

N O R L A M

2017

CLOSING CONFERENCE

PALATUL REPUBLICII | 30 MAY 2017

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

ABOUT NORLAM

The Norwegian Mission of Rule of Law Advisers to Moldova (NORLAM) is a sector programme implemented by the Norwegian Ministry of Justice and Public Security and financed by the Norwegian Ministry of Foreign Affairs.

NORLAM operated throughout 2007-2017 on the basis of the bilateral Memorandum of Understanding signed between the Government of the Republic of Moldova and the Government of the Kingdom of Norway on the 3rd of May 2007 and subsequently prolonged.

The main goal of NORLAM was to assist in competence building within the justice domain and the legal profession, with the aim of increasing the efficiency of the institutions guaranteeing human rights and the rule of law in the Republic of Moldova in line with Moldova's European objectives and commitments. Citizens should benefit from an efficient justice system, including impartial and efficient courts, independent and objective prosecutors and an active defence aligned to the European Convention on Human Rights values.

The NORLAM team included 35 highly qualified legal professionals recruited from different legal fields from Norway. They represented the entire "chain of justice" (prosecutors, judges, defence attorneys, probation officers and prison governors) committed to collaborate with their Moldovan colleagues through an open dia-

logue method to achieve the best efficiency. The NORLAM activities in Moldova were based on the Norwegian legal system and expertise, European Convention on Human Rights and practice of the European Court of Human Rights and other generally accepted international standards.

In a decade of operations in Moldova, NORLAM has built a reputation of being a small and flexible team of highly qualified Norwegian practitioners able to respond promptly to requests of assistance and needs of the local counterparts. It had built successful cooperation and worked closely with the following institutions in the Republic of Moldova: Constitutional Court, Ministry of Justice, General Prosecutor's Office, Superior Council of Prosecutors, Superior Council of Magistracy, Supreme Court of Justice, Bar Union, courts of appeal and district courts, Department of Penitentiary Institutions, National Probation Inspectorate, penitentiary institutions and territorial probation offices.

NORLAM TEAM 2017



Siri Fjørtoft
Head of Mission,
Prison Governor



Jørn-Lasse Refsnes
Rule of Law Adviser,
Police-Prosecutor



Inga Burencova
Administrative
Officer



Nadia Burciu
Penitentiary
System Consultant



Dumitrița Bologan
Senior Legal
Officer



Victor Drosu
Senior Legal
Officer



Natalia Vilcu
Senior Legal
Officer



Iulia Gheorghieș
Legal Officer

JUDICIARY

Since the beginning of its activity in the Republic of Moldova, NORLAM has promoted the principles of fair trial, increased efficiency of court proceedings through professional interaction and improved knowledge of the judiciary about the European Convention of Human Rights and its implementation.

Starting with 2008, the NORLAM experts have conducted more than 50 seminars for judges in the National Institute of Justice on transition of judicial practices to European standards, practical use of the European Court of Human Rights judgments on a national level, case management, observing reasonable time, ethical challenges, ECtHR jurisprudence and the legal method according to the case-law tradition, etc. The art of a good reasoning, for example, has been a constant topic of our seminars and the Norwegian experts have always brought practical examples from their daily work, which rendered the interaction with the Moldovan judges even more fruitful.

In 2008, NORLAM introduced the idea of Consecutive Main Hearing and attempted to pilot a project in two Moldovan courts. The Norwegian model has been shared with the local stakeholders on a number of occasions, including through a study trip to the relevant Norwegian institutions. However, the experience has shown that the then circumstances were not yet propitious for introducing such a concept in the Republic of Moldova.

During 2010-2011, a retired Supreme Court judge from Norway drafted 5 papers and participated in several events to present the Moldovan counterparts practical possibilities to secure a unified practice in the application of national law.

Between 2012-2015, NORLAM has promoted the idea of hearing children victims/witnesses of crimes in child-friendly conditions. The needed amendments to the legislation have been successfully passed and the relevant professionals have been exposed to the Norwegian model. Nevertheless, due to scarce economic constraints, it became impossible to institutionalise a Centre for Children Victims and Witnesses of Crimes in Moldova.

NORLAM supported the proposed amendments to the legislation aimed at increasing the independence of the judiciary. The discretion of judges in the individualisation of punishment was one of the topics of an international conference organised by NORLAM in June 2016. Consequently, NORLAM promoted the penal policy humanisation legal package.

Five judges from all levels of courts are members of the Human Rights Resource Group.



PROSECUTION

Since the beginning of its activity in the Republic of Moldova, NORLAM has assisted the Moldovan Prosecutor's Office in preventing irregularities in pre-trial detention isolators, securing fulfilment of the legal demands for pre-trial detention and increasing knowledge of prosecutors on legality and European Convention of Human Rights and its standards for applying pre-trial detention.

Throughout its activity, NORLAM managed to train most of the prosecutors in the country on application of pre-trial detention in line with the ECtHR standards. Trainings of trainers have been organised, regulations related to the inspection powers of prosecutors in connection with police isolators have been drafted; consultative information and materials were provided by NORLAM at the request of the Moldovan Prosecutor's Office and standardised forms for pre-trial detention motions have been introduced.

During 2010-2012, a Norwegian expert has evaluated more than 335 motions for requesting pre-trial detention from 44 prosecution offices, assessing around 1340 legal checkpoints, which culminated with an Evaluation of the practical use of templates as motions for pre-trial detention. 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. The findings of this report have been

further used in trainings and represented the baseline for a prospective project that had to be discontinued due to the conclusion of the program aimed at enhancing the performance of the prosecutors and investigative judges on reasoning the requests and decisions for pre-trial detention.

NORLAM has also been an active member of the Working Group established for drafting the new Law on prosecution. 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 independence 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.

Four prosecutors have been members of the Human Rights Resource Group.



LEGAL PROFESSION

From the beginning of its operations in Moldova, NORLAM has tried to identify the most stringent needs of the legal profession, assisting the defence attorneys to strengthen their competences and role, acquire better litigation skills and be more active - through the presence of five Norwegian lawyers. During 2009-2010, we have actively participated with expertise in the legal profession reform.

Throughout the years, NORLAM co-organised various seminars for lawyers and interns in cooperation with its partners. We have also tried to strengthen the capacities of the public defenders and increase their role and standing in the criminal proceedings.

In 2013 and 2014, in cooperation with the Union of Lawyers of the Republic of Moldova, Balti Bar Association and ABA ROLI, we have participated in seminars organised for approximately 300 defence attorneys from the Northern regions of the country on the most recent amendments to the legislation, arrest and pre-trial detention and promoting the understanding of the importance of unified practice.

In cooperation with the Chisinau-based NGO “Human Rights Embassy” and the OSCE Mission to Moldova, NORLAM co-organised several dozens of seminars for practicing lawyers, jurists and human rights activists on various topics aimed at improving their knowledge and

skills on human rights. What is more, lawyers from both sides of the Dniester River have had the opportunity to interact and exchange their experience. We have also cooperated with the “Human Rights Embassy” in the training cycle project - Electronic Human Rights Education for Lawyers by participating with inputs in various round-tables, conferences and national and international gatherings, having the main target to develop skills in using the European Convention on Human Rights and the European Court of Human Rights case-law actively and efficiently in their daily work.

NORLAM has also initiated the Lawyers for Reform project - an informal platform for discussion for active lawyers to meet and discuss their practical professional challenges.

Throughout 2015, together with ABA ROLI Moldova, NORLAM was part of the Working group to draft the new version of the Moldovan Code of Ethics of the Defence Attorney, which has been successfully approved in 2016.

Since 2011, NORLAM has also promoted the defence attorney’s access to the materials of the case file during pre-trial detention phase for a proper observance of the fair trial principle and welcomes the recent amendments to the Criminal Procedure Code.

Defence attorneys have also been part of the Human Rights Resource Group.



PENITENTIARY SYSTEM

Throughout the whole period of NORLAM's activity in Moldova, there have been, in total, six Norwegian prison leaders. In the beginning, it was found natural to focus on training of staff, especially leaders, in basic principles, such as individualisation and normality. The next step was to train trainers in the field of human rights.

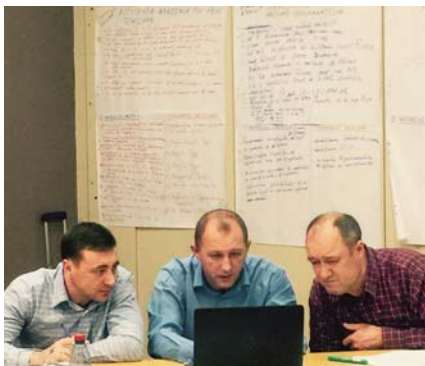
In 2011, NORLAM started to work project-based in Cri-cova Prison No. 4 and Chisinau Prison No. 13. The activities there were based on the needs identified together with the staff of the penitentiary system, such as security in prison, for instance. Based on this experience, NORLAM decided to further-on concentrate on a pilot prison for juveniles. In this project, we promoted Norwegian thoughts and European best practice in the treatment of juveniles. In 2013, the new prison for juveniles opened. The staff and leadership have been trained both in Moldova and Norway. Due to several challenges the prison faced, NORLAM saw the need of supporting juveniles with activities. To ensure transparency NORLAM involved local NGOs. Today Goian Prison for juveniles is undergoing a period, which still calls for a strategic change.

In 2015, NORLAM saw the possibility of developing the women's prison given the openness of the staff, leadership and the Ministry of Justice. In close cooperation with Rusca Prison, NORLAM managed to achieve the

following: • establishing an open sector; • functional assessment and analysis of internal processes; • anthropological research on domestic violence carried out together with the State University; • capacity building of prison staff; • support activities for women prisoners. The purpose of these efforts was to contribute to preparation of women for release and their successful social reintegration.

In 2015, the Department of Penitentiary Institutions asked NORLAM to get involved in the field of life imprisonment. To raise the awareness and start public discussions about the life detention, NORLAM initiated the HAMLET project in Rezina prison. This project gave life prisoners the possibility to develop through art.

Throughout the years, there has been a parallel working process with the Department of Penitentiary Institutions on policy-drafting, strategic planning, and legislation. Through seminars, trainings, working groups, study trips to Romania and Norway, we together managed to come up with a new Development Strategy and a new draft law amending the criminal and enforcement legislation. Few of the above mentioned results would have been possible without openness and regular dialog with the Ministry of Justice.



PROBATION

In 2007, probation was instituted in Moldova part of the Enforcement Department under the Ministry of Justice. The concept of modern probation was new. Therefore, NORLAM started to train all heads of enforcement offices and heads of probation sections both on the role of a probation counsellor and on management skills. In order to sustain and institutionalise the capacity building efforts, NORLAM jointly with the Institute for Penal Reforms created a probation resource group of 12 trainers. The group included probation counsellors from all the country who were trained in teaching methods, the most important probation concepts according to the newly adopted Law on Probation.

Given the presence of the full-chain of Norwegian practitioners, NORLAM played an active role in promoting probation within judiciary, prosecution and lawyers. NORLAM also promoted a closer cooperation between prison and probation at the stage of preparing inmates for release.

In 2015 NORLAM, jointly with the Central Probation Office, drafted a project that focused on improving the quality of community sanctions. The main goal was to make probation a reliable alternative to imprisonment. The majority of the actions included in the project were successfully implemented. Key project results were: training of all probation counsellors in Motivational Interviewing – a tool that every probation counsellor should

possess in order to offer needed support to their clients, training in cognitive program for drug addicts, improved legislation and practice regarding the implementation of community sanctions, equipment for regional multifunctional centres, etc.

Release on parole is seldom used in Moldova. NORLAM found this to be one of the causes for prison overcrowding. Hence, in 2015-2016, NORLAM has contributed to an improved and wider use of release on parole via legal drafting and seminars. As a result, the decline in releases reversed.

In the last year of activity, the Mission concentrated its resources on improving the efficiency of probation in Moldova. We organised several meetings and a workshop with probation counsellors to identify opportunities where processes could be improved in order to make probation able to contribute to a safer society through tackling the offenders with the highest re-offending risk. Based on long-lasting cooperation and interaction with probation, as well as the lessons learnt in 10 years, NORLAM prepared for the Moldovan Ministry of Justice an action plan with the most important issues to be tackled - in order to increase efficiency, quality and probation counsellors' incentives to work with probation.



THE HUMAN RIGHTS RESOURCE GROUP

The Human Rights Resource Group created by NORLAM and ABA ROLI Moldova in 2013 consists of 14 representatives of the judiciary, prosecution and legal profession.

Throughout the years, the members participated in 12 trainings, 2 study visits to the European Court of Human Rights and Norway, undertook a Management of Change training program and implemented themselves 5 mini-projects, where they have performed as trainers in the regions, thus ensuring sustainability and local ownership.

The group had been offered comprehensive training in human rights implementation, with special focus on Art. 6 ECHR, teaching methodology, interaction with mass-media, etc.

On a performance level, the members became valuable instruments for training of legal actors in the provinces, with emphasis on local ownership, practicality, applicability and sustainability. The Change Leaders Program contributed to strengthening their leadership skills, improved reputation and capacity to promote positive changes within the proximity of their own institutions and their position in the justice sphere.



NORLAM ACTIVITY

SEMINARS

During its 10 years of operations in the Republic of Moldova, the NORLAM experts have conducted seminars for judges, prosecutors, defence attorneys, prison and probation staff separately, but also mixed ones, in cooperation with the National Institute of Justice, where the representatives of the legal professions had to interact with each other, perform in mock trials, work in groups, analyse case studies. The total number of participants amounts to 4500.



COMMENTS TO DRAFT LAWS

During its presence in the Republic of Moldova, NORLAM has assisted the Moldovan Ministry of Justice with approximately 40 opinions to the draft laws, contributing in this manner to the harmonisation of the legislation to the ECtHR standards.

Some of them refer to:

- independence of judges;
- legal profession;
- corporate punishment;
- ensuring effective remedy at national level for violation of human rights;
- Code of Ethics for Prosecutors;
- hierarchy in prosecution;
- humanisation of the Criminal Code;
- access to documents in the pre-trial phase;
- Strategy for Justice Sector Reform;
- law on probation;
- Code of Ethics for Prison Staff;
- criminalising bank raiders;
- illicit enrichment;
- professional integrity testing;
- special cases of hearing juveniles victims and witnesses of crimes;
- Code of Ethics of the Defence Attorney;
- amnesty law;
- increasing the conventional unit;
- compensation of victims of crimes;
- special investigation activity;
- whistle blowing;
- electronic monitoring;
- humanisation of the criminal law.



FORMER NORLAM MEMBERS



Iver Huitfeldt

Judge in the Appeal
Court of Oslo

*Head of Norlam Mission:
March 2007 - April 2008*



Hilde Lundebj

Deputy Head of the
Regional Office,
Correctional Service

*In Moldova: March 2007 -
June 2008*



Arne Gunnar Ås

Defence Attorney

*In Moldova: November
2007 - April 2009*



Bjørn Larsen

Prosecutor

*In Moldova: November
2007 - June 2010*



Ellen Sofie Solbrække

Prison Governor

*In Moldova: August 2008
- August 2009*



Kjell Eskilt

Chief of Police, Interna-
tional Section, National
Police Directorate

*In Moldova: March 2007 -
September 2007*



Ivar Svengård

Judge

*In Moldova: April 2009 -
Decembrie 2009*



Britt Meling

Prosecutor

*In Moldova: February
2009 - March 2010*



Bjørn Gunnar Sælen
District Court Judge

*In Moldova: September
2008 - April 2009*



Knut Jostein Sætnan
Prosecutor

*In Moldova: May 2010 -
December 2010*



Helle Kristin Gulseth
Defence Lawyer

*In Moldova: April 2009 -
December 2010*



Willy Gii
Chief of Probation
Office

*In Moldova: October 2007 -
July 2010; Head of Mission:
February 2009 - July 2010*



Arvid Senneset
Governor in Bergen
Prison

*In Moldova: September
2009 - March 2011*



Hans-Gunnar Stey
Head of Drug Court
Program

*In Moldova: November
2010 - November 2011*



Jogeir Nogva
Public Prosecutor

*In Moldova: March 2007 -
February 2009; Head of Mission:
April 2008 - February 2009; New
mandates: August 2010 - February
2012; May 2015 - January 2016*



Espen Solberg Rinnan
Defence Lawyer

*In Moldova: January 2011 -
January 2012*

FORMER NORLAM MEMBERS



Dag Brathole

Judge at the Frostating
Court of Appeal

*In Moldova: January 2010 -
February 2012; Head of Mission:
July 2010 - February 2012*



**Anne Cathrine
Christiansen**

Police Prosecutor

*In Moldova: January 2011 -
July 2012*



Kim Ekhaugen

Prison Expert

*In Moldova: March 2011
- June 2013; Head of
Mission; March 2012 -
June 2013*



Torolv Groseth

Appeal Court Judge

*In Moldova: May 2012 -
January 2014*



Harald Ciarlo

Defense Lawyer

*In Moldova: February
2012 - March 2014; Head
of Mission: June 2013 -
March 2014*



Ann Yvonne Høven

Probation Expert

*In Moldova: March 2012 -
July 2014*



Hans Inge Jørstad

Prison Governor

*In Moldova: September
2013 - March 2015*



Yngve Skovly

Police Prosecutor

*In Moldova: March 2014 -
March 2015*



Inger Wiig
Appeal Court
Judge

*In Moldova: February
2014 - June 2015*



Marit Helen Evjemo
Public Prosecutor

*In Moldova: March 2012
- August 2015; Head of
Mission: April 2014 -
August 2015*



Denis Arcușa
National Legal
Consultant

May 2007 - August 2015



Tron Gundersen
Judge

*In Moldova: September
2015 - October 2015*



Ksenija Nilsen
Defence Attorney

*In Moldova: January -
June 2016*



Njål Grimstad
Deputy Head of
Probation Office

*In Moldova: August
2014-August 2016*



Elizabeth Baumann
Judge, Court of Appeal,
PhD in International
Criminal Law

*In Moldova: July 2015 -
September 2016*



Heidi Heggdal
Judge, Oslo District
Court

*In Moldova: September -
December 2016*



Karin Aaland
Head of Probation Office

*In Moldova: September
2016 - February 2017*

AGENDA 30.05.2017

15⁰⁰/15⁰⁵

• Music - Weaving a Garland (*Norwegian traditional folk tune*)

15⁰⁵/15¹⁰

• **Siri FJØRTOFT**, Head of Mission, NORLAM

15¹⁰/15²⁰

• **Vadim PISTRINCIUC**, Member of the Parliament of the Republic of Moldova

15²⁰/15²⁵

• **Anette Carnarius ELSETH**, State Secretary, Ministry of Justice and Public Security of Norway

15²⁵/15⁴⁵

• Movie «**10 years of support to the justice sector reform in Moldova**»

15⁴⁵/15⁵⁵

• **Vladimir CEBOTARI**, Minister of Justice of the Republic of Moldova

15⁵⁵/16⁰⁵

• **Iurii GARABA**, Deputy Prosecutor General of the Republic of Moldova

16⁰⁵/16¹⁵

• **Victor MICU**, Chairman of the Superior Council of Magistracy of the Republic of Moldova

16¹⁵/16²⁵

• **Vladislav GRIBINCEA**, President of the Legal Resources Centre of Moldova

16²⁵/16⁴⁵

• Coffee break

16⁴⁵/17⁰⁰

● Choir, Prison No. 7-Rusca

17⁰⁰/17²⁰

● **Michael JOHNSON**, Senior Justice Adviser, International Security Sector Advisory Team

● **Alex BURIAN**, RSS Officer, International Security Sector Advisory Team

17²⁰/17³⁰

● **Iver HUITFELDT**, Retired Judge, Oslo Court of Appeal, former NORLAM member

17³⁰/17⁴⁰

● **Nadia BURCIU**, Penitentiary System Consultant, NORLAM member

17⁴⁰/17⁴⁵

● **Marit Berger RØSLAND**, State Secretary, Ministry of Foreign Affairs of Norway

17⁴⁵/17⁵⁰

● Music - Toll (*Norwegian traditional folk tune*)

18⁰⁰/

● Reception hosted by **H.E. Tove Bruvik WESTBERG**, Ambassador of Norway to the Republic of Moldova



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