

# 2014 Review of NORLAM

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# 2014 Review of NORLAM



Report compiled on behalf of the Norwegian Ministry of Justice and Public Security, by DCAF's International Security Sector Advisory Team (ISSAT)

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## LIST OF ACRONYMS

ABA ROLI Moldova	American Bar Association Rule of Law Initiative, Moldova
CNPAC	National Centre for Child Abuse Prevention (Centrul Național de Prevenire a Abuzului față de Copii)
CoE	Council of Europe
CPC	Criminal Procedure Code (Codul de Procedură Penală)
DIP	Department for Penitentiary Institutions (Departamentul Instituțiilor Penitenciare)
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EU	European Union
GoM	Government of the Republic of Moldova
GPO	General Prosecutor's Office
HoM	Head of Mission
M&E	Monitoring and Evaluation
MoJ	Government of Moldova Ministry of Justice
NIJ	National Institute of Justice
NGO	Non-governmental organisation
Norad	Norwegian Agency for Development Cooperation
NORDEM	Norwegian Resource Bank for Democracy and Human Rights
NORLAM	Norwegian Mission of Rule of Law Advisers to Moldova
NMoJPS	Norway Ministry of Justice and Public Security
NORLAG	Norwegian Mission of Legal Advisers to Georgia
NMFA	Norway Ministry of Foreign Affairs
MoU	Memorandum of Understanding
OSCE	Organisation for Security and Co-operation in Europe
TAF	EU Technical Assistance Facility
ToR	Terms of Reference
ToT	Training of Trainers
UNDP	United Nations Development Programme
UNICEF	United Nations International Children's Emergency Fund
US	United States
USAID	United States Agency for International Development

## EXECUTIVE SUMMARY

The Norwegian Mission of Rule of Law Advisers to Moldova (NORLAM) was established in March 2007. It is a bilateral cooperation programme between Moldova and Norway. The overall objective of NORLAM is to promote good governance, help strengthen the rule of law and promote human rights in Moldova. The programme supports the European integration process of Moldova and works in line with the Government of Moldova's Strategy for Justice Sector Reform 2011- 2016. It currently addresses aspects of reform in the judiciary, prosecution, corrections, and juvenile justice. This report assesses NORLAM's contribution to justice reform, examining the previous five years of assistance, since the last review was undertaken. It provides guidance on how the programme should continue and what action is required to maximise the effectiveness and impact of this bilateral support beyond 2016.

The methodology used was based on the OECD-DAC evaluation guidelines (relevance, effectiveness, efficiency, impact, sustainability and coordination) and the ISSAT evaluation methodology. The review process included data collection and a desk review of strategic and sectoral documents from NORLAM, the Norwegian Ministry of Justice (NMoJPS) and the Government of Moldova; interviews with the key stakeholders in Oslo; a field mission to Moldova that involved meetings and interviews with the principal justice actors based in Chisinau as well as all NORLAM staff, site visits (including two prisons and the National Institute of Justice), and direct observation of NORLAM facilitated seminars.

There is resounding agreement among NORLAM's partners and peers that the activities and projects of NORLAM focus on important issues within the justice reform process in Moldova. Furthermore, it is widely recognised that the NORLAM modality of providing legal experts from across the criminal justice chain fills a gap in the international assistance to the justice sector. Whilst this report highlights several areas for improvement, it is clear that NORLAM is a positive and valuable bilateral assistance programme. Over the last five years it has proved itself to be a worthwhile initiative and warrants continued investment.

Overall, NORLAM has been able to achieve results in relation to stated objectives. The comparative advantage of NORLAM to other development partners has been that it has remained flexible and responsive to requests and contemporary needs of the Moldovan Government. The challenge however is that this has resulted in many *ad hoc* activities. In order to address this and increase its overall effectiveness, NORLAM has streamlined its project management and strategic approach by re-defining its focus through four projects<sup>1</sup>, each having a corresponding project document that outlines the expected results, activities, expected budget, and indicators. This new results-oriented approach has only just begun however, and delays in implementation remain. NORLAM and the NMoJPS acknowledge that there is further development needed in this area. Actions that can be taken include the finalisation of appropriate indicators, the formulation of a strategic plan for NORLAM, and a greater attention on gender: there is little evidence of consistent and conscious gender mainstreaming in project design, implementation and advocacy.

Looking back over the last five years, it is possible to begin to see the impact of NORLAM support on the justice system in Moldova. Through providing training and seminars for judges, prosecutors and lawyers as well as through reviewing draft laws, NORLAM has made a significant contribution to changing Moldovan laws that have brought the country closer to EU standards. The significant drop in the length of

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<sup>1</sup> Goian Prison, Judge Hearings of Children/Children's House, Community Sentencing, Human Rights Resource Group.

sentences and the much lower pre-trial numbers are some of the key examples of where NORLAM has contributed support. Further input by NORLAM to positive changes in the justice sector is most evident in the penitentiary system, with notable changes in both the Department of Penitentiaries (DIP) and Goian Prison. The level of education for both officers and sub-officers has increased. Goian now has a core of purposely recruited staff that appear to bring a determination and commitment to developing a new approach to juvenile detention in Moldova, with a focus on re-socialisation and education for individual inmates. There are multiple influences on the changes that have taken place. However, evidence suggests that partial attribution can be given to NORLAM.

The critical and sensitive nature of justice reform means that both political and technical dimensions must be given equal attention. Norway's choice to date has been for NORLAM to operate on the technical level only. However, increased political engagement would strengthen Norway's knowledge and appreciation of the political thinking that influences the pace and scope of the reform process. It would enable NORLAM to better ensure that the development of its projects remains coherent with the government's thinking and priorities. Enhancing engagement in the political dialogue on justice reform should be done in close coordination with other international partners, such as the EU, the CoE, and the OSCE, especially on the more sensitive issues like the lack of accountability within some of the Moldovan justice institutions.

Further efforts are needed to strengthen sustainability of NORLAM initiatives. Ownership is a prerequisite for sustainability and NORLAM's working modality makes Moldovan ownership a challenge for two reasons: the Norwegian experts are deployed to Moldova for only two years on average, which introduces pressure to get results quickly; NORLAM tends to involve their Moldovan justice partners in its initiatives once a project has already been identified and designed. The potential exists to work more closely in partnership with the Moldovans from project inception, which would give greater opportunity for the Moldovans to lead the reform initiatives NORLAM supports. Developing this approach can be made easier if NORLAM, as part of defining its overall strategy, clarifies its long term vision towards enabling its Moldovan partners to sustain reform efforts with decreasing amounts of NORLAM support. Furthermore, sustainability can be enhanced through focusing efforts on balancing NORLAM's capacity building work with a stronger emphasis on accountability, assisting the Moldovan justice actors to develop and implement robust mechanisms for oversight. Effective conditions for sustainability require not only national ownership, but also technical knowhow, and financial resources – a failure to address any of these three areas can undermine efforts to sustain the projects.

NORLAM was set up as an unofficial organisation with no clarity in its status. The ongoing lack of legal status impedes its efficiency and consequently the overall effectiveness of its endeavours. The issue was raised during the review conducted in 2009 as well as in subsequent internal (Norwegian) discussions. The Norwegian Ministry of Justice and Public Security (the body responsible for NORLAM) is therefore well aware of this and this report encourages the ministry in its efforts to find a solution to the situation as a matter of priority.

NORLAM's popularity amongst its stakeholders seems in a large part due to the fact that it provides expert practitioners who are committed, professional individuals. They have an ability to build positive relationships and are able to share what between them amounts to a vast degree of pertinent knowledge and experience. The Moldovan counterparts are receptive to this assistance. This makes for a successful set of circumstances. To maximise this potential NORLAM needs to develop and enhance structured, systematic, policies and procedures based on recognised development good practice, as outlined in this report.

The main recommendations are detailed at the end of each subdivision of the Findings section as well as in the Recommendations table at the very end of the report (page 39).



## INTRODUCTION

This report assesses the Norwegian government’s bilateral support to the justice reform process in Moldova, which is provided through the Norwegian Mission of Rule of Law Advisers to Moldova (NORLAM). It examines the previous five years of assistance, since the last review was undertaken.

In line with the terms of reference (ToR), the report examines issues of sustainability, efficiency of working methods, quality of indicators used, composition of teams, co-ordination, and the overall impact of NORLAM activities on the capacity and competence of the Moldova justice sector institutions.

The report is divided into four sections: context, findings, conclusions, and recommendations. The findings section uses the overarching review questions to examine the main NORLAM projects, as stated in the ToR (Annex A): The review questions are summarised below and the full review framework is included in Annex B.

<b>Relevance</b>	<p><u>Overarching question:</u> To what extent is the project in line with the needs and priorities of the Government, national institutions, and people of Moldova?</p> <p>This question looks at how NORLAM defines the Moldovan justice reform needs and if the support provided is aligned with the needs in practice.</p>
<b>Effectiveness</b>	<p><u>Overarching question:</u> To what extent has the project achieved the expected goals and results to date?</p> <p>This question looks at how NORLAM defines expected results and goals, how it monitors and evaluates, as well as analysing the effectiveness of individual projects to date.</p>
<b>Impact</b>	<p><u>Overarching question:</u> What impact has the project had on the national institutions as well as local beneficiaries?</p> <p>This question looks at how the programme has influenced the legal framework, capacity building and change in behaviour and practice.</p>
<b>Efficiency</b>	<p><u>Overarching question:</u> To what extent has the project used appropriate and efficient working modalities to achieve the results and outputs?</p> <p>This question looks at the efficiency of working modalities; the scope of the expertise provided; the recruitment, selection, and deployment of NORLAM staff; NORLAM internal management; and project methodology.</p>
<b>Sustainability</b>	<p><u>Overarching question:</u> Is the project creating the necessary conditions for sustainability?</p> <p>This question looks at whether there is effective ownership, and whether the conditions are being created for sustainability in technical and financial aspects.</p>
<b>Coordination</b>	<p><u>Overarching question:</u> What is the quality of coordination?</p> <p>This question looks at coordination with government, development partners, and internally with Norwegian institutions.</p>

At the end of each section (‘How to Enhance’) and in the final table in the report, a series of recommendations are made for consideration on how to improve NORLAM.

## METHODOLOGY

The methodology had four phases. The review framework was built in phase one, which included developing the overarching questions, sub-questions, indicators and sources of information. This phase also included several telephone and Skype conversations with the Government of Norway, including with the Ministry of Justice and Public Security (NMoJPS), the Ministry of Foreign Affairs (NMFA), and the Norwegian Agency for Development Cooperation (Norad). A short mission to Oslo followed to confirm the scope of the mandate and the methodology to be used. Key interviews were also conducted during the time in Oslo. Phase Two involved the collection of data, including a brief desk review of key

strategic and sectoral documents from NORLAM, the NMoJPS, and the Government of Moldova (GoM) (Annex C). The third stage of data collection involved a field mission to Moldova, with meetings taking place in Chisinau and brief visits to two prisons that have received NORLAM support (Annex D). The review aimed to ensure that all data is triangulated. At the end of the field component, the preliminary observations were shared with NORLAM and with the NMoJPS. During the final phase, the team undertook further analysis in order to draft the findings and recommendations contained in this report.

A number of different data collection tools were used throughout the review process. These included one-on-one interviews with key stakeholders, focus groups, phone/Skype interviews, and analysis of reports and institutional websites.

As stipulated in the ToR, the review examines how NORLAM's efforts have contributed to the efficiency and effectiveness of the specific authorities/institutions/partners that NORLAM supports. This naturally led to looking at the efficiency of NORLAM as a programme. The review does not however focus on the financial efficiency of NORLAM. It was agreed that this would require more time than that allocated for the review and that it was not the intended focus of this review.

With the intention of allowing maximum flexibility to the NORLAM staff team so that they would be free to respond to the needs of the Moldovan authorities, the NMoJPS initially launched the programme without establishing a baseline or indicators. Reviewing the effectiveness of NORLAM's efforts over the last five years has therefore proved difficult. The review has based its assessment on the 'Project and Activity Plans for NORLAM 2012-2014(2016)' and on the further information shared during interviews in Moldova. The recent shift toward establishing a results framework including indicators will make future assessments and evaluations more straightforward and more robust.

## 1. CONTEXT

### POLITICAL

Following the April 2009 election and civil unrest, the political climate in Moldova became increasingly polarised. The parliament that was elected on 5 April 2009 failed twice to elect a new president and was therefore dissolved. Thus, early parliamentary elections were called for 29 July 2009, which were won by the newly formed Moldova Alliance for European Integration. In November 2010 another national election reconfirmed the mandate of this newly formed Alliance; resulting in the end of the communist party's rule that had begun in 2001.

The new government pursued negotiation on an Association Agreement with the European Union (EU) - the document that replaced the previous Partnership and Cooperation Agreement from 1998 - in line with the EU's Eastern Partnership policy. However, in March 2013 the Moldovan Government resigned amid corruption allegations. The Pro-European Coalition has been the ruling coalition in Moldova since May 2013.

Moldova has made the most significant progress towards EU integration amongst EU Eastern Partnership Countries. It completed the implementation of the visa liberalisation action plan; took forward judicial and law enforcement reforms; started restructuring the anti-corruption framework; stepped up its implementation of the human rights action plan and the action plan in support of the Roma people; maintained its dialogue with Tiraspol (Transnistria); and continued with challenging regulatory and sectoral reforms. Most recently (27 June 2014), Moldova (along with Ukraine and Georgia) signed an Association Agreement with the EU. This agreement strengthens political and

economic ties with the EU in the framework of the Eastern Partnership. The upcoming parliamentary elections, planned for November 2014, are likely to influence the geopolitical orientation of the country as well as the reform efforts initiated by the current Government.

The main areas of domestic reforms, stipulated also by the Association Agreement with the EU, include independence of the judiciary, impartiality and effectiveness of the law enforcement bodies, respect for human rights and effectiveness in the fight against corruption.

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## JUSTICE REFORM

Since 2009, two successive coalition governments have made reform of the justice system one of their highest priorities. In 2011, after extensive public consultations, the Moldovan Parliament adopted the Justice Sector Reform Strategy for 2011-2016 (hereafter the Strategy) including the Action Plan for its implementation, drafted by the Ministry of Justice (MoJ) with the support of civil society and development partners.

The strategy is built on seven pillars focused mainly on the reform of the judiciary, prosecution service and access to justice in Moldova<sup>2</sup>. It envisions strengthening the independence, accountability, impartiality, efficiency and transparency of the judicial system, to streamline the pre-judicial investigation process and to ensure effective access to justice through efficient legal aid, investigation of cases and enforcement of court decisions. The implementation of the Strategy is carried out by different public institutions involved in the justice sector, while the MoJ coordinates the monitoring.

To facilitate this, the MoJ created seven Working Groups: Six to monitor the implementation of actions for each of the first six pillars set out in the Strategy and Action Plan (sector working groups) and a group to coordinate the implementation of the Strategy (Coordination Group). The latter is a senior level group responsible for monitoring the overall implementation of the Strategy and actions under Pillar VII.

During 2013 the MoJ strengthened its efforts to draft and amend the legal framework, in particular regarding the functioning of the judiciary. Also, amendments to the legal framework on the functioning of the prosecution services and amendments to the Criminal Procedure Code (CPC) are currently under consideration by the Moldovan Parliament. However, passing a package of bills and amendments to fight corruption does not automatically mean their enforcement.

Today, the laws are mostly in accordance with international standards. The working practices of members of the judiciary, prosecution, police and others however, are not in accordance with the law, the institutions are not free from corruption and ill treatment of detainees in some penitentiaries is still highlighted as a problem<sup>3</sup>. Among the justice institutions, the prosecution was consistently mentioned as the most resistant to reform by those interviewed for this review. Another challenge is the cooperation between justice institutions in criminal investigations, principally between the prosecution and police. Lack of trust toward and within the criminal justice system remains a concern as well.

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<sup>2</sup> Pillars of the Justice Sector Reform Strategy: (1) justice system; (2) criminal justice; (3) access to justice and enforcement of court decisions; (4) integrity of the justice sector actors; (5) role of justice for the economic development; (6) respect for the human rights in the justice sector; (7) well-coordinated, well-managed and accountable justice sector.

<sup>3</sup> Implementation of the European Neighbourhood Policy in the Republic of Moldova Progress in 2013 and recommendations for action

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## NORLAM AND OTHER INTERNATIONAL ASSISTANCE

Support from international institutions and civil society organisations is essential for the Moldovan Government. International support through technical assistance programmes and professional expertise aims to help the Moldovan authorities' efforts to fulfil their responsibilities under the Strategy's Action Plan. Financial and technical assistance is guided by the Strategy and targets the public institutions' capacities and operational functioning.

NORLAM started its activity before the Strategy was developed and adopted. Moreover, NORLAM took an active role in the entire process of designing and promoting the need for, and concept of, reforms in Moldova.

NORLAM was established in Moldova in March 2007 following the 2006 Norwegian assessment of the possibility of co-operation with Moldova. The Governments of Norway and Moldova subsequently signed a Memorandum of Understanding (MoU) on the Norwegian contribution to strengthening the rule of law in Moldova. The MoU envisioned that the NORLAM experts would assist Moldova to build competence within the MoJ, the Ministry of Internal Affairs, the General Prosecutor's Office (GPO) and the legal profession, with the aim to increase the efficiency of the institutions guaranteeing human rights and the rule of law in line with Moldova's European objectives and commitments.

NORLAM's mandated priorities lie in promoting good governance, rule of law, human rights and European integration of the Republic of Moldova. Since 2011, NORLAM's efforts have been in line with, and contributed directly to, the implementation of the Strategy.

In order to achieve the MoU objectives, NORLAM has been cooperating with different Moldovan authorities. In particular, with the MoJ, the GPO, the Department of Penitentiary Institutions (DIP), the Probation Office, the Union of Lawyers, and the National Institute of Justice (NIJ). It has also been cooperating with civil society organisations such as the Institute of Penal Reforms, the Legal Resources Centre and the Embassy for Human Rights, as well as international organisations such as the American Bar Association Rule of Law Initiative Moldova (ABA ROLI Moldova), the Council of Europe (CoE) and the United Nations International Children's Emergency Fund (UNICEF). The NORLAM staff team comprises a judge, a public prosecutor, a prison director, a director of the probation service, a police prosecutor, a defence attorney and four local staff (one national consultant, two national legal consultants and an office manager), who are a huge resource and support, having been with NORLAM since its inception.

Within the Criminal Justice Pillar of the Strategy, where NORLAM is most actively engaged, significant complementary development partner support is provided by the Soros Foundation Moldova, the United States Agency for International Development (USAID) and the United States (US) Embassy, EU Technical Assistance Facility (TAF), the Organisation for Security and Cooperation in Europe (OSCE), and ABA ROLI Moldova. In pillar 6, where NORLAM provides substantial support in regards to juvenile justice and probation, key donors include UNICEF, and the United Nations Development Programme (UNDP). In this regard, the EU TAF programmes provide embedded advisors within the justice sector institutions, principally within the MoJ but a new programme with embedded advisors within the Prosecution Service is also foreseen. The US Embassy and the Soros Foundation Moldova provide programme-based support, especially in regards to training. Lastly, ABA ROLI Moldova provides advisory-based technical support to defence lawyers and judges.

Figure 1 Overview of Key NORLAM Activities/Projects 2009-2014		
2009	<ul style="list-style-type: none"> <li>Leadership and management for Probation and Prison Governance</li> <li>Reasoning of Judgements</li> <li>Mixed Seminar – Criminal Proceedings</li> </ul>	<ul style="list-style-type: none"> <li>Pre-trial detention seminar and project</li> <li>Seminar for defence attorneys</li> <li>Ethics for Prosecutors</li> <li>Reorganisation of Police Force</li> </ul>
2010-2011	<ul style="list-style-type: none"> <li>Consecutive main hearings</li> <li>Developing prison training centre</li> <li>Evaluation of discretionary rights for prosecutors</li> </ul>	<ul style="list-style-type: none"> <li>Pre-trial detention training of trainers (ToT)</li> <li>Prosecutor – police interaction</li> <li>Training defence lawyers on pre-trial detention</li> <li>Judges seminar: ECHR at national level</li> </ul>
2012	<ul style="list-style-type: none"> <li>Consecutive main hearings</li> <li>Mixed seminars – efficiency in proceedings</li> <li>Judges seminar – case law</li> <li>Reorganisation of prosecution</li> </ul>	<ul style="list-style-type: none"> <li>Evaluation of prosecutors use of templates for pre-trial detention</li> <li>Best practice manual for probation</li> <li>Cricova Pilot Prison nr.4</li> <li>Pilot prison no. 13</li> </ul>
2013-2014	<ul style="list-style-type: none"> <li>Goian Prison – Creating a Model Prison for Juveniles</li> <li>Judge Hearings of Children – Children’s House</li> <li>Establishing community sentence for juvenile offenders</li> <li>Human Rights Resource Group<sup>4</sup></li> </ul>	

Comments on Legislation and Mixed Seminars

There are four current projects (2013-2014 in Fig. 1 above) as well as the seminars, courses, and other *ad hoc* NORLAM activities that are specified in the ToR, and analysed in this review. The four projects are:

**1. Goian Prison – Creating a Model Prison for Juveniles**

The main goal is to bring the Moldovan Prison system closer to European practice through providing a model prison. The project objectives are to: ensure minimum detention and infrastructure conditions for the juvenile rehabilitation institution of the DIP; institute and implement juvenile re-education and reintegration programmes within the prison system by strengthening the capacity of the prison staff by providing adequate programmes for juvenile offenders; adjust the legal framework on juvenile detention, socialisation and reintegration; and reform detained juvenile re-education practices through drawing on examples from similar European and Norwegian institutions.

**2. Judge Hearings of Children – Children’s House**

The project originally sought to establish a “Children’s House” in Chisinau and 2 or 3 minor regional facilities where judge hearings of children could take place. It now focuses on establishing just one comprehensive facility in Chisinau. The ‘Children’s House’ is a centre for assisting child victims and witnesses of crimes, providing psychological expertise, social assistance and forensic medical examination/expertise to the beneficiaries. One of the key elements of the project is to bring the Moldovan CPC, in cases where children are involved in selected jurisdictions, in compliance with the international regulations in the field. It aims to contribute to the creation of a child-friendly environment for hearings of juvenile victims and witnesses.

<sup>4</sup> The information in this table is formulated from NORLAM project documentation.

### 3. Establishing community sentence for juvenile offenders

The idea behind a Community Sentence Project for Moldova is to develop a structured and targeted non-custodial penal option. It focuses on prevention of new crimes and the convict's rehabilitation. The main objective for introducing a new criminal punishment aimed at young offenders is to establish a justifiable, targeted and crime-preventive alternative to the current sanctions available. By initiating the project in selected districts, Moldova will have the competence and confidence to subsequently establish community sentence as a permanent, country-wide alternative for juvenile offenders. The sanction is compatible to European standards, ensures the legal and human rights of the juveniles and aims to prevent reoffending.

### 4. Human Rights Resource Group

The main goal is to offer a comprehensive training in Human Rights to a group of lawyers, prosecutors and judges, with a special focus on Article 6 of the European Convention on Human Rights (ECHR) and the rights of vulnerable categories. Members of the Resource Group are supposed to further participate as trainers educating legal professionals in the domain of Human Rights, thus ensuring sustainability of the efforts made by NORLAM in Moldova<sup>5</sup>.

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## 2009 REVIEW RECOMMENDATIONS

Action taken on the key recommendations made in the 2009 review is as follows:

Recommendation 2009	Status 2014
Review how NORLAM support could be strengthened <sup>6</sup>	Mostly achieved (see section 2.2 and 2.4)
Put in place a comprehensive project document that sets the background and establishes a Logframe with goal, purpose as well as indicators to measure performance and impacts	Mostly Achieved (see section 2.2)
A review and update of NORLAM objectives and expectations	Mostly Achieved (see section 2.2.1, 2.2.6)
Undertake a planning exercise	Mostly Achieved (see section 2.2.1, 2.2.6)
Longer contract periods for staff	Some progress achieved (see section 2.4.2)
Institute a system of feedback from leaving staff to the Rule of Law Pool as well as to newly recruited staff	Mostly achieved (see section 2.4.4)
Ensure sufficient overlap of leaving and in-coming staff, as well as good hand-over notes	Some progress achieved (see section 2.4.2)

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<sup>5</sup> The information on these four projects is formulated from NORLAM project documentation.

<sup>6</sup> This does not refer to this 2014 Review.

## 2. FINDINGS

### 2.1 RELEVANCE

#### OVERVIEW

#### **Guiding Relevance Review Question:**

***To what extent is the project in line with the needs and priorities of the Government, national institutions and people of Moldova?***

There is resounding agreement among NORLAM's partners and peers that the activities and projects of NORLAM are addressing key needs and are focusing on important issues within the justice sector reform process in Moldova. Furthermore, it is widely recognised that the NORLAM modality of providing legal experts from across the criminal justice chain fills a gap in the international assistance to the justice sector. Prior to the Strategy, NORLAM activities were largely aligned to the EU-Moldova Action Plan that guided priorities for justice reform. After the elaboration of the Strategy in 2011 and the related Action Plan in 2012, NORLAM worked to align its activities to the Government's strategic plans. This is evidenced in both the NORLAM 2012- 2014(2016) Project & Activity Plan and in its Letter of Expectation<sup>7</sup> 2014. Such alignment in practice was confirmed by Moldovan and international interlocutors for most of NORLAM's projects. The focus of some projects, such as the Community Sentence Project, is not covered in the priority list for 2014<sup>8</sup>. Recognising the need for a targeted non-custodial penal option for Moldova, NORLAM continues to advocate for this project.

Through advocacy and discussions NORLAM helped place certain topics, like the projects on children's houses and juvenile justice, on the reform agenda and amongst the Government's priorities. It seems NORLAM has been able to do so without entering into high-level political discussions, but through advocacy at the technical level. Interlocutors noted that within the large number of government needs and priorities, NORLAM has not always chosen to engage in the biggest priority areas, such as corruption<sup>9</sup>. It was suggested by some that this might be because NORLAM does not have the leverage of some of the major donors that would allow for a more high-level political engagement that may be necessary to achieve results in the bigger problem areas. However, NORLAM does engage in important areas that require longer-term support, such as the legal framework and penitentiary reform.

NORLAM support has been acknowledged as being important in Moldova's EU pre-accession process, especially in regards to ensuring that Moldovan legal practice is closer to EU standards. NORLAM has routinely been requested to provide input to draft laws and has consistently, when applicable, made reference to relevant European Court of Human Rights (ECtHR) standards and practice. Similarly, justice institutions still request support aligning Moldovan practices to case law of the ECtHR. Some examples of such support include training on ECtHR standards and case law on pre-trial detention. It also provided training for judges on how to incorporate ECtHR case law into national case law. It was acknowledged that NORLAM addresses an important need by providing support on this subject.

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<sup>7</sup> An internal document produced by the NMoJPS and NORLAM that details the NMoJPS expectations of what NORLAM will focus on in a given year.

<sup>8</sup> [http://www.justice.gov.md/public/files/file/reforma\\_sectorul\\_justitiei/donors/Priorities\\_for\\_external\\_assistance\\_for\\_2014.pdf](http://www.justice.gov.md/public/files/file/reforma_sectorul_justitiei/donors/Priorities_for_external_assistance_for_2014.pdf)

<sup>9</sup> Subsequent to the review mission, the review team has learnt that initial exploration into tackling corruption is now being considered by NORLAM.

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### 2.1.1 POLITICAL ENGAGEMENT

The 2007 MoU between the Governments of Norway and Moldova continues to be the principle document that formalises the cooperation between the two countries with regard to justice reform support. The MoU has had no revision or amendment since it was first signed. Over time however, the programme has adapted its engagement based on need. The MoU foresaw Norway providing experts for a period of 2-3 years and yet NORLAM has been on the ground for 7 years and plans to continue at least until 2016. Also, NORLAM now supports institutions involved in the criminal justice chain that were not specified in the MoU, such as the DIP (which falls under the MoJ but has substantial autonomy), the NIJ, and to a small degree Parliament, and the Ministry of Labour and Social Protection (which has a tangential involvement in the justice sector). At the same time, engagement with the Ministry of Internal Affairs has continued to be limited.

Whilst the Head of Mission (HoM) meets the MoJ when necessary, the discussions they engage in are technical. Increased high-level political discussions on justice reform between the Government of Norway (The responsible Embassy and NMFA in Oslo) and the Moldovan leadership would add weight to the technical dialogue. This increased political engagement would strengthen Norway's knowledge and appreciation of the political thinking that influences the pace and scope of the reform process. It would enable NORLAM to better ensure that the development of its projects remains coherent with the government's thinking and priorities. What gets learnt at the political level can nuance what gets identified at the technical level. Greater political engagement would also increase NORLAM's visibility.

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### 2.1.2 NORLAM PROJECTS

Whilst the areas of focus chosen by NORLAM tend to be relevant to the overall reform process, there is a risk of losing that relevance due to some inconsistencies in the approach taken by NORLAM to identify and plan its projects. There have been instances where NORLAM projects were not designed through an inclusive process, involving the local partner in an integral way in the identification of needs, concept development, and drafting of the project documentation. Rather local partners have on occasion only been retroactively engaged once the project documents were completed by NORLAM. Conversely, there are also examples of NORLAM engaging in a robust needs assessment, using a combination of observation from courthouses or prisons, statistical information, or stakeholder analysis. The current *ad hoc* working method, based on the preference of individual NORLAM experts, carries a possibility that the assistance is supply rather than demand driven, and based on an individual staff member's own experience as opposed to Moldovan needs. Some Moldovan interlocutors commented that the NORLAM priorities changed depending on who was the HoM.

The **Goian Prison Project** and the support to **pre-trial detention** (see Fig. 2 in Effectiveness section) have been notable examples of where robust project identification approaches were used. They included a detailed process for long-term planning, realistic outcomes and outputs and comprehensive activities in terms of addressed needs, beneficiaries and project partners. There was obvious political will for the Goian Prison Project on the side of the DIP, which explicitly requested NORLAM to engage in the field of juvenile detention. The support NORLAM gives to other prisons is in line with the findings of a thorough needs assessment that was done in 2010, initiated after discussions with the DIP. It is notable that DIP has a 92% absorption rate, which is the highest amongst all MoJ institutions and affirms that the support it receives is properly scaled to its needs and capacities<sup>10</sup>.

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<sup>10</sup> EU, 2013 Justice Strategy Monitoring Report, p10



There is some feedback that the timing and sequencing of a few of the projects was not ideal. For example, for the **Consecutive Court Hearings Project**, one interlocutor said that the project was a good idea, but that the time was not right for it to be piloted in the Moldovan system. Another example is the **Community Sentencing Project**. It is considered important because it is recognised that the current system of unpaid work (community sentencing from a Moldovan perspective) is infrequently applied and has no standardised approach. However, there is a question as to whether enhancing the capacities of the probation service as a whole, should have been consolidated before starting to introduce a new concept (community sentencing from a Norwegian perspective, which includes much more than unpaid work).

The idea for creating a **Children's House Project** developed following the revision of NORLAM projects and activities in late Spring 2012. It grew out of NORLAM's existing support to the field of justice for children and its wish to align all its projects to the Strategy (ref: 6.3.1 & 6.3.2). One of the experts in the NORLAM team had experience of these 'Houses' in Norway. This enabled the project to take shape and for NORLAM to offer support specifically to child victims and witnesses. Although there now appears to be political will from the government, the strategic discussion on child friendly justice is reported as being pushed by the international community, rather than by Moldovan authorities. The Working Group on child friendly justice is now a permanent Working Group. This could be viewed as an indication from the Moldovan justice institutions of the relevance of the topic.

NORLAM is praised for providing **seminars and trainings** on relevant topics, such as efficient trials, judicial ethics, interaction between justice actors and implementing ECtHR standards in Moldovan judgements. NORLAM's work on **reviewing draft laws** is much needed. The MoJ sends all relevant draft laws to NORLAM for review. It chooses to do so because NORLAM offers expertise in such areas as probation and expert evidence. This is a strong expression of the government's trust in NORLAM and an indication of the programme's relevance to the reform process.

## HOW TO ENHANCE RELEVANCE

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- Direct observation (visiting courts, following cases etc.) and monitoring of the functioning of the national institutions, on a detailed level, should be included as a means to inform the choices of engagement for NORLAM. If this is already done, it should be reflected in the project documentation. Direct observation increases the understanding of local practices and challenges, and will allow better tailoring of project activities. Furthermore, it helps build relationships with national counterparts.
- Ensuring the broader context is known and taken into consideration when identifying projects of assistance minimises the likelihood of falling into some of the challenges highlighted above. NORLAM has direct and current experience of how this thorough approach yields successful outcomes through projects such as Goian Prison Project. It can capitalise on this for future identification and planning processes.
- In relation to the Community Sentencing Project; as the working group is currently discussing the proposal, this would be an ideal moment to refine the project by instigating a discussion regarding the timing and sequencing of NORLAM's activities in this field. This will help identifying whether the current probation service has sufficient capacity to implement the proposed system.
- To ensure alignment, all NORLAM project documents should cross-reference activities to specific sections, or action points within the Strategy and other related government documents.

Further, more substantive proposals for improving relevance are detailed in the Recommendations section of the report.

## 2.2 EFFECTIVENESS

### OVERVIEW

#### Guiding Effectiveness Review Question:

*To what extent has the project achieved the expected results to date?*

NORLAM is consistently praised, by both Moldovan counterparts and international partners, for being a valuable programme in Moldova. Overall, NORLAM has been able to achieve results in relation to stated objectives. There are, nonetheless, persistent challenges related to delays in implementation, building complementarity between individual activities and projects, and effective monitoring and evaluation.

NORLAM has significantly enhanced and streamlined its project management and strategic approach by re-defining its focus through four projects, each having a corresponding project document that outlines the expected results, activities, expected budget, and indicators.

This new approach has improved planning, developed a more medium-term approach to supporting justice sector institutions, and improved project monitoring. In short, it has encouraged a more results-oriented approach. The process has only just begun however, and NORLAM and the NMoJPS acknowledge that there is further development needed in this area.

The comparative advantage of NORLAM to other development partners has been that it has remained flexible and responsive to requests and contemporary needs of the government. The challenge however is that this results in many *ad hoc* activities. NORLAM continues to struggle in reducing the total number of activities and scope of engagement: when commentary on laws, seminars and study visits are factored in, the scope of support remains largely unchanged from 2009 figures.

#### 2.2.1 EVOLUTION OF NORLAM'S FOCUS

The key purpose of NORLAM, as stated in the MoU, is to build competence within justice institutions. NORLAM has approached this primarily through seminars, study visits, debates in working group sessions, and individual bilateral meetings. NORLAM has built the competence of the probation and penitentiary institutions, through seminars that focused on targeted areas of work for a limited number of participants. This competence building was specifically geared toward teaching and transfer of knowledge, which has been a noteworthy approach. Similarly, the 2010 intense work related to pre-trial detention with prosecutors and trainers is a good illustration of a focused and effective approach to competence building. The question that follows from this work is how to institutionalise the knowledge being developed.

Although not explicitly mentioned in the MoU, a significant part of what NORLAM does is advocacy work. It could even be described as its main focus. Many of those interviewed as part of this review described the role of NORLAM as being predominantly to raise awareness on human rights issues, to promote the exchange of experiences, and to help change mind-sets and behaviour.

The MoU commits NORLAM to support Moldovan EU integration and the implementation of the EU-Moldova Action Plan. Since the signing of the MoU, the Government of the Republic of Moldova (GoM) and the EU have committed to starting the association process and moving towards pre-accession. With this new phase, it is expected that the demands for meeting EU standards will become more comprehensive as the EU integration process intensifies. Support from NORLAM in helping Moldova to meet its EU obligations will therefore continue to remain important.

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### 2.2.2 GENDER

The 2013 and 2014 Letters of Expectation both stated, “The Ministry of Justice and Public Security assumes that a gender-based perspective underpins the mission's activities, and that this is reported specifically. In particular this relates to the project's relevance as a follow-up of Security Council Resolution 1325 on women, peace and security”. During the review, there remained little evidence of consistent and conscious gender mainstreaming in project design, implementation and advocacy.

The Goian Prison Project document makes reference to gender, but limits the scope of gender issues to equality of employment considerations. In 2011, the NORLAM-supported manual for probation officers refers to gender issues, including the need for gender sensitive counselling and equal employment. The draft MoU for the Children Centre, in contrast, does not make any reference to gender, even though it is linked with gender-sensitive topics such as domestic violence, human trafficking, and sexual abuse.

The danger of implementing or designing a project without a dedicated framework for ensuring gender sensitive approaches is that NORLAM may end up unintentionally promoting or reinforcing gender stereotypes. This impacts the effectiveness of NORLAM initiatives and impedes Moldova's progress in this area. A case in point is the support provided to female prisoners in Rusca prison, which focused on providing sewing machines, materials for handcraft, and aromatherapy. While male-dominated prisons received guitar classes, English lessons and ceramics lessons. Gender is just one consideration: NORLAM's attention should be on ensuring an inclusive approach, recognising the diversity of the Moldovan population and more specifically, the demographics of those most implicated in the justice system.

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### 2.2.3 RESULTS MODEL

The results model developed by NORLAM, in close dialogue with the NMoJPS (with support from Norad) in November 2013 aims to define the long-term aspirations and goals of the programme, and to test if the chosen activities and projects are commensurate to achieving that vision. Such a process can and should also provide benchmarks and long-term outcome and impact indicators that can serve to measure the overall ability of the programme to contribute to realising the stated vision.

NORLAM identified 6 objectives under which all key activities and areas of support were grouped together. Even though this logic model serves as a good basis, it does not map out the necessary engagements and support that is needed to achieve the expected objectives, leaving a gap in the logic sequence between the activities and the likelihood that they would lead to the achievement of the expected results.

It is typically the gaps and assumptions in the thinking that undermine effective support. An example of this with regards to NORLAM is the Consecutive Main Hearings Project (2010-2012), which assumed that capacity building, new working methods and financial support were in themselves sufficient to expedite cases. In the absence of the full understanding of needs (legal framework, changes in attitude) and drivers of change, which are typically identified in a theory of change, these gaps remained unaddressed and ultimately undermined the effectiveness of the project altogether.

NORLAM does not currently have a clear sequencing of activities in the medium to long-term. This hinders incremental planning and complementarity of efforts from one year to the next. Whilst recognising the challenge that NORLAM funding is approved year by year, clarifying NORLAM's theory of change would demonstrate how projects and activities in consecutive years link with one another,

building consistency in approach and helping to build upon previous efforts. The work done in November 2013 is the start of this process and it now needs to be developed further.

Similarly, there is no horizontal integration, which would outline coherence across the programme and define how the individual outputs complement each other to strengthen the criminal justice chain. This is especially pertinent when considering that NORLAM is in a unique position, as no other development partner has such extensive engagement across the criminal justice chain. Furthermore, other development partner justice reform projects in Moldova last typically between 2-4 years. NORLAM has a unique advantage by having an implementation period of 9 years (current timeframe is 2007-2016). With more long-term planning the programme could better use this advantage.

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## 2.2.4 MEASURING THE RESULTS

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### MONITORING AND EVALUATION FRAMEWORK

There has been a relative improvement in the capacity of NORLAM to monitor project results and impact in relation to the 2009 baseline. This has been enhanced through recent work towards defining the reporting systems for individual projects, selecting indicators to measure performance, and the development of targets. Yet, the processes for monitoring results are irregular and not yet fully integrated into the working methods of NORLAM staff. The annual report of NORLAM only rarely reports on outcomes and rather focuses on reporting on outputs and quantitative assessments.

There is no monitoring and evaluation (M&E) methodology in place that would define when and how data will be collected and which data should be collected. In addition, with integrity of statistics being a consistent challenge in Moldova, no provision for testing data integrity or ensuring effective triangulation of data is included in the current practices.

M&E is further hampered by confusion between indicators and milestones, as well as between output indicators and outcome indicators within project documents. For example, in the monitoring framework for the Children's House Project, indicator "a) Children's Centre opened and functioning according to the Project Plan" is in fact a milestone; Indicator c): "Adopted amendments to Art. 110 [prime and] other related articles of the Moldovan Criminal Procedure Code (CPC)" is an output indicator and the aforementioned indicator d): "Average number of hearings per child (target group of Art. 110 [prime])" is an example of an outcome indicator. This confusion makes it difficult for the project staff to distil trends and show results in relation to the identified needs and goals.

A good monitoring framework was developed together with the DIP in 2011 and 2012. During this time the DIP drafted informative notes to NORLAM, which served as regular monitoring reports on the implementation of the signed agreement regarding prison no.13 in Chisinau. This practice, however, was discontinued and currently the reporting for the Goian prison is mostly dependent on NORLAM to play the lead monitoring role. The Children's House Project also anticipates regular reports to NORLAM by the national authorities detailing the implementation of the agreement. In contrast, the Community Sentence Project has vaguely identified reporting and monitoring mechanisms, stating that such reporting and monitoring will be the responsibility of the project steering group. It is also notable that despite one year of implementation, the Human Rights Resource Group has yet to produce a report on impact or implementation, as anticipated in the project log frame.

## INDICATORS

Exploring the M&E framework further, the NMoJPS has worked together with NORLAM to develop indicators. This has been done through the introduction of an annual Letter of Expectation, which first happened in 2013. This internal Norwegian document sets out NORLAM's annual benchmarks, goals and indicators for the individual projects and activities, and outlines the annual NORLAM budget. The 2014 Letter has been further developed from the one for 2013 and has suggested impact and outcome indicators. As a tool for measuring progress it is limited however, due to an inconsistent approach to the phrasing and level of indicators. Similar to project documents (mentioned above), at present the Letter has a combination of output and input indicators and milestones, often with no differentiation between them. Similarly, the expected outcomes are often not directly linked to specific activities or inputs. Therefore, establishing project attribution for the indicator may prove difficult.

As a case in point, the first specific outcome, "The legal community promotes the values and principles of ECHR and follows the ECtHR jurisprudence" has corresponding indicators at the output level. An increase in trainings or increase of legal amendments in the Moldovan context does not itself ensure or show that legal practitioners are willing and able to follow such regulations and utilise their capacity. As has been raised continuously during the review process, the critical challenge is not the quality of the legal framework or the awareness of staff to regulations and legal obligations, but rather the application of the law - which would be a more suitable indicator at the outcome level. A possible indicator could be the change in percentage of judgments in which reference is made to ECtHR case law.

Similarly, specific outcome number three, "Children's House Project established to provide child-friendly environment for hearings of juvenile victims and witnesses, and to serve as a source of best practice for relevant professionals on national level" can be classified as an output rather than an outcome. The mere establishment of the Children's House Project does not directly correspond to how it is used and how it changes the treatment of juvenile witnesses or victims. In this regard, only indicators "d) Average number of hearings per child (target group of CPC, art. 110 [prime])" and "e) Number of hearings conducted according to art. 110 [prime] of the CPC", when measured over a period of time, can be classified as indicators of change in behaviour.

**Figure 2**

### **Taking an iterative approach to enhancing effectiveness**

#### **Pre-trial Detention 2007-2012**

The pre-trial detention project implemented from 2007 to 2012 is one example of effective support provided by NORLAM. The project was over time able to develop an iterative approach that addressed capacity, regulations as well as accountability. The project was based on a needs analysis: using existing assessments but also field observation.

From the onset, NORLAM began the change process by supporting seminars to discuss challenges faced by practitioners and to help develop a common agreement on the needed approach. Progressively prosecutors became more receptive to changing their approach, through developing their understanding of the issue. Then by helping to develop a tangible tool – a standardised form for pre-trial motions – and with complementary support from the Prosecutor General, standardised practice for motions for pre-trial detention changed.

In addition, these efforts were also reinforced by trainings to familiarise staff with the tool and to establish a group of trainers who then went on to train others, creating a multiplier effect for the activity. This was complemented by a comprehensive evaluation of the use of the forms during a span of 2 years. During the review it was confirmed the form continues to be used today.

The key factor explaining the success of the project is that it focused on progressively changing behavior through a balanced approach – training, management and accountability. It is also notable that NORLAM had a sustained effort in this area over 5 years.

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## 2.2.5 NORLAM PROJECTS

### GOIAN PRISON

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The Goian Prison Project has been one of the most visible and prominent projects undertaken by NORLAM in recent years. This is largely because it has introduced an innovative approach and new concepts to the Moldovan penitentiary system and has noticeably improved the conditions for juveniles in detention. The project has largely been implemented in accordance with the anticipated schedule and has met the key project objectives. The notable exceptions have included delays in refurbishment of the additional detention facilities in the prison and the subsequent transfer of all juvenile offenders in Moldovan prisons to Goian.

The prison is praised for the improved conditions of the infrastructure available to juveniles, which is now seen as meeting CoE standards. According to the evidence gathered for this review, to date the prison has no cases of recidivism among juveniles, has eliminated any subcultures within the prison, and has refocused the activities of prison personnel towards actively working with the offenders. Through NORLAM support, as well as engagement of other partners, the prison has also introduced several re-education and reintegration programmes for juvenile offenders, meeting the target of the project concept note.

An associated component of the project, the creation of the position of Release Coordinator has contributed to improved handling of probation cases within the prison system. In 2013 the Release Coordinator managed 6 releases and followed the progress of all 25 juveniles<sup>11</sup>. It will be important to analyse the data and impact of the Release Coordinator's work in 2014 in order to assess the value of this position and whether or not it is an efficient use of resources, or if other methods could achieve similar results.

### JUDGE HEARINGS OF CHILDREN – CHILDREN'S HOUSE

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This project has not yet been implemented but has been formally approved. Implementation is already behind schedule by 4-6 months however, according to the milestone plan.

The Children's House Project anticipates an implementation period of 8 months from the signing of the project agreement. This however assumes that the facilities will not require extensive renovations. Should such renovations be necessary, they are the responsibility of the government, and would therefore be subject to its procurement and tender processes. It could take more than 6 months simply to complete the initial stages of the bureaucracy prior to any works being started. As this review was concluded however, progress looked positive and all efforts were being made to avoid such delays.

### COMMUNITY SENTENCE FOR JUVENILES

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The Community Sentence Project is still awaiting signature of the project document by the GoM. There is a concept note, a working group has been established and initial approval for the project has been received from the Deputy Minister of Justice. However, the signature of approval is contingent on the first step of NORLAM support in this area: the law on community sentencing being passed by Parliament, which is unlikely to occur before the 2014 Parliamentary elections.

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<sup>11</sup> Information from NORLAM staff, July 2014

Whilst waiting for the law to be passed, there is valuable advocacy work that can and is being done. Currently, the effectiveness of the project is dependent on the prosecutors, judges and even defence lawyers being willing to use their discretion to request community sentences as an alternative form of sentencing. Such willingness is not yet evident, according to interviews with judges and prosecutors.

Another area that requires attention is the availability of funds to implement the project beyond the training that will be provided by NORLAM. Associated costs and re-current cost implications have not been adequately considered in the project design. The reliance on recruitment of new staff may, in this regard, require significant funds that have yet to be costed. The lack of pilot projects to test the implementation prior to full-scale rollout has also been highlighted as a possible concern, especially when considering the significant shift required in how such sentences are handled and the lack of experience in their application in the Moldova context. The current project approach largely relies on transplanting Norwegian models of probation without fully incorporating existing experience of the Moldovan justice system with unpaid labour that has existed in legislation since 2003. The expected timelines of the project currently appear not to be commensurate to the time needed to introduce such a fundamental change in the handling of juvenile sentences.

## HUMAN RIGHTS RESOURCE GROUP

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To date the project has not developed a clear concept note or plan of activities, and conceptually the purpose and aims of the Resource Group are continually being elaborated and adapted. The inception of the project was delayed as a result of a lengthy nomination process to select members of the group. However, since 2013 the group has met six times. The group has benefited from several dedicated trainings that have helped to build the capacity of individual members to deliver future trainings for their colleagues. However, no evaluation of the participant's ability to train has yet taken place. This will be particularly important to do as the participants are first and foremost judges, prosecutors and defence lawyers, not training officers within their respective institutions. It is anticipated that some members of the Group will however begin to deliver training in the course of 2014.

With facilitation support provided by NORLAM and ABA ROLI Moldova, the Resource Group has also begun to analyse the Criminal Procedure Code and has started to formulate amendments for possible areas that could be revised. It is expected that the group will submit its proposal in 2014 to the MoJ, and collectively advocate for those changes. A study visit to Strasbourg planned for 2013 has not yet taken place.

## SEMINARS AND TRAININGS

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There is no defined strategic concept or framework for the various seminars undertaken by NORLAM. Aside from those associated with the Human Rights Resource Group, these seminars are *ad hoc*, arranged in response to the needs as they arise. However, the expertise, quality and methodology used have been widely praised. The ability of NORLAM staff to act as facilitators during seminars has also been highlighted, especially in the mixed-seminar format. Yet, it is difficult to gauge the outcome of these seminars given the lack of a long-term evaluation framework to test the results; their wide scope; the multitude of topics covered; and the high number of participants targeted. Some interlocutors and participants have highlighted the fact that the seminars provide the forum to advocate for change and to raise critical issues regarding the Moldovan justice system by involving a wide range of participants. Since 2009, there have been over 800 participants in mixed-seminars alone.

The mixed seminar format has provided defence lawyers, judges and prosecutors with one of the few regular forums whereby they can exchange views, clarify perceptions, and discuss problems together. There has been a common acceptance of the utility of this initiative, which is a notable achievement in

itself. A few years ago participants had open opposition to sharing seminars and trainings with the other groups. Since 2009 however, other donors, as well as the NIJ, have also adopted this approach. With each group still showing a preference at times to tackle their challenges individually however, it is apparent that the mixed seminars as they currently stand cannot resolve all the issues.

The specialised trainings for judges have shown more tangible results. The trainings on ECtHR jurisprudence, use of European adjudication practices, and practical implications of ECtHR case law on the Moldovan Justice system have all resulted in improved awareness to ECtHR case law, and application of ECHR standards in courts. Defence lawyers have also highlighted that the NORLAM trainings for defence lawyers in the regions have improved their capacity, largely because the seminars were tailored to their priority needs and interests. That being said, there appears to be no systematic approach to identifying the specific training needs and priorities for defence lawyers, besides relying on the feedback from seminars and previous training sessions.

Overall, the combination of seminar formats has led to a more comprehensive approach to advocacy and learning, creating forums for exchange of ideas while also ensuring that practical skills are being developed.

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#### 2.2.6 POLICE

The NMoJPS has realised that there is one element of the criminal justice chain – the police – that is not currently receiving targeted NORLAM support, though previous targeted support in 2009- 2011 was well received. The police are integral to much of the work that NORLAM focuses on and representatives from the police Department of Investigations have participated in various NORLAM activities over the last five years; including a study trip to Norway as part of NORLAM’s advocacy work on the Children’s House Project. The information gathered during the review, although limited, indicated that further support to the police would be welcome<sup>12</sup>. With a newly appointed Police Inspector General that is characterised as reform-minded, there is scope for further support to this institution.

Through legislative amendments in 2013, the police became a largely autonomous institution with a dedicated strategic development programme that prioritised improving the quality of coordination and collaboration in investigations with other justice sector actors. Currently, the collaboration is not always straightforward, in part due to a lack of clarity on roles and responsibilities of the Special Investigations Body that falls within the police but is not fully integrated into the operational structures of the police.

One proposal made was that NORLAM could offer assistance to the police and prosecution, looking at both the legal and technical aspects of investigations, to identify ways of enhancing their joint work in this critical area of criminal justice and building upon previous NORLAM support in this area. This review supports the interest expressed by the Government of Norway to explore further the possibilities of offering targeted support to the Moldovan police. However, both the EU and the Soros Foundation Moldova are currently planning to engage in this area. NORLAM will need to ensure its support complements this. If Norway does choose to engage, they have the right expertise in place already with the position of the NORLAM Police Prosecutor. This could enable NORLAM to make a valuable contribution, even if limited.

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<sup>12</sup> A thorough exploration and needs assessment would need to be undertaken by Norway to confirm this.



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### 2.2.7 CAPACITY – ACCOUNTABILITY - INTEGRITY BALANCE

A balanced approach to addressing capacity alongside accountability helps to ensure that structures, processes, systems and regulations become efficient and effective. A failure to strike this balance can, in the long-term prove detrimental to the reform efforts by allowing gaps in oversight, which allow for abuse of power or lack of accountability for performance. This is especially important in environments where national institutions are only beginning to develop integrity mechanisms, address issues of staff morale, and where there is a high degree of corruption, or a tradition of misuse of powers.

In the implementation and development of projects, NORLAM has struggled to achieve such a balanced approach. There is a tendency to focus on building capacity, legislative adjustment to powers and responsibility, and only incidentally giving consideration for issues of accountability, integrity and management. This approach is partly explained by NORLAM taking a monitoring and watchdog role in the areas where it provides support. This in itself does not create sustainable and robust monitoring mechanisms.

The Children’s House Project is an example of NORLAM developing new institutions and structures that will assume significant responsibility for how children are interviewed during criminal proceedings. Yet there is no dedicated mechanism or process currently developed to oversee how the Children’s House will fulfil such responsibilities. The reporting and evaluation mechanism that is foreseen for the project aims to provide periodic reports on the functioning of the centre to NORLAM but does not aim to address institutional accountability. The existing Working Group, currently looking into rules and regulations regarding how to conduct judge hearings of children, could also explore developing accountability mechanisms.

The Community Sentence Project is a further example; the project advocates for probation officers to assume significant new responsibilities and powers in monitoring and managing community sentences. Yet, the project does not outline how the work of the probation officers will be supervised and managed to ensure diligence and efficiency in their work and to ensure that there is no abuse of power.

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### HOW TO ENHANCE EFFECTIVENESS

- To help develop the indicators for NORLAM’s engagement, work together with Norad, and possibly the Norwegian Resource Bank for Democracy and Human Rights (NORDEM) rule of law programmatic staff, and/or other experts in this area of work. Careful use of the UN rule of law indicators, whilst recognising that they are extensive, could provide valuable guidance and possible ways of getting baseline data.
- NORLAM should develop an internal lesson learning process, to gather lessons from its work that can feed into future programming or advocacy work. As part of this, periodic NORLAM meetings could be organised to provide a dedicated and regular platform to collectively discuss and assess effectiveness, performance, and challenges of specific NORLAM projects.
- The Human Rights Resource Group should consider affiliation with a Moldova academic institution to improve effectiveness, promote greater visibility and long-term sustainability.
- Building upon previous NORLAM support to police, identify ways of enhancing the joint work of Moldovan police and prosecutors.

Further, more substantive proposals for improving effectiveness are detailed in the Recommendations section of the report.

## 2.3. IMPACT

### OVERVIEW

#### **Guiding Impact Review Question:**

*What impact has the project had on the national institutions as well as local beneficiaries (citizens)?*

The high number of activities, which typically number between 20 and 26 per year and cover a wide range of issues, makes measuring impact attribution of NORLAM activities a challenge. In addition, NORLAM support is set up to be complementary to the Government's, or other donor efforts, rather than a standalone contribution. Yet, interviews and visits undertaken for this review suggest that there are clear improvements in behaviour change, capacities, as well as the legal framework, all of which can be traced back to some degree to NORLAM activities. The significant drop in the length of sentences and the much lower pre-trial numbers are some of the key examples of contribution of NORLAM support. The Goian project is an example of the benefit of focusing efforts to ensure a more visible impact in a single area. NORLAM has also had an important impact on influencing the overall reform processes of Moldova, more specifically contributing significantly to shaping the strategies, including the Justice Sector Reform Strategy, the Prosecution Reform Concept Note, and the Penitentiary Institution Strategic Development Programme.

#### 2.3.1 LEGAL FRAMEWORK

Through advocacy for amendments in working groups, seminars, and bi-lateral meetings, juxtaposed with direct commentary on draft laws produced by the MoJ, NORLAM has made a significant contribution to changing Moldovan laws that have brought the country closer to EU standards. Most interlocutors have confirmed that with contribution from development partners such as NORLAM, today the legal framework is for the most part of sufficient standard and quality. NORLAM's footprint on the legal framework reform is evident from the more than 21 draft laws to which it provided comments and amendments since 2009. After comments on draft laws are received, the MoJ puts together a convergence table. From this table it is possible to see on which cases NORLAM's input has been taken on board by the Ministry, or used as a justification for a change in practice. There is however no guarantee that parliament will keep the suggested changes.

Examples given by interlocutors of the value of NORLAM support include; the Working Group on Article 5, ECHR: most of the 10 principled conceptual ideas developed by this Working Group were introduced into draft law. The draft law includes clarification on the role of the Prosecutor in requesting pre-trial detention, as recommended by NORLAM. It also includes the ability of the Prosecutor to order release, rather than asking the Judge for a release order. A public debate on this draft law was scheduled for the end of May 2014. NORLAM was also important for other areas, such as the legal aid law. Several of those interviewed mentioned that without the involvement of NORLAM, change would be much more difficult to achieve.

A key indicator of progress is to be able to see the development of positive trends. Arguably amongst the biggest areas of impact for NORLAM has been the change in the Criminal Code in 2008/2009. There is currently better understanding of the presumption of innocence and reasonable doubt, due in part to the law. Data shows that more than 50% of cases re-examined due to the changes to the Criminal Code

resulted in a reduced or changed punishment<sup>13</sup>. It should be noted however, that the changes to the code resulted in many cases being re-examined, creating an increase in the court workload.

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### 2.3.2 CAPACITY BUILDING

Building capacity through the transfer of knowledge and developing competence among the Moldovan justice actors is one of NORLAM's main aims. In NORLAM's initial results framework, this should lead to improved governance and rule of law for Moldova. Over the last five years, there is evidence of the impact of some of NORLAM's key efforts towards capacity building.

In the penitentiary system, there has been a strong focus on personnel. With the support of NORLAM the DIP has increased its understanding of the importance of its human resources and made a conscious decision to focus on strengthening its recruitment processes. DIP also worked to change the law for the sector to strengthen the social security and working conditions for staff. Since 2007 this has resulted in a dramatic change in staff, with regards to both education and age. The average age of staff today is 35 years, and for governors 35 to 40 years. Before 2005, all governors were above 45 years old<sup>14</sup>. The level of education of both officers and sub-officers has also increased. A good indication of change can be seen in the fact that previously a job in the prison sector was undesirable. Today there are almost no vacancies. Giving staff the status of a civil servant has, according to the DIP, also made a job in prison more attractive.

NORLAM has supported both the DIP as well as 3 prisons directly over the last few years. Interviews and anecdotal evidence indicate that an increase in capacity and competence is most evident in both the DIP and in Goian prison. Although there are many more developments Goian staff wishes to see implemented within the penitentiary system, this new prison illustrates a good degree of improved capacity. There is now a core of young, purposely recruited staff that appear to bring a determination and commitment to developing a new approach to juvenile detention in Moldova, based on an individual approach, with a focus on re-socialisation and education for inmates. They comprise individuals with higher education in fields such as pedagogy, psychology, social work etc. Their capacity has been, and continues to be built. For example, they are trained in communication skills and in conflict prevention and resolution. This enables them to engage more, and more effectively, focusing on all aspects of prison life rather than just the security of inmates.

According to some of those interviewed, NORLAM has made a significant contribution to the development of the probation service, which barely existed before NORLAM arrived in Moldova. There is still a low level of competence of probation officers though, as they do not have the required training and resources. An example of the challenges still facing this institution is that probation plans to recruit 42 psychologists but only has funds for 15 positions.

NORLAM support to prosecutors and judges has resulted in them being better trained. Those who have undertaken NORLAM trainings now know how ECtHR case law relates to national case law and legislation, and have improved their ability in reasoning their decisions. Furthermore, their capacity has been enhanced through the use of the various checklists and templates developed by NORLAM. With NORLAM advocacy and support, the current Prosecutor General has prioritised the protection of juveniles as his top issue.

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<sup>13</sup> DIP report for the period 24 May 2009 when amendments entered into force until present

<sup>14</sup> DIP Monitoring Report for February 2014

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### 2.3.3 CHANGES IN PERFORMANCE AND PRACTICE

*“NORLAM has helped to change mind-sets and practice in Moldova over the years. It has brought a completely new understanding of human rights to Moldova. It has also brought a new appreciation of the importance and understanding of case law from Strasbourg.”<sup>15</sup>*

Despite the changes and developments in the laws, practice and performance are slow to change. One of the challenges is a lack of accountability measures, previously highlighted as a general challenge in Moldovan justice reform. This allows old behaviours and habits to persist, despite changes to legislation. For example, although some judges have left the system, there remain many who have been serving for more than 30 years and are accustomed in the old Soviet system. They are not held internally accountable for their verdicts in relation to current legislation and they do not always substantiate their decisions.

That being said, there are positive trends in the Moldovan justice sector to which NORLAM has contributed. These include the fact that: punishment levels are now closer to European levels with 187 prisoners per 100 thousand inhabitants in 2013, compared to 230 in 2007; the average length of prison sentences has been reduced from 8 years in 2007 to 7 years in 2013 (5 years – served de facto); and 60% of the 4923 motions submitted by prisoners resulted in a reduced term or changed, less severe punishment. As a result of multiple factors, primarily changes to legislation, there has been a significant reduction in the prison population in Moldova in the last seven years. According to DIP, in January 2007 there were 8,679 prisoners (both remand and sentenced) and in January 2013, 6,583. Moldova had 12,630 people in prisons in January 1991<sup>16</sup>.

Furthermore, there are more alternatives to imprisonment that are now being considered, such as the Community Sentencing Project NORLAM is advocating for. Probation is also now submitting more pre-sentence reports, which contributes to the fact that there are now fewer juveniles in prison. Also, as illustrated below (Goian prison), the treatment of juveniles in detention has improved, which is linked to better reintegration of juveniles upon being released. Several of those interviewed for this review commented that the improvements in juvenile justice are in a large part due to NORLAM’s efforts.

Regarding the courts, there are less small cases reaching courts due to better-defined use of prosecutorial discretion. NORLAM seminars have contributed to changing mind-sets regarding how and when prosecutorial discretion should be more commonly applied.

In addition, there is a greater emphasis on ensuring the more vulnerable are fairly treated. This has been helped by the Criminal Code amendment to include domestic violence. The attention on children’s hearings, helped in part by the advocacy role played by NORLAM, has also contributed to the now standardised acceptance that children, including perpetrators, should be subject to more sensitive and specialised treatment throughout the criminal case process. Although there is no data yet, the perception from some is that the establishment and current use of child-friendly hearing rooms (a parallel initiative to the NORLAM Children’s House Project undertaken by Moldovan and other international partners) is making a positive difference to reducing the number of times a child is interviewed and therefore minimising a child’s potential trauma of a court case.

The reduction in the number of cases Moldova has at the ECtHR has, according to several people, been directly influenced by NORLAM. The contribution of NORLAM through training and awareness-raising in seminars led to a change in practice in relation to court decisions. With help from NORLAM it was easier

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<sup>15</sup> International actor working on justice reform in Moldova, interviewed May 2014

<sup>16</sup> Data in this paragraph was provided by NORLAM

to convince colleague judges to use ECtHR case law. The recognition of ECtHR case law precedence was a complete change for judicial practice in Moldova and has fed into the beginnings of a unified practice that is evolving in Moldova today. Another example of impact of NORLAM support is the explanatory decision of the Moldovan Supreme Court of Justice on pre-trial arrest, which has led to greater uniformity in application of the law.

Although there remain many challenges with the practice of prosecutors, NORLAM has advised on the investigation of torture and ill treatment of detainees. This has resulted in the creation of a specialised unit within the GPO on investigating torture and ill treatment of persons in detention, which is now operational in all territorial districts.

The many seminars and training courses facilitated by NORLAM have provided a valuable platform for dialogue amongst legal professionals. This has given participants the chance to critically reflect on their own practice and possible contradictions in how they work. In some cases this has led to improved working practices. How much behaviour and attitude have changed as a result is harder to measure. Some interlocutors indicated that it is now possible to see such change. However, others were clear that only small changes are evident and only minor issues have been resolved in these fora. It is also impossible to attribute changes in the behaviour of justice professionals to NORLAM alone. There are many actors and different factors that influence change in attitude and behaviour.

In line with the capacity building efforts within the penitentiaries mentioned above, effort is being made to change and enhance performance by de-militarising the penitentiary system. The DIP is making efforts in this regard at the policy level: it has adopted a Code of Ethics for public servants from within the penitentiary system. In practice the change is already evident in the performance of the staff at Goian, who clearly operate as civil servants more than security agents. Goian uses video surveillance, which means the staff do not need to take on the role of prison guards, which is a radical departure to traditional prison practice in Moldova.

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#### 2.3.4 GOIAN PRISON

Goian staff performance and practice has been positively influenced by the cooperation with NORLAM, which is highly valued. Through NORLAM's support Goian's Governor and staff have learnt that an individual approach to each inmate is the only way to achieve results, to re-socialise and educate the individual. This primary focus within juvenile detention facilities is in accordance with international and EU standards on juvenile detention. It has become the practice in Goian and it seems to be working: there are no cases of self-harm or hunger strikes amongst juvenile detainees (which used to be the case before Goian opened); no serious incidents where the use of force has been required; and recidivism is currently at 0%<sup>17</sup>, as previously mentioned.

The prison regime at Goian that has been introduced with assistance from NORLAM includes positive sanctions for inmates showing good behaviour. This is a fundamental change from the previous practice of punishing bad behaviour only. The general practice in Moldovan prisons has been to place inmates who demonstrated unacceptable behaviour in long-term isolation. Goian only uses short-term isolation, and only when absolutely necessary. This is more in line with international good practice in relation to the treatment of juvenile detainees. Another example of the new practice at Goian is a total ban on smoking, for both inmates and all employees. The underlying philosophy is that employees must model good behaviour if they expect inmates to be reformed during their time in Goian.

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<sup>17</sup> Interviews with Goian and DIP staff, May 2014

Goian and the DIP have worked hard, with NORLAM support, to raise awareness of this new approach toward inmates. This has included entering international penitentiary competitions and establishing a presence through social media<sup>18</sup>. There appears to be a general recognition that it is working, demonstrated through the fact that the rollout of this approach is now planned and ready to be implemented: Prison 9, Pruncul, a high security prison for men, has been selected by the DIP to be the next prison to take on the approach implemented at Goian. NORLAM's continued support is likely to be very important during this phase of prison reform, as a juvenile justice facility is fundamentally different from an adult high-security detention facility. Across the board, people acknowledge that the pilot Goian Prison Project's success is thanks to the steadfast, positive encouragement and advice from NORLAM.

## HOW TO ENHANCE IMPACT

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The implementation of suggestions and recommendations made on the other key areas of relevance, effectiveness, efficiency, sustainability, and coordination will all lead toward NORLAM efforts having a greater impact.

### 2.4. EFFICIENCY

#### OVERVIEW

##### **Guiding Efficiency Review Question:**

*To what extent has the project used appropriate and efficient working modalities to achieve the results?*

Providing expertise across the criminal justice chain has been recognised as a unique and highly valued contribution that NORLAM brings to Moldova. This advantage is challenged however by elements of NORLAM's working modality such as the lack of legal status; recruitment, selection, and deployment of NORLAM staff; and internal management.

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#### 2.4.1 EXPERTISE ACROSS THE CRIMINAL JUSTICE CHAIN

NORLAM's mixed seminars are able to bring together justice actors to discuss critical aspects that have relevance across the different professions. This forges the links throughout the criminal justice chain although; in the area of investigations there remains the opportunity to increase support to the police. There is however, considerable positive feedback from those involved in these seminars. NORLAM pioneered the idea in Moldova of bringing defence lawyers into the same seminars as judges and prosecutors. It seems that it is an efficient way to build the collaboration and understanding across these disciplines.

All NORLAM staff members are situated together in one office building. This appears to support the team to work in an efficient way. It enables them to share ideas and developments, further strengthening the synergies across the criminal justice chain, which in turn reinforces the support to the Moldovan reforms. The local staff are situated together, allowing valuable exchange of views and expertise, which in turn enhances the local support to the Norwegian experts.

International technical assistance is given in many countries undertaking justice or security reforms (or indeed the strengthening of other development sectors). Often that assistance is given through embedding advisors into the respective institutions where they can give peer-to-peer support on a

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<sup>18</sup> Goian prison has a popular Facebook page: <https://www.facebook.com/GoianPrisonMoldova>

constant basis. Whilst there are advantages to NORLAM remaining in its own office, it is worth considering this alternative. Two different representatives from the MoJ highlighted that they would welcome a Norwegian advisor embedded within their institution, even if for a limited time.

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#### 2.4.2 NORLAM WORKING MODALITIES

When the concept of deploying Norwegian legal professionals to countries such as Moldova was developed, different options were explored. The main alternative option considered was to provide Norwegian legal professionals into a multilateral initiative, such as the OSCE. The NMoJPS, responsible for NORLAM, decided to offer bilateral support because it allowed for greater flexibility and the ability to send out more personnel than with a multilateral set-up. This working modality has not changed over the seven years NORLAM has been operating.

NORLAM experts remain in Moldova for an average of two years, which has been criticised as being too short. Such limited time adds pressure to get results quickly whilst the expert is deployed to Chisinau. This was highlighted in the 2009 review, and there are ongoing discussions within the NMFA and NMoJPS on this issue. However, the challenge is that whilst the benefit of having longer deployments is recognised by the NMoJPS, the ministry is bound by the leave regulations of the Norwegian legal bodies to which the NORLAM legal professionals belong – in general for state employees the maximum time out is two years at any one time. Furthermore, there is value placed on ensuring the Norwegian members of NORLAM are able to return to their respective domestic institution in order to keep their expertise relevant and up to date. The NMoJPS has in fact lengthened the duration of the contracts as much as possible: in 2009 some contracts were as short as 6 months. Since 2011 no contract has been issued for less than 12 months. This issue is an example of the type of problem that international assistance programmes face when trying to balance their own domestic needs with those of the host country.

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#### 2.4.3 LEGAL STATUS

NORLAM as an entity has no legal status and this impedes its efficiency and consequently effectiveness. It has been set up as an unofficial organisation with no clarity in its status. This issue was raised during the review conducted in 2009 as well as in subsequent internal (Norwegian) discussions. However, the situation has not changed. NORLAM is neither a non-governmental organisation (NGO) nor a diplomatic mission. The individual members of NORLAM are exactly that: individuals with no official status. This has consequences for how the staff operates on a day-to-day, as well as at a more strategic level. For example, the HoM is a representative of the Norwegian Government and engages when necessary with the senior leadership within the Moldovan Government; however s/he does so without diplomatic status and therefore with no political backing or accountability.

The NMoJPS is responsible for NORLAM. However, Oslo is a long way from Chisinau should an emergency situation evolve. Nordic cooperation means that, should there be a threat to the safety and security of the team and an evacuation or similar be necessary, the Swedish Embassy is NORLAM's safe location. However, the review team found that plans for such an emergency were not well known by NORLAM staff. Reviewing the security plan (as was done in February 2014) and ensuring all staff are familiar with it should be common, regular practice.

The NMoJPS is well aware of this issue of the legal status and is exploring how best to resolve it as quickly as possible.

#### 2.4.4 RECRUITMENT, SELECTION, AND DEPLOYMENT

The NMoJPS is responsible for the recruitment and selection of those within the pool of rule of law experts from which NORLAM's Norwegian experts are drawn. The recruitment and selection policies and procedures have evolved over the last few years, however the NMoJPS is in the process of improving them further. Currently, candidates are selected based on ensuring the staff team continues to comprise a judge, a public prosecutor, a prison director, a director of the probation service, a police prosecutor, and a defence attorney. It is assumed that these individuals will have the expertise to continue with the projects that they take over on arrival into the NORLAM team.

Once interested individuals have been selected from the pool of rule of law experts (see Fig. 3), they participate in a 1-week compulsory training course for pre-deployment (see Fig. 4). They subsequently receive a letter of engagement containing similar information to a Terms of Reference.

**Figure 3**

##### **Government of Norway Rule of Law Expert Pool Recruitment**

The pool is managed, and is under the responsibility of the MoJPS European and International Affairs Section. Candidates are recruited from Norway's justice sector. Every 2-3 years, depending on need, there is an open call for new members that goes out to all Norwegian justice institutions (state and private defence lawyers). There have been approximately 100 members in the pool since 2004. The selection criteria to be part of the pool is outlined below:

Candidates must have:

- a) A permanent position – they are effectively seconded to the NMoJPS for the time of their deployment and at the end of their deployment they return to their permanent position in Norway.
- b) Extensive experience in her/his respective field of work (judge, probation etc.)
- c) Knowledge and interest in human rights
- d) Understanding of cultural differences
- e) Good mental & physical health – certificate of health
- f) A good command of English (this may be widened to include other languages)
- g) It is desirable for candidates to have leadership and management experience

Current discussions are underway to explore ways of strengthening the process. Considerations include the optimum degree of involvement of the NMoJPS. Interviews are currently conducted by the respective agencies/institutions. However, there could be more involvement from the NMoJPS in recruitment.

In terms of skills and experience, the NMoJPS is reviewing the importance of candidates having prior international experience, project management experience, and whether or not candidates need to have more language skills.

Those interviewed for this review did not highlight any conscious attention to gender when recruiting candidates to the pool. The focus seems to simply be on the candidates' legal profession and interest. Those recruited into the current NORLAM team happen to represent a gender balance. However, leaving this to chance could result in that balance being lost as personnel change.

A further important element to note with regards to the recruitment and selection process is the lack of involvement of those on the ground in Moldova. The MoJ, NORLAM's principal counterpart, is currently not involved in the selection of candidates to join the NORLAM team. This is a missed opportunity, as their perspective on the needs and emerging issues for justice reform in Moldova are critical.

The position of HoM has always been selected from the serving NORLAM team. S/he continues providing her/his legal focus of support whilst also taking on the overall HoM responsibilities. The position used to automatically be given to the longest serving Norwegian member of the team. Since 2012, however, all Norwegian members of NORLAM are now invited to apply when the post is advertised. The NMoJPS conducts interviews before making



the final decision on the selected candidate. There are concerns amongst staff that this new competitive procedure can potentially be a source of tension within the small team and that it is perhaps not necessary.

There is agreement amongst NORLAM staff that the pre-deployment, induction, and handover for newcomers need improving. This was a recommendation in the 2009 review, and the NMoJPS does now have a process that should be followed: Every person leaving the mission should be asked to write a paper outlining the most important tasks/matters for the newcomer. This paper should be locally archived in the NORLAM office. The NMoJPS also invite leaving staff to the ministry in Oslo for a feedback conversation (within 3 months of her/his end of mission). S/he is also requested to write a report following certain guidelines.

**Figure 4**

**Training course for pre-deployment**

Includes the following modules:

- Human Rights
- International conventions related to Human Rights
- Project Management
- Experience sharing from former members
- Concept of Justice & Security Sector Reform (JSSR)

However, several current and former NORLAM staff interviewed mentioned how they had a fleeting moment, or no time at all, with their predecessor. Some received a one-page handover note that left them with next to no idea how to begin their work. A common request was for a more efficient system to be set up that gives incoming staff sufficient time to be briefed by their predecessor and have the chance to shadow or work together with her/him immediately prior to taking over. Individuals said that a combination of this and detailed enough handover documents would improve continuity.

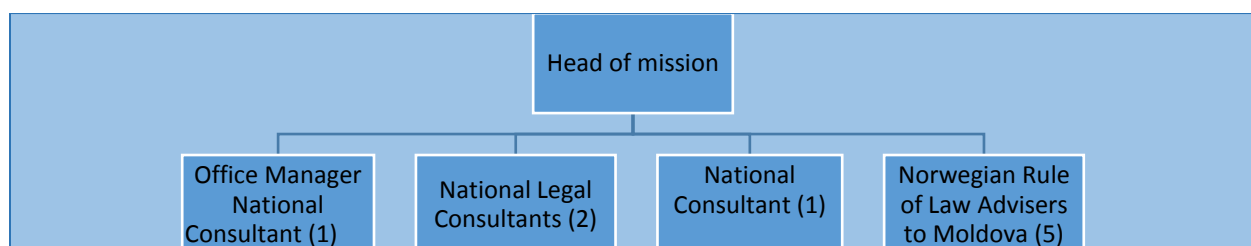
There are notable consequences to not having efficient handover processes. The turnover of Norwegian experts in NORLAM means that there is a hiatus every year or two as a new person comes on board. Whilst it is positive that the local NORLAM staff provide project and contextual information, there is arguably too much reliance on this. One or two partners interviewed highlighted the lack of awareness of the political side of justice reforms in Moldova amongst the Norwegian members of NORLAM.

On a related note, there is currently no mechanism for ensuring communication with NORLAM should a former staff member wish to continue supporting Moldova justice reform after s/he has left the team.

#### 2.4.5 MANAGEMENT OF NORLAM

NORLAM is a small team of 10 (see Fig. 5), all of whom are based within the same office. It is bureaucratically light, with minimal funds to manage. It is therefore relatively speaking a straightforward set up to manage and has been this way since its inception.

**Figure 5**  
**NORLAM Structure**



NORLAM funding has largely remained constant throughout the last five years. The majority of the funds go towards staffing costs. The remainder is divided into funds for projects and the operational costs of running the office. When it comes to financial management a detailed policy note on financial management was developed by the NMoJPS and adopted in May 2013. NORLAM follows a reporting schedule as described in the letter of expectation.

There are limited management structures in place, although there has been more attention given to this over the last two years. The NMoJPS has added into the list of criteria for the HoM that it is advantageous for the candidate to have management experience. Before this addition, and to a certain degree still today, the attention on the management of the team is left up to the willingness and ability of the HoM in place. This has naturally varied over the years, resulting today in a team that clearly contributes significantly to Moldovan justice reforms but that is not operating in the most efficient way. The current HoM is placing her attention on strengthening the use of existing, and developing new, standard internal guidelines and regulations to help manage staff and operations. These focus mainly on the finances, staff performance, and time management.

A happy and healthy staff influences the efficiency of any team. Ensuring staff are not overworked, and that individuals have a sense of professional development helps maintain a healthy, motivated work force. The local staff members in particular are working long hours and have accumulated significant amounts of outstanding annual leave. The current HoM has expressed her commitment to rectify this and establish a simple mechanism to monitor this.

As previously highlighted, one of the strengths of NORLAM, as expressed by almost all those interviewed, is its ability to respond quickly and in a flexible manner to the needs of the Moldovan justice actors. It was felt to be very important that the introduction of new management policies and procedures must not take away from this.

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#### 2.4.6 PROGRAMME AND PROJECT FOCUS

It appears to be a challenge for NORLAM with its current modality, to build a cohesive and holistic programme. The emphasis is on experts from a particular profession sharing their experience and insights with their Moldovan counterparts for the limited period that they are in country. Whilst it is important that new ideas are considered as newcomers come on board, there is no strategic plan into which these experts can fit their new proposals. In the absence of this, the incoming legal professionals are tasked to continue where their predecessor left off. Whilst maintaining continuity is important, this easily leads to a strong project focus, with particular activities being added according to the expert's ideas. The process of clarifying the NORLAM vision and results framework (begun in November 2013) should continue into a strategic planning exercise. Once developed, this will provide the basis for a cohesive programme that can lead to an increase in both efficiency and effectiveness.

Since 2009 there have been two notable moments in NORLAM's evolution that have helped re-orientate how NORLAM functions with regard to this holistic perspective. The first came around March 2012 when the NMoJPS proposed a narrowing down of NORLAM projects. The result was a redefinition of what constituted a NORLAM project and they moved toward concentrating on 4 or 5 projects. The remaining almost 20 were redefined as activities. The second moment came more recently, in November 2013 (mentioned above), when the team held a NMoJPS/Norad initiated and organised workshop to think through the NORLAM logic model.

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## 2.4.7 METHODOLOGY OF PROJECTS

The projects have, to differing degrees, developed concept notes, project plans, indicators, and where appropriate, agreements with the relevant Moldovan authorities. However, each project has evolved according to its lead expert. It follows therefore that some operate more efficiently than others. Progress also depends on the timing and sequencing of the project in line with the Moldovan needs and capacity (see the sections on Relevance and Effectiveness).

NORLAM's choice to support Moldovan penitentiaries to operate along European standards through selecting a pilot prison for juveniles (Goian) has shown great success for that prison. There are differing perceptions however, of how efficient it was to have this focus on one prison only. One interviewee commented that support was lost to other areas as a result. Another mentioned that he felt that NORLAM's support to the prison he was associated to had not diminished as a result of the focus on Goian. These differing perspectives indicate that NORLAM could benefit from developing greater cohesion, working more holistically with the targeted prisons. The review team learnt that there is a tendency within the penitentiary institutions to aim for too much too soon, leaving insufficient time for people to understand the reason behind some changes. NORLAM will need to factor this into its support for the next phase of prison reforms. As part of that phase, it will be important to address how best to ensure systemic change to the penitentiary system and avoid the risk of creating islands of excellence, which could happen if supporting individual prisons.

NORLAM supports the NIJ in the design, delivery and logistical support for its seminars and training courses. These take up a considerable amount of NORLAM resources – both human and financial (approximately 29,000 EUR was budgeted for NIJ seminars in 2013, almost 40% of the available budget for projects in 2013<sup>19</sup>). The interviews revealed the importance for NORLAM to keep a firm eye on monitoring this support. Some of the trainings and seminars have been running for years and are going well now. According to some, there is no need for NORLAM to keep supporting the same trainings forever. There are also people who are of the opinion that NORLAM invests too much of its time on trainings. Many participants have been trained to be trainers, which is an efficient way of managing the ongoing learning needs. However, it appears that there are not yet enough opportunities given to those trained to deliver courses themselves.

That being said, there was appreciation for how NORLAM conducts the seminars it delivers. One interlocutor commented, "NORLAM proposes cases and divides the participants into groups to discuss the cases. It's a very practical approach. We can see that in some instances the cases are solved in full compliance with EctHR case law and ECHR standards". That practical approach is praised by many interlocutors and is an aspect that arguably sets NORLAM apart from other development partners in the justice sector.

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### HOW TO ENHANCE EFFICIENCY

- The NMoJPS and NORLAM need to identify how to move forward following the results-based workshop in November 2013. To embed a well-grounded results-based approach will require further investment. NORLAM could consider deploying someone with this specific focus to join the team for a finite period. This work should be part of the broader recommended strategy development (see Recommendation section: recommendation 4).

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<sup>19</sup> Approximately 130,000 EUR was budgeted for projects in 2013 according to the Letter of Expectation 2013

- The NMoJPS should share with their Moldovan counterparts the CVs of potential NORLAM candidates once there is a shortlist. The Moldovan counterparts should approve shortlisted candidates before a final selection is made.
- The NMoJPS should continue to place attention on reviewing the concept and the *modus operandum* of its pool of legal professionals. This includes emphasising the need for members to have a range of skills in areas such as governance, management, leadership, communication skills, relationship-building, cultural & contextual knowledge and sensitivity, an ability to embrace diversity and gender equality. It also includes ensuring individuals can demonstrate integrity, impartiality, fairness etc. Such qualities are fundamental when engaged in supporting another country in reforming its justice sector and cannot be taken for granted. The NMoJPS should consider including these skills under the ‘required’ section of the criteria for selection into the pool/NORLAM, as opposed to ‘desirable’.
- The position of HoM requires someone who can bring a strong management and strategic approach to the job. S/he also needs to have a background in development programming, so as to be able to ensure that NORLAM activities include core principles of ownership and sustainability. Consideration should be given as to how to ensure the HoM is able to provide effective management and leadership of NORLAM; whether the HoM should be a separate position or carry operational responsibility for both the team and one of the projects simultaneously. Options could include changing the current practice of appointing the HoM from within the team; to making the post open to those outside of the NORLAM team as well as the current staff. This may mean looking outside of the Rule of Law pool, or reviewing the criteria for the pool. An interim measure or alternative option could be to employ a Moldovan with a management and development background as Deputy to the HoM, while keeping the current system.
- A formal mechanism should be established for how former NORLAM staff members interact with Moldovan institutions, ensuring all communication regarding requests for technical support goes through NORLAM. This could be formulated into a code of conduct, or similar. Another idea could be to set up an alumni network, managed by NORLAM from Chisinau. Such a network could also prove beneficial in sourcing potential capacity for short-term or specific expertise, if necessary.
- The NMoJPS should consider undertaking a review of NORLAM’s financial management procedures, with a view to strengthening current practice. There is a link here to the legal status of NORLAM. The MoJPS financial policy and procedure form is the appropriate starting point for such a review.

Further, more substantive proposals for improving efficiency are detailed in the Recommendations section of the report.

## 2.5. SUSTAINABILITY

### OVERVIEW

#### Guiding Sustainability Review Question:

*Is the project creating the necessary conditions for sustainability?*

In development environments, where there are extensive needs and a continuous ongoing transformation of the institutions, it can be difficult to ensure sustainability of development programmes. In such contexts the focus is often on getting results quickly, while sacrificing a more deliberate longer-term process that ensures ownership of the activities and tailoring the development interventions to the general pace of reforms and absorption capacity of national institutions. In Moldova, NORLAM has had mixed results in ensuring sustainability of its support, largely because of the uneven approach taken by individual projects or activities towards developing the necessary conditions to ensure sustainability. It is important to note that effective conditions for sustainability

require national ownership, technical knowhow, and financial resources – a failure to address any of the three areas can undermine efforts to sustain the projects.

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### 2.5.1 OWNERSHIP

Ensuring adequate ownership of reforms requires not only substantive engagement of national institutions throughout the project cycle – from project identification, to design and implementation – but also that national institutions remain drivers of the reforms. In the context of Moldova, the challenge is to balance the need for ownership with a need to also advocate for new and sometimes politically sensitive reforms. Finding national champions or drivers for this can be difficult. Yet, ownership is a prerequisite to sustainability.

NORLAM’s approach to project identification and implementation can be seen by the fact that project documents are typically designed in-house and then presented to national institutions, sometimes even after a year of drafting. This is partly the result of projects being based on Norwegian practice but also due to the relatively short deployment timeframes of NORLAM experts, which again introduces pressure to get results quickly. In the absence of long-term multi-year planning, NORLAM is currently unable to create the necessary conditions to ensure ownership of the projects at the identification and design phase.

Ownership of NORLAM instigated projects is especially critical at the senior political level to ensure sustainability. It is currently unclear if the Community Sentence Project has sufficient high level Moldovan political ownership to sustain the project. There are however positive indications that the Children’s House Project has slowly developed the necessary political ownership. Lastly, some senior officials noted that the Human Rights Resource Group is a project fully driven by NORLAM and other development partners, leaving little scope for a national institution to assume ownership for its organisation or functioning in the long-term.

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### 2.5.2 TECHNICAL

A key condition of sustainability is to ensure that there is sufficient transfer of knowledge to be able to sustain the project implementation without reliance on external technical support. This requires a conscious, planned effort to develop national capacity and skills, without the assumption that the skills will simply evolve over time through experience. NORLAM has had mixed results in building such technical capacity to sustain projects and activities. By and large; there remains a very strong desire at the moment from the Moldovan justice actors to have NORLAM working closely alongside them for the coming years.

Goian remains a positive example where national authorities have developed sufficient familiarity and confidence in what needs to be done, that they have planned the replication of the Goian approach to a second prison (Prison 9). This is intended even with anticipation of a less prominent donor role in technical support.

In contrast, the numerous NORLAM supported seminars and trainings have not yet built the capacity of the NIJ to take on the trainings. This is partly because the trainings have a prominent focus of sharing Norwegian experience, and also because NORLAM has assumed full responsibility for all associated tasks, with the exception of inviting individual participants and setting specific dates for the seminars. This appears to be a convenient set up for both the NIJ and NORLAM. At present, NORLAM still maintains full responsibility for logistical arrangements of the trainings, development of methodology and course content, as well as facilitating the events. In the seminars, there has been no evidence of any gradual transfer of responsibilities, not even such tasks as printing the necessary materials. In this

regard, there are questions as to the extent to which NIJ will be able to sustain the current seminar offerings in the long-term.

NORLAM has tried to ensure sustainability of some seminars by holding Training of Trainers (ToT) sessions, focused on building capacity of potential national trainers. The ToT experience has proven to have had mixed results: Impact has been limited due to trained trainers leaving the justice institutions or simply the lack of opportunities for these trainers to provide training to others.

Yet, NORLAM has also not evaluated on a consistent basis how many ToT participants organised or facilitated training on the issues. Nor has NORLAM systematically followed up with such individuals to determine what further support, if any, they require in order to be more effective trainers. The two or three examples of NORLAM attending and monitoring regional seminars and training events organised by ToT participants should be capitalised on and further developed. These considerations are also relevant to the Human Rights Resource Group.

The Children's House Project has incorporated into the project concept significant training and support of national staff that will be responsible for running the centre, with NORLAM playing only a mentoring and supervisory role. It is ambitious, however, that within the short implementation phases of each of the projects, national staff will be able to develop the necessary skills whereby they no longer require external support. It is similar with the Community Sentence Project. None-the-less, this primary focus on building capacity and ensuring that new staff are empowered in their functions is an encouraging approach toward the sustainability of projects and should be further developed.

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### 2.5.3 FINANCIAL

With an increase in funds of 52% from 2012 to 2013, largely provided by EU sector budget support, the financing of Moldovan justice sector reforms is no longer assumed to be amongst the key impediments<sup>20</sup>. Yet, often this assumption is made on the basis that such financing would be available beyond the EU budget support programme, and that Moldova will be able to receive the full disbursement of the variable tranche of the sector budget support commitment. There are risks that a sudden cut or reduction in general budget support, due to poor implementation performance in key Moldova commitments, or a change in political orientation, could result in unexpected short-falls in the budget for justice reform. In such a scenario, it is likely that the Government would seek to compensate for the gap in financing by discontinuing non-prioritised programmes or selecting only programmes which do not have significant re-current cost implications. Given the limited national funds currently available for justice reform, good practice would suggest that programme costs are commensurate to available national funds to ensure that the reform initiatives being supported by the international actors have a higher likelihood of being financially sustained without external support.

The NORLAM planning and budget processes remain largely disconnected from one another. The associated programme costs, including financial obligations for the state, are most commonly calculated only after the project concept has been developed. In the case of the Children's House Project and the Community Sentence Project, it is still unclear if national authorities have calculated the recurrent cost implications of the projects. The draft agreement between NORLAM and the Government for the Children's House Project states that the Government will absorb all associated costs for the Children's House after the first year of project implementation and for a period of at least 10 years. Despite trying, NORLAM has not yet been able to secure a meeting with the Government to discuss the agreement, and specifically the budget. Without a clear appreciation of the recurrent costs, the Government may show a

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<sup>20</sup> MOJ, Annual Report on the Implementation of the Justice Strategy, 2013

willingness to finance the project to meet the commitments in the short-term but may abandon the approach in the long-term, especially once NORLAM draws down its support, or if it finds the recurrent costs to be excessive for the conditions.

NORLAM has predominantly focused on provision of technical assistance, yet there are also increasing trends in NORLAM providing classic donor funds for equipment and national staff costs (eg. Release Coordinator, Children's House staff). Aid effectiveness principles, as outlined in the Paris Declaration on Aid effectiveness, specifically warn about the difficulties of sustaining payments of national salaries and especially aim to eliminate the use of top-ups.

NORLAM co-financed (with a top-up) the regular salary of a probation officer who also fulfilled the duties of a release coordinator. This demonstrates to some degree a sustainable financial arrangement: NORLAM co-financing a regular salary that is integrated into the institutional payroll. The Government, through this joint approach, has demonstrated a willingness to finance the position using the national budget. However, the full time position of Release Coordinator has never been institutionalised. There remains a sustainability risk therefore, if NORLAM continues providing financial support for this position.

## HOW TO ENHANCE SUSTAINABILITY

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- NORLAM staff need to know how to empower their Moldovan counterparts. Consider including in the proposed induction training (see Recommendations section: recommendation 9) a module to sensitise the new staff to the importance of messaging: in the interaction with their Moldovan counterparts, the implicit and explicit messages they give should encourage Moldovan ownership.
- Consider how to shift the balance of ownership in trainings and seminars in order to increase the Moldovan contribution. On the delivery, aim for example for 60% contribution by Moldovan experts to a topic, moving toward 100% by the end of a certain period. On logistics, give the responsibility for some of the arrangements to the NIJ.
- Conduct an assessment of the ToT that NORLAM delivers. It should examine such issues as: ensuring there is government agreement on the selection of participants and that those selected are in jobs where they will be able to deliver training courses following their ToT course; on whether the content of the training modules is in line with government needs and priorities and that the content is updated as necessary; whether follow up mechanisms are in place to support the implementation of the learning from the course.
- In order to maximise sustainability NORLAM should consider alternatives to continuous or repeated seminars. One alternative could be e-learning.
- NORLAM should avoid providing any top-ups that would increase the salary of national staff in government institutions beyond the average remuneration level for civil servants. All salaries financed by NORLAM should be for positions that are institutionalised in the Government staffing structure and integrated in the Government payroll.

Further, more substantive proposals for improving sustainability are detailed in the Recommendations section of the report.

## 2.6. COORDINATION

### OVERVIEW

**Guiding  
Coordination  
Review Question:**

*What is the quality of  
coordination?*

There are many coordination mechanisms within the justice sector however; coordination remains at a surface level. The overall coordination is a significant task for the MoJ to manage, and donors more frequently share information on work done, rather than planning together before implementation. NORLAM could play a greater role in strengthening coordination: interlocutors commented on the lack of visibility of much of what NORLAM does, with some key partners being unaware of the detail of what NORLAM is engaged in. Further work could also usefully be done to improve coordination amongst Norwegian institutions with regard to NORLAM.

#### 2.6.1 JUSTICE SECTOR COORDINATION

The MoJ is the principal body responsible for monitoring and coordinating the reform. It chairs the Coordination Group and is represented in the six other Working Groups. A total of 17 institutions are involved in the activities under the Strategy and underlying Action Plan. These institutions are not all in a hierarchical relation to the MoJ. This makes coordination among the institutions difficult at times. The Secretariat for the Working Groups is not able to do more than flag potential problems or overlap in activities.

The Ministry convenes biannual meetings with the presidents of the Working Groups and the development partners. In addition, the Ministry organises donor coordination meetings two to three times a year. There is no expectation on the side of the MoJ that project documentation and progress reports are sent to the Ministry. The MoJ still lacks internal capacity to effectively coordinate donors, or the full span of the Justice Reform Strategy. It is still dependent therefore on EU advisors to facilitate and organise coordination. The GPO has also been particularly highlighted in interviews as having limited capacity for coordination, which creates significant risks of overlap in programming support. This may be addressed when a EU High Level Policy Advisor is embedded in the of the GPO in the second half of 2014.

The Working Groups are the level at which most of the formal coordination of reform activities takes place. The government, civil society, donors and other members of the working groups report on their reform activities in that forum. The discussions in the Working Groups are limited to the actions as listed in the Action Plan and the priority list. More in-depth discussions take place within sub-working groups or through a less formalised forum, such as bilateral meetings. Examples of topics that are addressed in such sub-working groups are draft laws and justice for children. In addition, there are also bilateral and technical coordination meetings taking place between the development partners.

#### 2.6.2 DONOR COORDINATION

Due to the geopolitical developments in the region, international interest in supporting Moldova is growing, as evidenced by the many high-level diplomatic visits that took place during the weeks that the review team was in Chisinau. The number of development partners and the scope of their support is also increasing; there is therefore a greater need for effective coordination.

Within this framework of coordination, NORLAM is well informed on the overall areas of engagement of the key justice partners. The deficits, however, of coordination include the limited nature of information



sharing. This includes planning, especially beyond a single year. Details of individual project design concepts are rarely shared, elaborated upon in coordination meetings, or collaboratively drafted using the existing coordination mechanisms. Donor coordination meetings rather aim to discuss thematic issues in the sector and what activities have taken place. As a result, the effectiveness of coordination is largely contingent on the willingness and ability to build synergies between programmes during implementation, rather than actively aiming to do so during the design phase. NORLAM is credited for its willingness to openly collaborate with other partners in implementation when necessary. However, the current government-wide system for coordination is ineffective - its automated database of development projects is outdated and does not even include references to NORLAM projects.

Further gaps in donor coordination are evident when more holistic efforts across the justice sector are being undertaken, that span beyond the mandates of single technical working groups. It is only through informal contacts, which are irregular, that the potential links between programmes are developed. Evidence of the lack of such horizontal coordination was seen during the construction of child-friendly interview rooms by the US Embassy, an unexpected development to NORLAM. The overlap occurred because the programme was formed from a working group on migration and human trafficking rather than the working group on juvenile justice where NORLAM is actively engaged.

Some challenges in coordination are also evident in the training of judges and prosecutors. This is due to an increased interest in mixed seminars amongst development partners and the fact that some trainings on human rights stem from the parallel National Human Rights Action Plan rather than the Justice Sector Reform Strategy Pillar II.

NORLAM monitors the progress in Pillar II, criminal justice, on behalf of the donor community. The work done is largely limited to recording minutes of pillar meetings but this has, nonetheless, helped to enhance NORLAM's visibility and coordination role within the donor community. Furthermore, it takes an active role in many other sub-working groups and coordination meetings, such as the coordination meeting with the NIJ. It is a positive development that NORLAM has attended the Law Enforcement Coordination group meetings, as this could potentially help identify where NORLAM expertise is needed as well as possible entry points for future engagement.

NORLAM has very close ties with the MoJ, to the point that there is almost daily contact with various counterparts within the ministry. Such close contact facilitates coordination of reform activities. NORLAM also has a close cooperation with several development partners, both national and international. It reaches out to NGOs to implement activities with the government and NGOs are also finding NORLAM. The collaboration with the National Centre for Child Abuse Prevention (CNPAC) and LaStrada in training and in relation to the Children's Centre is a good example of this practice. Also connections are being made in the field of prisons. The Norwegian INGO SYSLAB is currently in discussion with NORLAM on providing support to the prison population on reintegration into the job market. However, civil society organisations and the general public that are not directly involved in NORLAM activities are not as familiar with the organisation. NORLAM provides information on its website, but due to the staff workload updating of the website happens irregularly.

NORLAM and its close partners such as ABA ROLI Moldova, OSCE, UNICEF and the CoE all recognise the need for joint messaging to the Moldovan institutions and joint training efforts. Such joint initiatives are encouraging as they demonstrate coordination beyond the simple sharing of information. These cooperation mechanisms are not however a standard approach, even in fields where institutions are working on the same subject.

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### 2.6.3 NORWEGIAN COORDINATION

Internal coordination on NORLAM activities is done through the weekly meetings, during which the planning for the upcoming week and the activities of the past week are discussed. Work pressure is putting a strain on that coordination. On the other hand, a lot of informal coordination takes place through discussions in the offices of the experts.

In terms of coordination on Norwegian policies or development priorities, NORLAM does not have the benefit of having a Norwegian diplomatic presence in Moldova. The NMoJPS has minimal direct interaction with the MoJ. Rather it allows NORLAM to be the representative of Norwegian justice support in Moldova. This is another example of how the diplomatic and technical approaches could complement each other. There are positive signs in this direction: there has always been regular contact between the NMoJPS and the NORLAM HoM and now it seems that contact between the Embassy and NORLAM is also increasing. With the recent arrival of a new Ambassador, there is a greater interest in closer coordination, getting more regular updates and more information on NORLAM's activities.

In addition, there are other projects with support from Norway active in Moldova, funded by the NMFA. In fact, NORLAM has been able to bring one of these projects – Help Moldova, which provides support to the visually impaired – to both the prison for women (Rusca) and Goian prison for juveniles.

NORLAM progress reports are submitted to the NMoJPS, who in turn share the reports with the NMFA; the body responsible for funding NORLAM. The reporting language has historically been Norwegian. However, the annual report 2013 was for the first time produced in English in order to create greater accessibility of the information. This change in language was initiated after the Norad/NMoJPS organised seminar in November 2013, and agreed by the NMFA. It is endorsed as being important by the current HoM and her staff team. Producing reports in English as opposed to Norwegian also makes them accessible to the local NORLAM staff.

The annual reports are placed on the website; to date they have not been formally shared with the GoM. Presenting, sharing and discussing reports are concrete ways of strengthening coordination and cooperation.

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### HOW TO ENHANCE COORDINATION

- Consider establishing a mechanism for NORLAM staff to feed back to the NMoJPS any questions or reflections pertaining to how the two institutions coordinate and how decisions are made. The perception gained from being fulltime on the ground in Moldova is naturally very different from the perception of NORLAM from Oslo. Establishing formal mechanisms to exchange these perspectives could be of benefit to both.
- Consider producing one overall annual report that is suitable for both the Norwegian and Moldovan authorities. If necessary, an additional section can always be produced if there are aspects that need to be shared only with the Government of Norway. The reports that NORLAM produces can be a useful tool to strengthen transparency and enhance the relationship with the Moldovan authorities. NORLAM should explore the most appropriate and beneficial way to share these reports. For example, NORLAM could arrange a formal presentation of the annual report each year to the MoJ.
- It could be worth considering increasing the use of English more generally in NORLAM's day-to-day work in order to enhance communication and coordination amongst those who do not speak Norwegian.

Further, more substantive proposals for improving coordination are detailed in the Recommendations section of the report.

### 3. CONCLUSIONS

The review concludes that NORLAM should continue beyond 2016, contingent on the following actions being undertaken in 2014:

- **Clarify the legal status, facilitating NORLAM's ability to fully engage in Moldova**
- **Increase Norwegian political engagement – leading to greater Moldovan ownership**
- **Clarify NORLAM's theory of change and clarity on its results framework**
- **Improve the working practices of NORLAM**

The support NORLAM offers the Moldovan justice sector was considered relevant five years ago, when the last review was conducted, and in general remains so today; however, where there is a lack of consultation and ownership on projects, that relevance is minimised. This is linked to Norway's limited engagement with Moldova in the political dialogue on justice reform. Norway's choice to date has been for NORLAM to operate on the technical level only. Recognising that justice reform is a highly political endeavour, there is benefit in Norway reconsidering this choice. It should do so in close coordination with other international partners (notably the EU, the CoE, and the OSCE), in particular on the more sensitive issues such as the lack of accountability within some of the Moldovan justice institutions.

The review reveals that there is both effectiveness and impact in what NORLAM does. However, this is difficult to measure and even more difficult to attribute, given the lack of baseline and appropriate indicators. A significant amount of work has been done on capacity and competence building. This can be strengthened by focusing efforts on accountability, assisting the Moldovan justice actors to develop and implement robust mechanisms for oversight. Given the amount of attention on capacity and competence building, and given that it is the current cornerstone of the MoU, it is important that, as NORLAM moves forward, it is able to measure and analyse the impact of its efforts in this area.

The review places a significant emphasis on strengthening the internal working practices of NORLAM. The recommended measures are not intended to take away from the lightness, flexibility and responsive nature of NORLAM. This is clearly an advantageous aspect of how it works. Rather, the intention in proposing these developments is to ensure the right balance of policies and procedures to maximise efficiency and effectiveness.

NORLAM has progressed well in its evolution since 2009. There are however some important elements of how NORLAM operates that, recognising it is in its seventh year of operation, should have been addressed by now. The two principal points are 1) the legal status of NORLAM in Moldova, and 2) having a clearly established strategy that includes an explicit and logical theory of change, as well as an exit strategy. The review suggests that these points are addressed as a matter of priority.

It is apparent that NORLAM's continuous and consistent support, advocacy and advice are having an impact on Moldovan justice actors. What must develop further is the long-term positive impact of the justice reforms on the rule of law and how it serves Moldovan men, women, girls and boys, and the society as a whole. Focusing NORLAM efforts on creating the conditions for sustainability is possibly the best means of doing this.

Coordination remains a challenge for all countries receiving international assistance and Moldova is no exception. With the specific coordination role for international partners in Pillar II of the Strategy, as well as having a small and flexible team, NORLAM is well placed to make a significant contribution to ensuring effective coordination of the Moldovan justice reform process.

Figure 6

Overview of NORLAM’s success factors

NORLAM success factors	Limiting factors to NORLAM’s success
<ul style="list-style-type: none"> <li>❖ Expertise and commitment of Moldovan and Norwegian individuals who have been/are a part of NORLAM</li> <li>❖ Expertise provided across criminal justice chain</li> <li>❖ Small team facilitates a flexible and responsive approach</li> <li>❖ Staff remain full time in country throughout their contract</li> <li>❖ Receptiveness of Moldovans to international assistance</li> </ul>	<ul style="list-style-type: none"> <li>❖ Lack of a development approach inhibits ability to be demand driven</li> <li>❖ Lack of structured methodological approach and lack of long-term planning place too much emphasis for success on individual staff members.</li> <li>❖ Lack of a more robust political engagement, next to the technical support provided by NORLAM.</li> <li>❖ Lack of exit strategy – sustainability plans</li> </ul>

NORLAM’s popularity amongst its stakeholders seems in a large part due to the fact that it has committed, professional individuals with an ability to build positive relationships, and who are able to share, what between them amounts to a vast degree of pertinent knowledge and experience. The Moldovan counterparts are receptive to this assistance (see Fig. 6). This makes for a successful set of circumstances. To maximise this potential NORLAM needs to heighten its attention on developing and enhancing structured, systematic, policies and procedures based on recognised development good practice, as outlined in this report. The critical and sensitive nature of justice reform means that this should not be done in an *ad hoc* manner, as to do so risks causing harm.

Whilst this report has highlighted several areas for improvement, it is clear to the review team that NORLAM is a positive and valuable bilateral assistance programme. Over the last five years it has proved itself to be a worthwhile initiative and warrants continued investment.

Section		List of Recommendations	Responsible Agency	Priority
Overall	1	<p><b>The review concludes that NORLAM should continue beyond 2016, contingent on the following actions being undertaken in 2014:</b></p> <ul style="list-style-type: none"> <li>• Clarify the legal status, facilitating NORLAM's ability to fully engage in Moldova</li> <li>• Increase Norwegian political engagement – leading to greater Moldovan ownership</li> <li>• Clarify NORLAM's theory of change and clarity on its results framework</li> <li>• Improve the internal management of NORLAM</li> </ul>	NMoJPS NMFA	H
Relevance	2	<p><b>NORLAM should enhance its project identification methodology.</b> This includes developing a more inclusive approach to project design, developing effective national ownership of the project from the design phase, and developing internal capacity to conduct needs assessments and analyses – stakeholder, SWOT, environment etc. – as a basis for project identification. More comprehensive direct observation should be used as a tool to assess needs and relevance of proposed projects or activities.</p>	NORLAM Norad	M
Effectiveness	3	<p><b>Update the MoU between the Governments of Moldova and Norway to meet current realities.</b> This exercise can be an opportunity to reaffirm Norway's commitment to Moldovan justice reform, clarify NORLAM areas of engagement, and open up the possibility to discuss future areas of support. The Head of NORLAM and the Norwegian Ambassador to the region should be invited to participate in the process.</p>	NMoJPS NMFA NORLAM	H
Effectiveness	4	<p><b>NORLAM should develop a strategic plan, beginning with a planning and forecasting exercise determining the overall support and priority areas of engagement.</b> The plan should detail such elements as: NORLAM theory of change; its flexible and responsive approach to supporting justice reform; how NORLAM will consider gender mainstreaming in its work; its working methods, including process for identification of projects; the essential policies and procedures required for effective implementation etc. Ideally, NORLAM should have a rolling 3 year planning cycle, in line with the national Medium-Term Expenditure Framework planning cycle.</p>	NORLAM NMoJPS	H
Effectiveness Impact	5	<p><b>NORLAM should enhance its monitoring and evaluation methodology by improving its capacity to develop relevant indicators and to report on outcomes and impacts in reports.</b> NORLAM should build upon the current indicators as laid out in the Letter of Expectation 2014 ensuring they are SMART; Specific, Measurable, Achievable, Relevant, Time and resource-bound. A mechanism for ensuring data integrity and triangulation should be developed for all indicators. NORLAM documents should use standard development terminology and definitions to distinguish between milestones, outputs and outcomes.</p>	NORLAM Norad	H
Effectiveness Efficiency	6	<p><b>Gender considerations should be mainstreamed in NORLAM documents and activities.</b> Gender-focused indicators and gender sensitive budgeting should be considered.</p>	NMoJPS NORLAM NMFA	M
Effectiveness	7	<p><b>NORLAM should ensure for all projects and activities that there is a balanced approach towards addressing issues of capacity building alongside accountability and management.</b> All capacity building efforts should be complemented by efforts to ensure that such capacity is appropriately managed and overseen by national authorities. NORLAM should support the development of institutional oversight capacity including the monitoring of performance and conduct in areas related to NORLAM projects.</p>	NORLAM	M

Efficiency	8	<b>Review and clarify the status of NORLAM, ensuring it is given a clear and appropriate legal status as a matter of priority.</b> Consider both the legal status of NORLAM as well as the legal authority of the Head of Mission.	NMoJPS NMFA	H
Efficiency	9	<b>NMoJPS should work jointly with NORLAM to review and improve the pre-deployment of Norwegian legal professionals from the pool.</b> This review should identify lessons from former and current staff – both Norwegian and Moldovan. In addition to including the NMoJPS’s current ideas on pre-deployment, consider developing an induction course to help set up a more structured approach to familiarising new staff with the Moldovan realities and the work within the Moldovan justice institutions. This could include such ideas as a basic document repository in NORLAM that can be sent to incoming staff in sufficient time before arrival in country.	NMoJPS	M
Efficiency	10	<b>NORLAM should explore further the wish from Moldovan justice authorities to have NORLAM experts co-located in their offices.</b> If substantiated and appropriate, NORLAM could consider locating their staff within the institutions for a few days per week, or fulltime for (a) short period(s). This could be set up in a way that maintains the internal link between the NORLAM team whilst also strengthening the relationships with, and the service provided to, NORLAM’s Moldovan partners.	NORLAM NMoJPS	L
Efficiency	11	<b>Further work should be done to define how the NMFA can reinforce at the political level what NORLAM is engaged in at the technical level.</b> This should come primarily through the Embassy in Bucharest but should also include high-level state visits between the Governments of Moldova and Norway. This should be done together with the NMoJPS, and in coordination with the work of the EU, the OSCE and any other relevant actors to ensure complementarity.	NMFA NO Embassy in Bucharest	H
Efficiency	12	<b>NORLAM should continue to develop a full set of internal regulations that covers such issues as leave, financial management, overtime compensation, and job functions.</b> Such internal documents should be approved by the NMoJPS. This will systematise operations more, leaving less space for working practices to appear or disappear depending on the Head of Mission’s preference. The NMoJPS, to strengthen adherence to relevant policies and procedures, should also better monitor this.	NORLAM NMoJPS	H
Sustainability	13	<b>NORLAM should develop exit strategies - detailing ownership, technical and financial sustainability aspects.</b> Consider building into project documents and reporting, information on how the project will/has work(ed) toward sustainability, detailed risks and assumptions.	NORLAM	H
Sustainability	14	<b>NORLAM should ensure that a detailed fiscal forecast of re-current costs for projects is developed.</b> All medium and long-term financial implications of activities or projects should be fully costed and indicated in project agreements. NORLAM should strive for a co-financing approach to funding salaries, implemented for example through an incremental approach, whereby each year the Government share of financing of salaries is increased and NORLAM’s share is decreased.	NORLAM NMoJPS	M
Coordination	15	<b>NORLAM should be more proactive in joint planning with other development partners, more detailed information sharing concerning activities, and in increasing its visibility.</b> Use existing donor coordination meetings to share information at the planning stage, rather than the current practice of sharing information retroactively about projects and activities.	NORLAM	L

### ANNEX A: TERMS OF REFERENCE FOR ISSAT SUPPORT TO NORLAM 2014

#### BACKGROUND / CONTEXT

The Norwegian pool of rule of law experts was established in 2004 in co-operation between the Ministry of Justice and Public Security (MoJ) and the Ministry of Foreign Affairs (MFA). The rationale for the establishment of the pool was to strengthen Norway's contribution to international civilian crisis management operations, based on the belief that rule of law is a prerequisite for development of stable democracies.

The Norwegian Mission of Rule of Law Advisers to Moldova, NORLAM (hereafter referred to as the program), was established in March 2007 and is planned to terminate in 2016. This is a bilateral co-operation project between Moldova and Norway. The overall objective of the co-operation is promoting good governance, strengthening the rule of law and promoting human rights in Moldova. Furthermore, the program should work in line with European integration process of Moldova and support the aims of the EU-Moldova Action Plan (Strategy for Justice Sector Reform 2011- 2016), as well as strengthening bilateral co-operation between Moldova and Norway.

NORLAM's activities in Moldova are based on a Memorandum of Understanding (MoU) from 2007. Details of the agreement are as follows:

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

NORLAM consists of one judge, two public prosecutors/police lawyers, two advisers from the Norwegian Correctional Services and one defense lawyer.

NORLAM's budget for 2013 was (exceptionally) NOK 14.19 mill, it will be NOK 10.93 mill. in 2014.

An external assessment of NORLAM and The Norwegian Mission of Rule of Law Advisers to Georgia (NORLAG) was conducted by Scanteam AS in 2009 on the request of the Norwegian MFA and MoJ. The report from this assessment will serve as an important reference for the requested review.

The Ministry of Foreign Affairs (MFA) and the Ministry of Justice and Public Security (MoJ) agree on the need for a new assessment of NORLAM for reasons explained below.

#### PURPOSE AND OBJECTIVES

The main purpose of the review is to provide guidance as to whether the program should continue beyond 2016, and if so, what should be the scope of the work and how should it be organized in the future.

*Objectives:*

- Assess to what extent this bilateral project contributes to the intended reform of the justice sector in Moldova.

This review of NORLAM will also serve as an input to a future assessment of the effectiveness of the pool of Rule of Law experts.

#### SCOPE OF WORK

The review should include the activities implemented since 2009. Specific projects are to be highlighted. A thorough examination of all activities is not intended. The review should be independent and with ISSAT in charge.

The review should include the following elements:

1. To what extent has the program contributed to the efficiency and effectiveness of the specific authorities/institutions/partners listed below. Including sustainability, i.e. the probability of continued long-term benefits after the project has been completed.
2. Focus on the following institutions and projects:

Institutions

- i. Prison authorities (i.e. Department of Penitentiary Institutions, DIP)
- ii. Probation Authorities (i.e. Central Probation Office)
- iii. Superior Council of Magistracy, National institute of Justice)
- iv. Prosecution (i.e. General Prosecutor`s office, GPO)
- v. National training center for legal professionals (i.e. National Institute of Justice (NIJ))

Projects:

- vi. Juvenile prison (Goian)
  - vii. Community Sentence Program
  - viii. Children`s Center
  - ix. Resource Group-Human Rights
  - x. Seminars, courses etc.
- 1) Assess the various working methods (i.e. projects, transfer of knowledge, counselling, advising, seminars, courses) with reference to the overarching aim to increase the efficiency and effectiveness of the selected institutions.
  - 2) Assess suggested indicators connected to selected institutions and projects (see bullet point number two above). Are the indicators relevant? (see attached Letter of Expectation and Result Matrix for the program with list of indicators.)
  - 3) Assess the extent of co-ordination of the selected projects with other international donor efforts in the field.
  - 4) To what extent has the composition of the teams (participants from the whole justice chain and the use of local experts) added to the effectiveness of the program/projects in their efforts?
  - 5) How has recommendations relevant to the operation in Moldova from the 2009 review been followed up?

The review should also assess whether an extension of the program into police work is desirable/viable, or if it is preferable to stay with the sectors that are currently being covered.

The conclusions should indicate the major strengths and weaknesses of NORLAM, outlining major developments since the review in 2009. The lessons learned should present the assessors' impressions of the major achievements and successes together with the principal failings and reasons for the latter. The recommendations should suggest adjustments and/or improvements, as well as provide guidance as to the future activities of NORLAM and other bilateral teams. The review should make recommendations regarding the feasibility of an extension of NORLAM beyond 2016.

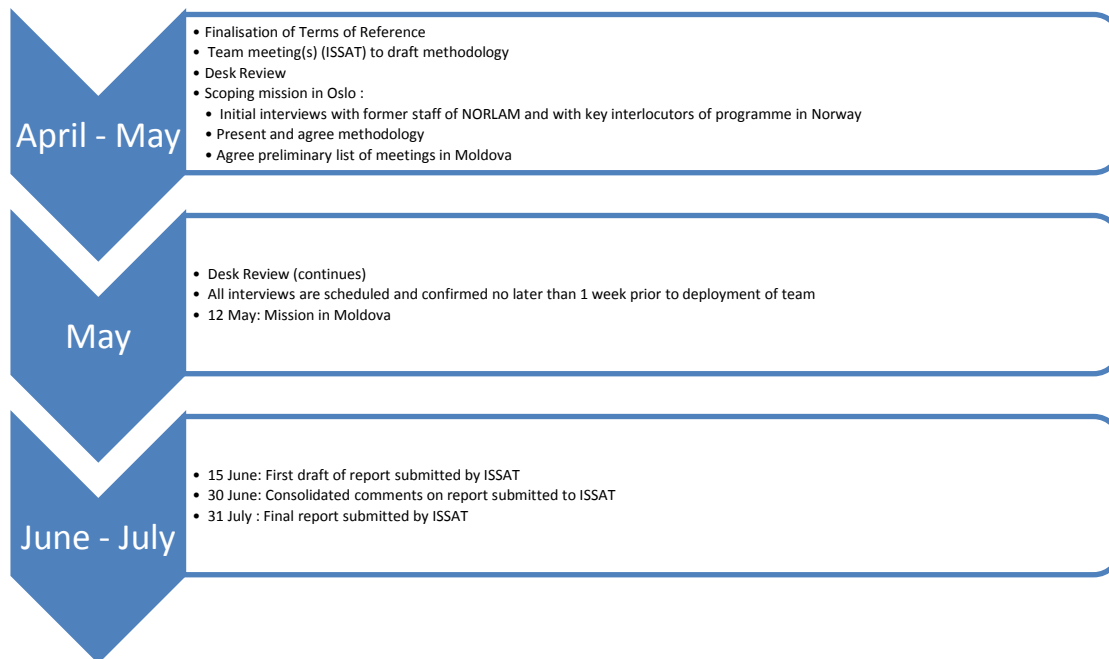
If any criticism or scepticism towards NORLAM is registered by the assessment team, they should try to contact the sources and establish the causes for concern.

***A draft report should be available for comments by NORLAM, MFA, MoJ and Norad by 15<sup>th</sup> June 2014. Consolidated comments on draft report from NORLAM, MFA, MoJ and Norad to be submitted to ISSAT by 30 June. The report shall have an Executive Summary and should not exceed 40 pages, incl. attachments. A final report should be available by 31 July.***



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## DRAFT TIMELINE OF MANDATE:



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## MODALITIES OF WORKING

The ISSAT team will work directly with NORLAM, supported by one representative from MFA, one from MoJ and one from Norad during the field visit. They are, together with NORLAM responsible for providing the necessary key documents relating to the context for the ISSAT team to both prepare for the mission and deliver the necessary support on the ground. NORLAM will also assist the team in identifying and arranging any interviews or meetings required for the mandate.

In line with good practice in supporting justice reform, the mandate is to be carried out taking into consideration the overall national ownership of NORLAM's work, the need to achieve a balance of effectiveness and accountability for the justice providers and the political, technical and holistic nature of NORLAM's work. The team should pay particular attention to ensuring the engagement of all relevant stakeholders, including justice providers, oversight actors including political actors and civil society, and development partners. The team should also pay particular attention to the process used to undertake the mandate to ensure that it contributes to – rather than undermines – the overall goal of justice reform.

Overall responsibility for the mission will lie with MFA and MoJ. This includes leading any supporting negotiations required with the national authorities.

Overall responsibility for co-ordination of the team's activities on the ground will be provided by NORLAM. i.e. making appointments, providing transport, etc.

MFA and MoJ are responsible for ensuring that both the national authorities and the country team are aware of the reason for the mission and are supportive of the initiative.

NORLAM will identify a Romanian speaking national expert to be part of the team during the field visit.

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## TIME LINES

The field visit is tentatively set for week 20, i.e. **12-16 May 2014**, with a possible extension into the following week. MFA, MoJ and NORLAM will provide all necessary and available documentation as soon as possible and before the field visit. The final report from ISSAT should be available before 31 July 2014.

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## LOGISTICS, BUDGET AND ADMINISTRATION

Budget – All costs for the mandate will come from ISSAT core funding, taken specifically from the funds available for Norway to draw down.

Security – the ISSAT team will be included on the NORLAM security plan during the period they are in Moldova.

Flights – Flights will be booked by ISSAT.

In-country travel – All in-country travel will be covered by NORLAM, including transport to/from the airport.

Hotel – Booking of a suitable hotel will be facilitated by NORLAM.

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## POST-MISSION FOLLOW-UP

ISSAT will undertake a standard After Action Review (AAR) once the mandate has ended. MFA and MoJ commit to take part in the AAR, if possible via skype/phone, or otherwise through providing feedback to specific questions provided by the ISSAT Knowledge Management Team. In addition MFA and MoJ will complete an ISSAT mission feedback form within one month of the end of the mandate. The mission AAR report will be shared with Norlam and the Norwegian Embassy in Bucharest.

Attachments:

- 1 Letter of Expectation 2014
- 2 Results Framework Matrix
- 3 Tentative list of Institutions

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## ADENDUM

### ToR for ISSAT Support to NORLAM

Due to further discussion and clarification from the Government of Norway Ministry of Justice, the following text in the ToR: “The review should also assess whether an extension of the program into police work is desirable/viable, or if it is preferable to stay with the sectors that are currently being covered.” (top p.3) has been changed to:

**“The review should also assess the holistic nature of the programme and how well it supports the reforms throughout the criminal justice chain, including elements that are not currently within the scope of the programme, for example the police.”**

With this change, the ToR continues to serve as the foundation document outlining the task and scope of this review of the NORLAM programme.

8 May 2014

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## ANNEX B: REVIEW FRAMEWORK

### RELEVANCE

To what extent is the project in line with the needs and priorities of the Government, national institutions, and people of Moldova?

#### SUB-QUESTIONS

- ❖ *Relevant to National Strategies & Government priorities*
  - To what extent are the project goals and activities aligned to the national Justice Reform strategy and other relevant sector policies?
  - Is the project amongst the priorities of the strategy?
    - Is there any difference between stated Government priorities and priorities favored in practice?
  - Retrospectively, are the objectives of the project still appropriate given developments in circumstances/environment/priorities/reform context?
  - Is the project relevant to the operational needs of staff or at the field level (operational level vs. strategic level)?
- ❖ *Relevant to the needs of citizens*
  - To what extent is the project in line with the needs of the people/citizens of Moldova (including gender and ethnic perspectives)?
  - To what extent do beneficiaries (citizens) and external actors (donors and NGO's) perceive the project as addressing the priority needs of citizens?
- ❖ *Timing and Sequencing*
  - To what extent is the project appropriately sequenced/timed alongside other complementary justice reforms?
- ❖ *Relevant to the EU pre-accession process?*
  - To what extent is the project assisting the Government in meeting EU standards, commitments and criteria?

#### Section Notes

- ❖ 1-2-3 of SSR
- ❖ Assess to what extent the project is supply or demand driven
- ❖ How were individual projects/activities selected and on what basis?
- ❖ Influence of EU accession process (criteria) on project development/activities/priorities?
- ❖ Consider if there are any new priorities of the Government (justice or human rights) that are being pursued but not explicit in the sector strategy
- ❖ How does NORLAM respond to Government requests for support? What requests have been made to the project?
- ❖ Which part of the National Justice Strategy is the project aligned to?
- ❖ Assessing priority: does the Government prioritize this area in their sector/national budget?
- ❖ Is NORLAM addressing priorities because of Government requests or because they have available expertise in the area?
- ❖ How is gender considered?
- ❖ To what extent is the timing of the project appropriate given the political/economic and social context and other justice reform initiatives?
- ❖ How have human rights issues been considered and prioritized?

## EFFECTIVENESS

To what extent has the project achieved the expected results to date?

### SUB-QUESTIONS

#### ❖ *Meeting Outputs/Outcomes/Targets*

- To what extent has the project achieved its expected outputs?
  - If the project has not been able to achieve expected outputs: is this due to faulty design logic, flawed theory of change, or other external factors (politics, economics)? Were such risks and assumptions known, anticipated and accounted for during the project design
- To what extent has the project achieved its stated/expected goals/outcomes?
  - If the project has not been able to achieve expected outcomes/goals is this due to faulty design logic, flawed theory of change, or other factors? Were such risks and assumptions known, anticipated and accounted for during the project design
- To what extent are incomplete activities likely to meet targets or on track in implementation?
  - What are possible risks and assumptions for the activities to meet their goals?
- What is the external perception of NORLAM achievements?
- What previous support was provided by NORLAM (2009-2014)?

#### ❖ *Timeliness*

- To what extent has the project achieved its outputs/results in a reasonable time frame?

#### ❖ *Theory of change and project logic*

- To what extent does the project have a reasonable and sound theory of change or logic model?
- To what extent is there coherence between projects within the programme?
- To what extent are the projects in NORLAM mutually reinforcing and is there complementarity?
- Is there continuity in the project, even when programme staff are changed?

#### ❖ *Capacity/Integrity/Management balance*

- To what extent has the project adopted a balanced approach of building capacity alongside addressing issues of management, and issues of integrity and accountability?
- Who is the project accountable to for programme performance?

#### **Section Notes**

- ❖ *How effective were previous NORLAM projects (2009-2014, now defunct)?*
- ❖ *What data is available to track indicators?*
- ❖ *What baseline data is available?*
- ❖ *What work plan exists?*
- ❖ *How effective is the project in short to long-term planning?*
- ❖ *Who is responsible for M&E in the institution?*
- ❖ *How effective has the project been in mainstreaming gender?*
- ❖ *1-2-3 of SSR*
- ❖ *Accountability/Capacity balance*

## INDICATORS – AS PROPOSED BY NORLAM AND GOVERNMENT IN LETTER OF INTENT

To what extent are the proposed indicators (as defined by the MoU) relevant and appropriate to evaluate/assess effectiveness of the project?

- Are the indicators output/outcome/impact related?
- Are the indicators measurable?
- What data is available? Who will collect the data?
- Are the indicators appropriate for the expected outcomes and inputs?

## IMPACT

**What impact has the project had on the national institutions as well as local beneficiaries (citizens)?**

### SUB-QUESTIONS

#### ❖ *Impact on Government Institutions*

- To what extent has the project built capacities (knowledge, skills, material) of the target national beneficiary institutions (both individual and institutional levels)?
- What changes in institutional culture/attitudes/behavior/normative change can be ascertained as a result of the NORLAM project?
  - How did the working methods of the Government institutions change as a result of the NORLAM project?
- To what extent has the project influenced changes in the legal/policy/regulatory framework?

#### ❖ *Impact on beneficiaries (citizens)*

- To what extent has the project impacted target beneficiaries (citizens)?
- What is the public perception of NORLAM impact?

#### ❖ *Impact on EU pre-accession criteria/standards*

- To what extent has the project contributed to Moldova meeting its EU obligations, meeting EU standards and criteria?

#### ❖ *Project Attribution*

- To what extent would the changes/improvements in the beneficiary capacity have occurred without the contribution of NORLAM?

### **Section Notes**

- ❖ *What was the impact of NORLAM projects from 2009 – 2014? (defunct projects)*
- ❖ *1) Direct impact, 2) impact attributable to collective efforts, and 3) potential long term impact*
- ❖ *To what extent have human rights in this area improved since 2009?*
- ❖ *What other donor/Government/NGO reform initiatives are taking place alongside NORLAM support?*
- ❖ *What impact has the project had on gender issues?*
- ❖ *What impact on gender/ethnic/geographic human rights and equality issues?*

## EFFICIENCY

To what extent has the project used appropriate and efficient working modalities to achieve the results?

### SUB-QUESTIONS

#### ❖ *Working methods*

- To what extent has the project used an efficient methodology (eg. Training, workshops, seminars) to build capacity building of the target institutions?
- To what extent are the activities efficient in transfer of knowledge?
- Have alternate input options been considered to meet expected results?
- What process/systems are in place to plan project activities? Are they inclusive? How is the programme being managed and individual activities designed?
- Is an inclusive approach being taken to activity design and planning?

#### ❖ *Ability to Adapt*

- How often are objectives/activities reviewed? To what extent has the project been changed to adapt to changing environment/priorities and opportunities or challenges?
- Is the project design flexible (contracting)? How has the project been adapted when needed?

#### ❖ *Resources*

- To what extent are resources sufficient for the expected outcomes/objectives?
- Has the programme been effective in managing and supporting its staff in their work (including during deployment and pre-deployment)?
- What is the role of national institutions in deciding on resource (human and financial) decisions of NORLAM?
- How has the NORLAM staff turnover impacted the efficiency of the programme? Has NORLAM been able to recruit the right staff as needed?
- Are there processes/systems to ensure continuity of institutional memory?

#### ❖ *Gender*

- Did the programme adopt a gender sensitive (or other inequalities – ethnic, geographic or religious) approach to design and implementation? How has gender been mainstreamed?

#### ❖ *Monitoring and Evaluation*

- To what extent has the project established procedures/systems to guide and monitor implementation of the project?
- What lesson learning and identification process is being applied by the project?
- To what extent are national actors involved in monitoring/evaluation/reporting?

#### ❖ *Influence of Politics on Efficiency*

- How does politics, or other external factors, effect efficiency of the project?
- How does NORLAM address political challenges to implementation? (Are technical solutions applied to political challenges?)

#### **Section Notes**

- ❖ *Knowledge & Policy level support*
- ❖ *NORLAM budget?*

## SUSTAINABILITY

### Is the project creating the necessary conditions for sustainability?

#### SUB-QUESTIONS

##### ❖ *Technical*

- Is the project managed in a way that enables complete handover to the national authorities by 2016?
- When will the Government take over responsibility for project implementation?
- Do, or will, national institutions have sufficient know-how or capacity to continue implementing project activities without external support after the project ends?

##### ❖ *Financial*

- Are the re-current cost implications of the project calculated/known?
- Is the Government able and willing to cover the re-current cost implications of the project in the medium to long-term? Who can and will cover the financial gaps?
- Are there opportunities for Government co-financing of NORLAM activities?

##### ❖ *Political*

- To what extent has there been Government political support for the project to date?
- Who owns the project? Who are the stakeholders? Who is the driver of the project?
- To what extent is the Government committed to the project (objectives, goals) in the long-term and to prioritize the issue?

#### **Section Notes**

- ❖ *To what extent were previous NORLAM projects (2009-14) sustained?*
- ❖ *What data is available to track indicators?*
- ❖ *What baseline data is available?*
- ❖ *Can the project be scaled-up or applied elsewhere?*
- ❖ *What is NORLAM doing to create the conditions to sustain the project?*
- ❖ *What is NORLAM exit strategy?*
- ❖ *What are the risks and challenges?*
- ❖ *What are the financial/financing trends in the sector?*
- ❖ *1-2-3 of SSR*

## COORDINATION

### What is the quality of coordination?

#### SUB-QUESTIONS

- To what extent has coordination been institutionalized and has it contributed to harmonization or complementarity of efforts? To what extent is coordination ad-hoc or informal?
- Has coordination been proactive or reactive?
- What gaps in communication with Government and donors exist? How effective is information sharing?
- How effective is coordination (with Government and with donors)? What is the role of Government in donor coordination? What challenges to donor coordination exist?
- How effective has the project been in communication on results, activities and goals with citizens?
- To what extent is the project streamlined into the EU pre-accession reform process?

#### Issues to consider:

##### ❖ *Design*

- To what extent has the project adopted a transparent and inclusive approach to project identification/design?
- To what extent is there overlap in the project objectives/goals and activities with other donor/Government or NGO initiatives? Were there potential overlaps identified at the onset?
- To what extent are there explicit linkages in the project to other national/donor programmes?
- To what extent is the programme document shared with national and external actors?
- Is there effective donor coordination in regards to planning of reforms and activities?
- Has the project considered engaging or collaborating with other actors (issue of inclusiveness)?

##### ❖ *Implementation*

- To what extent does the project coordinate implementation with other actors (national and external)?
- What role do external actors/partners play in the reporting chain? What languages are used for reporting?
- To what extent does the project share information on implementation with other donors? To what extent does NORLAM receive information from other donors on their activities?
- To what extent does the project collaborate in implementation with other actors?
- To what extent has the project adapted to other donor/Government activities that are ongoing in parallel or planned?
- Are there joint monitoring meetings or inclusive steering committees for projects?

##### • *Political dialogue*

- To what extent has the project engaged in political dialogue? To what extent has the project been reinforced by political dialogue?

#### Section Notes

- ❖ *What donors/NGOs are engaged in Justice Sector reform in related fields?*
- ❖ *What is discussed in coordination meetings?*
- ❖ *To what extent are formal coordination meetings effective information sharing forums?*
- ❖ *Any prospects for joint programmes or activities?*
- ❖ *Who in the institution is responsible for donor coordination?*
- ❖ *Have gender issues been discussed with partners and joint approaches to mainstreaming*



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**ANNEX D: LIST OF PEOPLE MET**

<b>List of Persons Met</b>			
<b>Adam</b>	Iuliana	Department of Penitentiary Institutions	Chief of Psychology
<b>Amihalachioaie</b>	Gheorghe	Union of Lawyers	President
<b>Apostol</b>	Lilian	Ministry of Justice, ECtHR	Governmental Agent
<b>Arcusa</b>	Denis	NORLAM	National Legal Consultant
<b>Austad</b>	Havard	Norwegian Ministry of Foreign Affairs	Senior Adviser
<b>Bakketeig</b>	Hans	Help Moldova	President
<b>Barba</b>	Ghenadie	Council of Europe Office in Moldova	Interim Head of Office
<b>Berejan</b>	Ecaterina	National Committee for Combatting Trafficking in Human Beings	Secretary of the Committee
<b>Boblic</b>	Viorel	Cricova Prison	Governor
<b>Bologan</b>	Dumitruta	NORLAM	National Legal Consultant
<b>Bologan-Vieru</b>	Otilia	OSCE Moldova	National Legal Adviser
<b>Botezatu</b>	Raisa	Fmr Supreme Court	Judge, Head of Criminal Panel
<b>Bragoi</b>	Constantin	Ministry of Justice	Director
<b>Budzina</b>	Stephanie	USAid	Supervisory General Development Officer
<b>Burencova</b>	Inga	NORLAM	Office Manager
<b>Burciu</b>	Nadejda	NORLAM	National Consultant
<b>Carroll</b>	Donald	US Embassy to Moldova	Director
<b>Ciarlo</b>	Harald	NORLAM	Former Head of Mission
<b>Cerbu</b>	Sabina	Ministry of Justice	Deputy Minister
<b>Dabija</b>	Ana	Department of Penitentiary Institutions	Director
<b>Deviza</b>	Victor	Rusca Prison	Governor
<b>Didic</b>	Veaceslav	National Institute of Justice	Deputy Executive Director
<b>Esanu</b>	Nicolae	Ministry of Justice	Deputy Minister
<b>Evjemo</b>	Marit	NORLAM	Head of Mission
<b>Filatova</b>	Tatiana	Ministry of Justice	Head of Section
<b>Foltea</b>	Radu	US Embassy to Moldova	Consilier Juridic
<b>Garaba</b>	Iurie	Office of the Prosecutor General	Deputy General Prosecutor
<b>Golosceapov</b>	Evghenii	UNDP Moldova	Programme Analyst
<b>Gribincea</b>	Vladislav	Legal Resource Center	Executive Director
<b>Groseth</b>	Torolv	Eidsivating Court of Appeal	Judge President
<b>Grosu</b>	Vladimir	Ministry of Justice	Deputy Minister
<b>Groza</b>	Daniela	Institute for Penal Reform	Project Manager
<b>Hooen</b>	Anna Yvonne	NORLAM	Rule of Law Adviser
<b>Jignea</b>	Liuba	Goian Prison	Governor
<b>Jomir</b>	Eugen	Office of the General Prosecutor	Prosecutor
<b>Jorstad</b>	Hans Inge	NORLAM	Rule of Law Adviser
<b>de Kort</b>	Frauke	UNICEF Moldova	Chief of Child Protection
<b>Lapicus</b>	Tatiana	UNDP Syslab	Director
<b>Larsen</b>	Svein	PRONEO	Project Manager
<b>Malic</b>	Gheorghe	Moldova Police Inspectorate	Colonel
<b>Manole</b>	Ion	Promo-Lex	Executive Director
<b>Maria Luras</b>	Catharina	Norwegian Ministry of Justice and Public Security	Senior Adviser
<b>Margarint</b>	Sergiu	Ceontral Probation Office	Deputy Head
<b>Mette Naess</b>	Else	Norwegian Ministry of Justice and Public Security	Policy Director

<b>Misail-Nichitin</b>	Daniella	LaStrada	President
<b>Munteanu</b>	Anatolie	Center for Human Rights of Moldova	Former Director
<b>Munteanu</b>	Victor	Soros Foundation	Director
<b>Ostaf</b>	Serghei	Resource Center for Human Rights	Director
<b>Pascari</b>	Anastasia	National Institute of Justice	Executive Director
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<b>Pirnaeu</b>	Anatolie	Office of the Prosecutor General	Head of Section
<b>Popa</b>	Ecaterina	National Institute of Justice	Head of Continuous Training
<b>Popa</b>	Vitalie	Botanica Probation Office	Head
<b>Popa</b>	Vladimir	Central Probation Office	Head
<b>Radu</b>	Alina	Journalist	Journalist
<b>Raulickyte</b>	Ausra	EUHLPAM	Adviser
<b>Recean</b>	Dorin	Ministry of Internal Affairs of Moldova	Minister
<b>Rosioru</b>	Mircea	Superior Council of Prosecutors	Chairman
<b>Rusu</b>	Viorelia	LaStrada	Vicepresident
<b>Ruud</b>	Morten	Norwegian Ministry of Justice and Public Security	Special Adviser
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<b>Schidu</b>	Ion	Moldovan Institute for Human Rights	
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<b>Tersman</b>	Ingrid	Embassy of Sweden to Moldova	Ambassador
<b>Vigeland</b>	Endre	Norwegian Agency for Development Cooperation	Senior Adviser
<b>Vasilescu</b>	Dumitru	UNDP Moldova	Project Manger
<b>Visternicean</b>	Dumitru	Superior Council of Magistracy	Interim Chairman
<b>Westberg</b>	T.B.	Embassy of Norway in Bucharest	Ambassador
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<b>Whist</b>	Erik	Scanteam	Senior Partner
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