a low security sector due to NORLAM's support. The sector has 16 places and currently 9 women are detained in the open sector. The functional assessment and analysis of internal processes in Rusca prison conducted by NORLAM represents a valuable source and baseline for increasing efficiency in prison management.

**Goian prison** recorded a progress in terms of activities offered to prisoners, via Drama School and Summer Arts School supported by NORLAM. The relations between staff and juvenile inmates remained tensed, exacerbated due to riots, increase in self-hurting cases in response to the excessive sanctioning and isolation of juveniles by staff. The Consultative Group created by DIP met on a weekly basis during first half of the year concluding its activity with a Resolution and Action Plan handed to the Minister of Justice and Prisons Director General in June.

One of the highlights of the year was the **"Hamlet in Rezina"** Project targeting life-sentenced prisoners implemented by Art Centre Coliseum at NORLAM's initiative, with support from the EU Delegation and the Swiss Cooperation Office. Through the wide media coverage, the public opinion was challenged to think about crime, punishment, life-imprisonment and the manner the state should treat its citizens.

The most significant progress in increasing the quality of **non-custodial sanctions** is that now probation applies a goal-oriented, client-centered counseling technique focused on eliciting behavior change, called Motivational Interviewing (MI). Before 2013, less than 10% of probation counsellors had knowledge of MI. Currently, 95% of probation counsellors apply MI in their daily work. This result is a direct contribution of NORLAM's competence building efforts over a three year period.

The **"Human Rights Resource Group"** created by NORLAM and ABA ROLI Moldova actively used the skills and knowledge they gained during 12 trainings over the last three years. Part of the "Management of Change" training program, 10 mini-projects were drafted and of those 5 projects were implemented in 2016.

Although not embedded in a project plan, a significant contribution of NORLAM was the continuation of the **"humanization"** endeavours. In the first part of the year, almost the entire NORLAM team was actively engaged in drafting and discussing proposals aimed at reducing prison overcrowding. The draft law jointly produced by the Legal Department of the Ministry of Justice and NORLAM passed first reading in Parliament in the autumn of 2016. If finally approved and properly implemented, this contribution of NORLAM will have a high and far-reaching impact on the Moldovan society.

The **seminars** for judges, mixed-professions or full-chain have been an ongoing NORLAM activity through the years. What is new, in 2016, NORLAM introduced documentary-theatre and movies as tools. The in and out tests applied in several seminars showed a clear increase of knowledge and change of attitudes/opinions.

# 3

## Implementation of the Justice Sector Reform Strategy 2011-2016

As of May 25, 2016 the degree of accomplishment of the Justice Sector Reform Strategy 2011-2016 (JSRS) was 77,6%, which means 378 of actions were accomplished out of the total number of 487<sup>1</sup>. According to rough data collected by the Ministry of Justice of the Republic of Moldova, by the end of 2016 - 87,1% of JSRS was accomplished.

Following NORLAM's observations during the last 4 years of the implementation of the current Justice Sector Reform Strategy and its subsequent Action Plan, including by constant attendance of the Working Group sittings of the Pillar II of the JSRS, it is our opinion that the current structure and format of the JSRS proved to be cumbersome to be implemented by so many institutions at the same time and difficult to be monitored. One of the weak sides of the current Strategy is the wide gap between planned outputs and desired outcomes and impact. What is more, the current monitoring mechanism is rather formal without ensuring an in-depth content analysis of the delivered outputs.

The JSRS has been extended for one more year. The Parliament of the Republic of Moldova adopted in December 2016 Decision no. 259 on ensuring continuity of the justice sector reforms. The Ministry of Justice shall initiate and coordinate the process of evaluation and implementation of the JSRS. The evaluation report on the implementation of the policy documents shall be presented to the Parliament by October 20, 2017. The deadline for accomplishing the actions in the Action Plan for the implementation of the JSRS shall be extended until December 31, 2017.

## Prosecution Reform

One of the most important steps in the development of the Moldovan justice sector in 2016 was the adoption of the new Law on Prosecution Service, comprising the reform of the prosecution service, which came into force on the 1st of August 2016. NORLAM's principles promoted over the years have been followed in the law, to be mentioned: introducing a clear hierarchy within the prosecution; strengthening prosecutorial independency both institutionally and for the prosecutor appointed on the case; streamlining the prosecution's institutions and activities e.g. having the prosecution out from conducting surveillance of the probation and prison services and keeping prosecutors out of civil cases against civil counterparts in court. Due to instructions to downscale activities, NORLAM ceased to interact further in this process.

For the same reason, the Project on pre-trial detention drafted in cooperation with the GPO, SCM, and NIJ could not have been signed.

Nevertheless, a decision has been passed from the General Prosecutor's Office that the templates NORLAM introduced in cooperation with the GPO in 2008 for motions requesting pre-trial detention should be further developed and transferred into the upcoming electronic case handling system to maintain and strengthen the legality safeguards for applying detention. This decision was concluded after NORLAM organized a conference in cooperation with the GPO, with a deputy general Prosecutor, participants from the Ministry of Internal Affairs, and representatives from the international donor society. Templates of motions to be introduced in the e-case have been delivered by NORLAM, but so far no training on implementations has been delivered as planned.

<sup>1</sup> <http://www.justice.gov.md/libview.php?l=ro&idc=4&id=3058>

# 4

## Project: Individual and humane treatment of prisoners

## Background

The project document was drafted in 2015 and the implementation started in 2016. Prison level projects (Goian Pilot, Rusca) were integrated into this plan, strengthening the capacity of DIP and adjusting the penal-executional legislation were newly introduced as components.

## DIP HAS CAPACITY TO REFORM THE SYSTEM AND IMPLEMENT THE STRATEGY FOR DEVELOPMENT OF THE PRISON SYSTEM

### Outputs delivered in 2016

All the planned outputs supporting the achievement of this outcome were delivered.

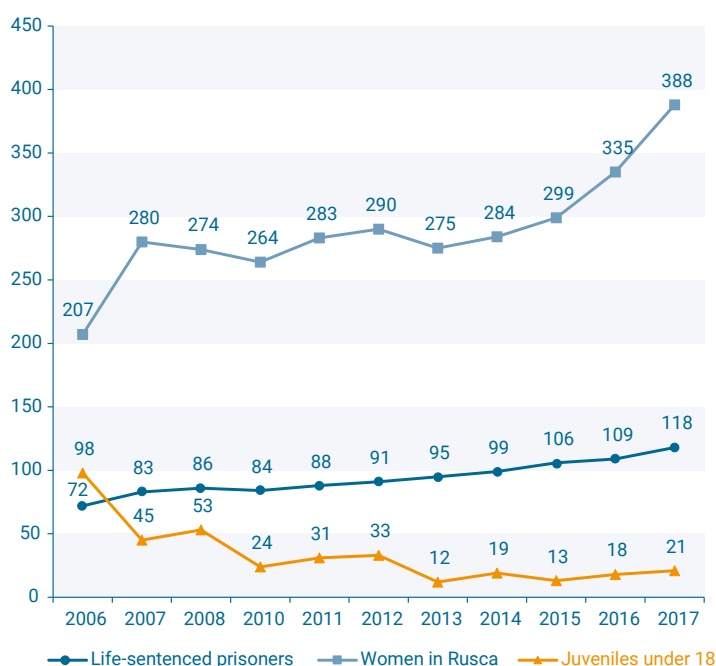
### STRATEGY FOR DEVELOPMENT OF THE PRISON SYSTEM 2016-2020

Based on the request of DIP, NORLAM agreed to support their strategic planning efforts. A Romanian expert was contracted for 8 weeks. He worked in the office of DIP and moderated over 20 working meetings on all the relevant topics and fields.

In order to build the ownership of the staff for the promoted changes, NORLAM arranged one four-day workshop together with DIP and MoJ in April 2016. A main focus was put on guiding them to identify their mission, vision and values. NORLAM challenged the prison leaders to define the purpose of the punishment, the content of rehabilitation work and how they would achieve the desired goals – reducing re-offending, building a safer society. The Prison Development Strategy was approved by the Government on 6 July 2016, however without a financial coverage.

Instituting a progressive system of punishment enforcement was one of the general objectives. From NORLAM's point of view, the progressive regimes are the cornerstone for individualisation and a precondition for successful preparing for release to society. Therefore,

CHART 1



Trends in special groups of prisoners, DIP statistics

NORLAM decided to prioritise the assistance to DIP for implementing this very objective. The planned workshops with prison leaders and practitioners addressed these topics.

### Revision of the Enforcement Legislation – Introducing progressive regimes

A two-day workshop was arranged in July where the experience and legislation of four countries was analysed. In September, a Working Group was created<sup>2</sup> consisting of 25 members including NORLAM. Regular meetings were organized in DIP and NORLAM. During 9 to 12 November 2016, key representatives from the group visited Iasi, Romania for both a workshop and prison visit. A follow-up three-day workshop was organised with a Romanian expert in the Moldovan Prison Training Centre.

The new model of executing prison punishments was presented to the Vice Minister of Justice, Director of DIP and Prison Governors on the 1<sup>st</sup> of December 2016.

<sup>2</sup> Order of DIP no. 420.



### PROMOTING INDIVIDUAL AND HUMANE APPROACH TO PRISONERS VIA THE DOCUMENTARY-THEATRE "SHAKESPEARE FOR ANA"

NORLAM acknowledges that for achieving a change of attitudes and mentality, traditional seminars are insufficient. For this reason, NORLAM decided to use the theatre play "Shakespeare for Ana" in its seminars, conferences and debates. The Play was based on interviews with prisoners and staff from three Moldovan prisons (Goian, Rusca, Soroca), was directed by Luminița Țăcu and produced by the Art Centre "Coliseum".

The purpose of using theatre as a tool was to raise awareness about Moldova's penal policy and the impact of imprisonment on individuals and on the society as a whole. Among invitees were judges, prosecutors, defence attorneys, representatives of the Ministry of Justice, both from prisons and probation, non-governmental organizations, embassies, university professors and students, high-school pupils, and the interviewed prisoners themselves.

This proved to be a very efficient platform for reflection about each profession's role in the criminal justice, especially, when the analysis of the documentary theatre play was combined with lectures on ECtHR jurisprudence and European standards.

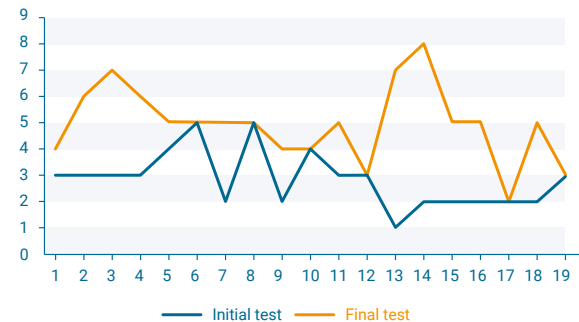
### PROJECT MANAGEMENT COURSE FOR PRISON STAFF

For the purpose of building the capacity of prison staff to draft and manage project on their own, NORLAM supported a one-week course in Projects Writing and Management in March 2016.

A group of 20 participants were trained by Romanian experts working in the Project implementation unit in the National Prison Administration of Romania. The group was heterogeneous both in terms of geographical coverage - 10 from DIP, 2 from Rusca, 2 from Goian, 2 from Cricova, 3 from the Prison Training Centre, 1 person from Prison No. 8, and in terms of background - legal studies, psychologists, professors, IT, social workers, doctors. The gender balance was ensured - almost half of the participants were women.

The training resulted in a clear improvement in the level of knowledge of participants, as it can be seen in the chart below reflecting the number of correct answers to the 9 questions in the test.

CHART 2.



Correct answers in a in/out test applied on 19 participants

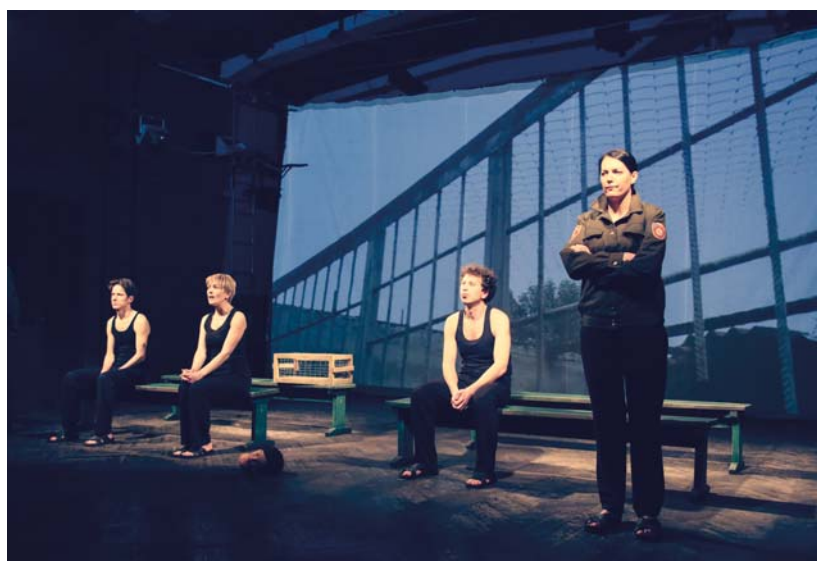
**The most striking difference is the increase in the percentage of correct answers from 22% (in) to 88% (out). 13 out of 19 participants improved their level of knowledge, while 6 participants remained at the same level. Approximately 75% of the participants were interested and able to work with drafting projects in the prison system.**

Within 2 months after the training, five project applications were submitted by participants to NORLAM and Moldovan Ministry of Justice.

## Progress towards outcome and likelihood of impact

Moldovan Ministry of Justice has now a tool for strategic intervention and **prison reform**, such as the Development Strategy. If the leadership will remain committed to implement the key objectives, there is a medium likelihood that this will lead to improved performance. Old and destroyed infrastructure, corruption and the strong criminal subculture in prisons are factors that are decisive for prisons' effectiveness in reducing criminal behaviour of prisoners.

The planned revision of legislation will give prison authorities the **discretion to individualize** the sentence enforcement. Currently, the penal code stipulates the security level for the full prison term solely depending on the crime committed. Judges mechanically invoke this provision and indicate the prison type in the sentences they pass. This problem was repeatedly notified by CPT during visits encouraging Moldova to revise the relevant legislation<sup>3</sup>. The change in behaviour does not have any consequence on prisoner's progression though the system or conditional release. As a consequence, only 1 % of prisoners serve punishment in **open sectors**, while in Norway this percentage is 36%.



The main issues addressed by prisoners in the petitions regard the transfer to another institution (745 out of 1776<sup>4</sup>), alleged illegal actions of prison administration (137), breach of their human rights (136), conditions of detention (85), ill-treatment (21). Moldovan prison system has **7762 prisoners** in custody and the staffing level is 2920 positions. Complementary efforts to reduce the prison population are needed in order to support the system in achieving its social mission.

## RISK MANAGEMENT

Materialized risks	Mitigation actions	Status in January 2017
<b>Lack of financial coverage for the initiated reforms (Prison Strategy)</b>	NORLAM encouraged the group working to find creative solutions for more efficient use of the existing resources.	Strategy pending approval by Ministry of Finance.
<b>Overcrowding pressure</b>	NORLAM took several actions (ref. section 7).	There is a modest decrease of prison population.

<sup>3</sup> 2016 Report, para 47 ... "The CPT recalls that "the regime for sentenced prisoners shall not aggravate the suffering inherent in imprisonment." ... Moreover, although it is for the judicial authority to determine the appropriate length of sentence for a given offence, prison authorities should be responsible for determining security and regime requirements, on the basis of professionally agreed criteria and individual assessments of prisoners (e.g. prisoners' attitude, behaviour, participation in activities, etc.)."

<sup>4</sup> First 9 months of 2016, DIP.

## GOIAN STAFF APPLIES INDIVIDUAL, CRIME-PREVENTIVE MEASURES AND RESPECTS JUVENILES' RIGHTS

### Background

Goian Prison was opened in 2013 as a pilot prison according to the joint project of DIP and NORLAM: [Creating a model prison for juveniles according to European standards](#), 2012-2014 subsequently prolonged. The number of convicts in Goian varied between 25-35, the number of staff is approx. 70.

### Outputs delivered in 2016

Five out of eight planned outputs were delivered. Trainings on management were not conducted because the prison governors kept changing. The distance learning programme for juveniles required additional costs and efforts. The pilot project review was postponed for 2017.

### CONSULTATIVE GROUP FOR DEVELOPING GOIAN PRISON

On NORLAM's advice, DIP created a Consultative Group for Developing Goian with the following mandate: 1) identify the possibilities of institutional development and transformation of Goian Prison, 2) draft an Action Plan/Roadmap for achieving the desired long-term goal, 3) present proposals for adjusting the relevant legal framework to the European standards. During January - June 2016, the Consultative Group for Goian<sup>5</sup> had 10 meetings. On the 24<sup>th</sup> of June 2016, NORLAM conveyed to the Minister of Justice and Director of DIP the Resolution adopted by the Group and a suggested Action Plan for Goian. The resolution recommended the Ministry of Justice and DIP to, *inter alia*, revise the recruitment policy, introduce specific qualification requirements for the prison staff working with juveniles, revise the organizational structure, ensure gender balance among staff, adopt new internal regulation of Goian Prison, etc.

<sup>5</sup> Created by DIP order no. 444 dated 17 December 2015. The group included representatives from DIP, Goian, UNICEF, EUTAP4, Art Centre COLISEUM, "Reginal Pacis" Foundation and NORLAM.

### REHABILITATION THROUGH ART

In March 2016, the theatre classes started in September 2015 concluded with a public presentation<sup>6</sup> in the Arts Academy. This engagement of well-known Moldovan directors and actors (Mihai Fusu, Luminita Țăcu) got wide media coverage; at least 5 news agencies reflected the presentation of the event. Part of this small-scale project in Goian implemented by Art Centre Coliseum, the 7 juveniles were taken out twice in the community – to museum and cinema.

In June, due to isolation for 22 hours a day and lack of activities for juveniles in initial regime<sup>7</sup>, 12 children organised a riot by burning the entire floor in the prison. Based on this regress in development, NORLAM decided to resume activities in Goian by supporting a [Summer School](#) and in parallel initiate a dialog with the Children Ombudsman about the needs and rights of the juveniles.



**Performance in March 2016, concluding the Drama and Cinema Program for 7 months**

<sup>6</sup> For more details, please see <http://norlam.md/libview.php?l=en&idc=96&id=863#.WIXTkexf3Ko>

<sup>7</sup> The CPT Report, 2016, pointed out the following: "...It is also noteworthy that prisoners under the initial regime have generally limited work opportunities and – in the case of juveniles and life-sentenced prisoners – fewer possibilities for maintaining contact with the outside world. [...] In the Committee's view, the initial regime should never be imposed as part of the sentence. It may be necessary for a prisoner to be kept apart from the other prisoners for a certain period of time; however, the decision whether or not to impose such a measure should lie with the prison authorities.

A Cooperation Agreement between DIP, NORLAM and Coliseum was signed on 1 July 2016 to create a **Summer School in Goian – Education through Culture and Art**<sup>8</sup>. This activity had a double purpose: to meet the children's needs and to ensure transparency by regular visits of actors and artists to the prison. The agreement provided for activities for all willing juveniles, however, certain juveniles who were part of the riot were denied participation. After several rounds of meetings and discussions with both DIP and Goian, the prison staff agreed to include all the boys in initial regime in activities. For the purpose of securing the sustainability of education through art activities, NORLAM invited representatives of the Ministry of Education and Ministry of Culture in the Consultative Group meetings. In order to motivate the Goian juveniles to behave positively, NORLAM organised a half-day in Roller-skating Centre<sup>9</sup>.

### Progress towards outcome, likelihood of impact and materialized risks

The intention with creating a pilot prison was to achieve effective reintegration of juvenile convicts into society. The development of Goian went up and down. The starting success was taken for granted and the evaluation monitoring of the project was interrupted.

In 2016, NORLAM decided to assist directly the juveniles with meaningful activities, after witnessing the consequence of excessive isolation in initial regime – riot and burning the floor. NORLAM witnessed discriminatory and stereotypical attitudes among staff in Goian and DIP towards juveniles. One juvenile alone was put in solitary confinement 9 times for 3 days each in a 6-month period. The number of self-hurting cases among Goian juveniles was 14 in the first half of 2016, compared to 17 cases in 2015 and 2 cases in 2014. The percentage of Goian staff having a constructive interaction with juveniles (so called "dynamic security") remained low.

The total number of juveniles (under 18 years old) in the prison system was 62<sup>10</sup>, of whom 37 serving a final sentence and 26 juveniles - detained in pre-trial facilities. A number of 21 out of 37 were first-time offenders.

The average length of the prison punishment de facto served by juveniles was of 1.8 years.

## RISKS MANAGEMENT

Materialized risks	Mitigation actions	Status in January 2017
<b>Lack of vision and understanding in DIP and Goian about juveniles' needs</b>	Through participatory approach in the Consultative Group, it was set a new vision for Goian.	The resolution of the Consultative Group was agreed by the Minister, but no actions followed.
<b>Turnover of staff in Goian, especially in leadership</b>	Dialog with the Minister and DIP, promoting good employees.	No permanent leadership appointed.
<b>Excessive isolation in initial regime</b>	NORLAM provided art-education activities to all juveniles, incl. initial regime.	Changes will be promoted in Enforcement Code to reduce the initial regime, part of the sentence.
<b>Military institutional culture, gives little room for dynamic security</b>	Aspect discussed in the Consultative Group.	DIP agreed to introduce special recruitment criteria for staff working with juveniles.

<sup>8</sup> For more information, please see <http://norlam.md/libview.php?l=en&idc=96&id=881#.V4O4yuxf3Ko>

<sup>9</sup> More information about this can be found on DIP's webpage.

<sup>10</sup> On 21<sup>st</sup> of November 2016, statistics on juveniles, DIP website.



## RUSCA PRISON FOR WOMEN HAS CAPACITY TO EFFECTIVELY REHABILITATE WOMEN PRISONERS INTO LAW-ABIDING CITIZENS AND ENSURE A GRADUAL RELEASE THROUGH THE OPEN SECTOR



BEFORE



AFTER

### Background

388 women serve their sentence in Rusca prison<sup>11</sup>. This number almost doubled in the last decade. 85% of the female prisoners serve long term sentences of 5 years or more. 9 are detained together with their children in a separate sector of the prison.

Rusca Prison has 103 staff members, of which 53 are women.

### Outputs delivered in 2016

Seven of the twelve outputs planned to contribute to this outcome were achieved. A few were partially accomplished and will be finalized in 2017.

### OPEN SECTOR

The Minister of Justice, Mr. Vladimir Cebotari, representatives from the Norwegian Ministry of Foreign Affairs, Moldovan Ombudsman, Prosecutors, NGOs and international organisations such as OSCE, Swiss Cooperation Office took part in the inauguration of the open sector in Rusca Prison in April 2016. The opening was reflected by 9 media agencies<sup>12</sup>.

The total number of women detained in the open sector at the end of 2016 was 9, of which 4 women were sentenced to imprisonment in open-type prison by court<sup>13</sup>.

### FUNCTIONAL ASSESSMENT AND ANALYSIS OF INTERNAL PROCESSES<sup>14</sup>

In 2016 NORLAM agreed with the Ministry of Justice and DIP to pilot new practices of institutional management in Rusca Prison and to propose a new model of prison with efficient management of human, material, financial

<sup>11</sup> Statistical data as of 1 January 2017, DIP website.

<sup>12</sup> Timpul Newspaper, Jurnal Newspaper, Realitatea TV, news.click.md, ProTV, Ziarul National Newspaper, Today.md, IPN, Moldovan National TV Broadcasting (trm.md).

<sup>13</sup> The current legislation does not allow for transfer of prisoners from one type of prison to another without a Court ruling. The prison administration grants the women who meet certain criteria with the right to move without escort, and thus has the possibility to place them in the open sector.

<sup>14</sup> The full report can be found on the [www.norlam.md](http://www.norlam.md) webpage.



resources focused on resocialization and reintegration of convicted women. To this end, NORLAM developed a report which analysed the key areas of activities and duties of prison employees. It also assessed some working processes in the prison in order to identify factors that lead to inefficiency of the prison staff activity.

**As a result, NORLAM found that 57.28% of staff performed duties limited to supervision, guarding, escort and call-up of inmates (static security). Correspondingly, only a small share of employees dedicated their time and efforts to constructive interaction and communication with women prisoners (24.27%). In consequence, the ratio of inmates per employees performing dynamic security is around 15:1.**

Moreover, Rusca employees reported that 43% of their time they dedicate to reporting and documentation duties, while 15% - to communication with women inmates.

A significant level of effort is focused on introducing the same information repeatedly in several sources of information (134 registries). This leads to inefficient use of human resources and poor time-management. Due to rigid, vertical organization of the prison, the decision-making process is centralized and limited delegation of duties is practiced.

#### **ANTROPOLOGICAL STUDY: DOMESTIC VIOLENCE AND WOMEN FROM RUSCA PRISON: PAST, PREZENT AND FUTURE<sup>15</sup>**

One of the objectives of NORLAM's activity is to reduce violations of human rights in prisons. In order to achieve this objective, NORLAM selected Prison No. 7 – Rusca for Women to understand the extent to which domestic violence is a cause of the commission of crimes by women and the impact of detention on them.

A Partnership Agreement between State University, DIP and NORLAM was signed in July 2016 with the purpose of conducting an anthropological research in Rusca Prison.

The goal was to provide a description of the phenomenon of violence which affected the women. At the same time, the life stories told by women depict the connection between crime and trauma suffered by women earlier as a result of domestic violence and abuse. The study presented how inmates assessed their treatment during the criminal proceedings and enforcement of punishment, the impact of imprisonment on their family members; their perception of the future.

**The researchers of the State University found that out of 300 women who took part in the quantitative research, 43% were subjected to domestic violence by the husband/concubine and/or their parents. Out of these 43% of women victims of domestic violence, 84,5% of women were convicted for violent crimes.**

Thus, domestic violence is an important factor contributing to female delinquency that, very often, is nothing else than a response to long-lasting sufferings in their life.

#### **WORKSHOPS WITH THE STAFF**

As a follow-up from the capacity building process started in 2015, NORLAM organised four workshops with the Rusca Prison staff. The workshops addressed the following issues: a) solutions to overcrowding and improving the mechanisms of release on parole; b) identifying their vision, mission, values; c) analysis of their working routines; d) discussions and finding solutions to the issues identifies in the Report (please see above).

#### **COOPERATION AGREEMENT BETWEEN RUSCA AND TIRGSIOR PRISON FOR WOMEN IN ROMANIA**

A contact between Rusca Governor and Tirgisor Governor was established during the study trip to Romania. As a result, a cooperation agreement was signed, promoting an exchange of experience between the two prisons.

<sup>15</sup> The full study is available on the [www.norlam.md](http://www.norlam.md) website.

## INVOLVING THE CIVIL SOCIETY IN RUSCA PRISON

One of our goals is to raise the awareness about human rights of women prisoners by both taking women out in the society and bringing more NGOs in the prison. Part of these efforts, NORLAM carried out or facilitated the following activities:

- Trip to "Da Vinci" Exhibition for 7 women from Rusca Prison in order to raise public awareness to women's needs. Several TV and Radio channels attended and interviewed women prisoners, DIP and NORLAM.
- Traditional Christmas Cake to Rusca
- Concert in Rusca by the Norwegians Music School
- Women's NGO from Norway contribute with tools and materials for more activities
- Norwegian Charity NGO "Hjelp Moldova" continued the assistance for women with vision problems and brought Norwegian school pupils to Rusca prison
- Promoting women's needs for legal assistance (raised in letters addressed to NORLAM), to the NGO Women Law Centre who drafted a small project plan which was later accepted for financing by Swiss Cooperation Office.

## Progress towards outcome and likelihood of impact

With NORLAM's support, Rusca prison has capacity to ensure a gradual release of women prisoners through the open sector. The open sector will have a higher impact on women's reintegration into society, if the parallel efforts to amend the enforcement code are implemented in the nearest future.

If DIP and MoJ will revise the prison regulations and the organization chart of Rusca, this will increase the prison's performance to effectively prepare women for law-abiding life after release.

Positive and constructive interaction between prisoners and staff is a crucial element in the rehabilitation process. 50% of women are unsatisfied with the relationship between prison staff and prisoners<sup>16</sup>. It's worth adding that, according to a sociological study carried out by DIP in Rusca in Oct-Nov. 2015, 69% of women prisoners were satisfied with the way staff was treating them.<sup>17</sup>

## RISKS MANAGEMENT

Materialized risks	Mitigation actions	Status in January 2017
<b>Turn-over of staff following a change in leadership of Rusca</b>	Frequent meetings with the new leader, Trip to Romania for the Governor.	Leadership acknowledged the need for development. Due to abrupt closing of NORLAM, there is a high risk that the plans will discontinue.
<b>Transfer to open type of prison is outside the competence of prison administration</b>	Promote open sector as part of resocialization regime (preparing for release).	Changes in the Enforcement Code promoted via DIP working group.
<b>Overcrowding pressure, despite Amnesty law<sup>17</sup></b>	Please see section 7.	

<sup>16</sup> According to the Anthropology study carried out in autumn 2016.

<sup>17</sup> During 2016, 50 women had been released, of which 13 were released based on the Amnesty Law approved by the Parliament in august 2016.

## LIFE-SENTENCED PRISONERS

### Background

Life-sentenced prisoners addressed to NORLAM over 120 letters complaining about breaches of human rights, non-observance of the law or contradictory interpretation of the legal provisions by the same court (and even by the same judge).

NORLAM met with half of the lifers in July 2016 and answered their questions and worries. The fundamental issue for them is that after the conversion of death penalty into life-imprisonment in 1996, no life-sentenced prisoner was released<sup>18</sup>. Other raised issues concerned the lack of progression, limited activities, no remunerated work opportunities, and no perspectives for release. Currently, there are 118 life-sentenced prisoners in Rezina Prison, of which 9 sentenced in 2016.

### Outputs delivered in 2016

The only output planned with regards to life-prisoners was the fact-finding mission to assess the compliance of Moldovan legislation and practice with international requirements. The theatre project "Hamlet" was not included in the Expectation Letter due to the uncertainty of the co-financing by other donors.

#### HAMLET: PROCESS

Upon the initiative of NORLAM, the Art Centre Coliseum drafted a project plan which was accepted by the Moldovan Ministry of Justice and DIP then promoted to other donors. The aim of the project was two folded, on the one hand – to use drama therapy as source of rehabilitation for detainees for counteracting the damaging effects of isolation, and on the other hand – to initiate a public discussion about crime and punishment, the human capacity to change, and the manner the state should treat its citizens.

A group of 11 prisoners were included in the play casting together with professional actors from National Theatre "Eminescu", the women in Rusca prison made the costumes and the inmates in Pruncul prison produced the metal decorations. The project was co-financed by the EU Delegation via EUTAP4, by Swiss Cooperation Office and NORLAM.

The media campaign to ensure the visibility of the "Hamlet" theatre project at the Penitentiary no. 17 in Rezina started in July and lasted until mid-September. The key media actions included visits to Rezina, visits to the other prisons involved, a press conference a few days before the grant premiere and in-depth monologues and individual interviews with the prisoners. The journalists were provided with info-kits containing a comprehensive presentation of the project, including participants, motivations, donors etc.

The grant premiere was broadcasted live on a TV channel and on the screen in the centre of Chisinau. All participants received a program-brochure about the project.

All in all there were **60 appearances**<sup>19</sup> in media (not including MoJ, DIP and NORLAM's websites), with an estimated reach varying from 20,000 to 400,000 viewers in each appearance<sup>20</sup>.

### STUDY ON RELEASE ON PAROLE OF LIFE-SENTENCED PRISONERS

In order to assist Moldova in identifying a functional mechanism of release on parole of Life-prisoners, NORLAM decided to carry out a research on this topic. The research will analyse Moldovan legislation and practice in light of international standards and also compare the practice of several countries (Romania, Ukraine, Norway, Germany have already replied to our questionnaire). The study will be launched in a Conference in the first half of 2017.

<sup>18</sup> In 2014 the legislation was changed and the minimum number of years to be eligible for conditional release was raised from 25 to 30 years.

<sup>19</sup> Not including the posts by Ministry of Justice, DIP and NORLAM on websites and Facebook pages.

<sup>20</sup> According to the Media Monitoring Report submitted by the Communication Expert hired in the project.









Hamlet Project (Photo: Nicolae Pojoga)



# 5



Project:  
Probation  
Implements non-  
custodial sanctions  
of good quality

## Background

The Project document was approved in the steering committee in spring 2016. The main outcome of the project is that probation manages execution of sentences in a qualitative, effective and individualised way.

## Outputs delivered in 2016

All the planned outputs were delivered. In addition to the plan, NORLAM supported probation with their Strategy, delivered equipment and arranged a joint workshop with a prison in Romania.

### PROBATION DEVELOPMENT STRATEGY 2016-2020

In 2016, the Moldovan Probation Service drafted a strategy for its development for the next 4 years. The Strategy was adopted by the Government on July 6, 2016.

NORLAM has assisted Moldova probation in drafting the Strategy. NORLAM had several meetings with probation leadership and Ministry of Justice and the expert contracted for reviewing and improving the Strategy. During 2016, NORLAM submitted two written opinions regarding the Strategy.

The majority of our comments were taken into account and introduced in the new probation strategy. One of the major NORLAM's concerns was the length and level of detail of the strategy. After NORLAM's input, the strategy was significantly improved.

The most important issues that were introduced in the Strategy, based on NORLAM's comments and assistance during the years, were the following: hire more qualified staff with social assistance, pedagogy or psychology background, increase probation counsellors' salaries, improve the financial management and use of the current resources, try to implement in probation best practices from abroad, introduce a new community sentence, widen the target group for electronic monitoring (EM).

### SUPPORT THE IMPLEMENTATION OF COGNITIVE PROGRAMS AND OTHER CRIME PREVENTING MEASURES IN THE MOLDOVAN PROBATION SERVICE

Given the fact that most of the cognitive programs require knowledge and skills of Motivation Interviewing (MI), NORLAM dedicated a significant effort to providing all probation counsellors with this counselling technique.

In 2016, **six MI courses of one week** each were conducted by the group of six Moldovan trainers that NORLAM trained in 2015. This means that about half of the Moldovan probation counsellors were trained in MI by their colleagues, with the support of NORLAM.

Moldovan probation lacks a cognitive program adapted to the country's needs<sup>21</sup>. One of the major issues in Moldova is the alcohol consumption, World Health Organisation ranking Moldova in top based on alcohol consumption per capita<sup>22</sup>. Many probation clients were convicted based on their issues with alcohol or drugs. For instance, in 2008, half of the thefts were done by people under the influence of alcohol.

Also, based on the request from the probation leadership and the probation counsellors to have a cognitive based program that will be short, individual and easy enough to be used in training counsellors without a degree in social science, NORLAM started the process of adaptation and translation of the Norwegian cognitive program „Russamtalen” (Substance abuse program).

<sup>21</sup> To our knowledge several programs were successfully implemented. However, they suffer from several deficiencies related to the lack of trained probation counsellors in the program, lack of a manual for the program or issues regarding the impossibility to have people coming because of the length of the program.

<sup>22</sup> In 2014, Moldova had the second largest alcohol consumption per capita [http://www.who.int/substance\\_abuse/publications/global\\_alcohol\\_report/msb\\_gsr\\_2014\\_3.pdf?ua=1](http://www.who.int/substance_abuse/publications/global_alcohol_report/msb_gsr_2014_3.pdf?ua=1)



**Probation training in MI performed by the Moldovan trainers (ToT from 2015)**

In November 2016, a Norwegian expert, that helped NORLAM adapt the program was identified and had a visit to Moldova. In the adaptation and translation process, in order to ensure sustainability, a Moldovan counsellor was involved. Subsequently, the manual for Substance abuse program was adapted to Moldovan needs and translated from Norwegian into English and Romanian. On 23-26 January 2017 the training of 18 probation counsellors and two prison staff was delivered. In 2017 a follow-up meeting with the trained counsellors and, eventually, further adaptation of the manual will take place.

#### DEVELOPMENT OF LEGAL FRAMEWORK FOR COMMUNITY BASED SENTENCES

Due to rigid regulations, the execution of non-custodial sentences cannot be adapted to the criminogenic needs of the offender.

A need for more possibilities to individualise probation sanctions was established both by the National Probation Inspectorate (NPI) and NORLAM. The idea to implement the Norwegian model of Community based sentences was discussed with the Moldovan Ministry of Justice in 2014. Due to the fact that it was premature, the implementation of the new sanction was postponed.

In 2016, the MoJ requested NORLAM to provide assistance in the legislative amendments and further implementation of the Community Sanction. An adaptation process started; NORLAM had several meetings with the legal department, but also discussions with probation staff. *A draft concept of a possible community sanction was developed and discussed with the Deputy Minister of Justice responsible for probation portfolio.* However, because of the downscaling of NORLAM activities, it was decided not to continue with activities regarding the sentence, because of the impossibility to ensure the good implementation.

#### INFORMATION AND TRAINING OF PROBATION STAFF AND OTHER KEY PERSONNEL IN JUDICIAL SECTOR IN NON-CUSTODIAL SANCTIONS

In April, NORLAM delivered two trainings of two days on release on parole which involved judges, prosecutors, prison staff and probation from all over the country. The focus of the discussions was release on parole.

Also, a topic of discussion in the Criminology Conference organised by NORLAM in 2016 was the use of non-custodial sanctions. The discussions of the final panel concentrated on the benefits and efficiency of non-custodial sanctions. Further events with legal professionals to promote probation will take place in 2017.

#### SUPPORT IN INVESTIGATING NEEDS AND POSSIBILITIES FOR ESTABLISHING ELECTRONIC MONITORING IN MOLDOVA

During 2016, NORLAM delivered several legal and practical advices regarding the implementation of electronic monitoring. NORLAM had discussions with the Minister of Justice and with the Deputy Minister responsible for the probation portfolio, but also with the Head of Probation on the importance of increasing the efficiency of EM use. The need for using EM as a means to reduce prison population was emphasised.

NORLAM presented a note suggesting the changing of the target group, amendment of regulations and establishment of a new structure of EM. Some of the suggestions were integrated in a draft law (e.g. reducing the length of electronic monitoring from 5 to 1 year), but a decision was postponed till autumn session. Also, based on our comments the regulations for Electronic Monitoring were



**Group trained in the program for drug users „Russamtale”**

amended. More basic conditions (e.g. housing) for applying Electronic Monitoring were added and approved by the Government on 2 November 2016.

#### **PROMOTE EARLY RELEASE IN ACCORDANCE WITH HUMAN RIGHTS AND MOLDOVA'S INTERNATIONAL COMMITMENTS**

The release on parole was promoted by NORLAM through 2016, both through conferences, seminars, but also through legal advice.

In June 2016, NORLAM, at the request of probation, co-financed a conference on release on parole in Moldova “Probation and Prison - a joint effort to prepare persons for reintegration”<sup>23</sup>. The main topics of the discussions were

increasing the number of releases on parole and improving the communication between prison and probation.

Also, in November, NORLAM organised a study trip to Iași, Romania and 4 probation staff members joined the prison working group. The probation specialists had the chance to visit the Iași prison and a probation office. The issues regarding release on parole in Moldova were discussed.

#### **SUPPORT PROBATION REGIONAL CENTRES**

In 2016, NORLAM provided also material support to probation. Laptops and projectors for the training centres were bought, but also some computers for the probation counsellors. Due to severe underfunding, probation counsellors perform their work in crowded offices, majority lack rooms for counselling and facilities for trainings. NORLAM supported the probation in arranging regional centres.

<sup>23</sup> The conference was organized by the European Union Technical Assistance Project -4 (EUTAP-4) that concentrates on the improvement of Prison and Probation.

## Progress towards outcome and likelihood of impact

The number of probation clients went up by 30% in the last 7 years, without corresponding increase in funding. In addition, due to insufficient counselling skills, probation counsellors were not providing effective support to clients that needed cognitive-based interventions.

In order to increase the quality of non-custodial sanctions, NORLAM chose Motivational Interviewing as a basic counselling methodology which facilitates the work of probation counsellors in bringing about change. Through the assistance from NORLAM, both in terms of skills and material support, NORLAM enabled probation counsellors, to a certain extent, to provide more qualitative and individualised assistance to their clients.

Currently, about 95% of probation counsellors have been trained in MI by NORLAM. During the training sessions in 2016, all trainees underlined that the seminar achieved its purpose and their expectations were fulfilled. Also, 93% of the trained staff rated the trainers that were trained by NORLAM as **excellent** or **very good**. The quality of MI trainings was mentioned in a Report on assessing Moldovan probation, made by the European Technical Assistance Project in Moldova<sup>24</sup>.

**Based on a questionnaire and discussions it was found that MI technique is used by all the probation staff that was trained in the technique<sup>25</sup>. The majority of the counsellors included in the sample said that MI changed their view on probation clients' possibility to change.**



However, empowering probation with the proper skills and tools is found insufficient for achieving the desired impact of probation on its clients. The quality of non-custodial sanctions depends also on the individualisation of sanctions and obligations by judges. The Probation service statistics shows that the proportion of convicts with crime preventing conditions imposed by court is still very low.

Out of 8807 persons that were sent to serve a non-custodial sanction in 2016, only 10,2% were applied additional crime preventive obligations to the punishment. It was the same percentage in 2010<sup>26</sup>. The number of persons with the obligation to follow therapeutic treatment of drug or alcohol addiction or a cognitive program is 39.

However, it should be mentioned that the possibility to add cognitive programs as an additional obligation to probation clients entered into force since 31 December 2015. NORLAM assumes that if judges will be informed about the benefits of cognitive programs the number of convicts with such an obligation will increase.

<sup>24</sup> The report was done by the EUTAP -4 that concentrates on the improvement of Prison and Probation, it was not published yet, but we were presented with a draft version, p. 9.

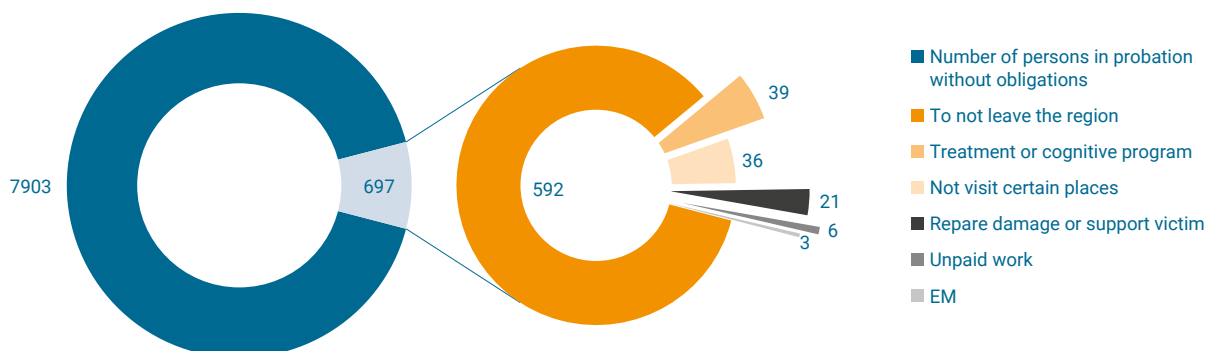
<sup>25</sup> The questionnaire was answered by 16 probation counsellors from different regions and Central Probation Office.

<sup>26</sup> Public Policy Proposal on probation, 2012.



CHART 3

Number of individualised sentences in probation



## Degree of individualization of probation sanctions and measures

## RISK MANAGEMENT

Materialized risks	Mitigation actions	Status in January 2017
<b>Government budget austerity, probation is not prioritised</b>	Discussions at the Ministry level about increasing the efficiency in probation.	Preparations for a 3-day workshop about this issue.
<b>Heavy workload, several pilot projects conducted at the same time</b>	Discussions at the Ministry level and probation leadership about the need to reduce the bureaucracy	Leadership in the MoJ is aware of the issue.
<b>Highly qualified and experienced staff leave the system</b>	NORLAM wrote several letters to the MoJ stressing the importance of salary increase. A draft law providing salary increase is still pending at the Ministry level.	An amendment is pending in the Government.
<b>MI trainings will not be pursued after NORLAM leaves because of insufficient funding</b>	Discussions with Probation and official request to institutionalise the MI part the initial and continuous at the NIJ	The leadership of Probation assured NORLAM that the needed actions will be taken.

# 6



## Human Rights Resource Group



## Background

NORLAM and Representative Office of the American Bar Association Rule of Law Initiative in Moldova (ABA ROLI Moldova) created in September 2013 a “Resource Group” comprising 23 members<sup>27</sup>. By the end of 2016, the number of active members was 14. From the establishment of the group in 2013, until the end of 2016, its members participated in 12 trainings on various topics.

## Outputs delivered in 2016

### TRAINING OF TRAINERS ON PRACTICING THE PANEL DISCUSSIONS METHOD

In 2016, a training course on presentation and moderation skill was conducted in March as part of the preparation for the members own moderation of panel discussions in April. Accordingly, the new mixed panel discussions took place in both Soroca and in Hancesti.

The topics were **peculiarities of reasoning of certain decisions in criminal cases and ensuring quality of arm in criminal cases**, addressing also specifically the role of the judge. The participants from the respective districts received these initiatives with the highest appreciation and strongly expressed wishes to organize similar panel discussions in the future.

### CHANGE LEADER PROGRAM

At the beginning of the year 2016, it was commonly decided that the resource group should contribute to development schemes within the divisions of the justice system the group members work in. Subsequently, a Change Leaders Program was the found as a solution.

The Program was intended to contribute to better leadership skills, improved reputation and capacity to promote positive changes within the proximity of their own institutions and their position in the justice sphere.

<sup>27</sup> NORLAM and ABA ROLI signed a Letter of Intent detailing their cooperation related to the Resource Group. The document expired on 31 July 2015.



In order to start the new Program, corresponding training in the **Management of Change** was needed. Members of the group were invited to attend a specialised seminar and learned how to assess the efficiency and the level of development of an institution, as well as how to identify gaps in development of the institution.

The next stage in the Change Leaders Program was the actual development of **mini-projects** by the Resource Group members. Participants had to design a project proposal in which they had to apply the concepts they have learned.

In June 2016, the representatives of the Resource Group presented before an independent Commission 10 mini-projects, which aimed at analysing and improving certain legal/judicial practices; strengthen the independence and transparency of the judiciary and prosecution, as well as to ensure a correct and uniform application of the standards provided by the ECHR and the case law of the European Court.

The Group members aimed to achieve these outcomes by drafting studies; organising roundtables, involving all relevant actors and the civil society; holding public debates;

engaging in panel discussions; carrying out trainings; providing proposals for continuous training programs for the legal actors and amending the legislation, etc. The members chose highly relevant projects linked to their own working environment as jurists, such as protection of victims in court hearing, transparency and public relations for judges, the rights of the disabled during court hearings, objectiveness of the indictment, alternatives to detention, filtering mechanisms in the court system, uniform practice on procedural nullities, organization of prosecutors' union and protection of psychiatric patients from human rights violations.

### STUDY TRIP TO NORWAY

The authors of the most promising project documents were offered a study trip to Norway in September 2016. The purpose of the visit was to contribute to the improvement of the content of the mini-projects previously drafted by the members of the group, by studying the comparative legislative elements and identification of best practices implemented by their Norwegian colleagues. Interesting discussions took place during the meetings with the representatives of the Borgarting Court of Appeal (Oslo),





Norwegian Lawyers' Association, Judges' Association, the Supreme Court, Lovdata Foundation etc. After the study trip, participants adjusted their mini-projects in accordance with the positive practices identified and integrated the results into the project documents.

During the period 25 November – 5 December 2016, 5 out of 10 mini-projects were implemented. In the plenary session held on 9<sup>th</sup> of December 2016, the results of the projects were presented to the international donor community by the members of the group, with focus on the members' impressions and lessons learned.

#### PROGRESS TOWARDS OUTCOME AND LIKELIHOOD OF IMPACT

In terms of trainings skills and knowledge of European legal standards, the group has developed into becoming an important community of practitioners working together in conducting trainings, launching projects etc. promote the value of inter-disciplinary cooperation in order to achieve an effective justice sector. The group highlights the value of mutual respect between professions.

# 7

## Humanisation of the Criminal Justice



## Key facts and background

In Moldova, the penal philosophy is retributive with limited focus on rehabilitation and almost no discretion for individualisation at the enforcement phase. NORLAM tried to reduce breaches of human rights and the unnecessary suffering of Moldovan citizen by lowering the sentencing levels (2008), promoting a humane penal policy, piloting an individualised approach to juvenile convicts (2013-2015), initiating the concept of community sentence as a separate sanction (2014), creating an open sector in women's prison (2016), promoting release on parole (2015-2016), etc.

In recent years, the numerous amendments to legislation reversed the positive trend of prison population decrease. During 2012 – 2015, 34 changes were introduced in the penal code and the majority increased the sentencing levels or criminalised certain acts<sup>28</sup>.

Meanwhile, the number of convicts released continuously decreased from 2702 in 2008 to 1322 in 2015, and 1885 in 2016. Correspondingly, the number of releases on parole also decreased from 1147 in 2008 to 243 in 2015. The

increase in releases in 2016 could be explained by **amnesty** law applied in August (288 releases), wider application of release on **parole** (404 releases).

## Outputs delivered in 2016

The outputs described below have been planned as supporting the outcome: penal legislation adjusted to ensure better individualisation and less overcrowding.

### "HUMANISATION" LAW

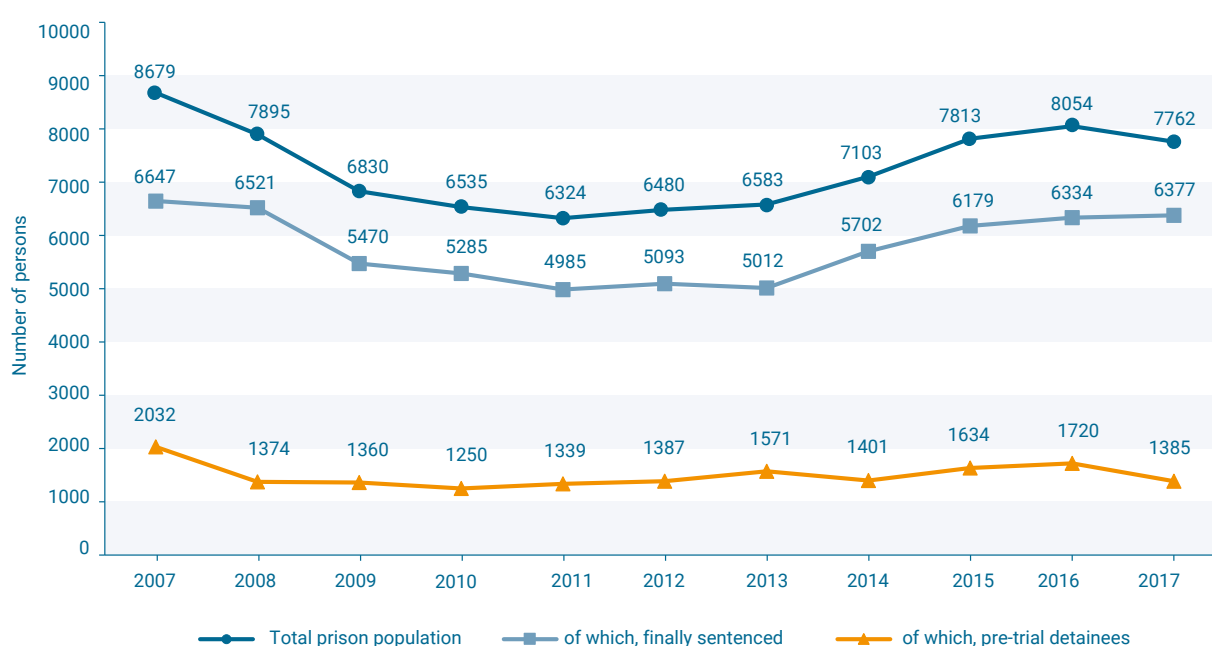
In February 2016 NORLAM delivered a well-substantiated analytical note to the Ministry of Justice with short-term solutions to prison overcrowding.

This Note proposed the following three solutions:

- 1) Revision of the conditional release conditions;
- 2) Individualisation of sentence enforcement for motivating prisoners to take active part in implementing the sentence plan and change behaviour;
- 3) Adjusting the large and significantly large proportions to the devaluation of Moldovan currency and to the average salary in the economy.

<sup>28</sup> Evaluation Report of the accomplishment of 2.5.1 action from the Justice Sector Reform Strategy.

CHART 4



Trends in prison population (numbers as of January every year)

Subsequently, the Deputy Minister of Justice invited NORLAM to work closer with the Legal Department on a draft law. Meetings for discussing solutions have been organised regularly, with the participation of the Deputy Minister. NORLAM has been giving priority to this humanisation work, and in the beginning of June a "humanisation" draft law along with an informative note was sent to the Government.

In the Government sitting on 6 July 2016, the draft law was approved and in autumn it passed the first reading in the Parliament. If the draft law will be adopted by Parliament, it is meant to produce or lead to the following changes:

#### **1. Increase in the application of non-custodial sanctions:**

- Introduce a general principle that the prison is an ultimo ration solution, in accordance with Council of Europe standards.
- Introduce split sentences for punishments up to 12 years – the convicted person will be sent to serve a part of the sentence in prison and the remaining part in community.
- Extend the application of the provision regarding the postponement of sentence enforcement to men that have children under the age of eight, in order to ensure equal treatment.

#### **2. Increasing discretion of judges to individualise punishments for reoffenders:**

- Increase the discretion of judges regarding reoffenders – the court having the possibility to apply shorter imprisonment or a non-custodial sanction.
- Ensure constitutionality in cases of reoffenders which have been charged for a serious crime for which the law provides as an alternative life imprisonment; until now the judge would have to apply only life imprisonment in case of reoffenders.
- Introduce as a rule diminished punishment for youngsters aged between 18-21, according to a recommendation of a Twining report on Support to Moldova in Prison Systems Upgrading and Penal Reform<sup>29</sup> and Council of Europe Recommendation.

#### **3. Increasing the number of exits from prison**

- Reduce the number of conditions to be met for early conditional release (release on parole), abolish several which are in contradiction with human rights and ECHR.
- Diminish the minimum time that has to be spend in custody before being eligible for early conditional release for youngsters and people aged 60 or more.
- Extend the application of `pre-release on parole` with the application of a milder punishment, to crimes punished up to 12 years.

#### **4. Preventive and compensatory mechanism according to ECHR standards:**

- A mechanism for preventing inhuman detention conditions was suggested to be introduced. The detained persons will have the right to complain about the detention conditions to the investigative judge<sup>30</sup>, who will be able to give binding orders to the prison administration to undertake needed actions in order to ensure compliance with national and international standards regarding the detention conditions.
- A compensatory mechanism based on the Italian model - the detainees will either receive a reduction in punishment or a pecuniary damage. The reduction in punishment will be the rule, and will be from 1 to 3 days for every 10 days served in inhuman conditions. The pecuniary damage will be 4 euro a day.
- For pre-trial detention in inhuman conditions the reduction in punishment will be doubled – 2 days for every day in inhuman conditions.
- At the recommendation of the Council of Europe experts and in order to decrease the expenses for commuting inmates from prisons to courts, it was decided to suggest that judges as a rule should travel to prisons to decide on complaints on detention conditions.

These changes, if accepted will require follow-up to secure correct implementation, especially the concepts which are innovative for Moldovan legal professionals.

<sup>29</sup> TWINNING PROJECT, MOLDOVA and GERMANY & NETHERLANDS, Rapporteurs: Rüdiger Wohlgemuth, Ecaterina Perciuleac, Antonina Dranga, March, 24, 2011, p.11.

<sup>30</sup> Investigative judges in Moldova, among others, have the duty to ensure legality of the pre-trial phase and of the enforcement of punishments.



## FULL-CHAIN MIXT SEMINARS ON RELEASE ON PAROLE

Two seminars, two days each on **Conditional Release** were conducted in the end of May 2016 together with the NIJ and Coliseum, attended by judges, prosecutors, prison, probation, 60 participants in total in both seminars. In the first day of the seminar participants watched the documentary theatre, while in the second discussed human rights concepts and standards.

Based on the in/out tests, a change in attitudes and points of view was possible to measure.

**The percentage of those who answered yes to the question whether life-sentenced prisoners deserve the chance to be conditionally released increased from 27% (in) to 62% (out).**

**The proportion of participants who considered that conditional release poses higher risk than the release at the end of term decreased from 21% (in) to 6.5% (out).**

During the seminar, the participants were presented the relevant ECtHR case-law which provide for "right for hope" and the "right to improve/rehabilitate while in prison".

## INTERNATIONAL CONFERENCE

NORLAM organised an international criminology conference in cooperation with ABA-ROLI Moldova on 2-3 June attended by representatives from all legal institutions in Moldova: Constitutional Court, Supreme Court of Justice, General Prosecutors Office, Bar Union, deputy Ministers of Justice, Prison leaders and Probation - app. 100 participants. The Conference's objective was to raise awareness about why to punish, the purpose of the punishment and the interaction between the governing of a national criminal policy on the one hand and the independence of judges passing judgments on the other. The conference was very well received and several solutions to reduce over-crowding were launched.

## LEARNING FROM ROMANIA'S EXPERIENCE

A trip to Romania including 2 judges, 2 representatives from Ministry of Justice, 2 from prison, 1 from probation and NORLAM was organised in February 2016. The trip included meetings with National Prison Administration, Probation Directorate, Ombudsman's Office and a Prison Visit (Tirgisor – prison for women). The focus was on progressive regimes, reducing overcrowding and Romanian experience with the Supervising Judge in Prison. Romania is a good example for the release on parole practice (79% releases from prison are conditional), concerning progressive regimes and release of life-prisoners. In Moldova, the proportion of conditional release in total releases decreased from 42% in 2008 to 20% in 2016,

## Progress towards outcome and likelihood of impact

In 2015 NORLAM pointed out on repeated occasions and various fora that one of the main causes of overcrowding is the dramatic decrease in the use of release on parole. The releases on parole increased in 2016, even if the draft amendments reducing conditions of eligibility for release on parole have not been passed yet (so called humanization law).

This result could be partially attributed to advocacy efforts of NORLAM (notes, opinions, full-chain seminars on release on parole) and is anticipated to have wider impact when the legal amendment will enter in force.

Should be underlined that the leadership of the Ministry of Justice, representatives of the prison system and probation have also promoted the need for a more efficient release on parole mechanism, introducing EM as a monitoring tool. At Probation's request, EUTAP4 arranged a round table about release on parole in cooperation with NORLAM

# 8

## Transfer of knowledge and Legal Expertise

NORLAM planned a range of outputs as contributing to outcomes like: 1) fair criminal investigation, 2) improved independence of judiciary 3) legal professionals correctly apply ECHR. This section will present, where available, progress or changes resulting directly from a cluster of outputs.

### SEMINARS IN COOPERATION WITH THE NIJ

In its first seminar for judges NORLAM addressed **the well-reasoning of judgements, the role of the judge in court hearings and ethical codes for judges**. The next seminar for judges focused on **transparency in the court system, the role of the judge in the public domain, how lawyers look upon judges and the important role of the media as a "social watchdog"**. There were 25 judges from different regions and levels of court and many attended both seminars.

In a two-day mixed seminar for prosecutors, judges and lawyers (30 participants) the **legal demands for using undercover agents in criminal investigation** were examined. For the same group NORLAM had on the agenda the **prosecutor's objectivity in the light of the presumption of innocence**.

In a separate seminar for the prosecution NORLAM addressed the topic **objectivity demands in assessment of evidences in cases with vulnerable groups**, and organised group work on **the assessment and application of the proportionality-principle in pre-trial detention** cases.

In both mixed and prosecution seminars, NORLAM engaged local practitioners as lecturers.

**During the mixed seminars on the ECtHR case-law on entrapment and the presumption of innocence, about 20 participants took an in/out multiple choice test.**

**In most of the questions, the participants improved their results by the end of the training. In five questions the results improved with more than 20%.**

**For example:**

**i) If an entrapment allegation is submitted for the court, on whom does the burden of proof rest to prove that there was no entrapment?**

**The percentage of correct answers increased from 76 to 100%.**

**ii) Are statements by judges subjected to stricter scrutiny than statements by investigative authorities? The percentage of correct answers increased from 55 to 90%.**

### CODE OF ETHICS FOR DEFENCE ATTORNEYS ADOPTED

The new version of the Moldovan Code of Ethics of the Defence Attorney was approved on 1 July 2016. NORLAM has been a permanent member of the Working Group drafting the document and many of the Norwegian suggestions were introduced in the Code. Although the working group had to challenge some new and very surprising initiatives at its final stage of reviewing, in the Committed for Ethics of the Bar Union, where NORLAM also has participated, the version proposed for Bar Congress' approval is based on many of our suggested solutions.

### LAW NO.100 CONCERNING LAWYERS' ACCESS TO DOCUMENTS ADOPTED

On 26 April 2016, the Parliament adopted amendments to the Criminal Procedure Code, which provides the defence attorney with access to the materials of the case file during the pre-trial detention phase. Therefore, the prosecutor, according to the new provisions is obliged to provide the defence with all the materials and evidence, which confirm or invalidate the insufficiency of other preventive measures, grounds for applying pre-trial detention and house arrest. NORLAM has promoted access of the defence attorney to the materials of the case file for a proper observance of the fair trial principle since 2011-2012 and salutes the recent amendments.

## COURSES FOR LAWYERS IN COOPERATION WITH THE NGO HUMAN RIGHTS EMBASSY

In 2016, the Human Rights Embassy NGO organised a number of professional development courses for lawyers in two formats, supported by the Norwegian Mission of Rule of Law Advisers to Moldova (NORLAM):

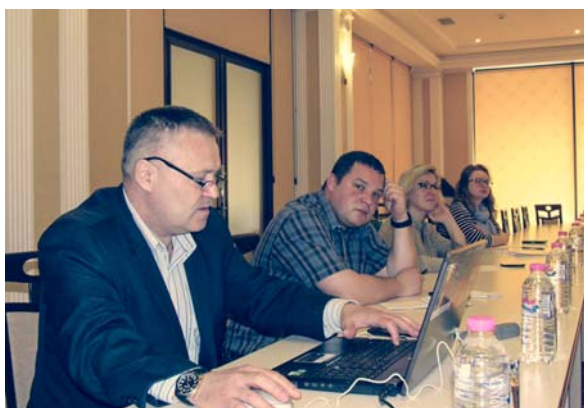
1) Professional development courses for lawyers (seminars, conferences, thematic meetings of Human Rights Clubs), with the main partners – the Human Rights Embassy, the Human Rights House Network (HRHN) and the Norwegian Mission of Rule of Law Advisers to Moldova (NORLAM)

These Human Rights Clubs targeted topics such as: why does the state (not) execute decisions of the European Court of Human Rights; open talk about legal volunteering - opportunities to mobilise commercial legal expertise for the benefit of the civil society; admissibility of evidence in criminal proceedings, standards under the ECHR and national legislation of the Republic of Moldova, contribution of defence lawyers and civil society organisations to the execution of the European Court of Human Rights decisions; defence lawyers and protection of public interest - lawyer, journalist, human rights activist - on the way to effective cooperation. Recommendations; necessity of strengthening guarantees for legal assistance in Moldova and the role of the legal community / Moldovan Bar in

the implementation of international standards. The total number of participants in these events was 207, including the President and Board members of the Moldovan Bar, as well as Chairs of the Association of Young Lawyers, Association of Women Lawyers and Association of Veteran Lawyers.

2) Professional development courses for lawyers from both banks of the Nistru River (thematic meetings of Human Rights Clubs). Main partners – the Human Rights Embassy, the OSCE Mission to the Moldova and Norwegian Mission of Rule of Law Advisers to Moldova (NORLAM).

The courses focused mainly on: the work of forensic experts; the structure of the institutions, statistics, analysis of the applications and the complexity of the work of forensic experts from both banks of the Nistru River; issues of execution of decisions of national courts in civil and / or criminal proceedings - problems and solutions on both banks of the Nistru River; issues of citizenship, rights and obligations of residents of Moldova, analysis of the applications and solutions to the problems of people living on both banks of the Nistru River; bringing Human Rights to Patients and Health Care Providers; the right to quality health care, free access to health care, health insurance; providing effective legal assistance for the restoration of violated or restricted rights of patients on both banks of the Nistru River. The total number of participants was 181.





**Criminology Conference**

## SUPPORT TO THE JUDICIARY

NORLAM consulted the Superior Council of Magistracy in April regarding implementation of the ethical code for judges. NORLAM has also supported proposed changes in the Constitution and legislation to enhance judicial independence.

The topic was also basic in the Criminology Conference in June, where many authorities in the legal system were present. Further, consultancy has been provided to the Superior Council of Magistracy regarding the Norwegian Supervisory Committee for Judges.

## LECTURES IN THE STATE UNIVERSITY FOR MASTER IN LAW STUDENTS

Moldovan State University piloted a new course in the Master program focused on sentencing policies, application and enforcement of punishments. According to the evaluation of this course at the end of the semester, all students mentioned that lectures conducted by Norwegian professionals were the most exciting ones. Three NORLAM Advisers have lectured in the fall of 2016.

Being offered the opportunity to hear and discuss about Norway system helped them understand better the main concepts. They were impressed how the criminal justice system is working in Norway. Moreover, many of them mentioned that these discussions changed their approach towards criminal justice mechanisms and sentencing principles.



## LEGAL EXPERTISE PROVIDED BY NORLAM

### AMNESTY LAW

The **amnesty law** - one of the solutions for reducing the number of inmates in the Moldovan prisons approved by the Parliament of the Republic of Moldova was an amnesty law which was intended to reduce the number of entries in prisons and increase exits. NORLAM submitted a comprehensive opinion presenting the criminological reasons against the law. However, taken into account the decision of Moldovan authorities to adopt the law, NORLAM suggested several amendments that in its view would improve the law. Several suggestions were adopted by the Parliament: not to exclude from the target group persons because of the diseases they suffer (this would have been discriminatory), give the opportunity to the persons that have been convicted for unintended or non-violent crimes to benefit from the amnesty, allow judges to apply crime preventive obligations for the persons released from prison based on the amnesty law. The last two suggestions were approved by the Parliament.

### INCREASING THE CONVENTIONAL UNIT

As previously mentioned, in February, 2016, NORLAM presented some ideas to reduce prison population. One of them was to adapt the threshold for applying aggravated punishments for crimes against property to the current economic realities. Even though NORLAM was not involved in the drafting of the legislation, based on the Note presented by the Mission, the Ministry of Justice drafted an amendment to the Criminal Code, through which increased the threshold by 150% and adopted a mechanism that would allow for an annual revision of the threshold.

**According to Moldovan legislation even convicted persons will be able to ask for a revision of their case based on the increased threshold. In practice this means that about 1/3 of the inmates will benefit from the law amendments through a decrease in punishment.**

NORLAM submitted its opinion to the final draft law, mainly pointing out that the pecuniary sanctions for some economic crimes should be dissuasive enough and the threshold for having aggravated versions of the crimes should be decided on case by case basis.

### CONTRIBUTION TO THE CRIMINAL PROCEDURE CODE

NORLAM has been invited to participate in a working group on the revision of the Criminal Procedure Code of the Republic of Moldova. NORLAM advised the Ministry of Justice to have a clear vision on the amendments that are to be done and draft a mandate for the working group. NORLAM also provided the MoJ with a short description of the manner in which the penal policy is decided in Norway, how working groups on amending legislation work and the importance of the preparatory works for ensuring understanding and uniformity of application of the amendments. The goal of the working group is to amend the Criminal Procedure Code in order to remove inconsistencies and deficiencies and to ensure respect of human right at all the phases of the criminal trial. The working group was led by the Deputy Minister of Justice and consisted of experienced judges, prosecutors and lawyers.

NORLAM took part in two meetings of the working group and provided the Norwegian experience regarding the criminal proceedings. NORLAM also submitted written opinions to the working group regarding some of the suggested amendments considered to be problematic either from an ECHR perspective or in the subsequent implementation.



## OPINION AGAINST EXCEPTION FROM PUNISHMENT FOR ECONOMIC CRIMES

In December last year, the Ministry of Justice sent NORLAM a draft law which aimed at giving the opportunity to first time offenders for some economic crimes to accept paying a pecuniary damage and to benefit from an exception of punishment. The main purpose of the draft law was to decrease the prison population and prevent that this type of non-dangerous offenders were sentenced to custodial punishments.

NORLAM submitted a comprehensive opinion against the draft law for the following reasons. The crimes targeted by the draft law, provided already either just pecuniary punishments or an alternative punishment. Also, in the prisons there were just 0.4% inmates serving punishments for the crimes included in the draft law. Moreover, the draft law did not include crimes like theft or burglary for which about 30% of inmates were serving prison sentences and had very long punishments.

## THE ELECTRONIC TEMPLATES FOR PRE-TRIAL MOTIONS:

Developing and implementing an electronic case-handling system for the prosecution authorities is a priority according to the Justice Sector Reform Strategy adopted by the Republic of Moldova. Hence, an electronic platform called "e-Case" has been developed, supported by international donors. In 2016, NORLAM has supported the development of electronic templates for procedural acts, such as requests for pre-trial detention. At NORLAM's initiative, a working-group was established with designated members from the Prosecutor General's Office. The aim was to provide user-friendly and functional electronic templates, plus ensuring a sufficient awareness of ECHR-standards, in particular when applying coercive measures. Previously, NORLAM has provided electronic Word-templates for this purpose, but the development of an electronic case handling system as a working tool for prosecutors required a different approach. The focus of the intervention in 2016 has been to develop methodology and functionality, with the Norwegian experience as a reference.

# 9

## Deviations and discontinued initiatives

## PRE-TRIAL DETENTION PLANNED PROJECT

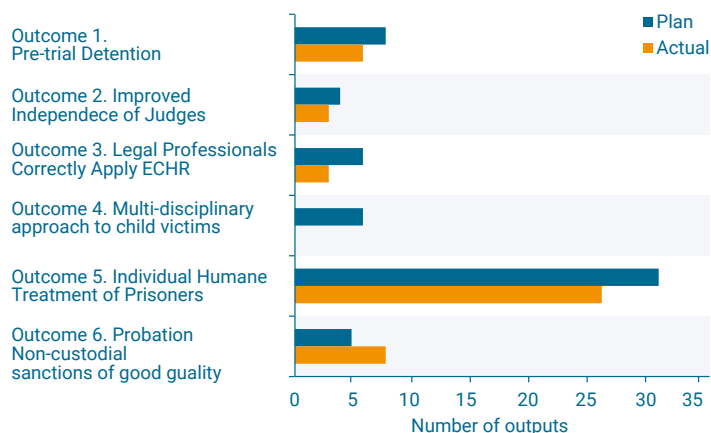
The right to liberty and security is of the highest importance in a “democratic society” within the meaning of the European Convention for Human Rights. Along the years, ECtHR has issued 70 judgments against the Republic of Moldova, finding different violations of the right to liberty and security, enshrined in Article 5 of the Convention. A significant share of these judgments refers to poor reasoning of decisions approving requests for pre-trial detention.

Tackling matters related to pre-trial detention was one of the major areas of interest for NORLAM since the establishment of the Mission in 2007. An Evaluation Report on the practical use of templates as motions for pre-trial detention was published by NORLAM in 2012<sup>31</sup>. More than 335 motions were assessed based upon the level of quality of individualisation under each legal component for pre-trial detention and based upon placing factual circumstances under the correct legal demands. The study concluded that there was still need for development of the prosecutors’ skills in this domain and recommended arranging training courses on a yearly basis.

Another issue of is that **alternatives to detention are underused**<sup>32</sup>. Recent legal studies at the national level have addressed the same issue, and concluded likewise<sup>33</sup>.

During 2016 NORLAM developed a project plan, with the aim to enhance the performance of the prosecutors and investigative judges of reasoning the requests and decisions for pre-trial detention, and to conduct criminal proceedings in compliance with human rights. The project plan was developed in cooperation with the National Institute of Justice, the Superior Council of Magistracy and the Prosecutor General's Office, for 2016 – 2018. Due to the unforeseen decision to liquidate the mission, the project did not reach the implementation phase.

CHART 5



### Planned vs Actual Outputs, Letter of Expectation

The need for intervention is still present, and NORLAM calls for other actors to follow-up the initiative. Promoting and respecting human rights during criminal investigation, in accordance with Article 5 of the ECHR is one of the Government's priorities stated in their Activity Program for the years 2016-2018, under the Justice and Human Rights Chapter<sup>34</sup>.

## DEVIATION: CENTER FOR CHILDREN VICTIMS AND WITNESSES OF CRIMES

Through recent years a project has been developed to establish a Centre for Children Victims and Witnesses of Crimes in Chisinau and money has been allocated for this purpose. The Prosecution made available a house in this respect. The Criminal Procedure Code has been amended to secure the right of children to be interviewed in special rooms by specialists. The project has been integrated in Action Program of the Government of Moldova 2016-2018. However, an absolute prerequisite for the funds to be invested has been that Moldovan authorities should have co-financed this establishment. In a meeting with the Moldovan Ministry of Justice on 1 April 2016 it was concluded that Moldovan authorities could not give priority to the project due to lack of state funds. For this reason, an agreement regarding obligations and responsibilities between NORLAM and Moldovan stakeholders has not been reached and the allocated funds have been transferred back to the granting authority in Norway.

<sup>31</sup> Available at <http://norlam.md/doc.php?l=ro&idc=171&id=847>

<sup>32</sup> A 2016 research performed at the request of Soros Foundation-Moldova, Alternative Preventive Measures to Pre-Trial Detention: An Empirical and Theoretical Research of the Legal Framework, Available at [http://soros.md/files/publications/documents/Masuri\\_alternative\\_arestare\\_preventiva.pdf](http://soros.md/files/publications/documents/Masuri_alternative_arestare_preventiva.pdf)

<sup>33</sup> Studies drafted by the Legal Resources Centre from Moldova. Both available in Romanian and English at <http://crjm.org/category/archives/analize-crjm-privind-cedo/>

<sup>34</sup> Available in Romanian at [http://gov.md/sites/default/files/document/attachments/guvernul\\_republicii\\_moldova\\_-\\_programul\\_de\\_activitate\\_al\\_guvernului\\_republicii\\_moldova\\_2016-2018.pdf](http://gov.md/sites/default/files/document/attachments/guvernul_republicii_moldova_-_programul_de_activitate_al_guvernului_republicii_moldova_2016-2018.pdf)

# 10



## Cooperation and coordination with donor community and civil society



Throughout 2017, NORLAM continued to attend the **Justice and Security Sector Coordination (JSS)** meetings, which is a forum for all international donors in the justice sector field to discuss and coordinate efforts and activities for a more effective implementation of reforms. NORLAM has also been in close contact with various international organisations operating in the Republic of Moldova and attended several thematic donors meetings organised within the General Prosecutor's Office.

Together with **ABA ROLI Moldova**, NORLAM has co-organised a Multidisciplinary Criminology Conference in June.

Upon the request of **Council of Europe**, NORLAM delivered training sessions in a Training of Trainers course on Prevention of Torture and Ill-treatment in Prisons<sup>35</sup>. NORLAM prison expert was one of the trainers in this 3-day course for 24 participants from prisons.

Cooperation Agreement between **Hjelp-Moldova** and DIP was signed in May 2016 on providing assistance to prisoners from Rusca, Goian and Rezina.



NORLAM cooperated with several non-governmental organisations, like: Human Rights Embassy, Legal Resource Centre from Moldova, Regina Pacis Foundation, Coliseum Art Centre.

Among international donors NORLAM has been cooperating with Swiss Cooperation Office, OSCE Moldova, EUTAP4, and the EU High level Advisers to Moldova.

<sup>35</sup> More information can be found on the Council of Europe webpage.

## ANNEX: RESULT MONITORING INDICATORS <sup>3637383940</sup>

	Expectation Letter 2016	Indicator	Baseline	Actual 2014	Actual 2015	Actual 2016	Target 2016
IMPACTS	Moldova exercises Good Governance and RoL in compliance with its H.R. Commitments	Rule of law Index by World Justice Project, score 1 indicating strongest adherence to the rule of law	0.40 (2011)	0.45	0.48	0.49	0.5
	Citizens benefit from an effective justice system aligned to ECHR values and principles	Public trust in justice, Barometer of Public Opinion, IPP	32% (May 2007)	23%	12%	8%	20%
		Corruption Perception Index by Transparency International, score 100 - very clean, not corrupt.	28 (2007)	35	33	30	37
	Convicts are efficiently integrated into society	Prison population per 100,000 inhabitants	230 (2007)	199	215	222	down
		% re-offending while on probation	3.14% (2009)	3.4%	4.6%	3.56%	2%
		Return to prison rate among released juveniles	25% (2005-13)	0%	0%	16%	0%
		Women returning to prison within 5 years after release	13 (4%) (2015)	N/A	N/A	N/A	2%

	Expectation Letter 2016	Indicator	Baseline	Actual 2014	Actual 2015	Actual 2016	Target 2016
OUTCOMES	Criminal Investigations are fair and Pre-trial detention in compliance with HR	Score for "Effective Investigations", WJP RoL Index	0.55 (2012)	0.4	0.39	0.4	0.4
		Persons detained in custody before final conviction	2032 (2007)	1401	1634	1385	down
	Legal professionals correctly apply ECHR Improved Independence of the judiciary	Score for "No corruption in the judiciary", WJP RoL Index	0.3 (2012)	0.24	0.20	0.25	0.3
		Violations of art. 6 - Right to a fair trial	16 (2009)	10	5	7	down
		% of sentences for over 15 years out of total prison convictions yearly	7% (2007)	3.2%	3.74%	3.8%	2% <sup>36</sup>
	Individual and humane treatment of prisoners	Score for "Effective correctional system", RoL Index, WJP	-	0.29	0.28	0.3	0.3
		% of prisoners provided with work	33% (2007)	14%	14%	26%	20%
	Goian staff applies individual, crime preventive measures and respect juveniles' rights	% of Goian staff applying dynamic security out of total;	63% (2013)	65%	cca 10%	N/A	70%
		Number of registered self-hurting cases committed by juvenile inmates.	4 (2012)	2	17	14 <sup>37</sup>	down
	Rusca Staff has capacity to effectively rehabilitate women	% of staff performing correctional/educative work	7% (staff estimates)	7%	7%	24% <sup>38</sup>	15%
	Release on Parole	Number of persons released on parole in a year	1570 (2007)	260	243	245 <sup>39</sup>	300 <sup>40</sup>
	The Probation implements non-custodial sanctions of good quality	% of trained probation staff who apply "Motivational Interviewing" skills in their daily work.	0 (none in 2012)	30%	60%	95%	60%

<sup>36</sup> This indicator decreased to 2% in 2010 and remained at the same level for 2011 and 2012.

<sup>37</sup> Only in the first half of 2016.

<sup>38</sup> According to the Functional Assessment report by NORLAM, 2016.

<sup>39</sup> First nine months of 2016.

<sup>40</sup> An amnesty law is being drafted and the total number is predicted to be high, therefore, for 2016 the number of releases on parole might not increase much.



