



**Rule of Law Institutional
Strengthening Program (ROLISP)**

END OF TERM ASSESSMENT OF ROLISP ACTIVITIES WITH NIJ

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I. EVALUATION MISSION BACKGROUND

In March 2012, USAID launched a new rule of law initiative in Moldova, the Rule of Law Institutional Strengthening Program (USAID ROLISP), aimed at strengthening the institutional capacity, transparency and accountability of key justice sector institutions in order to guarantee the independence and increase the effectiveness and professionalism of the judiciary. By strengthening the stability and efficiency of institutions responsible for safeguarding democracy and the rule of law, including strengthening the administrative and institutional capacity of the judiciary, USAID Moldova will contribute to an improved capacity and ability of the judiciary to respond to citizens' needs. USAID ROLISP is organized into three complementary objectives:

Objective 1: Enhance the effectiveness, transparency and accountability of the Moldovan judiciary

Objective 2: Support the development of a professional judicial and prosecutorial cadre in Moldova

Objective 3: Increase the capacity of civil society organizations to monitor and advocate for justice sector reform and improve legal awareness.

In line with the second objective, a Memorandum was concluded between Checchi and Company Consulting, Inc. and the NIJ, under the Agreement signed on March 21, 1994 between the US Government and the Republic of Moldova Government on Cooperation to Facilitate Assistance, and the Assistance Agreement signed on July 22, 2011 between the US Government and the Republic of Moldova Government for the Rule of Law Institutional Strengthening Program ("ROLISP Agreement"), with the following objectives: a) collaboration in carrying out activities in the area of rule of law and human rights, by improving public policies, regulations, legislation and NIJ activities so as to provide high quality professional training for judges, prosecutors, and other professionals of the justice sector; b) support for developing professionals in the justice sector of the Republic of Moldova by building the capacities of the NIJ.

USAID ROLISP activities implemented in 2012 - 2016 covered the improvement of NIJ institutional and management capacities to fulfill its duties by supporting the enforcement of the specific areas of intervention from the Justice Sector Reform Strategy (JSRS): 1.3.1 to reform and raise the efficiency of the activity of the NIJ and intervention area 1.3.2 to recharge the programs of the NIJ so that they support the real training needs of judges, prosecutors and other actors of the judiciary sector to avoid overlapping with university curricula.

II. GOAL AND OBJECTIVES

The goal of the current assessment is to perform an independent evaluation of the NIJ activities for the period 2012-2015.

The main objectives are:

- To establish the extent to which USAID ROLISP's assistance has contributed to the NIJ's reform in conformity with JSRS
- To make an assessment of the quality of the NIJ activities resulted from the USAID ROLISP's assistance and of NIJ's main strengths and weaknesses during 2012 -2015
- To assess the sustainability of the USAID ROLISP assistance at the NIJ

- To support NIJ's planning of future efforts and specific activities in improving the institutional and management capacity and delivered training for the justice sector professionals.

The current assessment shows to what extent the USAID ROLISP activities, carried out during the program duration, contributed to:

- Improving the NIJ institutional and management capacity to perform its functions through improving strategic planning
- Improving management practices, organizational structure and recruitment procedures
- Improving NIJ's capacity to deliver high quality training for judge and prosecutor candidates and other justice sector professionals on the basis of a needs-based, modern, comprehensive curriculum and training materials.

The assessment also envisages establishing if USAID ROLISP achieved the objectives in the following areas:

- Developing distance learning
- Coordinating the donors activities for the NIJ
- Supporting training on anti-trafficking and gender issues
- Organize court staff training
- Improving the NIJ mechanism for evaluation of the quality of the training programs
- Improving the NIJ visibility and external communication

III. ASSESSMENT METHODOLOGY

The assessment was organized based on four main research areas, in line with the four main objectives:

- Research area 1: Extent to which USAID ROLISP's assistance contributed to the NIJ's reform in conformity with JSRS
- Research area 2: Assessment of the quality of the NIJ activities resulting from the USAID ROLISP's assistance and of NIJ's main strengths and weaknesses during 2012 -2015
- Research area 3: Sustainability assessment of the USAID ROLISP assistance at the NIJ
- Research area 4: Recommendations to support NIJ's planning of future efforts and specific activities in improving the institutional and management capacity and delivered training for the justice sector professionals.

As a result of the fact finding visit and assessment of the work material, the expert decided with the approval of the USAID ROLISP representative, to restructure the Methodology as follows:

- Research area 1: Extent to which USAID ROLISP's assistance has contributed to the NIJ's reform in conformity with JSRS
- Research area 2: Assessment of the quality of the NIJ activities resulting from the USAID ROLISP's assistance and of NIJ's main strengths and weaknesses during 2012 -2015, as well as USAID ROLISP's assistance sustainability at the NIJ
- Research area 3: Recommendations to support NIJ's planning of future efforts and specific activities in improving the institutional and management capacity and delivered training for the justice sector professionals.

IV. FINDINGS OF THE ASSESSMENT ACTIVITY

RESEARCH AREA 1:

EXTENT TO WHICH USAID ROLISP'S ASSISTANCE HAS CONTRIBUTED TO THE NIJ'S REFORM IN CONFORMITY WITH JSRS

JSRS, approved via the Law No. 231 dated 25.11.2011, in force since January 6, 2012, aims to build a justice sector which would be accessible, efficient, independent, transparent, professional and accountable to the society and which would be in line with the European standards, ensuring the rule of law and observance of human rights.

For the purpose of fulfilling the general goal, the JSRS sets forth a number of specific objectives:

- strengthen the independence, accountability, impartiality, efficiency and transparency of the judicial system;
- streamline the pre-judicial investigation process to ensure respect for human rights, ensure the security of each person and crime rate reduction;
- improve the institutional framework and processes to ensure effective access to justice: efficient legal aid, investigation of cases and enforcement of court decisions within reasonable periods of time, upgrading the status of some legal professions related the justice system;
- promote and implement the principle of zero tolerance for corruption events in the justice sector;
- implement measures by which the justice sector would help create a favorable climate for sustainable economic development;
- ensure effective enforcement of human rights practices and legal policies;
- coordinate, determine and define the duties and responsibilities of key actors in the justice sector to ensure inters-sector dialogue.

To achieve the above-mentioned objectives, as well as for ensuring the fulfilment of the JSRS, the Parliament approved an Action Plan for implementing the JSRS for 2011-2016¹. Based on this document, the NIJ was appointed to be responsible for 78 strategic actions, being the first responsible institution for 59 actions and co-executor for 19 actions.

As mentioned in the annual activity reports of the NIJ for 2012-2014, the 78 strategic actions were staged as follows:

- 27 actions were envisaged for 2012²
- 51 actions were envisaged for 2013³
- 55 actions were envisaged for 2014⁴

When finishing the present report the NIJ Activity Report⁵ for 2015 was not yet available, so as to provide the full overview for 2015.

¹ The Action Plan for implementing the JSRS was approved via the Parliament Decision No. 6 dated 16.02.2012 and published in the Official Gazette of the RM No.109-112/371, dated 05.06.2012.

² NIJ Activity Report for 2012, available on http://inj.md/files/u1/Raport_INJ_2012.pdf.

³ NIJ Activity Report for 2013, available on http://inj.md/files/u1/Raport_INJ_2013.pdf.

⁴ NIJ Activity Report for 2014, available on http://inj.md/files/u1/Raport_INJ_2014.pdf.

⁵ According to art.9 par. (5) of the Law 152/2006 on the NIJ: "Annually, by July 31, the executive Director shall submit to the Board the NIJ Activity Report".

The assessment for the first area of research was carried out based on the strategic directions and specific objectives set in the JSRS in which the NIJ had specific responsibilities, respectively:

1.3.1. Reform of the NIJ and making its work more efficient
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1.3.1.1. Development of the Concept paper on the in-service training for judges, prosecutors, and other legal professionals
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With the support of the USAID ROLISP the NIJ developed the Concept Paper on the in-service training for judges, prosecutors, and other legal professional and the Concept Paper on the initial training for aspiring judges, prosecutors and other legal professionals.

The Concepts aimed at aligning the NIJ with the strategic objectives in the justice sector and to the best international practices and standards. Although the JSRS does not provide for the need to develop **a new Concept Paper on Initial Training**, the NIJ representatives manifested a special interest for drafting such a document.

Hence, to meet the requirements of the Strategy, as well as the assistance needs requested by the NIJ, USAID ROLISP contracted a local consultant to provide assistance to the NIJ in drafting the Concept Paper on the in-service training for judges, prosecutors, and other legal professional and the Concept Paper on the initial training for aspiring judges, prosecutors, and other legal professionals.

USAID ROLISP contracted as well an international consultant from the National Institute of Magistracy (Romania) to provide recommendations for the draft concept paper.

The Concept Paper on the initial training was approved by the NIJ Board on December 27, 2013 via Decision No. 13/4.

As for the Concept Paper on the in-service training – it was approved by the NIJ Board on September 27, 2013, via Decision No. 10/5.

The endorsement of the Concept Paper on the in-service training received from the General Prosecutor Office 36-4d/13 in June 2013 was positive, with observations.

The Concept Paper on the in-service training provides the number of personnel necessary for the NIJ to enforce the Concept (as it was envisaged in the e JSRS).

Nevertheless, as it will be shown in detail in every separate component, the progress achieved in the implementation of these concepts is still incipient (the principles for recruiting the trainers, the modality for assessing the needs, the evaluation of the trainer and training process, etc.).

In 2014 USAID ROLISP assisted the NIJ in drafting the Action Plan for enforcing the Concept Papers on the initial and in-service training. The NIJ decided to develop a single Action Plan to include activities for enforcing the Concept Papers. The decision was based on the fact that the necessary reforms are common for both types of training. Thus, there was developed an Action Plan for implementing the Concept Papers on the initial and in-service training (May 2014 – December 2015), approved via the NIJ Board Decision No. 5/4 dated 24.04.2014. The Plan aiming to facilitate the implementation of the Concept Papers is below:

Action number and description	Sub-action number and description	Responsible entities	Deadline	Outcome indicators
1. Aligning the legislative and regulatory framework to the objectives of the Concept paper	1.1. Amending Law No. 152-XVI of May 8, 2006, “On the National Institute of Justice” and other laws mentioned in the Concept paper.	Ministry of Justice, National Institute of Justice	October 2014	Moldovan Law amending and supplementing the Law on the National Institute of Justice and other laws
	1.2. Developing and approving the Trainer’s Statute.	Training and Research Directorate, Training Methodology and Research Division	May 2014	Decision of the NIJ’s Board on the approval of the Trainer’s Statute
	1.3. Amending the Regulations on the initial training and graduation.	Training and Research Directorate, Initial Training Division	January 2015	Decision of the NIJ’s Board on the amendment of the Regulations
	1.4. Developing and approving the Regulations on the assessment of aspiring judges’ seniority.	Training and Research Directorate, Initial Training Division	May 2014	Decision of the NIJ’s Board on the approval of the Regulations
	1.5. Amending the Regulations on the in-service training.	Training and Research Directorate, In-service Training Division	December 2014	Decision of the NIJ’s Board on the amendment of the Regulations
	1.6. Developing and approving the Regulations on the distance training and blended-learning.	Training and Research Directorate, E-transformation, E-training and Information Technology Division	May 2014	Decision of the NIJ’s Board on the approval of the Regulations
2. Strengthening institutional capacity	2.1. Amending the budget of the National Institute of Justice by requesting additional funds.	Economic-administrative Directorate, Financial Division	July 2014	Increased NIJ’s budget
	2.2. Increasing the staff number, including methodologists and trainers.	Human Resource and Documentation Division, Training Methodology and Research Division	January 2014	Increased staff number for the NIJ
	2.3. Attracting more trainers, including full-time trainers.	Training of Trainers and International Relations Division, Human Resource and Documentation Division	Permanent	Supplemented trainers positions
3. Strengthening training and training methodology processes	3.1. Creating modern study conditions: training rooms equipped with the technology required for applying modern training techniques; a properly equipped methodological room.	Economic-administrative Directorate, Logistics and Administration Division	December 2015	Training rooms equipped with the required training technology
	3.2. Developing and approving initial and in-service training needs assessment methodologies applied to clerks, judicial assistants, chiefs of secretariats, probation officers.	Training Methodology and Research Division, Initial Training Division, In-service Training Division	December 2014	Decision of the NIJ’s Board on the approval of the methodologies

	3.3. Developing and approving the Methodology for assessing the quality of the NIJ's training programs.	Training Methodology and Research Division, Initial Training Division, In-service Training Division	May 2014	Decision of the NIJ's Board on the approval of the methodology
	3.4. Developing the online training enrollment system.	E-transformation, E-training and Information Technology Division, In-service Training Division, Training Methodology and Research Division	December 2014	Functional online system
	3.5. Developing and improving the database for tracing the entire training process, including training beneficiaries and trainers' activity.	E-transformation, E-training and Information Technology Division, In-service Training Division, Initial Training Division, Training Methodology and Research Division	December 2014	Functional database
	3.6. Training trainers to develop distance training.	E-transformation, E-training and Information Technology Division, In-service Training Division	February 2015	Number of the organized trainings Number of the trained trainers
	3.7. Developing distance training.	E-transformation, E-training and Information Technology Division, In-service Training Division, Initial Training Division, Training Methodology and Research Division	Permanent	Number of the annually developed trainings Number of certified beneficiaries
	3.8. Developing the trainers' professional skills and adult training skills.	Training of Trainers and International Relations Division, Training Methodology and Research Division	Permanent	Number of the organized trainings Number of the trained trainers

USAID ROLISP assisted the NIJ in carrying out the activities set in the Action Plan according to the objectives of the USAID ROLISP Program. The implementation of the Action Plan needs also alignment of the legislative framework and NIJ regulations to the objectives of the Concept Papers. The implementation also requires institutional capacities to be strengthened so as to provide training programs to justice sector professionals and to enhance the training methodological processes.

Following the structure of this plan, the situation determined by the expert identifies the following degree of progress registered by the NIJ in fulfilling the specific objectives of the JSRS:

1. Adjusting the legislative and normative frameworks in line with the objectives of the Concept Paper

1.1. Amending the Law No. 152 - XVI dated May 08, 2006 on the National Institute of Justice

As part of the assistance provided via the USAID ROLISP Program, there were reviewed the draft amendments of the Law No. 152 - XVI dated 08.06.2006 regarding the National Institute of Justice.

Its impact was evaluated over the NIJ activities, submitting to the NIJ and MoJ its observations regarding the draft law.

The draft was publically debated and USAID ROLISP has formulated a number of proposals regarding the respective draft, namely:

- exclusion from: art. 1 “Purpose of the law”, art.2 “National Institute of Justice” par. (1), art. 4 “Duties of the Institute” par. (1), let. c), art. 7 “Duties of the Board” par. (2), from the draft law, of the regulations referring to the initial training of the heads of court secretariats, as they contravene the title and the text of art. 20 “Initial training of court clerks, judiciary assistants and probation advisers” of the raft law, which has excluded initial training of heads of court secretariats from the duties of the NIJ.
- review the provisions of art. 7 “Duties of the Board” par. (1) let. b) corroborated with those from par. (5) of the same article from the draft law, according to which for adopting the decisions of the NIJ Board regarding the Regulation of Internal Order and other acts necessary for the good functioning of the Institute, it is compulsory to consult the opinion of the Superior Council of Magistracy, the Superior Council of Prosecutors, and Ministry of Justice; it was assessed that the proposed regulation, including the phrase “and other necessary acts for the good functioning of the Institute” has a too general formulation, which could affect and limit the administrative, scientific, and didactical autonomy of the Institute, ensured through art. 2 “National Institute of Justice” of the Law No. 152-XVI dated June 8, 2006 regarding the National Institute of Justice. The proposal was to specify the respective phrase through concrete listing of documents approved by the NIJ Board, which have to be consulted with other authorities from justice sector.
- review the art. 92 “Methodological-Scientific Board” from the draft law, which establishes a new consultative body of the NIJ Board; it was also suggested for the draft law to include requirements for appointing the members of the Methodological-Scientific Board, ensuring the selection of qualified persons. It was proposed to review the proposals referring to examination and evaluation of training plans and disciplinary curricula by the Methodological-Scientific Board (see art. 92 “Methodological-Scientific Board”, par. (1), let. b) and let. c)), considering that these provisions will make more difficult the functioning of the NIJ, because, according to the provisions of the draft law, art. 7 “Duties of the Board”, these documents should be approved also by the NIJ Board, hence the verification by the NIJ personnel, by the Methodological-Scientific Board, and NIJ Board of some operational documents within the NIJ is excessive and will lead to blocking the activity of the NIJ.
- review the provisions of art. 191 “Organization of in-service training of judges and prosecutors” par. (6); it was requested to review it, as it limits the possibility for the NIJ to organize the distance training only for the in-service judges and prosecutors. In this respect, the proposal was to exclude these limitative provisions and to complete the text of the draft law with provisions allowing the NIJ to provide distance training courses to all its beneficiaries, including within the initial training process, based on a Regulation approved by the NIJ Board.
- review of the text of art. 20 “Initial training of court clerks, judicial assistants and probation advisers” and complete it with a paragraph to regulate the incurrence of costs related to boarding, transport and daily allowance by the institution which delegates to the initial training courses, as it is in the edition of art. 191 “Organization of in-service training of judges and prosecutors” par. (4), considering that the lack of this regulation will create confusions in relation to the existence of the obligation to provide in the budget of these institutions of the necessary amounts to cover the respective expenses for organization of initial training, lasting for 3 months.

Because of the changes occurred in the structure of the management at the level of the NIJ and Ministry of Justice, this draft has repeatedly gone through the legislative procedures for approving normative acts and it is not yet finished.

The expert notes as well that there is no obligation for the NIJ or Ministry of Justice to take into account these recommendations, as well as the fact that the new provisions of the law on remuneration of trainers could actually discourage the quality of the training act.

1.2. Development of the "NIJ Trainer's Statute"

USAID ROLISP has contracted a Romanian consultant to develop the NIJ Trainer's Statute and the Methodology for assessing the quality of training programs. The consultant developed the detailed conceptual framework for recruitment, rights and obligations, evaluation and finishing the activity of a trainer, as well as the Methodology for quality assessment of training programs. On May 30, 2014 the NIJ Board decided that NIJ could start enforcing the "NIJ Trainer's Statute" and the "Methodology for quality assessment of training programs".

1.3. Modification of the Regulation for initial training and graduation

This Regulation (from 21.06.2007) was not modified, as its modification depended on the modification of the legislative framework (Law 152-XVI dated 8.06.2006). The only modification is Decision No. 2/27.02.2015 that refers to the duration of the written test (point 7.6 in the Regulation).

1.4. Development and approval of the Regulation on examining the persons aspiring to become a judge based on length in service

This Regulation was not modified as its modification depends on the amendment of the legislative framework (Law 152-XVI dated 8.06.2006).

1.5. Modification of the Regulation on in-service training

This Regulation was not modified as its modification depends on the amendment of the legislative framework (Law 152-XVI dated 8.06.2006).

1.6. Development and approval of the Regulation on distance learning and blended-learning

This objective was fully fulfilled.

USAID ROLISP provided its recommendations regarding the draft Regulation on distance learning developed by the NIJ.

To regulate developing and providing distance learning courses, the Regulation on distance learning within the NIJ was approved by the NIJ Board Decision No. 7/4, dated 20.06.2014.

2. Consolidation of institutional capacities

2.1. Modification of the budget of the National Institute of Justice, requesting for additional funds

A specialist in courts' budget was recruited by the USAID ROLISP to review the accounting and financial management practices of the NIJ and submitted a report with conclusions regarding the NIJ budget and financial management. The report conclusions identify the deficiencies of the NIJ personnel in developing the budget, executing the budget, and public procurements. USAID ROLISP organized a 2-day training for the personnel with duties in the area related to preparing the budget and making public procurements in December 2014. Hence, in the period of 8-11 December 2014, as a result of the recommendations suggested in the report, NIJ, with USAID ROLISP support, organized trainings for the NIJ employees regarding 2 topics: budget planning and public procurements. The moderator involved in the budget planning training was a specialist in court budget development under the USAID ROLISP. While for the public procurements' training, the USAID ROLISP contracted an employee of the Public Procurements Agency.

The aim of the training was to improve the quality of the NIJ budget, from the planning viewpoint, as well as from the execution point of view. By the end of the training, the need to develop some regulations for NIJ for the Economic-Financial Division functioning and for establishing the procedure to develop the draft budget within the NIJ was identified.

2.2. Increasing the staff number, including trainers and methodological staff

According to art.10 par. (2) of the Law on National Institute of Justice, the personnel of the Institute includes the teaching staff, administrative personnel and auxiliary personnel. In May 2013, USAID ROLISP and NIJ developed the Plan for NIJ Administrative Personnel that estimated 93 positions as the necessary number of NIJ personnel for 2014-2016 and revealed an additional need of 20 positions so as to cope with the challenges resulting from the JSRS. The attempts of the NIJ to increase the staffing of the institution were not successful.

2.3. Attracting an additional number of trainers, including full-time trainers

In 2014, the NIJ Board announced a competition for identifying 23 trainers, but there were registered only 15 applications for 13 job positions. As a result of the interview, through a unanimous vote, the NIJ Board has admitted the applications of 11 persons for 10 areas. At the same time, based on the request of the Central Office for Probation, the NIJ Board has examined and admitted additionally 2 trainers for training probation advisers. Hence, based on the NIJ Board Decision No. 5/1 dated 24.04.2014, the trainers' network was completed with 13 persons, of whom: 1 prosecutor, 4 university teaching staff, and 8 specialists in other areas. Two of these persons were already in the NIJ trainers' network and they were confirmed for other training areas.

It should be mentioned that supplementing the number of trainers was not due to applying the Trainer's Statute from 24.04.2014; the NIJ Report for 2014 indicated that NIJ will implement the Trainer's Statute in 2015.

3. Strengthening the didactical-methodological and training processes

3.1. Setting up modern learning conditions in the NIJ: training halls endowed with teaching equipment necessary for modern training methods, adequately equipped methodological office

USAID ROLISP modernized the process of training quality assessment by procuring PC tablets to perform the electronic evaluation instead of the paper-based evaluation forms. The evaluation will be automatically sent in Google file and the results will be automatically summarized. The NIJ employees have expressed their confidence that the tablets will be used and will streamline the process of training quality assessment.

The Order No. 17-15/G/27.03.2015 established the rules for managing the tablets. A *user friendly material*⁶ was also developed with explanations in an attractive graphic form explaining how to use the tablets.

On October 23, 2015 USAID ROLISP and NIJ piloted the use of tablets during the training course “Aspects related to investigation and legal qualification of trafficking in human beings crimes. Techniques for hearing victims/witnesses of THB”, that was organized with USAID ROLISP support. The piloting continued during all the gender training courses, organized with the support of USAID ROLISP.

USAID ROLISP also procured a screen for NIJ to display electronically the in-service training program and initial training program that replaces the system of paper-based display. This screen is functional and represents an element of visibility for the activities performed by the NIJ.

3.2 Development and approval of methodologies for assessing the needs of initial and in-service trainings for court clerks, judicial assistants, heads of secretariats, probation advisers

The methodology for determining the needs of initial and in-service training for court clerks, judicial assistants, heads of secretariats, probation advisers was approved via the Decision No. 9/2, dated 18.07.2014.

This Methodology represents an important factor to increase professionalism and responsibility of the persons involved in justice enforcement when the initial and in-service trainings of court clerks, judicial assistants, heads of court secretariats, and probation advisers is one of the basic duties of the NIJ. For the NIJ to become a supplier of efficient training programs, which would ensure the acquiring of skills specific for the exercise of a specific function, *the Methodology for determining the training needs of court clerks, judicial assistants, heads of court secretariats, and probation advisers* should create a mechanism for identifying, assessing and establishing the training needs, fully and timely.

The entire Methodology is developed based on the principle of focusing the investigation on the specific training needs of the beneficiaries (direct and indirect). Hence, the process for data collection is based on a methodology, which includes different perspectives of the group to be trained.

The goal of the methodology is to collect data so as to develop the training plans for court clerks, judicial assistants, heads of court secretariats and probation advisers. For the needs’ identification procedure the methodology recommend applying the following methods: individual/phone interviews; focus group; questioning; request of information/proposals/opinions. According to the

⁶ Easy use

Methodology, these methods should be accompanied by a compilation of objective data regarding the training needs resulting from an analysis of the recommendations of the national and international documents, which identify and impose training needs; and a detailed analysis of the training beneficiary's profile, which results from studying/surveying the legislation on beneficiary's rights and obligations, as well as of strategic documents of the judicial system.

Hence, this analysis will serve as basis and will be a reference for applying *qualitative methods* such as *interviews*, *focus groups* and *quantitative methods* based on *questioning*.

3.3. Development and approval of the Methodology to assess the quality of training programs within the NIJ

In partnership with USAID ROLISP, there was developed the Methodology to assess the quality of training programs within the NIJ, being approved via the NIJ Board Decision No. 5/6 dated 24.04.2014. The NIJ Activity Report for 2014 mentions that: "Timelines will be developed in line with this methodology and all trainers will be assessed. The assessment results will be presented to the NIJ Board by the end of 2015 for re-approving the trainers' networks."

The methodology refers to the two training programs carried out within the NIJ: initial training program and in-service training program.

- *Evaluation of the initial training program*

The evaluation of the initial training program is carried out through two methods used for every subject: (a) the trainees of the initial training courses assess the trainer's performance, through an electronic questionnaire, and (b) the head of the Didactical-Methodological and Research Section participates in trainings and workshops to monitor trainers' performances. The evaluation is based on the trainer's evaluation form that is an integrated part of the Methodology to assess the quality of training programs within the NIJ.

The NIJ started to enforce the respective methodology in October 2014, at the beginning of the first semester of initial training.

According to the NIJ Report presented on June 23, 2015, the head of the Didactical-Methodological and Research Section did not assess all the trainers according to the initial plan. The head of the Didactical-Methodological and Research Section mentioned that she assessed over 50% of the trainers.

It should be noted that initially, the Methodology entitled only the head of the Didactical-Methodological and Research Section to attend the training courses. No other NIJ employee could replace him/her (in case of sickness or high workload). Additionally, the NIJ Director expressed her concern about the fact that the monitoring of the quality of training courses by only one person could affect the impartiality and accuracy of a trainer's assessment.

On June 23, 2015, upon the request and with the participation of USAID ROLISP, NIJ organized a meeting with the heads of sections to discuss the list of modifications to be made to the methodology, which would improve its enforcement. The suggested modifications included, among

other amendments, the empowerment of more members of the NIJ personnel to monitor the quality of training by visiting the training activities.

As a consequence, the Methodology for assessing the quality of training programs in the NIJ was modified by the NIJ Board Decision No. 9/7/25.09.2015, to allow other persons to visit initial training courses as evaluators and to provide him/her feedback.

- *Evaluation of in-service training program*

The evaluation of the in-service training activities is performed through a questionnaire filled in by trainees 20 minutes before the end of the training activity. The questionnaire includes descriptive statements evaluated on a scale of 10 points, as well as the section "Motivate the provided qualification."

3.4. & 3.5 Development of the on-line enrollment system for training sessions, development and improvement of the database to follow the entire training process, training beneficiaries, and trainers' activities⁷

USAID ROLISP provided assistance to the NIJ and contracted a local company "Soft Tehnica", to update the NIJ database to monitor the entire training process, including the training beneficiaries and trainers' activity and to develop the system of online enrollment for training sessions. During October 2014, the company developed the final version of the Project Management Plan, Business Plan and the prototype of the NIJ Information System that were accepted by the NIJ. In May 2015, the company provided training for the NIJ personnel on how to use the new database.

The information system developed by the "Soft Tehnica" Company, in its current version, is at the stage of improving its functionalities and eliminating the bugs identified during the information system testing. It was developed from scratch, preserving the functionalities of the previous system. At the same time, new functionalities were added, according to the requirements of users, NIJ employees and recommendations of the USAID ROLISP specialist contracted for developing the technical requirements. At the current moment, the information system operates in the testing regime. The company also ensures the maintenance of the information system.

The old information system allowed one person to register a number of times, sometimes doubling the data. To initiate the process for using a modernized information system, it is necessary to verify all the user accounts and to exclude those that are doubled. At the same time, after data migration from the old system to the new one, NIJ suspended entering the information regarding the number of training hours accumulated by judges and prosecutors until after settling the problem related to duplication of access accounts. The process for excluding duplicated access accounts, as well as for entering information about the number of hours is the task of the NIJ employees. This process is slow because of lack of available personnel within the NIJ, including the lack of IT personnel. For the same reasons, the NIJ did not start implementing the online enrolment for training courses system.

⁷ This section was developed in collaboration with Denis Terentiev, IT Specialist within USAID ROLISP.

The information system security was improved to be compliant with the requirements described in the normative framework, as the system operated with users' personal data (name, surname, IDNP and other personal data).

Hence, it may be assessed that at the concept level, this information system is a success. The pilot testing of the system just started (5.10.2015), thus no assessment may be performed concretely for the functionality and efficiency of the system.

3.6. Training of Trainers for distance learning

3.7. Development of distance learning

The courses suggested for 2015 are covered in the Distance Learning Plan for 2015, approved by the NIJ Board Decision No. 4/7 and dated 31.03.2015. The stages for developing the distance learning courses are specified in point 3.1 of the Regulation on distance learning in the NIJ, approved by the NIJ Board Decision No. 7/4 dated 20.06.2014.

The first distance learning course "Psychological characteristic and peculiarities for hearing the victims of trafficking in human beings" was developed with the support of USAID ROLISP. The content was developed by the trainer and the design uploaded to the ILIAS platform – by the E-transformation, E-training and Information Technologies Section. The description of the training course and other information may be consulted in the Course Training Guideline.

The training course lasts for 8 hours and is meant for judges, prosecutors, and other legal professionals. The course was tested by a group of 11 persons selected from trainers, representatives of donors and NIJ. After improving the course based on the feed-back obtained from the test group participants, the online registration for this course was opened as follows: 1) during May 26 – June 9 the course was attended by 23 persons; 2) during July 7 – 21 the course was attended by 59 persons; 3) during October 30 – November 14 the course was attended by other 17 persons. Hence, the first course was attended by 99 persons, but only 86 persons passed the test and obtained certificates. Thus, 78% of the persons who registered for the first electronic course completed the course, taking all the tests⁸.

In summary the course was piloted during 2014-2015 and was attended by 159 persons, of whom 110 finished it and 49 did not finish it. The analysis of the participants by professions shows the following: graduates of the NIJ – 4; judiciary assistants – 53; lawyers – 5; consultants – 5; project coordinators – 2; NIJ trainers – 2; court clerks – 34; judges – 22; prosecutors – 6; specialists from courts – 19; other legal professions – 7.⁹

To mark the launching of the first online course, an event was organized on July 10 for awarding certificates to the participants from the first group, as well as for the participants who piloted the course.

USAID ROLISP also contracted an international consultant to develop the second distance learning course and to develop the NIJ capacities to design distance learning courses. The consultant has

⁸ Data are found in the NIJ Activity Report for 2014, available on http://www.inj.md/files/u1/3aHC_INJ_19_08_2015_Raport_INJ_2014_1.pdf

⁹ Of whom, 4 work in lawyers' offices, 14 in Courts of Appeal, 114 in courts and 4 in Prosecutors' offices.

provided assistance to the NIJ and developed materials to be uploaded on ILIAS platform. The distance learning course on applying the participatory active training methodology is currently at the final stage. Besides the training during the course on “Design of distance learning courses: from planning to fulfilment” organized on January 12-14, 2015, the NIJ IT staff worked for a week with the contracted consultant for digitizing the designed course. During the period of January 15-16, 2015 the training on “Design of distance learning course: Training of Trainers Program” was conducted. The consultant provided specialized training, consultancy, and assistance.

As a general assessment of this activity within the NIJ, it should be noted that NIJ launches one DL course in several months and the number of training hours per course is established by the NIJ and is verified during the testing through feedback analysis. The training period depends on the number of training hours. NIJ is counting a working day for every training hour. Thus the above-mentioned training course represents eight training hours and the active period of the course is 8 working days. However, traditionally NIJ provides two weeks for the training course. Recently NIJ launched simultaneously three distance learning courses.

By the end of 2014, the registration for the distance learning courses was partially automatized by introducing the option of applying to the course through the electronic questionnaire. The application period lasts from 2 to 4 weeks. The participants may register for a number of training courses at the same time. Every participant is issued an access account number on the ILIAS Platform and if the participant already has an access account number he/she is enrolled using his/her already issued number.

Technical possibilities allow preserving the account number and the access to the courses to which the participant has enrolled after the active period of the course is finished. The trainee has the possibility to come back to the training material upon need or to consult some aspects of interest. Another positive aspect is the fact that if the trainee does not pass all the tests and is not certified, he/she may apply for the same course when a new launch is announced and take the course again and receive the certificate.

An important aspect for developing e-learning within the NIJ is to promote and popularize this new type of training, building the trust of potential beneficiaries for the efficiency and usefulness of these courses.

For the purpose of promoting the distance learning within the NIJ, as well as to ensure easy access to information about the possibility to take an e-course, NIJ created the menu “Distance learning” on the NIJ website.

In this respect, the USAID ROLISP has provided support by developing an information leaflet, posted on the site and published in 7000 copies. The leaflet was distributed free of charge during all the activities which were organized within the NIJ so as to inform and encourage the beneficiaries to take the distance learning courses. It should be mentioned that NIJ has undertaken efforts for this purpose. The E-transformation, E-training and Information Technologies Section carried out a number of activities, among which were set-up and management of a menu on distance learning on the NIJ site, development and publication of two articles on distance learning in the NIJ Magazine, creation of animated slides for promoting distance learning and placing them on the LED in the hall and on the NIJ site, creating the concept of mini-presentations in the in-service training activities in NIJ lasting for 15 min, explaining how to access and take distance learning courses, and disseminating the information leaflet developed with the support of USAID ROLISP.

The IT staff from the NIJ developed effective collaboration with donors that are interested in providing assistance for distance learning improvement (upgrade).

Currently a draft Government Decision is developed regarding the Nomenclature of Tariffs for fee-based services provided by the National Institute of Justice, as well as the Regulation on how to set and use the special financial means of the National Institute of Justice, envisaging the possibility for the NIJ to develop and provide distance learning courses for fees.

Every training course is assessed by the trainees through an electronic questionnaire. The feedback provided by the trainees is mainly positive and the information communicated by the trainees is used for optimization and improvement.

3.8. Development of trainers' professional competences and skills for adult training

During 2013 the NIJ organized, in partnership with USAID ROLISP, two workshops on "Methodology for Active-Participatory Training" on September 16-17 and December 12-13.

The workshop from September 16-17 was conducted by Otilia Ștefania Păcurari, international trainer and expert at the National Institute of Magistracy from Romania, and focused on adults' training. The trainers' group was selected through special interviews and with the mission to train other trainers from the NIJ. Hence, the 2 trainers-prosecutors, 5 trainers-judges, 3 trainers-lawyers, and 4 representatives of other professions, over a period of 16 hours, have benefited from trainings on topics related to sessions on inter-cognition, adults' education, learning styles, training methods, types of interaction and training materials. The trainers were also trained in practical areas on how to design training activities and evaluate the training of trainers' program.

The workshop organized on December 12-13, 2013 in partnership with USAID ROLISP was attended by 14 NIJ trainers, included in the network over the years 2012-2013. Three trained trainers started their activity as experts during the workshop on September 16-17, 2013.

USAID ROLISP also supported the NIJ in 2014 in organizing 2 workshops on "Methodology for Active-Participatory Training" on February 6-7 and December 4-5, with certificates being awarded to 45 trainers – specialists from all training areas.¹⁰ These trainings are part of the workshops' cycle initiated in 2013 in the context of the JSRS and NIJ Strategy implementation. They were designed to institutionalize the competences, skills and good practices acquired during the training of trainers' courses so as to build the necessary skills for training the adults and for developing the framework of local trainers using modern teaching methodologies. The agenda included topics of high interest, such as analysis of techniques for eliminating communication barriers ("blazon" technique, "luggage of expectations", working rules, "parking"), identification of a trainer's competences and the algorithm for providing a successful presentation, learning styles (andragogic model, Kolb model, etc.). The participating trainers had the opportunity to become familiar with adults' training methods, types of interaction and training materials, techniques for formulating learning objectives, principles for correlating the learning objectives with the training methods, etc. Practical activities were used, such as exercises in working groups based on one of the selected methods: interactive lecture, role play/simulation, group work, brainstorming; preparing and fulfilling training sessions

¹⁰ According to the NIJ Activity Report for 2014, available on http://www.inj.md/files/u1/3aHC_INJ_19_08_2015_Raport_INJ_2014_1.pdf

based on a specific topic selected by the group, including the observation and analysis of the practical activity from the perspective of the trainer's and trainee's roles.

USAID ROLISP contacted the same Romanian consultant to perform an "Advanced Course for Training the Trainers" on July 3-4, 2014. The participants for the advanced course were selected from the best trainers who attended the training courses related to the methodology for active-participative training, started in 2013. The workshop was attended by 17 trainers (6 judges, 3 prosecutors, 1 lawyer, 7 specialist trainers from other areas).¹¹ The expert from the training course was Mrs. Otilia Păcurari, PhD., University Professor, trainer in the National Institute of Magistracy from Romania. The first training activity was a training session simulated by the NIJ trainers. Each of the participants selected a topic, which served as basis for simulating a training, applying the knowledge and techniques from the Methodology for Active-Participatory Training. The consultant provided feedback to all the trainers regarding their techniques and skills related to the use of adults' education methodology.

According to the evaluation forms, the interactive lecture was in compliance with participants' intentions and expectations. This program provided an active-participatory approach to the topics and problems, personalized in-service training focused on the needs and interests of all the participants, resulting in syntheses and skills for applying teaching methods. The trainers who attended this training course improved their training abilities, acquired new practices and shared their experience.

To improve the methodological skills and abilities, USAID ROLISP supported the NIJ in developing the Trainer's Manual, covering different aspects which are important for designing and developing a modern course support. The manual is based on peculiarities of adults' education, known as "andragogy", aiming to involve the adult in training depending on his/her social and professional roles, and responsibilities, taking into account his/her previous experience. The interviewed trainers mentioned that they know this Manual, appreciate it a lot and use it in their trainer's activity.

USAID ROLISP contracted as well an international consultant to assist the NIJ to improve the skills in designing distance learning courses, including the distance learning course for training the NIJ trainers.

1.3.1.2. Developing the draft to amend some legislative acts, including the Law No. 152-XVI dated June 8, 2006 regarding the National Institute of Justice, the Law No. 544-XIII dated July 20, 1995 regarding the Status of Judge and the Law No. 294-XVI dated December 25, 2008 on Prosecution Service
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The draft was publically debated and USAID ROLISP formulated a series of proposals related to this draft and namely:

- exclusion from: art. 1 "Purpose of the law", art.2 "National Institute of Justice" par. (1), art. 4 "Duties of the Institute" par. (1), let. c), art. 7 "Duties of the Board" par. (2), from the draft law, of the regulations referring to the initial training of the heads of court secretariats, as they contravene the title and the text of art. 20 "Initial training of court clerks, judiciary

¹¹ According to the NIJ Activity Report for 2014, available on http://www.inj.md/files/u1/3aHC_INJ_19_08_2015_Raport_INJ_2014_1.pdf

assistants and probation advisers” of the draft law, which has excluded initial training of heads of court secretariats from the duties of the NIJ.

- review the provisions of art. 7 “Duties of the Board” par. (1) let. b) corroborated with those from par. (5) of the same article from the draft law, according to which for adopting the decisions of the NIJ Board regarding the Regulation of Internal Order and other acts necessary for the good functioning of the Institute, it is compulsory to consult the opinion of the Superior Council of Magistracy, the Superior Council of Prosecutors, and Ministry of Justice; it was assessed that the proposed regulation, including the phrase “and other necessary acts for the good functioning of the Institute” has a too general formulation, which could affect and limit the administrative, scientific, and didactical autonomy of the Institute, ensured through art. 2 “National Institute of Justice” of the Law No. 152-XVI dated June 8, 2006 regarding the National Institute of Justice. The proposal was to specify the respective phrase through concrete listing of documents approved by the NIJ Board, which have to be consulted with other authorities from justice sector.
- review the art. 92 “Methodological-Scientific Board” from the draft law, which establishes a new consultative body of the NIJ Board; it was also suggested for the draft law to include requirements for appointing the members of the Methodological-Scientific Board, ensuring the selection of qualified persons. It was proposed to review the proposals referring to examination and evaluation of training plans and disciplinary curricula by the Methodological-Scientific Board (see art. 92 “Methodological-Scientific Board”, par. (1), let. b) and let. c)), considering that these provisions will make more difficult the functioning of the NIJ, because, according to the provisions of the draft law, art. 7 “Duties of the Board”, these documents should be approved also by the NIJ Board, hence the verification by the NIJ personnel, by the Methodological-Scientific Board, and NIJ Board of some operational documents within the NIJ is excessive and will lead to blocking the activity of the NIJ.
- review the provisions of art. 191 “Organization of in-service training of judges and prosecutors” par. (6); it was requested to review it, as it limits the possibility for the NIJ to organize the distance training only for the in-service judges and prosecutors. In this respect, the proposal was to exclude these limitative provisions and to complete the text of the draft law with provisions allowing the NIJ to provide distance training courses to all its beneficiaries, included in the initial training process, based on a Regulation approved by the NIJ Board.
- review of the text of art. 20 “Initial training of court clerks, judicial assistants and probation advisers” and complete it with a paragraph to regulate the incurrence of costs related to boarding, transport and daily allowance by the institution which delegates to the initial training courses, as it is in the edition of art. 191 “Organization of in-service training of judges and prosecutors” par. (4), considering that the lack of this regulation will create confusion in relation to the existence of the obligation to provide in the budget of these institutions of the necessary amounts to cover the respective expenses for organization of initial training lasting for 3 months.

Because of the changes occurred in the structure of the management at the level of the NIJ and Ministry of Justice, this draft has repeatedly gone through the legislative procedures for approving normative acts and it is not yet finished.

The expert notes as well that there is no obligation for the NIJ or Ministry of Justice to take into account these recommendations, as well as the fact that the new provisions of the law on remuneration of trainers could actually discourage the quality of the training act.

1.3.1.3. Development of drafts for amending the internal normative framework of the National Institute of Justice in line with the modifications in the legislation.

USAID ROLISP provided assistance in the area of improving and modernizing the Human Resources Management System, in order to adjust the internal normative acts of the NIJ related to HR management to the provisions of the concept papers and strategies for reforming the initial and in-service training, as well as training of trainers' process.

For the purpose of strengthening the institutional capacities, USAID ROLISP contracted an expert in August 2014. She performed an analysis of the current situation in the area of HR management and prepared a diagnosis analysis.

In line with the recommendations set forth in this document, the expert developed the draft Action Plan for developing and consolidating the human resources management of the NIJ for 2015-2016, so as to develop the actions included in Chapter VI of the Action Plan for the NIJ Strategy.

The expert recommended a list with regulations on human resources' management (Internal Rules of Procedure, Regulation on Personnel Recruitment and Selection, Regulation on Personnel Adaptation and Mentoring, Regulation in Internal Training and Personnel Development, and Regulation on Personnel Evaluation) which is under development. This activity is performed by a consultant of USAID ROLISP and started in July 2015.

Currently, the draft Internal Rules of Procedure is included on the agenda of the NIJ Board for approval. Another document compiling all the other regulations was submitted to the NIJ Director for review.

1.3.1.5. Training of trainers for initial and in-service training, including in the area of training methodology

During 2013 the NIJ organized, in partnership with USAID ROLISP 2 workshops related to "Methodology for active-participatory training" on September 16-17 and respectively December 12-13. The workshop from September 16-17 was moderated by Otilia Ștefania Păcurari, trainer and international expert from the National Institute of Magistracy from Romania and focused on adults' training.

The workshop organized on December 12-13 in partnership with USAID ROLISP was attended by 14 NIJ trainers, included in the network during 2012-2013. Three trainers trained during the workshop from September 16-17 started their activity as experts.

USAID ROLISP has also supported the NIJ in 2014 in organizing 2 workshops on "Methodology for active-participatory training" on February 6-7 and December 4-5, with certificates being awarded to 45 trainers—specialists from all the training areas.¹²

In 2014, USAID ROLISP contracted the same Romanian consultant to perform the "Advanced Course of Training the Trainers" on July 3-4, 2014.

¹² According to the NIJ Activity Report for 2014, available on http://www.inj.md/files/u1/3aHC_INJ_19_08_2015_Raport_INJ_2014_1.pdf

To improve the methodological skills and abilities, USAID ROLISP supported the NIJ in developing the Trainer's Manual covering different important aspects related to the design and development of a modern course.

USAID ROLISP contracted as well a consultant to assist NIJ to improve the skills for designing distance learning courses, as well as distance courses for training NIJ trainers.

These activities were widely described in point 1.3.1.1.

1.3.1.6 Monitoring the implementation of the National Institute of Justice reform.

According to the periodical reports, USAID ROLISP monitored constantly the NIJ reform and made some efforts to accelerate certain measures under the JSRS.

1.3.2. Review of the National Institute of Justice programs so as to make them compliant with the real training needs of judges, prosecutors, and other legal professionals, as well as to avoid the duplication of the university program

1.3.2.1. Development of a system to determine the initial and in-service training needs of professionals from justice sector

USAID ROLISP provided assistance to the NIJ to develop the Methodology for determining the initial training needs of judge candidates and the Methodology for determining the continuous training needs of in-service judges. For this purpose, USAID ROLISP recruited a national expert and an international expert to create a system which would allow determining fully and timely the training needs.

The respective methodologies aim to collect data so as to carry out a study, which would serve as the basis for developing plans and programs for initial training of those aspiring to become judges/prosecutors. The general/specific objective is to perform an analysis of the training needs focused on identification of professional competences necessary to be developed in case of a judge/prosecutor.

The Methodology for determining the initial training needs of the candidates aspiring for a judge position and the Methodology for determining the continuous training needs of in-service judges were approved by the NIJ Board Decision No. 13/3, dated 27.12.2013.

The Methodology for determining the initial training needs of the candidates aspiring for a judge position and the Methodology for determining the continuous training needs of in-service judges were replicated by the NIJ so as to determine the initial training needs of candidates aspiring for prosecutor position and continuous training needs of in-service prosecutors.

As a positive factor, it may be mentioned that NIJ has extrapolated the scope of this Methodology and developed the Methodology for assessing the training needs of the court clerks, judicial assistants, chiefs of court secretariats and probation officers, which was approved by the NIJ Board by Decision No. 9/2 dated July 18, 2014. The Methodology provides for such evaluation tools as: individual interviews, focus groups, online questionnaires and public discussions. The methodology was developed taking into account the experience accumulated by the NIJ personnel in

implementing the Methodologies for assessing the training needs of candidates aspiring to become judges and of the in-service judges and was developed with the support of USAID ROLISP during 2013 and piloted during 2014.

The methodology for determining the initial training needs of the candidates aspiring to become prosecutors and continuous training needs of the in-service prosecutors was approved by the NIJ Board Decision No. 1/3 dated January 31, 2014.

On June 11, 2013 a training was organized for the IT personnel from NIJ on how to use Google Drive when assessing the training needs by developing an online questionnaire to survey the training needs and how to use software for SPSS statistical analysis to centralize the data.

The methodology for determining the initial training needs of the candidates aspiring for a judge position was applied only once and a Report was concluded on determining the initial training needs of the candidates aspiring for a judge and prosecutor position.

According to the Report on determining the initial training needs of the candidates aspiring for a judge and prosecutor position¹³, the study covered a number of stages: collecting primary data with the help of the developed methodology; analyzing and compiling the primary data, according to the stages of the developed methodology; generalizing the information and developing proposals. The training needs were evaluated by integrating all the types of stakeholders, and namely: decision makers of the Superior Council of Magistracy and Superior Council of Prosecutors, of the Supreme Court of Justice, General Prosecutor's Office, and Ministry of Justice, interested in qualitative development of initial training programs; heads/tutors of internships; chairs of courts, prosecutors of prosecutor services in which NIJ graduates work; trainers of initial training programs, working in the judicial system and prosecutor service bodies; trainers of initial training programs, who do not work in the judiciary system and prosecution service; candidates for the position of judge or prosecutor; in-service judges and prosecutors; NIJ graduates, after 1-2 years of employment; lawyers, judges, if needed, prosecutors, civil society. NIJ applied the methods for determining the training needs which were identified in the Methodologies such as: individual/telephone interviews; focus group; questioning.

According to the Report, the component of qualitative evaluation included a number of individual/telephone interviews and 2 focus groups aiming to identify the training needs and the set of specific competences to be developed through the initial training program. The quantitative evaluation gave the possibility to distribute the questionnaires to a big number of beneficiaries.

Individual interviews were carried out with decision makers from the Supreme Council of Magistracy and Supreme Council of Prosecutors, individual/telephone interviews with the heads/tutors of internships, chairs of courts and prosecutors of prosecution services in which NIJ graduates work.

As well, two focus groups were organized, including trainers of initial training programs, who work in the judicial system and in the prosecution system, and trainers of initial training programs, who do not work in the judicial system and prosecution system.

¹³ Available on http://www.inj.md/files/u1/7a1HC_INJ_31_10_2014_Rapoarte_de_evaluare_FI.pdf

With the support of USAID ROLISP, the content of some interviews and discussions within the focus groups were audio recorded (by using a voice recorder). In order to develop the Training Needs Assessment report, NIJ and USAID ROLISP transferred the audio recorded discussions from magnetic support to paper-based support.

As well, questionnaires were distributed to some target groups of participants: candidates aspiring to become judges and prosecutors, NIJ graduates; in-service judges and prosecutors, NIJ graduates, after 1-2 years of employment; lawyers, judges, when needed, prosecutors, civil society. Three types of questionnaires were developed for those three categories of evaluation participants.

The collected data were analyzed in line with the modalities covered in the Methodology.

Nevertheless, after only one completed cycle, based on the Board Decision No. 12/8 dated 31.10.2014, it was decided that this assessment of training needs for initial training should be carried out once per three years, due to the time and resources required. Once per three years leads to the situation in which the initial training needs are not identified and timely met.

According to the Report on determining the in-service training needs of judges and prosecutors¹⁴, there were used: individual interviews; discussions in focus-groups; questionnaires for judges and prosecutors who have attended the workshops and other training activities within the NIJ; request of information and proposals from the representatives of interested authorities and institutions, from the international organizations present in the Republic of Moldova – NIJ partners, as well as from the representatives of civil society. The persons selected for interviews were decision makers from the SCM, SCJ, MJ, SCP and GP. The focus groups covered the NIJ trainers participating in carrying out in-service training programs.

The Report mentions that no answer was provided for the interview questions sent to the decision makers from the Ministry of Justice. The representatives of the civil society did not react to the NIJ questions and did not make any proposals and recommendations for the electronic questionnaires placed via Internet on their web pages.

The Methodology for in-service training has been used since 2014 on an annual basis, even though not fully implemented. Nevertheless, it was used as basis to develop the in-service training plans.

To ensure the efficiency and accuracy of obtained data, it is important that the process of primary data collection should not be formal. Those involved in consultations have to acknowledge the importance of expressing their opinions openly and sincerely in relation to the problems under debate.

1.3.2.4. Development of a new curriculum model for initial training, in-service training and of the Methodological Guideline on how to draft the curriculum

USAID ROLISP assisted the NIJ in developing the curriculum model for initial training, approved by the NIJ Board Decision No. 10/4, dated 27.09.2013 and developing the continuous training curriculum model. A national expert and an international expert (selected by USAID ROLISP) were

¹⁴ Available on http://www.inj.md/files/u1/7a1HC_INJ_31_10_2014_Rapoarte_de_evaluare_FI.pdf

involved in developing the curriculum models and the methodological guideline, aiming to adjust the curriculum models to the standards of similar institutions.

Based on these models, the head of the Didactical-Methodological and Research Section requested that all the trainers develop subject curricula for initial training.

The curricula for continuous training modules lasting for more than 5 days, in line with the new curriculum model, were used exclusively in the trainings organized by USAID ROLISP for the anti-trafficking areas, training of trainers (ToT) and ICMS.

The interviewed trainers have confirmed the use of the new curriculum model for initial training, as well as the fact that they were trained how to use it. The expert also had the possibility to see the curriculum developed for several subjects, observing the new approved model. The trainers assess this model as very useful.

USAID ROLISP assisted the NIJ in developing the curriculum for training the NIJ trainers, approved by the NIJ Board Decision No. 10/3, dated 27.09.2013. Two national experts and one international expert (selected by USAID ROLISP) were involved in developing the curriculum for developing the skills for using the active-participatory methodology within training activities.

1.3.2.5. Review of modalities for selecting the NIJ didactical personnel and management

USAID ROLISP contributed to improving the modalities for selecting the didactical personnel, by contracting a Romanian consultant for developing the NIJ Trainer's Statute and the Methodology to assess the quality of training programs. The consultant has developed the detailed concept for recruitment, rights and obligations, evaluation and end of trainer's status.

The recruitment procedure from this Statute was not yet applied.

The NIJ Activity Report for 2014 mentions that it "announced a competition for filling 23 areas of training, but only 15 applications were registered for 13 areas. As a result of the interview, based on a unanimous vote, the NIJ Board admitted the applications of 11 persons for 10 areas. At the same time, based on the request from the Central Probation Office, the NIJ Board examined and admitted additionally 2 trainers for training the probation advisers. Hence, based on the NIJ Board Decision No. 5/1 dated 24.04.2014, the trainers' network was completed with 13 persons, of whom: 1 prosecutor, 4 university teaching staff and 8 specialists from other areas. Two of these persons were already in the NIJ trainers' network, being only confirmed for other training areas as well. In future, the trainers' network will be completed in line with the new procedure provided under the Trainer's Status from 24.04.2014."

The expert did not note the existence of proposals for amending the modality of selecting the personnel from NIJ management.

1.3.2.6. Development of modern training methods

During 2013, the NIJ organized in partnership with USAID ROLISP 2 workshops on "Methodology for active-participatory training" on September 16-17 and December 12-13. USAID ROLISP has also supported the NIJ during 2014 in organizing 3 workshops on "Methodology for active-

participatory training” on February 6-7, December 4-5 and an advanced course on July 3-4; with certificates being awarded to 45 trainers – specialists in all training areas.¹⁵

To improve the methodological skills and abilities, USAID ROLISP has supported NIJ in developing the Trainer’s Manual, covering different important aspects for designing and developing a modern training course support.

USAID ROLISP has also contracted an international consultant to help the NIJ to improve the skills in designing distance learning courses and distance training of NIJ trainers’ courses.

These activities were described widely in the evaluation under points 1.3.1.1 and 1.3.1.5.

1.3.2.7. & 1.3.2.8 Development of e-learning and distance learning

USAID ROLISP assisted NIJ in developing and approving the Regulation on distance learning. Hence, to regulate the activities dealing with development and provision of distance learning courses, there was developed the Regulation on Distance Learning in the NIJ, approved by the NIJ Board Decision No. 7/4 and dated 20.06.2014.

The e-learning courses suggested for 2015 contain a Distance Learning Plan for 2015, approved by the NIJ Board Decision No. 4/7 dated 31.03.2015. The first distance learning course “Psychological characteristic and peculiarities for hearing the victims of trafficking in human beings” was developed with the support of USAID ROLISP.

USAID ROLISP contracted an international consultant to develop the second distance learning course and to develop the NIJ skills to design the distance learning courses. The consultant has assisted the NIJ and developed the materials for IT personnel, posted on ILIAS platform. The distance learning course regarding the application of the active-participatory training methodology is currently at the final stage.

To promote distance learning within the NIJ, USAID ROLISP provided support to develop an information leaflet, which is posted on the site and was printed out in 7000 copies. The leaflet is distributed free of charge during all the activities organized within the NIJ, so as to inform and encourage the beneficiaries to take distance learning courses.

These activities were widely described under point 1.3.1.1. (respectively in point 1.6, and point 3.8 of the Action Plan for implementing the Concept Paper).

1.1.5.4.-1.1.5.6. Development of the initial and in-service training curricula for chiefs of secretariats; initial and in-service training courses for chiefs of secretariats and the personnel responsible for developing and executing the budget

Chief of Secretariat is a new position created under the law in 2012. According to the Educational Plan for initial training of heads of court secretariats in 2013, approved by the NIJ Board Decision dated 15.03.2013, the respective training lasts for three months and is carried out as theoretical

¹⁵ According to the NIJ Activity Report for 2014, available on http://www.inj.md/files/u1/3aHC_INJ_19_08_2015_Raport_INJ_2014_1.pdf

courses and practical internships, as follows: courses in the NIJ lasting for 2 weeks; internships in courts lasting for 6 weeks; courses in the NIJ lasting for 4 weeks.

NIJ and USAID ROLISP developed a program of initial training to train the persons appointed as chiefs of secretariats. According to the program, 50 chiefs of secretariats were trained. Due to the big number, the 50 chiefs of secretariats were divided into two groups for the training sessions.

The initial training program developed and implemented by the NIJ and USAID ROLISP included the following stages:

- The first stage – workshops for the two groups, in March and April 2013, for which USAID ROLISP supplied an American consultant, to participate in the training together with NIJ trainers
- The second stage – continuous training in courts
- The third stage – workshops for the two groups in June 2013
- The fourth stage – continuous training in the courts
- The fifth stage – workshops for the two groups in September 2013.

The two groups of chiefs of secretariats started the training courses on March 25 and April 8, 2013. According to the Educational Plan from 15.03.2013, with amendments and completions from 05.07.2013, based on the subject curricula approved by the NIJ Board on 15.03.2013 and 22.08.2013, the chiefs of court secretariats were trained for a total of 276 hours, in the following subjects: Legal framework regulating the status and activity of the heads of court secretariats; Administrative-judicial activity of courts; Managerial skills; Human Resources Management; Financial Resources' Management; Case Flow Management; Public Procurements; IT Management and Use; Elements of Procedural Law; Persuasive Communication; Professional Deontology of the heads of court secretariats; Public Relations and Mass-media; Familiarization with anticorruption legislation; Protection of personal data; Administrative offences; Access to information and claims' examination.

The training courses ended in October. Nineteen trainees passed the exam on 12.10.2013 and twenty two trainees passed the exams on 24.10.2013. Hence 41 of the 48 trainees registered for the respective course graduated. Seven chiefs of secretariats were expelled for different reasons: dismissal, impossibility to attend the course because of the huge court workload and other. Forty-one chiefs of secretariats were certified, which accounts for 82% of the 50 chiefs of secretariats in Moldova.

These workshops' reports show that this training program enjoyed very good results.

As for the sustainability of this activity, the expert notes that the NIJ Activity Report for 2013 (p.29) mentions that: "initial training of the chiefs of secretariat was convenient at the stage when these units were created within courts, but, subsequently, the NIJ will not be able to create groups for initial training of this category of persons. It is necessary to amend the Law on NIJ, in order to exclude this category of beneficiaries from those benefiting from initial training. Depending on the needs, these persons will have the possibility to participate in big number of in-service trainings".

USAID ROLISP supported as well the organization of the international conference "*Modern administration of courts – a key element of the court reform*".

The main goal of the Conference was to increase the acknowledgement level of the justice sector stakeholders about the modern practices of court administration, as well as to facilitate the exchange of best court administration practices among the Moldovan courts. The conference convened local and international experts in court administration area, who discussed about the most recent progress in court administration and experience of some courts in implementing such practices.

About 200 participants, among which Moldovan court chairs, court administrators, governmental officials, representatives of the NIJ, SCM and MoJ, as well as representatives of donor organizations and local NGOs attended this conference.

The topics tackled during the conference referred to: international experience on excellence and measurement of courts' performance; developments in IT area for courts; qualitative services for public in courts; modalities to streamline court administration; integrity in court administration; best practices in court design and security.

With the support of USAID ROLISP, a Guide of the Conference was also developed.

1.2.2.8.-1.2.2.9. – Development of the plan for training judges and court personnel how to use IT and case management programs and training of judges and court personnel in IT use
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Digitization of the court system is a priority for the Republic of Moldova and is an indispensable element for justice operation and management, in conditions when the number of cases is continuously increasing. The automation of courts should help judges, as well as citizens, by contributing to enhancing court independency, ensuring transparency in court activity, and increasing the quality of justice.

Full automation of courts through the Integrated Case Management Program (ICMS) aims to increase considerably the efficiency and efficacy of the justice enforcement process. The purpose of the ICMS is to facilitate and automate the organization of manual activities in the Moldovan courts.

The Integrated Case Management Program (ICSP) represents a component part of the efforts undertaken to consolidate the Moldovan judiciary system and to prevent and combat corruption. It was developed within the US Program "Millennium Challenges" (MGTCP) based on the Action Program for implementing the Country Preliminary Program, approved via the Government Decision no. 32 dated January 11, 2007, as well as based on the Concept Paper of the Judiciary Information System for 2007-2008, approved via Government Decision No. 776 dated 03.07.2007. The main objectives of the Integrated Case Management Program (ICSP) are:

- to improve the administrative efficiency and transparency in the courts, as well as public access to justice;
- to design and implement in courts an integrated, automated system for case management;
- to establish an electronic reporting system regarding court operation.

The ICMS has the following functions: to improve judicial administration, to increase transparency and public access to justice; to automatize the current manual work in the courts; to liquidated duplication of data and to diminish the court employees' efforts; to develop and implement an integrated and automatized system for case management; to establish an efficient system for judiciary statistics reporting; to ensure electronic record keeping of data in the courts; to improve the

quality of data and case management in the courts; to facilitate data exchange between the institutions in the judiciary system; and to automate the work of the secretariat in the courts.

The ICMS provides the following facilities: electronic record keeping of cases; electronic record keeping of process participants; random distribution of cases; electronic record keeping of court trials; existence of case summary, providing the possibility to view all the data of the case on one single page; automated registration in the actions' file of all the activities performed by the system users; conclusion of procedural acts in electronic format with the possibility of uploading in the system different models of acts; conclusion of subpoenas in electronic format with automated filling in of different fields; electronic planning of court trials through the calendar; possibility to print out the list of cases planned for trial in the court; existence of an advanced system to search for cases; existence of an advanced system of notifications; electronic record keeping of archived files; conclusion and automated record keeping of enforceable titles; publication of court decisions and judgments on the court's web page; and creation of statistical reports.

The system of audio recording of the trials "SRS Femida" is computer based and is meant to technical record all the court trials. The output of the given system is the court trial minutes, reflecting in chronological order: the hour the event started, name of the event, participants and brief comments, data about the composition of the judge panel, number of the file, number of recording disk, etc. In the "SRS Femida" system, all the data referring to the court trial are presented in the electronic object – "Document-meeting" (briefly – meeting) which represents the main complex document, containing all the information (registration information, audio data, templates, etc.), referring to the meeting. To facilitate the process for minutes' creation, the "SRS Femida" system contains the models of all the basic actions, which could occur when examining the file, as well as the list of participants. The list of models may be edited or completed. The trial recorded and saved on the disk or other external support may be viewed on any multimedia computer. The system excludes the possibility of unauthorized access and manipulation with recorded information.

USAID ROLISP provided assistance to develop the following manuals:

- User's Guide for the ICSP (ICMS 4.0)
- Brief guideline for technical recording of court trials with the help of SRS Femida system
- User's Guide for web page administration ADMSIDEBAR
- User's Guide – trial recording system SRS FEMIDA.
- User's Guide for the ICSP (ICMS 4.1).
- User's Guide – Module on Measuring Performance (MMP).
- User's Guide – Module on Statistical Reporting (MSR).

The evaluation report contains as well the information referring to the training activity within USAID ROLISP for the period 2012-2015.

The aim of the training activities was to develop the skills and abilities of the court employees regarding the use of the ICMS, version 4.0. With the support of USAID ROLISP the Curriculum of in-service training courses on "IT use in professional area" for different categories of beneficiaries: judiciary assistants, court clerks, etc. was developed. The curriculum was created according to the model developed with the support of USAID ROLISP.

According to the curriculum, this initial training program for judiciary assistants, court clerks, all the other categories of court personnel aimed to train them from professional point of view, for them to be able to use MoldLex database, ICSP, Trial Audio Recording System, court web page,

performance module and statistical reporting module, so as to be able to contribute to efficient management of cases in the court.

The general objectives of this subject, according to the curriculum, focused on:

- getting to know the basic principles, tasks, and goals of information technologies;
- getting to know the modern means of communication, information system, and storage media;
- getting to know information networks, internet and intranet, internet programs and services, online financial reporting;
- developing modern user skills for the ICSP;
- getting to know how to use the ICSP for electronic management of files;
- developing user skills for the Trials' Audio Recording System "SRS Femida";
- getting to know how to use SRS Femida for electronic management of trials' audio records;
- developing the skills to work individually and as a team.

The content for the curriculum was developed so as to provide minimum amount of knowledge and skills on how to use the specialized programs for electronic management of files, and trials' audio records and how to automate the secretariat work in the court.

At the level of knowledge and understanding, the general objectives of the curriculum were:

- to understand the way in which the ICMS and SRS Femida operate and should be used;
- to know the normative framework in force regarding the use of ICMS and SRS Femida¹⁶;
- to acknowledge the role of the user - chair/manager/judge/court clerk/judiciary assistant/chancellery and archive specialist in ICMS and the clerk-user of Femida.

At the application level, the general objectives of the curriculum were:

- to manage the cases through ICMS during and after the trial by the program users;
- to manage audio records created through SRS Femida by the court clerk;
- to conclude the minutes through SRS Femida by the court clerk;
- to publish court judgements on the web page of the court.

At the integration level (of the accumulated knowledge and skills), the general objectives of the curriculum were:

- to understand how the program user interacts with other users in the ICMS and Femida;
- to contribute to observing the rights and interests of litigants through efficient use of ICSP and Femida;
- to contribute to efficient management of cases in the court.

The training activities were carried out involving the court employees in the training process, using interactive training methods and namely the specialized program ICMS – test case registration.

The topics of the training courses included the following aspects: The main objectives of the ICMS and its benefits for users and litigants; General description and user's role; Distribution of cases; Algorithm for case distribution; History of case distribution; Case distribution file; Case

¹⁶ Regulation on how to publish court judgements on the web page, approved via the Decision of the Superior Council of Magistracy No. 472/21 dated December 18, 2008; Regulation for trials' digital audio recording approved via the Decision of the Superior Council of Magistracy No. 338/13 dated April 12, 2013.

management; Case management before the trial; Subpoena, listing and editing the subpoena's flow. Use of models; Minutes. Use of models. Integration of ICMS and Femida; Ways of challenge; enforcement of judgements; Summary of the case; Case actions' file; Calendar of activities. Calendar of trials. Creating the personal calendar. Printing out the list of cases set for trial; Electronic transfer of cases; Management of judgements; publishing and cancelling the judgements on the web page of the court; Management of entries; publishing and cancelling the publication of court decisions on the court web page; Module of personal data anonymization; Joining and disjoining the files; Archiving the files; Notifications in the ICMS; Administration of ICMS; Register of the file flow in the court; Register of entry/exit of documents for the file; Module for Statistical Reporting (MSR); Module for Measuring Performance.

In 2012, USAID ROLISP assisted the NIJ during the trainings in IT usage and electronic management of cases (ICSP 1, 2 and 3) and audio recording system (SRS Femida) for trials. The trainings were organized during June - December 2012.¹⁷ These trainings were addressed to judges, court clerks, consultants, and chancellery specialists. Three hundred seven individuals participated in these trainings.

In 2013, these trainings which continued during January – March¹⁸, were attended by 334 participants. Starting in October 2013, USAID ROLISP provided assistance to train the court personnel in ICMS 4.0. During this period of 2013, 336 persons were trained (226 persons in the 11 trainings organized in October, 63 persons in the 4 trainings organized in November, 47 persons in the 4 trainings organized in December).

These trainings regarding the ICMS 4.0 continued in 2014 as well, and a total number of 164 persons were trained¹⁹. Two special training sessions (on 26.03 and 28.03.2014) were meant for the SCM members (7 participants per each session), focusing on “Use of the court activity assessment platform and the module for electronic statistical reports”. At the same time, on April 2, 2014 a new training session was organized for 5 persons on the FEMIDA recording system.

The trainings continued in 2015. Hence, in January 2015 a training on the same topic was organized for 35 participants (court clerks and judiciary assistants), and in July 2015 a training was organized for 25 participants (court clerks and judiciary assistants).

It should be mentioned that, at this time NIJ has the capacity to organize training courses for court personnel on how to use the ICMS, hence institutionalizing the practice of developing practical skills in the respective area.

1.1.3.2. Development of the court personnel responsible for Public Relations

- **Training on web page administration**

¹⁷ 25-29 June, 9-13 July, 25-27 September, October 2012 and 17-21 December 2012

¹⁸ 15, 18, 21, 22 January 2013; 04, 05, 18, 19, 20, 21, 22, 25, 26, 27, 28 February 2013; 01, 04, 05, 06, 07, 14 and 15 March 2013

¹⁹ respectively: 41 in March in sessions of 11-12, 20-21 and 24-25 March, 5 participants in session of 17.04.2014, 26 in May in sessions from 23 and 26 May; 62 in June in sessions from 10,12,16,17,20, 23 June and 20 in September in sessions from 23, 24 and 25 September, and 10 in November.

On September 9 and 27, 2013, USAID ROLISP assisted the NIJ in organizing two sessions for training 27 court specialists in Public Relations in “Use of IT. Content Administration System AdmSidebar.”

The purpose of the training activities was to develop the skills and capacities of the court employees to use the specialized program Content Administration System - AdmSidebar. As a result of the trainings, the court employees learned to administrate court pages, to create menus, to work with different types of content, and to upload documents and other materials of public interest on the court web pages. The training activities were held on the NIJ premises and involved representatives of USAID ROLISP in the training and used interactive training methods.

When the trainings were held, every court had its own web page, which was updated by the court’s PR specialist. Some data was placed on the web pages automatically from the ICMS, namely: list of files – list of court cases (civil, criminal, administrative) registered in the ICMS; list of trials – timeline of trials planned during the examination of court cases and registered in the ICMS; database of judgments – list of judgements issued within the courts during the examination of cases and registered in the ICMS.

In 2014, the Single Portal of all Moldovan courts, <http://courts.justice.md> was created. This web portal was intended to contribute to giving citizens direct access to court information thereby increasing the quality of justice, accelerating judiciary procedures, increasing the level of transparency, and providing continuous monitoring of pending cases until an irrevocable decision is issued. After viewing the materials published on the site, especially the list of cases set for trial, the list of planned court trials and the texts of judgments, the user²⁰ may assess the speed at which cases are decided.

The single portal is managed in a centralized way by one entity and does not allow court staffs to enter court information. Hence the update of the web page is no longer the responsibility of the court PR specialists and the subsequent trainings planned in this respect for 2014 were cancelled.

RESEARCH AREA 2 ASSESSMENT OF THE QUALITY OF NIJ ACTIVITIES RESULTED FROM THE USAID ROLISP’S ASSISTANCE AND OF NIJ’S MAIN STRENGTHS AND WEAKNESSES DURING 2012 -2015

2.1. Improving NIJ institutional and managerial capacities to fulfill its functions through a better strategic planning
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Assumed objectives

According to the signed Memorandum, USAID ROLISP intends to carry out a functional review of the NIJ to analyze its organizational structure and operational procedures, staffing needs, personnel

²⁰ The target audience of the web portal courts.justice.md includes: judicial community of the Republic of Moldova (judges, lawyers, prosecutors, etc.), RM governmental institutions, mass-media, NGOs, general public, international organizations, researchers, development specialists, etc. in the Republic of Moldova and abroad.

recruitment procedures, technical resources and financial resources and to come up with specific proposals for improving the areas in which deficiencies will be identified. Besides, USAID ROLISP provided support to the NIJ to update, modify, or develop the recommendations necessary to enhance and develop the NIJ.

Obtained results

A functional and institutional review was conducted during November 2012 – January 2013 in line with the provisions of the Memorandum of Understanding signed between Checchi and Company Consulting and the National Institute of Justice (NIJ) that finished with the submission of the Final Report by the expert selected by USAID ROLISP, Dumitru Caragia. The Final Report recommended: compatibility of current functions in the NIJ, extension of the NIJ functions for the current and future strategic vision of the NIJ, improvement of practices and processes and an organizational chart.

The report contains findings regarding the situation identified during the analysis and presents a vision for the reform scenario. At the same time, the Report encourages the “NIJ management, together with the development partners, to perceive this report and its recommendations not as a static action plan, but as a third party viewpoint regarding the practices and processes of the NIJ, as well as the way these practices may be improved further on”.

Analyzing the way in which this Report improved the institutional and managerial capacities of the NIJ for fulfilling its functions, it should be mentioned that this Report has an important role as a reform vector for NIJ activity. Many of the recommendations of the Report were accepted and implemented immediately, some of them before the Report was finalized and delivered. The summary of the Report shows that in some cases, the initial proposals of the author were accepted and improved by the NIJ. Therefore the year 2013 was assessed as a period of significant development and modification.

Nevertheless, some of these conclusions and recommendations were abandoned. For instance, the Report contained at par. 2.2., p. 12 the recommendation that except for judges and prosecutors the training courses to be provided by NIJ to representatives from judicial institutions be based on fees. These fees should not be lower than the cost of studies, covering at least the cost of the training courses, so as to avoid the cross-subsidizing effect (the state finances the training of private actors based on the training of state actors). The Report also mentions that the correct level of payment should be established using the calculation of the real cost of training and cost associated indicators, as well as the cost per trainee, the general cost per one hour of training, the cost per one hour of training depending on the training subject and type of trainee, etc.), as well as for consolidating other analytical and work aspects. To establish the correct level of payment, it is necessary for the NIJ to have the capacity for economic analysis. The Report therefore recommends establishing the position of an economist in the NIJ and the NIJ has implemented the recommendation and created and filled the position of economist.

The same idea is found in the NIJ Activity Report for 2014 which states: “The fulfilment of continuous training activities for all the categories of representatives from judicial system related professions is not possible because there is no relevant normative framework that would regulate the way and the procedure for carrying out these trainings on a financial/contract-based coverage. In this respect, there was developed the draft Government Decision regarding the special financial means

of the NIJ, which will be defined after setting the criteria for identifying the financial means necessary for training.” (p.40, Annex 1).

However, according to the NIJ activity reports, in 2013 - 558 lawyers, 13 mediators, 124 bailiffs were trained and in 2014 - 20 workshops was organized for the same category of beneficiaries. There 20 workshops were attended by 231 persons (139 lawyers, 83 bailiffs, 9 mediators).

The NIJ activity reports do not reveal the financing source for these workshops, but from the description and agendas of the different training activities, it seems that they were organized by attracting funds from different donors. Besides the lack of sustainability and predictability of the future training actions, this solution implies a concentration of financial efforts from external sources that may be used by the NIJ for training the main training beneficiaries, i.e. judges, prosecutors and court personnel. In addition to the need and usefulness of these training activities, it is important for the NIJ to insist on implementing the idea expressed in the functional and institutional review report, developed with assistance provided by USAID ROLISP, that these training be financially based on a contract and in an efficient manner from an economic viewpoint.

As for the strategic planning of the NIJ activity, in the context of fulfilling the JSRS and implementation of the related Action Plan USAID ROLISP provided recommendations for developing the Strategy for Developing and Strengthening the institutional, managerial, and didactical-scientific capacities of the National Institute of Justice for 2012-2016 (hereinafter referred to as NIJ Strategy).

These recommendations referred mainly to fulfilling the NIJ strategic objectives:

- a) to improve the model of training needs’ assessment and to enhance the Program for assessing the quality of training courses for initial and in-service training;
- b) in the area of international cooperation, organization of a Donors’ Coordinating Committee, which would meet on regular basis, to evaluated donors’ proposals from the viewpoint of the NIJ training plans and courses’ evaluation reports;
- c) in the management area, USAID ROLISP has identified the need for the NIJ to ensure a frequent strategic planning process including update of strategic plans and monitoring of their implementation, to improve the normative framework of the NIJ and to train the administrative personnel of the NIJ in this area.

These objectives were included in the NIJ Strategy. The majority were fulfilled by NIJ and USAID ROLISP efforts. In addition to results of the proposals from USAID ROLISP, the Strategy included references to the importance of developing the capacity for strategic planning by the NIJ and training the administrative personnel of the NIJ to follow the strategic plan, developing in the NIJ an Administrative Personnel Plan, which would include the staffing needs, determining the mission and the role of the NIJ, reviewing the organizational chart, job descriptions, personnel training needs, financial procedures to be followed for increasing the number of personnel and procedures and criteria for personnel employment.

The NIJ Board approved, by its Decision No. 7/2 dated 25.05.2012, the strategy for developing and strengthening the institutional, managerial and didactical-scientific capacities of the National Institute of Justice for 2012-2016 (hereinafter referred as NIJ Strategy), as well as the Action Plan for implementing this strategy. The NIJ Reports for 2012, 2013 and 2014 analyze the modality in which the strategy’s objectives were fulfilled. The report for 2015 is not yet finished.

The discussions with the current management of the NIJ led to the conclusion that although the NIJ management has changed, it intends to follow this strategy for the period for which it was developed and the new management will develop its strategy after the expiration of the current one.

In May 2014, the USAID ROLISP court budgeting specialist assessed the level of execution of the budget of the National Institute of Justice (NIJ) and developed a Report. One of the sections in the Report gives an analysis of the budget approved by NIJ for 2014, since no analysis of the budget execution for 2014 could be conducted at that time. In this context, USAID ROLISP's specialist mentioned the over-budgeting of funds for the expense item 113.45²¹ and drew the attention of NIJ on the need to make every possible effort to spend the funds allotted. This remark was due to the fact that during the past years, NIJ had a very low budget execution in this area. The best performance was achieved in 2012 with 35% rates of execution.

It is important to mention that the NIJ budget execution analysis for 2014 covers only the approved budget versus the executed one. The purpose of this approach is to identify possible issues with the NIJ's budget planning and/or execution, including the extent to which funds are leveraged.

As mentioned in the Report of May 2014, NIJ's budget for 2014 year was about 12.8 million MDL, of which around 3.4 million MDL were planned for the Judiciary Reform Strategy. An overall analysis of the NIJ budget execution for 2014 reveals that for the first time since the establishment of NIJ, 98% of the budget was executed. This has been NIJ's best performance so far. Only in 2007 during the first year of NIJ's operation, NIJ's rate of budget execution reached 94%. More details on the budget execution rate are presented in the table below:

²¹ Commodities and services not assigned to other paragraphs

Budget Items and Share Executed in 2014, MDL

NIJ budget execution for year 2014									
Indicators	Approved			Executed			Execution rate		
	67	478	Total	67	478	Total	67	478	Total
111.00 Wages	4845.6	1814.5	6660.1	4063.6	1796.9	5860.5	0.838616	0.9903	88%
112.00 Compulsory state contributions and social insurance	1078.3	397.2	1475.5	888.9	404.2	1293.1	0.824353	1.017623	88%
113.00 Payment of goods and services	1400.5	1128.2	2528.7	839	544.9	1383.9	0.599072	0.482982	55%
113.01 Electricity	120	0	120	132	0	132	1.1		110%
113.03 Office supplies, materials and household objects	204.6	233.5	438.1	33.7	314.8	348.5	0.164712	1.34818	80%
113.04 Thermal energy	180	0	180	152.3	0	152.3	0.846111		85%
113.06 Books and periodicals	50	0	50	3	13.2	16.2	0.06		32%
113.11 Telecommunications and postal services	80	0	80	43.4	13.8	57.2	0.5425		72%
113.13 Transport services	100	0	100	72.2	0	72.2	0.722		72%
113.14 Soft inventory and equipment	10	0	10	15.2	0	15.2	1.52		152%
113.17 Current repairs of buildings and rooms	0	0	0	12.6	48	60.6			
113.18 Current repairs of equipment and inventory	30	0	30	16.7	10.8	27.5	0.556667		92%
113.21 Profesional Training	0	0	0	6.9	0	6.9			
113.22 Editorial services	25	0	25	0	0	0	0		0%
113.23 Protocol expenses	0	0	0	1.4	3.3	4.7			
113.24 Departmental periodicals	100	0	100	0	104.4	104.4	0		104%
113.29 Interdepartmental guard	200.3	0	200.3	227.5	0	227.5	1.135796		114%
113.30 IT and numeracy works	55	300	355	47.3	26	73.3	0.86	0.086667	21%
113.34 Apa si canalizare	36	0	36	25.8	0	25.8	0.716667		72%
113.35 Water and sanitation	8	0	8	4.8	0	4.8	0.6		60%
113.45 Sanitation goods and services not allocated to other paragraphs	167.4	585.1	752.5	13.3	4.1	17.4	0.07945	0.007007	2%
113.47 Fees related to banking services	34.2	9.6	43.8	30.9	6.5	37.4	0.903509	0.677083	85%
114.00 Business trips	40	0	40	58.7	0	58.7	1.4675		147%
114.01 Trips within the country	0	0	0	0	0	0			
114.02 Abroad trips	40	0	40	58.7	0	58.7	1.4675		147%
116.01 Compulsory healthcare insurance contributions paid by employers within the country	178.8	58.7	237.5	156.1	69.2	225.3	0.873043	1.178876	95%
135.07 Internships	1862.6	0	1862.6	3214.9	0	3214.9	1.726028		173%
135.33 Allowances for temporary work incapacity paid from	35	0	35	25.9	0	25.9	0.74		74%
242.00 Purchase of fixed assets	0	0	0	0	539.8	539.8			
TOTAL	9440.8	3398.6	12839.4	9247.1	3355	12602.1	98%	99%	98%

Although quite a high share of the overall budget was executed, item 113.45 was poorly executed. Out of the total amount of 752.5 thousand MDL allotted for this item, only 17.4 thousand MDL was executed. This represents around 2%. The analysis conducted by the USAID ROLISP specialist and the 2014 Report reveal that the funds planned for this item were used by NIJ for other needs during the year, specifically for buying fixed assets – item 242.

The Report of 2014 included a series of recommendations:

1. Training some NIJ staff in budgeting.
2. Creating a permanent working group responsible for budgeting.
3. Preparing reports on budget execution for the previous year, as a benchmark for developing the draft budget for the following year.

Training NIJ staff in budgeting

During December 8-11, 2014, following the recommendations made in the Report, trainings were conducted for the NIJ staff, with the support of USAID ROLISP on 2 topics, budgeting and public procurement.

The training on budgeting was led by the USAID ROLISP court budgeting specialist. For the training on public procurement USAID ROLISP contracted a specialist from the Public Procurement Agency. The sessions aimed at improving both NIJ's budget planning and execution. At the end of the trainings, it was established that it is necessary to develop new regulations, for the Economic and Financial Division and one regulation establishing the budgeting procedure within NIJ.

Creating a permanent working group responsible for budgeting

This implies creating a working group by an order of the NIJ director. No such group has been established so far and therefore the budgeting is done according to the practices of previous years. Some NIJ representatives say such a group is unnecessary since the staff of the Economic and Financial Division and the staff of other NIJ Divisions participate in the development of the draft budget.

Report on NIJ budget execution

Following the recommendations made in the 2014 Report, in 2015 the NIJ's Economic and Financial Division developed an analytical report on budget execution for 2014. The report was submitted to USAID ROLISP. Some comments about the report are presented below.

The report represents an initial effort of NIJ to fulfill the recommendations in this regard. It contains a narrative section and a table presenting the NIJ's approved and executed budget. It is commendable that for the structure of this report the authors were inspired by the report developed in 2014 by USAID ROLISP. The NIJ Report highlights the strengths and the weaknesses of budget execution. However, while it shows the weaknesses, it does not reveal the causes thereof. For instance, the report states the low rate of budget execution for the expense items 113.30 and 113.45, but it does not mention anything about the causes. The same is true for the over-execution of the budget for some other expense items, such as 135.07 "Scholarships".

Therefore, we consider that NIJ took into account the recommendation made in the 2014 Report for developing its own report on budget execution. However, the report could still be improved by describing the issues for budget execution and identifying the reasons thereof, so that these can be considered in the next financial year.

Regulation of the Economic and Financial Division

USAID ROLISP has provided assistance to NIJ in developing the draft regulation of the Economic and Financial Division. Following some debates, the regulation of the division was approved by the NIJ director.

Regulation on the internal budgeting procedure

USAID ROLISP has provided assistance to NIJ in developing the draft regulation describing the internal budgeting process. The draft regulation was subject to debate within NIJ and a final version of it was developed. The regulation had to be approved by order of the NIJ director and a draft order on this was prepared. However, we found in discussions with the NIJ representatives that the draft order has not been approved. The draft was returned to the Economic and Financial Division. The

reasons for the failure to approve the regulation are unknown. Thus, the draft budget was developed according to the practices of the previous years. In the discussion with the NIJ representatives, we established that there are other divisions of NIJ, which take part in the development of the draft budget by providing basic information for establishing the budget. NIJ representatives were not able to answer the question “Based on what internal documents are these divisions obliged to present information?” We consider that it is crucial for the NIJ to have an internal document regulating the relationships among the NIJ divisions in the budgeting process. This need is also implied by the new requirement for financial management and control system. NIJ needs to have an internal document delimiting the obligations and responsibilities of its units in the budgeting process. Therefore, the failure to approve the proposed draft regulation is still a problem.

Conclusions

Based on the above statements, the following conclusions can be drawn:

1. The budgeting process in NIJ has had a positive trend given the fact that some recommendations were fulfilled. NIJ has developed an analytical report on the budget execution for 2014. At the same time, the regulation of the NIJ’s Economic and Financial Division was approved. In addition, according to the NIJ representatives, the public procurement process has improved, but this was due to staff recruitment rather than to the transfer of the public procurement specialist from one division to another within the Economic and Financial Division.
2. Although the preparation of the analytical report on budget execution is a step forward, its content should still be improved.
3. The need to approve the regulation on the internal procedure for developing NIJ’s draft budget still exists.
4. The issue with the establishment of a budgeting working group will be settled once the regulation mentioned in point 3 is approved.
5. No Financial Management and Control System has been established in NIJ. It should be mentioned that, according to the legal framework, all public institutions are obliged to establish the system by 2017.

2.2. Improvement of NIJ managerial practices, organizational structure and recruitment procedures

Assumed objectives

According to the Memorandum, USAID ROLISP intended to use the information obtained from the functional review and the organizational structure and operational procedures' analysis, and with the NIJ personnel, develop a plan for staffing administrative personnel, develop an organizational chart with job descriptions for every function and develop a Regulation on recruitment procedures for selecting the more qualified persons and on promotion using merit-based policies.

Obtained results

a) USAID ROLISP provided assistance in the area of improving and modernizing the HR management system, including in the process of adjusting the internal normative acts of the NIJ in the area of HR management based on the provisions of the concept papers and strategies for reforming the initial and in-service training as well as training of trainers.

As shown above, for the purpose of strengthening the institutional capacities, USAID ROLISP contracted with an expert, who started her activity in August 2014, carried out an analysis of the current situation in the area of HR management and prepared a diagnosis-analysis, a Development Plan for NIJ regarding the implementation of the objectives and measures to improve this area and a draft NIJ personnel policy.

Nevertheless, it seems that this Plan did not follow in the proposals for amending the Law No. 152-XVI dated June 8, 2006 regarding the National Institute of Justice. Thus, referring to the NIJ management bodies, NIJ personnel structure²², the new draft law does not comply with the Plan for NIJ Staffing Structure for the period 2014 -2016, developed by NIJ with the support of the USAID ROLISP Program. The Plan includes two deputy directors, Initial Training and Research Division and Continuous Training and Research Division. At the same time, according to the respective Plan, the IT Section ("E-transformation Section, E-training and Information Technologies") is part of the NIJ Center of Legal Resources which is part of the Continuous Training and Research Division. The archive is part of the Human Resources and Documentation Section that is under the direct subordination of the NIJ Director.

A draft NIJ Personnel Policy was developed that represents a system of values and principles to be implemented during the recruitment, selection, employment, training, promotion, evaluation, motivation, resignation and dismissal in addition to other labor relations. The document presents a mechanism for fulfilling the basic objectives of the NIJ Strategy in relation to NIJ personnel. It is composed of the following parts: a) organizational values; b) professional ethics; c) principles of working with employees deriving from the internal and international practice in the area and focused on NIJ development; d) areas of activity with the personnel, where heads of subdivisions should observe the principles of working with the subordinated

²² See art. 5 "NIJ management bodies", art. 7 "Duties of the Board", art. 91 "Deputy Executive Director", art. 10 "Structure and personnel of NIJ" from the draft of NIJ and MJ to amend the Law on NIJ.

people. During the fact finding visit, the Personnel Policy had not been adopted. Based on the discussions with the Head of the HR and Documentation Section, it seems that it is known to the heads of sections, but its adoption was postponed due to an envisaged edit of Internal Rules of Procedure which is a joint document regulating the recruitment, selection, training and evaluation of personnel.

In compliance with the recommendations from the above-mentioned documents, a draft Action Plan for Developing and Strengthening the NIJ HR Management for 2015-2016 was developed, that includes developed actions in Chapter VI of the NIJ Strategy Action Plan.

The USAID ROLISP expert started in July 2015 to develop regulations on HR management: Internal Rules of Procedure, Regulation on personnel recruitment and selection, Regulation on personnel adaptation and mentoring, Regulation on internal training and personnel development and Regulation on personnel evaluation.

At the time of the fact-finding visit, the situation regarding the adoption of these Regulations was uncertain. The current management of the NIJ considers that the Institute has too many Regulations and it would be better to include all of them in one single document. The NIJ representatives mentioned that the Regulation on Personnel Adaptation and Mentoring was not adopted and it will become a chapter in the Regulation on Personnel Recruitment, Selection and Training.

USAID ROLISP provided assistance for developing the job descriptions in the NIJ. Job descriptions were developed for Consultant in the Didactical-Methodological Section, International Relations Consultant, Training of Trainers and International Relations Section; Training of Trainers Consultant, in the Training of Trainers and International Relations Section and Senior Specialist responsible for publications in the Non-Legal, Public Relations and Publication Section.

At the time of the fact-finding visit, the job descriptions had not been approved. NIJ management informed that it is possible to approve all job descriptions by the end of 2015. Nevertheless, based on the discussions held during the fact-finding visit, it appears that the process of developing and approving job descriptions is taking a rather long time.

There was also developed the document on “Structure of NIJ staffing for 2014-2016”, a planned organizational chart including 59 positions for administrative personnel, seven positions of auxiliary personnel and 31 positions for trainers. The document also includes a chapter dedicated to training sessions necessary for the administrative personnel employed by the NIJ in the IT area, especially Excel; use of ILIAS platform for distance learning (for the personnel of continuous training section and e-transformation, e-training, and IT section); general management and time management; techniques for training of trainers (for the personnel of the training of trainers and international relations section and e-transformation, e-training and IT section); work security and health; budgetary planning and budgetary cycle; statistics basis and simple statistical analysis; monitoring and evaluation of activities and procedures in the NIJ with process, outcome and output indicators.

Based on the discussions with the NIJ management, the past requests were formulated to increase the number of personnel that were denied and that, any new attempt would not be appropriate because of the extremely difficult financial situation in the Republic of Moldova.

According to the HR Management Development Plan of the NIJ, developed within the framework of the NIJ Consultancy Project for HR Management, the chapter related to personnel administration provides for the procurement of software for personnel record keeping.

Based on the letter No. 353-INJ/17.07.2015, NIJ refused to install the software for the reason that “according to the conditions stipulated by USAID ROLISP project, after the software procurement, the NIJ should maintain the software, starting the first month of 2016. The NIJ financial situation is not able to comply with this condition”.

In relation to the recruitment procedures, USAID ROLISP provided assistance for developing and adopting the Trainer’s Statute. It seems that the recruitment procedure stipulated in this Statute has not yet been applied. On the NIJ site, under the category “Announcements” or “Events” no announcement for recruitment of new trainers is identified.²³ Based on the discussions with the NIJ management, it seems that new trainers are very rarely needed. However a few recruitments were made on an exceptional basis as a result of the exception provisions in point 2.21 in Trainer’s Statute, adopted by the NIJ Board Decision 5/5 dated 24.04.2014. It states: “When other specialists are necessary for the training activity for initial training, continuous training, and training of trainers, the respective specialists shall be accepted by the Director of the Institute. At the same time, the commission may exempt from interview well-known persons, as well as the persons having the title of being a trainer in the area”.

The NIJ Activity Report for 2014 mentions that: “NIJ announced a competition for filling positions in 23 training areas, but only 15 applications were registered for 13 areas. As a result of the interview, based on unanimous vote, the NIJ Board admitted the applications of 11 persons for 10 areas. At the same time, based on the request of the Central Probation Office, the NIJ Board examined and admitted two additional trainers for training probation advisers. Hence, based on the NIJ Board Decision No. 5/1 dated 24.04.2014, the network of trainers was completed with 13 persons comprised of one prosecutor, four university teaching staff and eight specialists in other areas. Two of these persons were already in the NIJ trainers’ network, have been just confirmed in other areas of training.

It should be mentioned that the approval of the 13 trainers occurred on 24.04.2015, during the same meeting of the Board at which the Trainer’s Statute was approved. The NIJ Activity Report for 2014 mentions that: “In future, the trainers’ network will be completed in line with the new procedure provided under the Trainer’s Statute from 24.04.2014, according to which, the interview will not be carried out in front of the NIJ Board members, but in front of a permanent Commission, which will examine the candidates in a number of stages. The results of the competition will be presented to the NIJ Board for validation. Nevertheless, after approving the Trainer’s Statute, no new training areas were subject to competition, as it is

²³ <http://inj.md/node/489>

necessary to reevaluate all the trainers from the network under the aspect of meeting trainer's competences. Moreover, over a period of eight years, the trainers' network was completed with new trainers, but it was not reviewed or re-approved and the trainers were not reconfirmed".²⁴ There are no recruitment announcements on the NIJ web site, which would be in line with the Trainer's Status from 24.04.2014.

As for the update of the trainers' network, it was carried out in 2015 based on NIJ Board Decision No. 4/8 dated 31.03.2015, but so far it has included only the elimination of two trainers inactive since 2007 and one trainer who passed away.

b) USAID ROLISP provided assistance for the professional development of the personnel. Based on the proposals of the NIJ subdivisions chiefs, NIJ developed a draft Plan for training the administrative and auxiliary personnel. It provides for training the employees in some workshops, as well as personnel participation in continuous training activities and training of trainers workshops, organized in the NIJ for judges, prosecutors and other professionals from the justice sector.

Eleven workshops were organized with the support of USAID ROLISP in which practically all the personnel of the NIJ were trained in the following areas.

Training of NIJ employees on how to estimate the training needs of the NIJ beneficiaries, as well as how to assess the training activities within the NIJ with the help of Google Drive forms and of the specialized statistical analysis program SPSS. Three persons, employees of the NIJ IT Section were trained. The training was designed to develop the skills of the IT section employees to create an account in gmail.com and to develop and create an opinion poll (evaluation questionnaire) using the templates from Google Drive. The activity was organized on June 11, 2013 and contributed to data processing by NIJ, accessing the summary of answers as a table with absolute data, percentage and graphs and statistical processing of data with the help of the specialized program in statistical analysis (SPSS Statistics - Statistical Product and Service Solutions).

- *Use of Microsoft Office applications (Word, Excel, PowerPoint, use of Internet and e-mail)*

Twenty-five, NIJ employees were trained. The topics of this course included the use of Microsoft Office (Word, Excel, and Power Point), Internet search engines, access to server and e-mail. The workshop report shows that the majority of participants (NIJ personnel) use computers in their daily activity, most frequently using: internet, email and MS Word application. The majority of participants at the workshop had a moderate level of skills in the area of using Word. The level of use for MS EXCEL and MS PowerPoint was poor to moderate. The same report formulated the recommendation that the NIJ personnel should be trained in how to use MS Access, edit images (Adobe PhotoShop), create animations (Macromedia Flash), use PDF (Adobe Acrobat), publish on the desktop (logos, images, graphical elements, table, Adobe InDesign), use the LMS ILIAS platform and prepare e-

²⁴ Activity Report 2014

learning materials. The recommendation has not been implemented and there appears to be not sustainable achievement of these training actions.

- *Methodology for assessing the quality of training programs within NIJ*

This training was organized during February 26-28, 2014 for two groups of 25 and 17 persons, NIJ employees. The training focused on developing e NIJ employees' skills on how to apply the methodology for assessing the training program and using feedback. As a result of the training, the trainer contracted by USAID ROLISP, Otilia Pacurari, recommended carrying out simulations and practical activities for providing and receiving feedback, taking into account that such an approach would contribute to developing some practical skills necessary for assessing the quality of programs and during the recruitment processes.

- *Development of the budget and performance of public procurements*

During the period of December 8-11, 2014, as a result of the recommendations suggested in the report²⁵ and with the support of USAID ROLISP, there were organized trainings for 16 NIJ employees on two topics: budget planning and public procurements. The moderator for the workshop on budget planning was the specialist on the area of court budget development from USAID ROLISP. For the training on public procurements, USAID ROLISP contracted an employee of the Public Procurements Agency. The purpose of the training was to improve the quality of t planning and execution of the NIJ budget.

By the end of the training, it was apparent that there is a need to develop some regulations for NIJ, i.e., a regulation of the Economic-Financial Division and a regulation to establish the procedure for developing the budget bill within the NIJ. At the stage of formulating this proposal, it was envisaged establishing a working group based on the order of the NIJ Director that would be permanently responsible for the procedure of developing the budget bill. According to the report for this program component, this group was not yet been established, and the procedure for developing the budget bill follows the practices from e previous years. The existence of this group was assessed by NIJ representatives as being necessary because the personnel of the Economic-Financial Division of NIJ as well as the personnel of other NIJ sections are involved in drafting the budget bill.

- *Statistics basis and simple statistical analysis*

The two training sessions were organized in October – November 2014. The first training had 23 employees of the NIJ and the second training had eight employees of the NIJ. The trainings covered the presentation of techniques on how to process/analyze time series, as well as data, calculation of descriptive statistics, analysis of resulted indicators, compilation of statistical tables and statistical analysis of data presented with support of Excel 2007. The training material was structured and presented in a format as accessible for training participants as

²⁵Report on NIJ budget assessment.

possible, so as to create an environment of “psychological comfort” which would not induce fears regarding the mathematic apparatus necessary to be applied in processing data – an indispensable element in statistical analysis. At the same time, the use of concrete data resulting from NIJ sections’ activities, which were collected during the fact-finding visit, including those related to the tasks the participants did not know how to fulfill, have contributed to “opening”/making more interested the personnel involved in training in relation to the topics suggested within the training.

Nevertheless, the Report regarding this activity shows that currently the planning of activities, number of personnel, number of contracted trainers, etc. in the institution is performed “intuitively” and not based on an analysis of trends, efficiency nor, according to the recommendations derived from a simple statistical analysis of trainings.

Training sessions were organized for a smaller group of persons during May-June 2015. These trainings were on advanced statistical analysis of data for the NIJ personnel using a basic statistical toolkit and EXCEL and were intended to ensure the use of statistics by every section of the NIJ in their practical activity. The purpose was that the trainees should know the techniques for data analysis and interpretation that are essential for the administration, monitoring and evaluation of the NIJ trainings.

Even though the training participants were rather skeptical regarding the need of specific training in the area of data analysis, including presentation of techniques for data storage and processing with EXCEL, for which they usually use pocket calculator, the objective envisaged for the training was achieved and barriers were overcome, as indicated by the appreciations provided anonymously by the training participants at the end of the practical exercise through the quality evaluation questionnaire for the continuous training activity.

Besides the general positive feedback regarding this training activity, the training report shows that, in spite of the NIJ management issuing an order that the beneficiaries included in the list of the training were free from duty during the training hours, the participants’ daily attendance was not 100%. The report mentions the absence of the employees from the Continuous Training Section with the result that the Section has no employee trained in statistical data storage, processing and presentation with the computer support. The Section’s employees’ knowledge is limited to some general concepts of statistical data processing techniques. During the final evaluation session, every training participant, except those from the Continuous Training Section, presented a statistical analysis based on the individual case study (real information from the sections they are working in).

- *Communication skills and meetings’ management*

The activity was carried out during December 22 -23, 2014. The training had 28 NIJ’s employee. The training program has the following objectives: to increase the information of the NIJ about the principles of internal and external communication, understanding the benefits of internal and external communication, institutionalization of the communication principles, learning about the methods of productive meetings’ planning and organization. The activity

report includes recommendations regarding the implementation and institutionalization of a communication culture within the NIJ, which would set up the communication procedures within the NIJ.

- *Time management* – workshops organized for 3 distinct groups of NIJ trainers

The cycle of workshops was organized during the period December 01, 2014 – March 15, 2015. The topic of this workshop included: efficient methods and key elements of time management, methods for daily activities' planning, professional tools of time management, understanding stress as a factor for risk evaluation and techniques for mitigating the risk, understanding the role of temperament in time management, personal attitude regarding the activity, relaxing method, etc.

- *Efficient time management* – workshop organized for 22 persons, NIJ employees

The training activity was organized during the period December 23 -24, 2013. The agenda topics were: analysis of factors contributing to inefficient use of time, identification of priorities and their transposition into operational activity plans, personal techniques of self-organization and efficient time management of the relations between the organizational objectives, subdivisions' objectives and individual objectives; establishing the objectives of individual activities; organizational communication techniques, efficient planning of activities.

The report regarding the respective activity referred to the test taken by the participants attending the training at the beginning and at the end of the workshop. The analysis of the results showed an increase in the level of knowledge in the area of time management.

- *Institutional management. Development of managerial capacities* – training organized for 12 persons, managers from NIJ.

The topics discussed during this training, which was organized on June 15-16, 2015, included: principles of performance management and how this concept may serve as basis for increasing productivity; performance measurement within the institution; competences and criteria for performance measurement; institutional objectives & individual objectives; career anchors and leadership styles; feed-back and reporting during the performance management process as basis for the institutional one; personal development and employees' development; IT tools in streamlining institutional management.

- *Development and use of performance indicators in the NIJ* – training for 12 managers in the NIJ.

USAID ROLISP contracted with a local company to provide on October 26, 2015 a training course on how to develop and use performance indicators within NIJ. This training course was attended by NIJ employees with management functions and the trainers were Iulia Kirnițki and Andrei Panici from "School of Business Communications (SBC)". During the four training sessions the participants had the possibility of becoming familiar with the types and operation

principles of the institutional management indicators, the practice of using indicators in order to measure the achievement of the institutional objectives (SMART objectives), setting and applying qualitative and quantitative indicators, methods and tools for performance evaluation. Using concrete examples, NIJ managers discussed the relevant indicators, which usually are based on the institution's strategic objectives and performed analyses according to the SMART criteria system. The trainers used simple and friendly methods for explaining the evaluation and monitoring notions, as well as collection of data and entry of data based on a standardized system within the institution. The training covered the presentation of indicators as quantitative or qualitative variables, which supply simple and trustworthy means for measuring the results of the institutional activity. The training for NIJ managers in the area of performance indicators' use is planned to continue with practical activities and individual meetings with all the NIJ managers supported by the same trainers from the "School of Business Communications".

The feedback received from the participants attending these training sessions was very positive. The trainees really appreciated the acquired skills. As long as the acquired knowledge and competences will be applied in practice, they will serve as an element of sustainability of the assistance provided by USAID ROLISP to NIJ.

As a general conclusion related to these training activities, it may be noted that all these workshops were developed in a professional manner, observing fully the design stages of a training session with: development of a working plan, development of evaluation questionnaires for training needs and initial knowledge in the training topic, application of these questionnaires and conclusion of a report. The design stage was followed by a training program and materials' planning and development, delivery of the training and finally the test for assessing the final knowledge in the tackled area and the conclusion of the workshop report.

The workshop reports show that participants accept the added value of these training activities.

As for the sustainability of these trainings, it is necessary for the NIJ to apply the tools, skills, knowledge, methods, good practices developed within these activities and to continue the training of the personnel from its own resources.

c) With the support provided by USAID ROLISP, there was organized during November 26-27, 2012 a study visit for a delegation from NIJ to the National Institute of Justice from Bulgaria. The purpose of the visit was to learn about organizing the process of initial and continuous training process, as well as to learn the good practices of administration and management of such an institution from the experience of the National Institute of Justice from Bulgaria.

The delegation included the management and the heads of structural subdivisions from the NIJ, the chair of the NIJ Board and the representative of USAID ROLISP. The agenda of the study visit included the presentation of activities of the National Institute of Justice, meetings with the Deputy Director of the NIJ, with the Director of the NIJ Training and Information Center, heads of departments dealing with initial and continuous training, training of judiciary administrators, institutional and international relations of NIJ, as well as meetings with the members of the

Superior Council of Magistracy, the President of the Supreme Cassation Court and representatives of the Ministry of Justice.

The report regarding the study visit included specific proposals of good practices which can be implemented by the NIJ such as: 1) the possibility of creating a Board of Trainers, 2) organization of the admission exams for NIJ, 3) the organization of initial training in the NIJ, 4) seconding at least one judge and one prosecutor to the NIJ, who will be involved as full-time trainers in teaching activities, as well as in the process of developing educational plans and curricula and in the composition of the examination commissions, 4) improving the database of trainees, 5) the organization of the NIJ graduation exam (to modify the legislation so that the members of the SCM and SCP are not members of the commissions for graduation exams), 6) employment of NIJ graduates (the lists of vacancies for judge and prosecutor positions to be announced at least 3 months before the end of the training courses, so as to have the possibility for employment immediately after the graduation exams) 7) the organization of the internship (recognizing a special status for the NIJ trainees, which would:

- provide all the rights to which the sitting judges and prosecutors are entitled to, except for the right to issue decisions or sentences without concurrence by senior judge
- provide for the internship mentors to be stable
- provide for the NIJ to have the lists of permanent internship mentors, who will have this status for several classes)

8) conclusion of collaboration agreements with other European magistracy schools for organizing continuous training courses for judges and prosecutors from Moldova, 9) initiating distance learning courses, 10) improving the web page and the services provided by the NIJ library, 11) establishing a Section for Distance Learning in NIJ, which will deal with online trainings, the web page, Intranet and also will administer the Institute's information technologies.

Many of these proposals are well-intentioned but have no possibility to be implemented. However in a June 21, 2013 letter addressed to the management of the NIJ USAID ROLISP offered assistance for implementation of some of the above-mentioned recommendations. A positive example would be the activities carried out by NIJ with USAID ROLISP support in the area of distance learning, as well as the progress in the area of international relations, as evidenced by obtaining the status of observer in EJTN and participation (with USAID ROLISP support) in Themis, the international contest of European magistracy schools.

d) With the financial support provided by USAID ROLISP, the Republic of Moldova participated in the international contest of European magistracy schools - THEMIS, held in Luxemburg. The event was organized by the European Judges' Training Network (EJTN).

The National Institute of Justice from Moldova (NIJ) delegated a team of 3 students who were, candidates for appointment as judges, to compete in the category of "Civil international cooperation in European civil procedure matters". The NIJ team participated with the topic **"Exequatur procedure of foreign arbitral awards in the territory of the Republic of Moldova: RISKS AND REMEDIES."** The team was coached by two NIJ trainers.

The presentation covered 4 parts and lasted for 90 minutes. A 2-minutes animated movie was presented during the first part, which was especially created with NIJ support based on the written paper. The second part included 28-minute oral presentation and the third part included answers to the questions from the team from Belgium, selected from the hall according to the contest regulation and lasting for 15 minutes. The last part was a discussion with the Jury members that lasted for 45 minutes.

The NIJ participation in the Themis contest is an extremely positive event, which proves that the future judges from the Republic of Moldova, the trainees of the National Institute of Justice, share the European values, study European law, including the case law of the European Court of Justice and European Court of Human Rights, which may serve as the basis for future integration in the judicial culture at the European level.

The Moldovan team received a special award from the jury for “Encouraging the understanding of European values and for establishing closer relations between the Republic of Moldova and European Union.” In his final speech, the chair of the jury, General Attorney under the General Prosecution Service from Luxemburg, Jeannot Nies, mentioned that he appreciates the courage of the young judges from the Republic of Moldova in really identifying the problems and propose solutions, which are in line with the European values. And last but not least, the NIJ team members were appreciated for the quality of their paper document and originality of the presentation.

The contest participants representing NIJ mentioned that the most important aspect of this contest and “the most valuable award obtained within the Themis 2015 contest” is the communication with other judges from all over Europe, sharing of experience with other colleagues, exchange of opinions regarding the possible solutions for different problems, exchange of contact data with colleagues and creation of a joint network that will keep them in touch.

2.3. Improving NIJ capacities to provide qualitative training for the candidates aspiring to become judges and prosecutors, based on modern curriculum and teaching materials adjusted to training needs

2.3.1. Adults’ training

Assumed objectives

According to the Memorandum, the intention of USAID ROLISP was to provide support to the NIJ in drafting a methodology to assess the training needs for training the trainers and a concept for training of trainers and to work with NIJ to develop the curriculum for NIJ trainers, which would include training in the area of modern methodology for education of adults and development of interactive teaching skills. As well, the program intended to work with NIJ in developing the training materials and a Trainers’ Manual.

Obtained results

The area of assistance represents one of the successful areas of USAID ROLISP assistance for NIJ. The activities carried out in this component were fully described in the “Research Area 1”.

Nevertheless, the efforts undertaken in the area of adults’ training would become sustainable, only if these teaching methods and techniques are accepted and really used by the trainers. The discussions held with a number of participants attending the initial training sessions pointed out that these methods are infrequently used. The training of the candidates aspiring to become judges and prosecutors is too theoretical; many of them mentioning that during the first year of training they saw only two cases. The practical aspects are discussed, at most, based on study cases, but not on real cases. In some subjects, only theoretical aspects are discussed. The trainees mentioned that because of the large number of subjects there is no practical applicability for many of the studied aspects. The content of initial training does not reflect the real and immediate needs of the candidates aspiring to become judges and prosecutors. It is more like an academic approach, repeating many of the aspects taught at the faculty.

The participants of continuous training sessions also have pointed out situations in which the trainers are tackling the topics from a purely theoretical perspective only. Also in the continuous training, there is no harmonization among the trainers for the same area of training, either in respect of the content (agenda, expressed opinions, etc.) or methods and techniques.

2.3.2. Curriculum development

Assumed objectives

According to the Memorandum, USAID ROLISP intended to modernize the content of initial and continuous training, by creating some new curriculum concepts and models for the initial and continuous training of professionals from the justice sector. The Program envisaged providing limited funds for updating and publishing new training materials based on the training needs’ assessment.

Obtained results

The international expert who wrote the Concept Paper for Initial Training suggested the following recommendations, many of which are either delayed or rejected:

1. Concrete definition of the NIJ role in training the professions from the justice sector.

NIJ does not yet have an approved Government Decision which would regulate the modality for ensuring this training and would regulate the criteria for identifying the financial means necessary for the training.

2. Developing and strengthening the trainer’s network.

It seems that the idea of recruiting full-time trainers has been abandoned. There is a Trainer's Statute, but the recruitment procedure from this Statute has not yet been applied. On the NIJ web site, under the category of "Announcements" or "Events" no recruitment announcements for new trainers have been identified.²⁶

Based on the NIJ Board Decision No. 5/1 dated 24.04.2014, the trainers' network was completed with 13 persons. It may be noted that these new recruitments were validated during the same meeting of the NIJ Board when the Trainer's Status was adopted.

The trainers' network was updated in 2015 based on the NIJ Board Decision No. 4/8 dated 31.03.2015, but it included only the elimination of two trainers inactive since 2007 and one trainer who passed away.

3. It seems that the idea that NIJ should train candidates for judge position, with a special status for while they are NIJ trainees was abandoned; the NIJ trainee should have all the rights to which the sitting judges and prosecutors are entitled to, except for the right to issue decisions or sentences without concurrence by a senior judge; the idea that the legislation should be amended so as to include the period of initial training in the length of service in the legal/magistracy specialty, under the condition that all related exams were passed was also abandoned.
4. The internship has no adequate regulation so as to ensure its efficiency.
5. The content of initial training needs an analysis and a revision related to: the practical nature of the training, the number of subjects necessary/possible to be studied, the need/opportunity of maintaining all these subjects, as well as merging some subjects or studying them in a more integrated manner. This would give the student specific skills for tackling every type of case from a multi-disciplinary perspective and focus the content of initial training on the components dealing with training of skills and attitudes etc.
6. Use of the information accumulated by measuring the quality of initial training programs for the purpose of increasing their efficiency and adjusting them continuously to the professionals' training needs.

In partnership with USAID ROLISP, the Methodology was developed for assessing the quality of training programs within NIJ, approved by the NIJ Board Decision no. 5/6 dated 24.04.2014.

The procedure of complex evaluation of trainers described on the NIJ web site does not comply with the Methodology for assessing the quality of training programs in NIJ, approved by the NIJ Board Decision No. 5/6, dated 24.04.2014 but is actually a procedure for validation of the current list of trainers.

The Concept Paper for initial training was approved by the NIJ Board on December 27, 2013 through the Decision No. 13/4. Nevertheless, the endorsement of the Ministry of Justice of the respective Concept Paper (2.12.2013) was negative, because the "development of such a document does not fit the Direction 1.3", lacking thus any legal reasoning. As a consequence,

²⁶ <http://inj.md/node/489>

most of the generous ideas adopted in the Concept Paper were not implemented into practice, because many of the identified problems need legislative amendments based on the legislative initiative of the MoJ (duration of training, ensuring a job immediately after graduation from the NIJ, exceptional nature of parallel recruitments, etc.)

During 2014, NIJ with the support of the USAID ROLISP Program has implemented the methodology for assessing the initial training needs of the candidates aspiring to become judges and prosecutors. The report regarding the assessment of the initial training needs pointed out the need to modernize the initial training program and the insufficiency of practical skills among the trainees. As well, the report mentioned that NIJ trainees should improve their capacities to draft court decisions and to enforce the legislation correctly.

The report regarding the assessment of the initial training needs contains recommendations for improving the practical skills of the trainees, by involving them in practical activities, such as assisting in trials, studying court files, writing draft decisions and judgements and organizing mock trials in NIJ.

USAID ROLISP suggested that NIJ contract a consultant to review the NIJ initial training program, including the curricula and the internship period for candidates aspiring to become judges and prosecutors, so as to implement a modern and practical initial training program. According to the Terms of Reference, the initial training program should have included professional practical aspects which are not covered by the academic training and should have been focused on familiarizing the NIJ trainees with the case law of the European Court of Human Rights and EU mechanisms. The program should have included activities in the judicial clinics and other research activities, fact-finding visits in probation offices, lawyers' offices and offices of other professionals related to the justice sector, as well as international activities for the candidates aspiring to become judges and prosecutors.

The content of the initial training program was to be developed for a wide spectrum of teaching methods simulating reality and reproducing real conditions in which the future judges and prosecutors will work.

The objective of this activity was to provide assistance to the NIJ in reviewing the initial training program to train the candidates aspiring to become judges and prosecutors and to develop a modern and practical initial training program in line with the strategic objectives of NIJ and the best international and European standards/practices. The main goal was to focus the initial training for future judges and prosecutors on developing practical skills and increasing the efficiency of the initial training program.

The NIJ refused the assistance provided by USAID ROLISP for this component, as a result of the difficulties encountered by USAID ROLISP in negotiating with the appointed expert.

Without the USAID ROLISP assistance, NIJ has contracted a local expert to review the initial training program for training the candidates aspiring to become judges and prosecutors, but currently it is not yet possible to measure the efficiency of this procedure.

In relation to the initial training curriculum, taking into account the process of initial training program review, NIJ has given up the assistance offer from USAID ROLISP to develop the course "Organization of courts' activity." In this respect, USAID ROLISP proposed NIJ to

recruit two local consultants to develop the course “Organization of courts’ activity” in compliance with the legislation and regulations approved in the Republic of Moldova, as well as in compliance with the international standards in the area of organizing courts’ activities. The goal of this activity was to provide assistance to NIJ in developing the course “Organization of courts’ activity”, which would provide basic training material and would foster the training of candidates aspiring to become judges in the area of courts’ organization and operations in Moldova.

As for the Concept Paper for in-service training, a number of recommendations formulated by the international expert contracted by USAID ROLISP needs special attention:

- Initiation of proposals for establishing a coherent system for continuous training of judges and prosecutors recruited from certain professional categories with a length-in-service of 5 years
- Creation of a flexible mechanism for adjusting the in-service training activity to the immediate needs of the judiciary system
- Identification of binding areas of training, as well as of the priority ones
- Restructuring the in-service training activity by taking into consideration some modern teaching methods and techniques
- Development of flexible and coherent programs for training in a decentralized or semi-decentralized regime.

It should be mentioned that in the area of in-service training there is no concern for unifying or standardizing the agendas of workshops organized on the same topic. The suggested topics are very narrow and it is difficult to establish coherence or coordination among the trainers presenting the same topics, related topics or overlapping topics.

2.3.3. Assessment of training needs

Assumed objectives

According to the Memorandum, USAID ROLISP intended to review the methods for assessing the training needs used by NIJ to establish if they should be updated and to collaborate with NIJ in drafting the Methodology for identifying the initial and in-service training needs and some new tools for assessing the training needs, such as biannual evaluation of training needs, focus groups and detailed questionnaires.

Obtained results

The detailed analysis of this activity is provided in Research Area 1. The methodology for identifying the initial training needs was applied by NIJ in 2014. Nevertheless, after just one cycle of operation, based on the Board Decision No. 12/8 dated 31.10.2014, it was decided that the training needs’ evaluation in case of initial training would be carried out once every three

years, because of the time and resources needed. Therefore the training needs will not be identified and met in real time.

The methodology for in-service training has been used since 2014 on an annual basis, but not fully. It was used as basis for developing the in-service training plans. It is mentioned in the Report, that no answer was provided to the interview questions sent to decisions makers from the Ministry of Justice. The representatives of the civil society did not respond to the NIJ questions, and did not provide any proposals or recommendation for the electronic questionnaires placed on their web pages on the internet.

To ensure the efficiency and accuracy of obtained data, it is necessary that the process of primary data collection process is not purely formal and for those involved in consultations to be aware of the importance of expressing an open and sincere opinion about the debated issues.

2.4. Development of distance learning

Assumed objectives

According to the Memorandum, USAID ROLISP intended to enhance the database for initial and in-service training, and to develop regional training and distance learning platforms. USAID ROLISP intended to provide assistance to NIJ to develop a distance learning module to be provided on NIJ web site.

Obtained results

The results of this activity were analyzed in detail in Research Area 1.

2.5. Coordination of NIJ donors' activities

Assumed objectives

USAID ROLISP envisaged providing assistance to the NIJ for organizing a Donors' Coordination Committee, which would help NIJ to work with donors so as to meet the important training needs.

Obtained results

USAID ROLISP suggested including among the strategic objectives of the NIJ Strategy in the area of international cooperation, the organization of a Donors' Coordination Committee, which would meet on a regular basis, so as to assess the donors' proposals based on the NIJ training plans and the evaluation reports of the training courses. The Committee would also review the assessments from the training course participants and beneficiaries of the services provided by courts, to determine if the training courses meet the quality standards set for the training process and if some courses should be amended, added or excluded.

With the assistance of USAID ROLISP, there was developed the Regulation on organization and operation of the Donors' Coordination Committee for NIJ, to be approved during the meeting of the Donors' Coordination Committee held on December 18, 2012.

According to the text of the Regulation, the Donors' Coordination Committee should "streamline the harnessing of the foreign assistance provided by foreign development partners, by facilitating the communication and the participation of all interested parties in the decision-making process regarding the planning, coordination, and monitoring and impact evaluation of the technical and financial assistance provided to the National Institute of Justice".

USAID ROLISP also assumed the logistical role of organizing the meetings of this committee (sending invitations of the meeting, providing for the coffee breaks and supporting development of the agenda).

From a sustainability point of view, this activity has the potential to be continued, according to the conclusions of the meeting of the Donors' Coordination Committee on June 18, 2015. This meeting was organized by NIJ without donor support and was considered by the participants to be the most efficient meeting of the Committee, as "beforehand there was openness from NIJ but less involvement, and now there is openness and involvement".²⁷

Nevertheless, it's seems that the Committee's role has deviated from its initial objectives, as described in point 6 of the Regulation:

- a) to examine the priorities of technical and financial assistance of the Institute;
- b) to diversify and intensify the Institute's cooperation with donors in the judicial sector;
- c) to identify available assistance resources in line with the strategic objectives, needs and priorities of the Institute in the area of ensuring qualitative training of persons who contribute to justice enforcement, as well as in the area of improving the activity framework of the Institute;
- d) to define clearly the area of assistance among the Institute's donors, to exclude the duplication of resources allocated by donors for the development and consolidation of the Institute;
- e) to ensure some harmonized interactions between the assistance projects and programs of the Institute and their sustainability;
- f) to ensure the effective use of technical and financial assistance allocated to the Institute for monitoring, reporting, analyzing the performance of projects or programs, and assessing the assistance impact on the Institute's activity.

Currently, the critical role of this Committee to monitor and assess the impact of the assistance on the activity of the Institute is rather diminished, as the Committee is mainly used for looking for financial support for the objectives NIJ wants to achieve. At the same time, it should be mentioned that there is no interest from the majority of the donors to follow the initial mandate of the Committee.

²⁷ Participant of the Donors' Coordination Committee from June 18, 2015, interviewed by the expert during the fact-finding visit in Chisinau, 28.09-2.10.2015

2.6. Assistance provided in the area of combating trafficking and anti-discrimination

Assumed objectives

USAID ROLISP envisaged providing assistance to the NIJ in developing a curriculum for combating trafficking, an on-line course, teaching tools and adequate teaching materials, which would be included in the in-service legal training program for judges and prosecutors and to provide limited funds for training on combatting trafficking.

Obtained results:

- *Training in the area of combatting trafficking*

With the support of USAID ROLISP, the curriculum for the in-service training course on “Aspects related to investigation and legal qualification of trafficking in human beings crimes. Techniques for hearing victims/witnesses of THB” was developed. With the support of USAID ROLISP, NIJ organized four trainings (on 11-12 November 2013, 4-5 November 2014 and October 8-9, 22-23).

The course is for judges and prosecutors and lasts for 16 hours with the aim to develop the skills to apply correctly the criminal norms related to trafficking in human beings, as well as the skills for investigating and judging cases of trafficking in human beings, respecting the international standards for victim protection.

The training course was developed to improve such competences as: direct application of provisions from the European and international conventions in the area of preventing and combating trafficking in human beings and trafficking in children, as well as the national normative framework in the area; identification of cases of trafficking in human beings and trafficking in children and correct qualification of crime actions; planning the procedural actions within the criminal investigation process; administration of pertinent, concluding, useful and accurate evidence; fulfilling the case trial process in reasonable terms, observing the rights of all the participants; identification of elements which served as the basis for manipulating the victim and using the information in hearings attended by the suspects, accused and defendants; assessing the risks and needs of the victim, getting to know the competent bodies for referring the victims; and applying the hearing skills in interviewing the victims.

According to the evaluation reports for completed workshops, as well as based on the discussions held with trainers and training participants, the workshops were interactive, allowing the participants to exchange experience, and also to express the main difficulties encountered in practice, such as: summoning, using cooperation tools in criminal matters, enforcement of art.165 of the Criminal Code regarding the punishment of legal entities, punishing not only the trafficker but also the person who exploits, etc.

With the support provided by USAID ROLISP, NIJ organized 6 in-service training courses for a duration of 8 hours each, related to “Trafficking in Human Beings for forced labor purpose”

(November 13, 20, 27, 2014 and May 6,7 and 21, 2015). It should be mentioned that this training course was institutionalized by the NIJ because the remuneration of trainers and development of training materials was provided by NIJ. USAID ROLISP provided assistance only for organizing the coffee and lunch breaks.

The NIJ activities in the area of combatting trafficking in human beings included the organization of a workshop on “Aspects related to investigation and legal qualification of trafficking in human beings crimes. Techniques for hearing victims/witnesses of THB”, organized in partnership with USAID ROLISP, NORLAM and La Strada on March 5-6, 2013. At the same time, upon the request from La Strada, USAID ROLISP provided financial support for the NIJ to organize a training course on April 1-2, 2013 on “Hearing children – victims, witnesses of sexual exploitation abuse”.

- *Training activity in the area of gender equality*

In the area of anti-discrimination, USAID ROLISP organized on May 5-6, and 7-8, 2015 two workshops for training judges, for a duration of 16 hours. According to the agenda, the workshops intended to explain to judges what gender-based discrimination is and when it interacts with the courts, based on the international legislation (UN Treaties, CEDAW, ECtHR, ILO Conventions) and national legislation (Law No. 5-XVI on Ensuring Equal Chances for Men and Women / National Program for Gender Equality Assurance for 2010-2015, Law No. 121 on Equality Assurance) and to tackle theoretical and practical aspects regarding gender-based discrimination. There were organized interactive hypothetical activities based on the case law related to the gender dimension impact on divorce and custody of minors, as well as the perceptions of the judicial process actors regarding the victim and perpetrator. There was also presented the activity of the institutional mechanism Council for Preventing and Eliminating Discrimination and Ensuring Equality and the Report 4-5 on CEDAW implementation in Moldova.

In the same area, three training workshops were organized on November 5-6, 9-10 and 11-12, 2015 within NIJ for judges in the anti-discrimination area. The three workshops represented a continuity of the training activities organized in May 2015. There was also organized a training of trainers course for three days during November 2-4, 2015 for five persons (four judges and one university professor). The trainers trained during this course had the opportunity to use the skills and competences acquired during a two-days training course for judges organized on November 11-12, 2015. From the perspective of NIJ institutionalization of the gender dimension in the in-service training courses, it should be mentioned that the Continuous Training Section from NIJ plans to organize in-service training courses in the gender area in 2016, using the trainers trained during November 2-4, 2015.

The training materials used for the training of trainers course have been compiled in the “Teaching support for the training of trainers program on gender equality and implementation of the Law 121 on Equality Assurance” and the training materials used for the training

workshops with judges have been compiled in “Teaching support for in-service training courses on gender equality and implementation of the Law 121 on Equality Assurance”.

There has also been prepared a “Compilation of the national and international legislation and other information related to gender-based non-discrimination and quality of opportunities and treatment”.

2.7. Organization of trainings for courts’ personnel

Assumed objectives

According to the Memorandum, USAID ROLISP intended to develop the curriculum, training materials, as well as to carry out a number of training activities for the benefit of the judicial system of the Republic of Moldova, so as to support the adoption and use at the national level of the ICMS and audio recording of court trials, implementation of performance indicators, improvement of skills in developing and presenting the budget, training of court managers and court personnel responsible for court’s public relations. The program envisaged providing training on court’s administration basis, use of court performance indicators and financial management.

Obtained results

1. Training regarding the Integrated Case Management Program and the trials’ audio recording system “SRS Femida”

The results of this activity were presented in detail in the Research Area 1 (point 1.1.3.2)

2. Organization of roundtables dealing with “Delimitation of responsibilities between the heads of secretariats, chairs and accountants”

In 2013²⁸, USAID ROLISP has organized four roundtables on “Delimitation of responsibilities between the chiefs of secretariats, chairs, and accountants”, for 123 participants.

The roundtables focused on delimiting the responsibilities of the chiefs of secretariats, court chairs and accountants from the perspective of an efficient administration of courts. The President of the SCM talked about the importance of the chiefs of court secretariat position, as well as the need to change the attitude of court chairs.

The Secretary General of the SCM presented the draft regulation on organization and operation of secretariats in courts and courts of appeal.

There was also presented the Guideline for efficient administration of courts, developed with the support provided by USAID ROLISP. The discussions focused on different areas of administrative activity which should be performed by heads of court secretariats.

²⁸ More exactly on 23.10, 25.10, 1.11 and 6.11

3. Trainings regarding web page administration

The results of this activity were presented in detail in the Research Area 1 (point 1.1.3.2)

4. Trainings on “Statistical data – an indispensable tool for judiciary management”

USAID ROLISP provided assistance to NIJ to organize a training session on “Statistical data – an indispensable tool for judiciary management”. The trainings were organized during 17-26.02.2014 being meant for a total of 113 persons (court chairs, members of the SCM, personnel of the SCM, judiciary inspectors, heads of secretariats, etc.)

5. Public Relations and mass-media. Maintenance of web pages.

USAID ROLISP provided assistance for organizing two trainings for the court personnel responsible for public relations, during the period of 26-27.02.2013 and 28.02-1.03.2013 for 24 and 27 participants. Thanks to the USAID ROLISP assistance, the workshops benefited from the presence of an American expert in communication, Lisa Ellis, as well as the presence of some journalists and NIJ trainers in communication area. There were also present the directors of the Advanced Studies in Journalism School and Center for Independent Journalism. The topics tackled during the workshop referred to: Journalists’ mission: what do they want from those whom they tackle; Relations between the judiciary system and mass media; Types of mass-media. Press genres: peculiarities and importance; Message for the press. Formulation of a message. Setting the link with the target group. Presenting the message. Public speech; Written communication. Press releases; Types of interviews for mass-media. Interviews: from demand to achievement; Maintenance of the web page; Communication and social networks of information; Communication during crisis; Planning the activity of communication with press. Communication Plan.

The workshops were interactive, the participants being involved in practical activities, such as preparing a public speech for 1 minute; concluding the press releases; dividing the group into “journalists” and “speakers at a press conference” followed by analysis of how roles change and interactive discussions; individual interviews for TV, followed by watching and evaluating the interviews.

6. Qualitative services for citizens in courts

USAID ROLISP has contracted a national expert in legal matters and public relations area (Mrs. Irina Lazur) to carry out two trainings lasting for one day (eight training hours) on “Qualitative services for citizens in courts” for the specialists from the court sections of record keeping and procedural documentation, organized on June 25 and 26, 2014. The first training was attended by 25 participants and the second one was attended by 24 participants. The training materials were developed based on the Guide "Qualitative Services for Citizens in Courts". The training curriculum was developed by the expert upon the initiative of USAID ROLISP with NIJ approval.

The training materials included the presentation of the best practices and recommendations regarding qualitative services for citizens in courts, focusing on the procedures and approaches to be used by courts to improve the way in which people are treated and informed. The materials were developed with the aim to supply brief and useful information on how to apply six types of judicial practice for the citizens' benefit, especially regarding the reception and registration of applications; reception, registration, and examination of petitions; reception, registration, and examination of applications for information access; access of the public to court files; issue of copies of audio records of trials and court file pages; development and dissemination of informative materials for the public. The consultant developed a number of document templates to be used by the court personnel to provide qualitative services for citizens in courts. The training covered in detail the following topics:

- Modalities for managing petitions and applications for access to official information; official information with limited accessibility and refusing access to information.
- Citizens' access to consultation of files. Services provided by courts on fee basis.
- Means of communication with citizens. Development of informative materials for citizens.
- Means of communication with citizens. Use of the online communication platform for informing the litigants. Accuracy of information posted through ICSP, to facilitate the process of litigants' information.
- Management of conflicts and modalities for solving the difficulties incurred in communication with citizens.
- Types of services for citizens in courts: theoretical and practical aspects. Role and functions of the employees in the court chancelleries/secretariats

The course was provided in an extremely interactive manner combining theoretical sessions, discussions and practical exercises, involving every participant in training. The participants were involved in practical exercises, such as: preparing answers to citizens' applications for access to official information in line with the legislation in force. The feedback received from participants and reflected in the evaluation forms was very positive indicating they appreciated the training methods, as well as the content and the trainer. The same expert was contracted by USAID ROLISP for organizing other two training sessions of one day duration (eight training hours) on "Communication and relations with citizens. Concepts, methods, and practices of relations with citizens. Management and evaluation" during 9-10.10.2014. Each of the activities was attended by 22 participants. The topics, materials and training methods were similar to those used in the previous workshop.

It should be mentioned, that USAID ROLISP intervened with the proposal to institutionalize this type of training within NIJ, but because of lack of time and resources, NIJ did not launch this initiative.

7. Principles of communication and service provision to citizens in courts

To increase the quality of services provided to litigants in the courts, the USAID ROLISP developed the Standards for communication and service provision to litigants in courts. The

standards were approved by the Superior Council of Magistracy (SCM) based on the Decision No. 587/24, dated August 11, 2015.

At the same time, USAID ROLISP contracted a national expert and organized trainings of four academic hours for the court employees regarding the standards for service provision to litigants (citizens) in courts. The topic of the training included practical aspects, such as: attitude and responsibility for well-done work; efficient communication; the rule of 3Vs in communication; working group – errors and communication – causes and consequences; development of communication skills; trilogy of communication; providing and receiving feedback; receiving information through active listening; communication through e-mail; communication within meetings. The aim of the trainings included the practical application of the standards set for communication and service provision for litigants in court. The trainings were organized in all the courts and courts of appeals in the country, during September – December 2015. The training participants were the court employees who come in direct contact with the litigants in their daily activities.

8. Trainings regarding court budget

During 31.10-1.11.2012, USAID ROLISP organized a training on “Performance-based budget development” for 23 participants (representatives of the SCM, Court of Appeal). Subsequently, USAID ROLISP planned a complex program of trainings in this area.

During the first stage, three trainings were organized on “Financial management, financial reporting, internal audit and public procurements”²⁹ for the chairs of courts and chiefs of secretariats.

The topic of these workshops included: the budgetary process (general aspects); financial analysis; development and execution of institution budget; financial reports of public institutions; internal audit concept in the public sector; regulatory framework for internal audit in the public sector; general provisions regarding public procurements – basic notions and public procurements system; general principles of public procurements – working group; stages for carrying out public procurements procedures; types of public procurement procedures; procurements’ plan; reporting the public procurement procedures’ results.

The second stage covered the organization of two-day workshops during September 9-19, 2013. The number of participants was 84, of whom 41 were heads of secretariats, 41 were chief accountants and 2 SCM representatives.

The third stage covered the organization of one-day workshops. The participants were divided into four groups of 24 persons each (representative of the SCM have participated in the four days of the training). The training topics included: presentation of the methodology for performance-based budget; presentation of the methodology for planning the budget for transport costs; budget process in the judiciary system (regulatory framework developed by

²⁹ During the periods 11-12.03 (21 participants), 14-15.03 (26 participants), 18-19.03 (25 participants), 20-21.03. 2013 (23 participants)

USAID ROLISP); template of the explicative note of the budget bill (developed by USAID ROLISP). The workshop included a case study for using a template to develop the budget bill for courts for 2015. Ninety-three persons from 49 institutions were invited to attend the workshop. The court accountants were included in five groups and attended two training sessions, as follows:

- The first was organized during 9.09-25.10.2013³⁰
- The second was organized during 28.10 – 29.11.2013³¹

2.8. Improving the system for program content evaluation

Assumed objectives

USAID ROLISP envisaged working with the NIJ to review and improve the system for assessing the initial and in-service training programs' content, trainers and materials from NIJ and developing new and efficient techniques for evaluation.

Obtained results:

In partnership with USAID ROLISP, the Methodology for assessing the quality of training programs within NIJ, was developed and approved by the NIJ Board Decision No. 5/6 dated 24.04.2014. Although the NIJ Board approved the "NIJ Trainer's Statute" and the "Methodology for assessing the quality of training programs", the activities planned in these two documents were delayed until the modifications to the NIJ Law will be passed by the Parliament. USAID ROLISP met with the management of NIJ and suggested that there are no contradictions between the amendments suggested to the NIJ Law on one hand, and the NIJ Trainer's Statute and the Methodology for assessing the training programs' quality, on the other hand.

On May 30, 2014, the NIJ Board reviewed its decisions and decided that NIJ could start implementing the "NIJ Trainer's Statute" and the "Methodology for assessing the quality of training programs".

The NIJ Report for 2014 mentions that: "In line with this methodology, there will be developed timetables and all the trainers will be assessed. The results of the evaluations will be presented to the NIJ Board by the end of 2015 for re-approval of the trainers' network".

The procedure for complex assessment described on the NIJ site does not represent an implementation of the Methodology for assessing the quality of training programs within NIJ,

³⁰ group 1- 9-13.09.2013, 8 participants; group 2- 16-20.09.2013, 6 participants; group 3- 23-27.09.2013, 6 participants; group 4- 14-18.10.2013, 11 participants; group 5- 21-25.09.2013, 11 participants

³¹ group 1- 28.10-1.11.2013, 5 participants; group 2- 4-8.11.2013, 8 participants; group 3- 11-15.11.2013, 11 participants; group 4- 18-22.11.2013, 9 participants; group 5- 25-29.11.2013, 8 participants

approved by the NIJ Board Decision No. 5/6 dated 24.04.2014 and actually represents a procedure for validating the current list of trainers. The NIJ Director was mandated to enforce this decision.

In this respect an announcement was posted on the NIJ page³² mentioning that trainers will be assessed by the Permanent Commission for Competition and validated by the NIJ Board, and the persons validated by the NIJ Board are considered to be included/maintained in the trainers' network.

The same announcement also notes that the complex assessment of trainers will use the trainer's evaluation criteria envisaged in the Trainer's Statute and Methodology for assessing the quality of training programs in NIJ, approved by the NIJ Board Decision No. 5/6 dated 24.04.2014. During the meeting with the NIJ Director, she expressed her strong confidence that all the current trainers will pass successfully the complex evaluation, as at the current moment NIJ cannot lose these resources.

It should be also mentioned that according to the announcement, the Commission may exempt from interview well-known persons, as well as persons holding the title of trainer in the training area and administrative personnel of the NIJ who meet the conditions for taking the respective teaching position. Also exempted are trainers who as a result of previous evaluations were highly appreciated, hold scientific and didactical titles, have collaborated effectively with NIJ, have contribute with training materials and have actively integrated in the training activities in the areas.

Even though the announcement mentions that it is an evaluation procedure which observes the trainer's evaluation criteria provided in the Trainer's Statute and Methodology for assessing the quality of training programs in NIJ, approved by NIJ Board Decision No. 5/6 dated 24.04.2014, in reality the procedure described in the announcement is a combination of the recruitment procedure, as it is described in the Trainer's Statute and in the Assessment Methodology. Some specific tools for a recruitment procedure are used, such as submission of the workshop plan for initial training and an agenda for in-service training activity and questionnaire from Annex 2 to the Statute. On the other hand, it mentions that: "In this respect, the Commission will take into consideration, as needed, the evaluations obtained by the trainers over the last three years".

These aspects lead to the conclusion that the procedure for complex evaluation described in the announcement reflects a specific vision regarding the evaluation activity in the NIJ as compared to the Methodology for assessing the quality of training programs within NIJ, developed with USAID ROLISP assistance and approved by NIJ Board Decision No. 5/6 dated 24.04.2014.

As for the implementation of the Methodology, the head of the Didactical-Methodological and Research Section mentioned that she visited over 50% of the trainers for evaluation, but in her opinion, many of the elements from the Methodology have no support in the law or in the Regulation. Based on the discussions with the trainers, it appeared that either they did not receive a feedback by the end of the workshop when they were visited by the head of the

³² <http://inj.md/node/709>

Didactical-Methodological and Research Section, or the feedback was extremely brief and superficial. Some of the trainers noted that they had not been visited. In any case, the trainers do not seem to be accountable regarding the special role of this Methodology for improving the quality of the training activity in the NIJ. Although efforts were undertaken to visit the classes of as many as possible trainers and the trainers were asked to adjust their curriculum according to the new model, it seems that the implementation of the Methodology has a purely formal character. In this respect, there is no acknowledgement from the people responsible for implementing this Methodology of the specific responsibility they have in evaluating and improving the quality of training programs. There were no negative aspects reported to the Director or Deputy Directors.

NIJ personnel are not fully aware of the importance of the mechanism of quality evaluation of the training and feedback. They do not use the full potential of this mechanism and there is lack of qualified personnel able to monitor in a transparent way the quality of the training and to provide feedback to trainers.

It should be mentioned that initially, the Methodology provided that only the head of the Didactical-Methodological and Research Section has the right to participate in the training. No other employee of NIJ can replace him/her (in case of sickness or increased workload). In addition, the NIJ Director expressed her concern with the fact that the monitoring of training courses' quality by one person could affect the impartiality and correctness of trainer's evaluation.

On June 23, 2015, upon the request and with the participation of USAID ROLISP, NIJ has organized a meeting of the heads of sections to discuss the list of modifications to the methodology which would improve its application. The suggested modifications included the empowerment of a number of NIJ personnel to monitor the quality of training by visiting the training activities, as well as other modifications. As a consequence, the Methodology for assessing the quality of training programs in NIJ was modified by the NIJ Board Decision No. 9/7/25.09.2015, so as to allow other persons to visit classes as evaluators, and the obligation to discuss with the trainer and to provide feedback. It is important for these activities to be perceived as more than simple formalities, and wherever negative aspects appear for them to be addressed openly.

The Initial Training Section prepared an informative note regarding the activity of every trainer at the end of the first semester. The informative notes will be attached to the trainer's record file and will serve as a general evaluation of the trainer's performances during the initial training for the corresponding subject. The Initial Training Section prepared informative notes regarding the trainers' training activity as well for the second semester in July 2014.

The evaluation of the continuous training activity continues to be carried out through a questionnaire filled-in by trainees 20 minutes before the end of the training activity. The questionnaire includes descriptive statements, uses a scale of 10 points to evaluate, and has the section "Motivate the provided qualification."

NIJ did not assess all the training courses due to a number of reasons, among which are:

- The Methodology obliges the NIJ to evaluate the trainers only if they provide more than four academic hours of training. Some trainers provided less than the minimum necessary academic hours and, hence, were not evaluated.
- Some training courses are provided with the support of donors who were using their own system of quality assessment.
- The quantity of workshops is too big making it impossible to collect and process the evaluation forms.

In line with the information communicated by NIJ, the Didactical-Methodological and Research Section prepared informative notes regarding the activity of the trainers involved in continuous training by the end of 2014. According to the Methodology, the informative notes are prepared on an annual basis. Therefore, NIJ should repeat this activity by the end of 2015.

The methodology specifies, as well, the organization of group discussions with donors, professional associations, and organizations of civil society as part of the annual evaluation. Currently, NIJ has not organized these group discussions. Although the focus group discussions do not represent a major component of the training quality evaluation, they are important for receiving impartial feedback regarding the quality of training.

At the beginning of 2015, the Head of the Didactical-Methodological and Research Section submitted to the NIJ Director the Report on application of the methodology for assessing the quality of training activity within NIJ for 2014. The Report contains information to be used as feedback for trainers.

Nevertheless, based on the discussions held with NIJ trainers, it appears that at the time of the expert's fact-finding visit in Chisinau, the trainers have not received this feedback. Without trainers' feedback, it cannot be considered that the goal of the Methodology to ensure an efficient mechanism for improving the trainers' performance and the quality of initial and continuous training within NIJ was achieved.

2.9. Improving the visibility of NIJ and its external communication

The need to develop the Communication Strategy was not envisaged in the Memorandum, it emerged during project activities.

In this respect, there was developed an Activity Plan for September 2015 – November 2015 for developing the Strategy, covering:

- Drafting the activity plan
- Meeting for launching the activity with the representatives of the ROLISP Program and NIJ members and personnel
- A focus-group and semi-structured interviews with the NIJ employees
- Semi-structured interviews with journalists, opinion leaders, and beneficiaries

- Opinion poll among the NIJ personnel and general public
- Analysis of the content distributed by mass-media
- Identification of the Strategy's goal and objectives, as well as of the main results and influencing factors
- Consulting the NIJ regarding the goal, objectives, results and influencing factors
- Development of the first version of the communication strategy
- Consultation with the NIJ personnel regarding the draft Communication Strategy
- Finalization of the Communication Strategy
- Presentation of the final version of the Communication Strategy to NIJ and ROLISP
- Conclusion of the consultancy report

At the date of the fact-finding visit, this Strategy was under development, and the request of assistance from NIJ seems to have been transformed onto a request for coaching (training) for NIJ personnel in the area of communication. USAID ROLISP has requested that NIJ submit the topics for these trainings.

RECOMMENDATIONS

1. Recommendations regarding the initial training

As a result of the analysis of the real situation, as related to the principles stated in the Concept Paper on Initial Training approved via the NIJ Board Decision No. 13/4 dated 27.12.2013, a series of persisting problematic aspects have been identified, beyond the USAID ROLISP assistance, which would determine the additional institutional efforts on NIJ's behalf to achieve the objectives stated in the Concept Paper:

1. The Concept Paper on the initial training developed with the assistance of USAID ROLISP identified the problem that after graduation from initial training courses, some of the candidates aspiring to become judges are not assured with jobs. The candidates aspiring to become judges and who have graduated from the Institute should be appointed on apriority basis immediately after graduation. Employment based on the length of the service should be done on an exception basis, when the number of graduates of the Institute is not enough to fill the vacancies or when certain positions should be filled in a short period of time or are difficult to be filled.

The experts notes as well the idea that currently was abandoned, according to which NIJ candidates for judge position should develop practical skills working as a judge and prosecutor which they cannot obtain if magistracy is only an option when graduating NIJ, and not an obligation and a certainty (under the condition of passing the NIJ course exams and graduation exams).

This aspect is in direct correlation to the lack of the status of intern trainee or candidate aspiring to become a judge or a prosecutor. The fact that they are currently just "candidates", and not intern-judge or intern-prosecutor leaves them without a special status during the internship period and without the possibility to practice in all procedural actions involving judges or respectively prosecutors (trials, deliberations, etc.).

The expert recommends that the NIJ draft a **regulation of the status of intern trainee** and a modification of the legislation to **include the duration on initial training in the length of service in judicial specialty/magistracy, under the condition of passing the related exams.**

2. According to art.4 par.(2) let. a) of the Law regarding the National Institute of Justice No. 152-XVI dated 08.06.2006, the Institute may exercise duties related to initial training on contractual basis of other categories of legal advisors, who contribute to justice enforcement. Although this problem was identified in the Concept Paper on Initial Training, developed with the assistance of USAID ROLISP, the legislation does not regulate mechanisms for applying these provisions, such as: ways of access to initial training of the representatives of free-lance professions, duration and forms of training, form of graduation, other organizational aspects including financial-budgetary aspects, etc. NIJ should continue focusing on regulating and approving by Government Decision the Nomenclature of works performed and services provided for fee by the National Institute of Justice and the tariffs for such works and services,

as well as the Regulation on how to establish and use the special means of the National Institute of Justice.

3. For the purpose of ensuring the quality, efficiency and productivity of the initial training, it is necessary to ensure the quality of educational plans and programs, as well as to increase the quality of trainers' performance. Hence, the Trainer's Statute approved by the NIJ Board Decision 5/5 dated 24.04.2014, setting the priorities and the principles in relation to recruitment and training of trainers, the tools to ensure the coordination of trainers' network, training of newly recruited trainers before they start their activity, as well as the periodical training of trainers, should be observed in a duly manner.

The recruitment procedure from this Statute should be observed and must be obligatory. At the same time, the provisions for exceptions and derogations, as those set out in p. 2.21 of the NIJ Board Decision 5/5 dated 24.04.2014 on the NIJ Trainer's Statute provide for the following: "If it is necessary for other specialists to participate in the training activity, in the initial and continuous training, or training of trainers, they should be accepted by the NIJ Director. At the same time, the Commission may exempt from interview the well-known persons, as well as the persons holding the title of trainer in the area". But, for the recruitment process to contribute to the quality of the training process, all these should remain exception, without becoming rules.

Provision of constructive feedback at the end of the workshop, when the trainers are visited by the head of the Didactical-Methodological and Research Section or by another person assigned from the NIJ, represents the key for improving the training activity. It is important for this activity to be perceived as more than just a simple formality, and wherever negative aspects are identified, for them to be addressed openly. On the other hand, it is necessary for the trainers to be held accountable regarding the special role of the Methodology for assessing the improvement of the quality of NIJ training activity. The reports submitted to the Director or Deputy Directors regarding the assessment results should be like a progress vector to harness the entire potential of this mechanism and to be a transparent mechanism for monitoring the training quality, starting from an objective and real feedback, the role of which will be assumed by the evaluator and the evaluated person. This feedback should represent an important tool for assessing the real needs of the training of trainers. In any case, this evaluation procedure should not be transformed in a procedure of periodical validation/reconfirmation of the trainers' lists.

4. The content of initial training needs an analysis and a revision regarding: the practical nature of the training, the number of subjects necessary/possible to be studied, the need/opportunity to maintain all these subjects, to combine them by merging some subjects or by studying them in an integrated manner, so as to obtain specific skills for tackling every type of case from a multidisciplinary perspective; the initial training has to be focused on building skills and attitudes etc.

The training of the candidates aspiring to become judges and prosecutors is too theoretical; many of them mentioning that during the first year of training they saw only two cases. The practical aspects are discussed, at most, based on study cases and not on a real cases basis. In some subjects, only theoretical aspects are discussed. The trainees mentioned that there is no practical applicability for many of the subjects because of the large number of subjects. The content of initial training does not meet the real and immediate needs of the candidates aspiring to become judges and prosecutors; it is more like an academic approach, repeating many of the aspects taught at the faculty.

The initial training should provide to the selected candidates deep legal knowledge of national and international substantial and procedural law. In addition to this deep legal knowledge (**savoir**), the initial training should also provide the selected candidates some skills and techniques specific for the magistrate's profession (**savoir faire**), and to help them to develop a corresponding attitude towards the profession (**savoir être**). The NIJ trainee should learn **what a magistrate should do** and **what a magistrate should be**.

The topics taught in the NIJ should not be a reproduction of what was taught at the university, they should be developed so as to obtain specific competences for resolving every type of case from a multidisciplinary perspective. The training program development should be done by merging some subjects or studying them in an integrated manner, as well as by studying some separate subjects (for instance ECtHR), so as to allow building competences in a harmonious manner.

Hence, at the level of training specific competences for the future magistrate, there are separate artificial training subjects, in the way they appear in the university program, while in reality, the magistrate will solve cases implying equally aspects of civil law, civil procedural law, ECtHR, etc. In a real case, the issue of civil law does not appear separately from the civil procedural law and the ECtHR aspects are not independent, they are closely correlated with the issues of internal law.

The initial training plan should raise the concern for ensuring **complementarity** in relation to competence development. This recommendation fits the spirit of the Endorsement No.11 (2008) of the CCJE³³ regarding the quality of judgements, accepting the training as one of the quality factors of judgements. According to the Endorsement No.11 (2008) of the CCJE, the training related to **improving the organizational capacities** is very important for preparing and managing efficiently the cases (for instance, management of cases, working techniques, **techniques for editing sentences /judgments – including the guideline with general models for editing judgements, leaving the judge the possibility to choose his/her personal style**), all of them **for the purpose of administrating the cases with no delay and avoiding useless procedures**³⁴.

And finally, **the component of developing attitudes** should have a special place within initial training. The training of a good magistrate should also focus on developing the professional

³³ Consultative Council of European Judges

³⁴ Endorsement No. 11 (2008) of the CCJE regarding the quality of judgements

motivations and skills, which are necessary for exercising a magistrate profession: he/she should perceive correctly different environments and situations characterizing certain social categories, deprived communities, situations which are favoring discrimination against vulnerable or disadvantaged groups, etc. The future magistrates should learn that besides arriving at a legal and fair solution, they should also consider the human side of justice: recommend the victim to attend some recovery programs which would prevent re-victimization, choose for convicted persons an adequate re-socialization program, and decide, when necessary, to put the witness in a protection program, etc.

To ensure the practical aspect of the training, it is recommended to evaluate the candidates aspiring to become judges and prosecutors, based on case files and not case studies. The evaluation should be focused on drafting specific procedural acts. Also the evaluation could use simulated processes.

5. The use of information accumulated with the tools for measuring the quality of initial training programs so as to increase their efficiency and so as to adjust them continuously to the professionals' training needs represents a priority.

In this respect, the fact that based on the NIJ Board Decision No. 12/8 dated 31.10.2014, the Methodology for identifying the initial training needs was modified (under the reasoning of the large time and resources effort it needs) only after one cycle, meaning that this training needs evaluation for the initial training will be carried out once in three years, and hence the training needs will not be identified and satisfied in real time. NIJ should find some alternative tools for identifying the immediate training needs, which are in permanent change because of changing reality.

6. NIJ should come up with endeavors and undertake institutional efforts so as to ensure continuity over the next few years for participation in the international contest of the European Magistracy Schools THEMIS, an event organized by the European Judges Training Network (EJTN). The THEMIS contest aims to train and exchange knowledge in the area of the European judicial system for the future magistrates, as well as for them to learn good practices of the European law system, representing an important opportunity in establishing a real European perception of the future magistrates. Namely because of the special importance of this participation in order to expose the future magistrates to the European legal culture and learning of this culture, the NIJ participation cannot be subject to the random finding of a last-moment financing. This participation should be included in the NIJ budget and be on the lists of NIJ donors' priorities, so as to be a constant matter and not an exception.

7. The active-participatory methods for which the USAID ROLISP Program provided substantial assistance in relation to training of trainers and development of the Trainer's Manual should be applied in the current training activity on a continuing basis and not only exceptionally. The efforts undertaken in the area of adult training will become sustainable only if these teaching methods and didactical techniques will be accepted and used by trainers to the detriment of the exclusive academic and theoretical approach.

8. NIJ cannot perform its duties without development and consolidation of the trainers' network. Besides the number, it is very important for the NIJ to apply priorities and principles in the area of recruitment and training of trainers, approved by the Trainer's Statute. The tools should be identified which would ensure the coordination of the trainers' network, so as to prevent the risk of non-uniform training and provision of contradictory information. The idea of employing full-time trainers should not be abandoned, as it represents the only option for sustainable institutional development of the NIJ, as well as for building an institutional memory, which would create experience and good practices.

9. The internship should be regulated adequately, so as to ensure its efficiency. It is important as well to institutionalize a system of monitoring the intern during the internship, which would contribute to overcoming the difficulties and to maximum use of the opportunities provided by the internship period. As well, the internship coordinators should be trained and there should be a modality for ensuring uniformity and standardization of the modality for internship organization.

2. Recommendations for continuous training

As for the recommendations formulated by the international expert contracted by USAID ROLISP and covered in the Concept Paper on In-service Training, approved by the NIJ Board Decision, a part of them still need special attention.

1. The focus of the training should shift from quantity to quality. The NIJ assumed the role of training all the professionals from the justice area and this meant multiplication of continuous training activities without the institutional possibility to ensure efficient control of quality.

In this respect, the participants attending the in-service training have identified several situations when the trainer is teaching a topic from purely theoretical perspective, using completely inadequate methods for training adults. The NIJ role in improving case management should be well defined and understood.

Additionally, in the area of continuous training, there should be established some forms of harmonization among the trainers in the same area, in relation to the content of the training (agendas, expressed opinions, etc.) as well as in relation to the individual methods and techniques. Most of the time the planning of continuous training activities is reduced to drafting an agenda, without identifying on scientific bases the target group, general and specific objectives, the training needs and the teaching methods adjusted to these needs.

It is true that there is regulation of the need to conclude curricula only for the in-service training activities lasting for minimum five days, but this should not actually mean that these activities should not follow the strategic planning stages set for a training activity, which starts with determining the real training needs and building up on them.

The methodology for assessing the training needs should be used for developing some efficient training programs. Hence, NIJ should intensify its efforts for obtaining pertinent feedback from the main dialogue partners when developing the in-service training plan.

To ensure the efficiency and accuracy of obtained data, it is also necessary that the process of primary data collection not become purely formal, and those involved in consultations should be aware of the importance of expressing open and sincere opinions related to the debated matters.

2. It is important for NIJ to continue the initiatives of USAID ROLISP and to try to institutionalize the trainings related to “gender equality” and citizens’ friendly courts, based on the extremely positive experience with such training sessions, according to participants’ feedback.

3. NIJ should ensure the sustainability of the assistance provided to NIJ in the area of distance learning, so as to continue developing new e-learning modules, as well as providing within the password-based intranet system some guidelines for administrating the evidences by types of cases, guidelines on how to set punishments in the most frequent cases from courts’ log, as well as guidelines on how to conclude minutes by matters and sets of judgements templates, which would serve as models.

The NIJ site or intranet should provide an electronic system of information, not necessarily impressive from quantity point of view, but systematized and collected so as to facilitate even more the settlement of some specific matters, such as: case law by matters in a very rigorous selection, based on detailed topics (types of actions, problems raise specifically by every type of action); ECtHR case law and that of the Luxembourg Court, grouped not only by articles, but also by specific problems (for instance, reduction of payroll rights, a person arrested during night time, protection of domicile in case of investigations, searches, etc.).

Materials used in initial and in-service training should be standardized, organized by areas and topics in a coherent form, which would be a **source of trustful information**, valuable for the magistrate who is always in a time crisis.

The international standards for every subject should be organized in files on the NIJ site. For instance, the site should have files with: joint curricula developed within the EJTN³⁵, international standards related to ethics and deontology, international standards in relation to justice for minors, EU legislation³⁶ in areas of wide interest (for instance, fees), ECtHR standards in certain areas (for instance, magistrate’s freedom of expression) etc.

³⁵ Civil European Forum Manual – covers training methods and techniques in the area of European law; Curricula for European Civil and Civil Procedural Law; Curricula for European Labor Law; Curricula for European Consumers’ Protection Law; Curricula for Criminal Law; Curricula in foreign languages area; Curricula in the area of trainers’ training, available on <http://www.ejtn.net/en/Resources/>

³⁶ See the section already set in this respect on INM site, <http://www.INM-lex.ro/index.php?MenuID=112>

NIJ should provide the magistrates and trainees a **virtual library**, which would allow any magistrate in the country access to documentary resources in the Institute's premises to.

In such a **virtual library** the following should be available: specialized magazines from the country; specialized magazines from abroad (such examples would be the Dalloz and Westlaw programs); specialized papers which may be read virtually (through a device called "book reader"); legislation programs of the member states or national case law of the member states related to direct enforcement of the European Union law (there is a case law program created by Holland in English, which archives all the judgements); lists of links to the sites of the main international organizations where useful documents or information may be obtained by specific areas.

As well, it is necessary to create a **database accessible through this virtual library, which would make available the results of all exchanges and training activities at the international level**. These extremely costly activities should contribute to the NIJ role of expertise in favor of the judicial system. Every study visit program should be reflected in a report, which should be made public by inclusion in a database **accessible on the NIJ site**. As well, the materials of the training activities attended by the magistrates from the Republic of Moldova should be compiled in a database to be consulted online (if there are no barriers related to copyrights), as well as on hardcopies.

Under the current conditions of economic crisis at the world level, NIJ should prioritize its objectives for developing a **Strategy for distance learning**, which would be a real alternative for the classical training methods, the only method for achieving the increasing training objectives in conditions of decreasing allocated resources. Practically, the classical training actions should be **doubled** by training actions in **e-learning system and virtual courses** under the coordination of one or a number of course mentors, as well as **online conferences' broadcasting via video-streaming**.

The advantages of such training forms are: reduced costs (no transportation, boarding, daily allowance costs), time saving (participants do not have to travel, they may study wherever there is computer and Internet), the training hours may be planned respecting the working program (planning the trials etc.), it is easier to adjust the training and interest level of participants (debutant, specialization, deep learning, etc.) and it allows the participants to study at his/her own rhythm, to develop the capacities of searching for materials, etc. To ensure the success of such a course, it is important to maintain the motivation of participants and attractiveness of the course, because the traditional professional training usually represents, at the same time, opportunities of networking, exchange of opinions with colleagues, etc. The establishment of virtual forums of discussion, the mentor's personal qualities, the quality of the course and setting the goal to take the course (for instance, obtaining a score during the tests of the course, which would give the participants the rights to attend the synthesis course in an attractive location) may contribute to overcoming these disadvantages.

Creation of virtual courses, led by a course mentor and which would combine presentation of the course support in an attractive PowerPoint format with **conferences broadcasted in a**

video-streaming regime, debate forums and interactive dialogue with the course mentor, represents a solution for future.

4. The NIJ role in unifying the judicial practice should be a priority, as the case law uncertainty is contrary to the judicial safety principle, which is the fundamental element of a rule-of-law state.³⁷ The workshops for standardizing the case law should unite practitioners from different courts, to debate and identify a joint viewpoint in solving these problems of law, which received different solutions. Besides, these workshops should end with a concluding **report**, which would reflect the identified problems of non-standardized practice, as well as the solutions suggested by the participants. The report should be published on the NIJ site and sent to the courts. As well, this report will be discussed during the new workshops related to non-standardized practice, which will be organized in the area of reference.

3. Coordination of NIJ donors' activities

From a sustainability point of view, this activity has the potential of being continued, according to the conclusions of the meeting of the Donors' Coordination Committee on June 18, 2015, organized by the NIJ.

Nevertheless, the Donors' Committee should reacquire the role defined through its initial objectives, as described in the Regulation in point 6, respectively:

- a) to examine the priorities of technical and financial assistance of the Institute;
- b) to diversify and intensify the Institute's cooperation with donors in the judicial sector;
- c) to identify available assistance resources in line with the strategic objectives, needs and priorities of the Institute in the area of ensuring qualitative training of persons who contribute to justice enforcement, as well as in the area of improving the activity framework of the Institute;
- d) to define clearly the area of assistance among the Institute's donors, to exclude the duplication of resources allocated by donors for the development and consolidation of the Institute;
- e) to ensure some harmonized interactions between the assistance projects and programs of the Institute and their sustainability;
- f) to ensure the effective use of technical and financial assistance allocated to the Institute for monitoring, reporting, analyzing the performance of projects or programs, and assessing the assistance impact on the Institute's activity.

Awareness should be raised regarding the critical role of this Committee to monitor and evaluate the assistance impact on the NIJ activity. Otherwise it risks being used exclusively for searching for financial support for different activities.

³⁷ Case Beian against Romania, December 7, 2007

4. Improving the visibility the NIJ and its external communication

The need to develop a Communication Strategy, as well as the need to train the NIJ personnel in the area of communication is real, and the USAID ROLISP assistance may contribute to satisfying this institutional need.

5. Improving NIJ managerial practices, organizational structure and recruitment procedures

The draft NIJ Personnel Policy, which represents a system of values and principles to be implemented during the recruitment, selection, employment, training, promotion, evaluation, motivation, dismissal procedures, including other labor relations is a valuable project, which should be continued. NIJ should adopt as soon as possible a document which will define the organizational values, professional ethics, principles of work with employees deriving from the internal and international practice in the area and which are focused on developing the NIJ, the areas of activity with the personnel, the working principles with subordinated employees etc. Recruitment, selection and training of personnel should be regulated according to quality and efficiency principles.

It is also necessary to adopt as soon as possible the job descriptions which would define clearly the duties and responsibilities of every job.

NIJ should harness the knowledge, skills and competences acquired in those 10 courses organized with USAID ROLISP assistance for NIJ personnel (especially, the development and use of indicators, development of institutional management and NIJ personnel recruitment and evaluation system, etc.).

At the same time, when developing the analytical report for budget execution, it is necessary to analyze deeply the factors which contributed to poor execution of the budget by categories of expenses and formulation of proposals for the next budgetary year. It is also necessary to approve the Regulation for internal organization of the budgetary process and implementation of the Financial Management and Control System.