

# THEMATIC REPORT

**Analysis of the integration  
of children's rights  
into the curricula of the  
National Institute of Justice**

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**The content of this Report represents the views of the authors only and is their sole responsibility.**

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## **Abbreviations**

<b>WLC</b>	Women's Law Centre
<b>NCSGA</b>	National Council for State-Guaranteed Legal Aid
<b>NCCAP</b>	National Center for Child Abuse Prevention
<b>CC</b>	Criminal Code
<b>CPC</b>	Criminal Procedure Code
<b>SCM</b>	Superior Council of Magistracy
<b>SCP</b>	Superior Council of Prosecutors
<b>EctHR</b>	European Court of Human Rights
<b>HELP</b>	Human Rights Education for Legal Professionals
<b>NIJ</b>	National Institute of Justice
<b>OPA</b>	Office of the People's Advocate
<b>UNO</b>	United Nations Organization
<b>IS</b>	Information System
<b>CSM</b>	Community Sanctions and Measures
<b>UNICEF</b>	United Nations International Children's Emergency Fund

## Context

According to Law No. 52/2014 on the People's Advocate (Ombudsman), the Parliament appoints two People's Advocates who are autonomous from one another, one of whom is specialized in the protection of children's rights and freedoms.

The People's Advocate for Child's Rights ensures, at national level, that persons holding responsible positions at all levels implement the provisions of the UN Convention on the Rights of the Child and other relevant international treaties to which the Republic of Moldova is a party. In his or her activity, the People's Advocate for Child's Rights is assisted by a specialized subdivision of the Office of the People's Advocate.

The National Institute of Justice is a public institution that carries out the initial training of candidates for the positions of judge and prosecutor, the continuous training of sitting judges and prosecutors, as well as court clerks, judicial assistants, heads of court secretariats, prosecutor's consultants, probation advisors, judges-inspectors within the Judicial Inspection, inspectors within the Prosecutorial Inspection, lawyers who provide state-guaranteed legal aid, and the initial and continuous training of other professionals working in the justice sector, in cases provided for by law.

The institution plays an essential role in the initial and continuous training of justice sector professionals, contributing to the development of a professional, efficient and modern judicial system. It is particularly important for judges, prosecutors, probation advisors and other justice actors to be aware of the trends in jurisprudence in line with the highest (international and regional) standards in the field of protection of fundamental human rights and freedoms. To ensure the quality and continuity of the training process, the NIJ developed mechanisms for the selection and training of trainers, and also adapted digital technologies to facilitate organization of remote training.

In accordance with the Action Plan of the Office of the People's Advocate for 2024 and the Partnership Programme concluded between the Office of the People's Advocate and UNICEF for 2023-2024, the People's Advocate for Child's Rights prepared the Study on the Integration of Children's Rights into the Curriculum of the National Institute of Justice (NIJ).

The purpose of the study is to analyze and evaluate the initial and continuous training programmes of the National Institute of Justice from the perspective of integrating children's rights and to submit recommendations for their improvement.

## Methodology

This study was developed based on a mixed research methodology, which combines qualitative analysis of curricular content with quantitative assessment of the volume and structure of the educational offer, which is relevant to the protection of children's rights within the National Institute of Justice (NIJ).

For the qualitative component, a systematic review of the initial and continuous training plans, training of trainers, publicly available curricula, as well as the NIJ e-learning platform, was carried out. In this regard, course units and modules that integrate children's rights topics were identified, and their content, learning objectives, proposed methods, and the level of specialization of trainers were analyzed. The study did not cover the content of the course materials in the form and volume developed by the NIJ trainers, leaving this aspect to future measures with a well-defined object of research.

The quantitative component was aimed at inventorying all the analyzed curricula, estimating their proportion in relation to the total educational offer, determining the number of theoretical and practical hours allocated to children's rights topics, as well as comparing the planned number with the actual number of beneficiaries of the relevant courses.

The methodology involved:

- **Reviewing official curricular documents** publicly available on the NIJ website, including initial and continuous training plans, detailed curricula and e-learning platforms;
- **Analysing thematic content** relevant to the protection of children's rights, with identification of the number of theoretical and practical hours allocated to these topics;
- **Classifying course units** according to the target group and the specifics of the approach: child victims, child offenders, child witnesses or children involved in judicial proceedings in another capacity;
- **Consulting the internal methodology for developing the Annual Continuous Training Plan**, which involves centralizing requests from the Superior Council of Magistracy, the Superior Council of Prosecutors, selection and evaluation boards, as well as direct beneficiaries;
- **Using official statistical data** provided by competent authorities in the field of justice and child protection to substantiate recommendations for curricular adjustments.

Based on the findings of the curricular and regulatory framework analysis, a separate chapter was developed to provide recommendations for adjusting and strengthening the NIJ educational offer for better integration of the children's rights dimension. These recommendations aim, among others, at diversifying the topics, enhancing interdisciplinary training, developing specialized teaching materials and introducing tools for monitoring the impact of training on judicial practices.

## Chapter 1. Initial Training

Initial training of candidates for the positions of judge and prosecutor is one of the mandatory conditions for appointment to the positions of judge and prosecutor for persons who do not have at least 5 years of professional experience in the legal specialties provided for in Law No. 544-XIII of 20 July 1995 on the Status of Judge and in Law No. 3 of 25 February 2016 on the Prosecutor's Office. The duration of the initial training courses for candidates for the positions of judge and prosecutor is 18 months<sup>1</sup>.

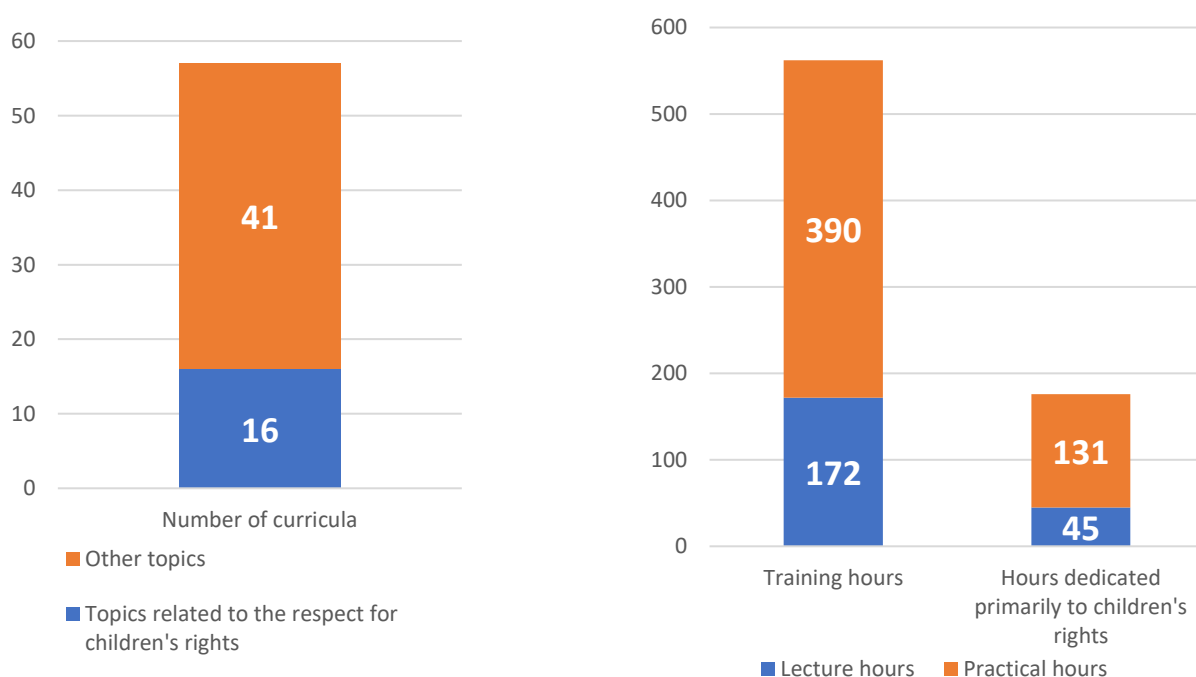
Initial training of judges and prosecutors in the Republic of Moldova is an essential stage in their professional development, and aims to ensure that they acquire the competencies necessary to perform their roles after appointment to the position of judge or prosecutor. At the organizational level, this process is ensured by a specialized subdivision of the NIJ – the Initial Training Section, within the Training and Research Department.

At the functional level, the initial training of candidates for the positions of judge and prosecutor is carried out according to the Initial Training Plan and the curriculum approved by the NIJ Council after coordination, in the manner prescribed by law, with the Superior Council of Magistracy and the Superior Council of Prosecutors.

The training lasts three semesters:

- Semester I. Development of pre-trial professional skills.
- Semester II. Development of professional skills related to the examination of cases on the merits.
- Semester III. Internship for the positions of judge and prosecutor.

Out of a total of 57 curricula publicly accessible and placed on the official website of the institution<sup>2</sup>, 16, which account for 28%, address topics related to the respect for children's rights. In turn, the topics included in these 16 curricula amount to a total of 562 training hours (172 lecture hours and 390 practical hours) of which 176 hours, which account for 31.3%, (45 lecture



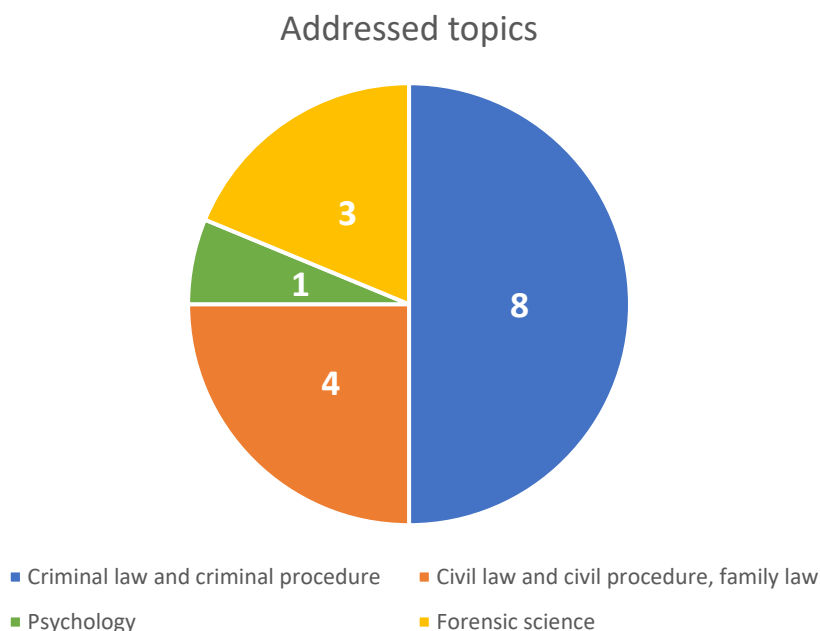
<sup>1</sup> LAW No. 152 of 08-06-2006 on the National Institute of Justice, Art. 13

<sup>2</sup> <https://www.inj.md/ro/curriculum>

hours and 131 practical hours) are dedicated primarily to children's rights.

By branches of law, the topics covered are distributed as follows:

1. Criminal law and criminal procedure (8)
  - Representation of the prosecution in court and participation of the prosecutor in non-criminal procedures;
  - Application of educational coercive measures;
  - Judicial control of pre-trial procedure;
  - Issues of legal classification of certain categories of crimes;
  - Individualization of punishments;
  - Enforcement of criminal court judgements;
  - Conduct of criminal prosecution;
  - Methodology for investigating certain categories of crimes.
2. Civil law and civil procedure, family law (4)
  - Preparation of civil cases for court hearings;
  - Application of protection measures in cases of domestic violence;
  - Examination of civil cases in disputes arising from tort liability;
  - Examination of civil cases in disputes arising from family law (for simulation-based training activities<sup>3</sup>);
3. Psychology (1)
  - Behavioral and investigative psychology.
4. Forensic science (3)
  - Methodology for investigating crimes against sexual life;
  - Methodology for investigating crimes against the family and minors;
  - Methodology for investigating crimes against the life and health of the person.



<sup>3</sup> The last three topics, in the previous version of the Initial Training Plan, were included in the curriculum entitled: Procedure before the first instance/examination of civil cases in the first instance, which included 40 lecture hours and 212 practical hours..

The duration of training per course unit varies from lecture to lecture and ranges from 1 lecture hour for the following topics: Prospects of social reintegration of minors subjected to educational coercive measures (1 hour); **Introductory aspects of the criminal and criminal procedural legal framework on educational coercive measures** (1 hour); Psychological dimensions of minors involved in investigative processes (1 hour), to 4 lecture hours for the following topics: **General characterization** of crimes against the family and **minors**. Types of crimes against the family and minors (4 hours); Sexual acts committed against a person under the age of 16; Grooming of minors for sexual purposes (4 hours); Theoretical and practical aspects of examining civil cases in disputes arising from family law (4 hours); Special methods of hearing witnesses and injured parties (4 hours).

For example, the course: ‘Methodology for investigating crimes against the family and minors’ consists of 4 lecture hours and 12 practical hours. One of the course contents aims to provide a ‘general characterization of crimes against the family and minors’ and to describe ‘types of crimes against the family and minors: Article 201 – Incest, Article 201/1 - Domestic violence, Article 205 Abuse by parents and other persons in the adoption of children, Article 206 Child trafficking, Article 206/1 Use of the results of labour or services of a child trafficking victim, Article 207 Illegal removal of children from the country, Article 208 Involving minors in criminal activity or determining them to commit immoral acts, Article 208/1 Child pornography, Article 208/2 Resorting to prostitution practiced by a child, Article 209 Involving minors in the illegal consumption of narcotic drugs, psychotropic and/or other similar substances, covering a total of 10 elements of the crime. The course content also reflects other topics, such as: Determination of the degree of harmfulness of crimes against minors based on the elements of the crime; Assessing the victim's situation and referring the victim to the available support services (medical assistance, psychological counselling, shelter services, legal aid); Avoiding re-victimization.

When comparing the volume of information in the content with the time allocated to the trainer, it is reasonable to conclude that the trainer will have to condense the information in order to comply with time constraints.

Returning to the course ‘Application of educational coercive measures’, it should be noted that certain aspects of this topic can be addressed or developed in other course contents, such as, for example, the course: ‘Individualization of punishments’ (4 lecture hours and 12 practical hours in total), with the content - *Application of criminal punishment in accordance with the general criteria for individualization of criminal punishment (4 lecture hours)*, which addresses the topic: *Individualization of the punishment applied to minor*, and the course ‘Enforcement of criminal court judgements’, with the content in which the topic: *Sanctions and community-based measures applied to minors*, is addressed.

However, taking into account how complex the subject of diversion and the application of alternatives to imprisonment is, there are sufficient premises to conclude that the 2 lecture hours and 10 practical hours allocated to the course: ‘Application of educational coercive measures’ may be at the lower threshold of what is required for a comprehensive approach to the subject.

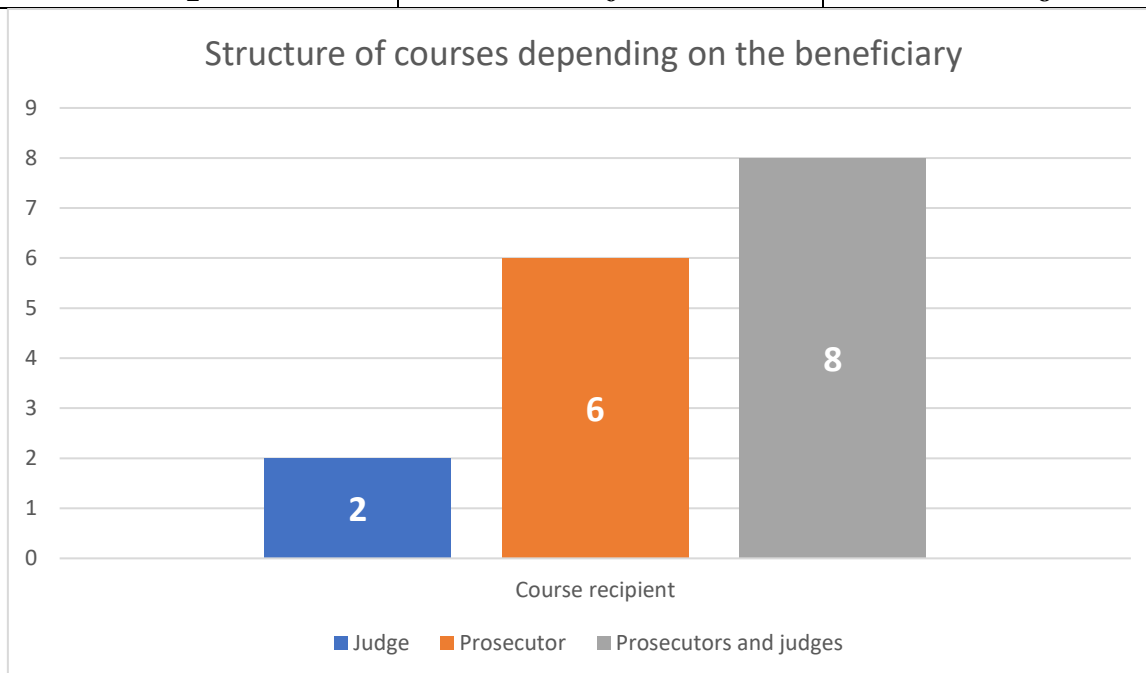
In accordance with the schedule of activities, these training sessions are conducted in mixed groups of future prosecutors and judges or separately.

### **Classification of courses according to the beneficiaries**

Depending on the recipient of the courses, they are structured as follows:

<b>Courses for candidates for the position of judge</b>	<b>Courses for candidates for the position of prosecutor</b>	<b>Courses for candidates for the position of prosecutor and judge</b>
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		<b>(mixed group)</b>
Preparation of civil cases for court hearings	Methodology for investigating crimes against sexual life	Application of educational coercive measures
Application of protection measures in cases of domestic violence	Methodology for investigating crimes against the family and minors	Examination of civil cases in disputes arising from tort liability
	Representation of the prosecution in court and participation of the prosecutor in non-criminal procedures	Examination of civil cases in disputes arising from family law (for training through simulation activities)
	Methodology for investigating crimes against the life and health of the person	Judicial control of pre-trial procedure
	Conduct of criminal prosecution	Issue of legal classification of certain categories of crimes
	Methodology for investigating certain categories of crimes	Enforcement of criminal court judgements
		Behavioral and investigative psychology
		Individualization of punishments
<b>2</b>	<b>6</b>	<b>8</b>



### Distribution of course units according to the target group

In the Republic of Moldova, the wide range of challenges faced by *children in contact with the law* is carried out is addressed through the combined efforts of various actors of the justice system, the public and non-governmental sectors. Therefore, professional training of these professionals also requires a systemic and well-organized approach. In this regard, the NIJ, in particular through the initial training course, ensures the training of future judges and prosecutors, by providing the opportunity to acquire experience and to discuss the most important issues in this field with trainers contracted from the network of trainers.

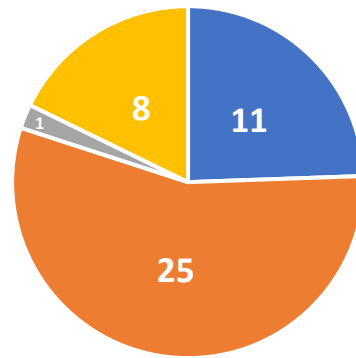
A classification of the course units included in the curricula of the NIJ Initial Training Plan, related to the concept indicated above, may be structured as follows:

**Course units for children in contact with the law**

#		total
<b>Topics concerning children who committed crimes/offences</b>	<ul style="list-style-type: none"> <li>▪ Introductory aspects of the criminal and criminal procedural legal framework on educational coercive measures;</li> <li>▪ General aspects of preventing and combating juvenile delinquency.</li> <li>▪ Contribution of the community and public authorities to the social reintegration of children in conflict with the law who are subject to educational coercive measures.</li> <li>▪ National judicial practice regarding the application of educational coercive measures;</li> <li>▪ Psychological characteristics of the minor. Age crises, behavioral traits;</li> <li>▪ Psychological aspects of lying in juvenile behaviour;</li> <li>▪ Psychological perspective on the stages of hearing children;</li> <li>▪ Tactical and ethical issues related to hearing minors;</li> <li>▪ Personality of the offender. Individualization of criminal punishment in respect of minors;</li> <li>▪ Sanctions and community-based measures – advantages. The role of the community. Application of SCM to minors;</li> <li>▪ Simulation of the procedure for applying preventive measures to minors.</li> </ul>	11
<b>Topics concerning child victims</b>	<ul style="list-style-type: none"> <li>▪ Sexual acts committed against a person under the age of 16;</li> <li>▪ Grooming of minors for sexual purposes;</li> <li>▪ Hearing of child victims under special conditions;</li> <li>▪ Referral of cases to the Integrated High Specialization Service ‘Barnahus’;</li> <li>▪ Age of sexual consent. Vitiating consent;</li> <li>▪ Psychological assessment;</li> <li>▪ Protection of the child victim;</li> <li>▪ Indication of participants whose presence during criminal prosecution actions is mandatory;</li> <li>▪ General characterization of crimes against the family and minors;</li> <li>▪ Types of crimes against the family and minors: Article 201 of the Criminal Code – Incest, Article 201/1 of the Criminal Code – Domestic violence, Article 205 Abuse by parents and other persons in the adoption of children, Article 206 Child trafficking, Article 206/1. Use of the results of labour or services of a child trafficking victim, Article 207 Illegal removal of children from the country, Article 208 Involving minors in criminal activity or determining them to commit immoral acts, Article 208/1 Child pornography, Article 208/2 Resorting to prostitution practiced by a child, Article 209 Involving minors in the illegal consumption of narcotic drugs, psychotropic and/or other similar substances;</li> <li>▪ Examination of reports and initiation of criminal proceedings in cases of the crime of domestic violence;</li> <li>▪ Special subject of the crime – the family member;</li> <li>▪ Factual modalities of the crime of domestic violence;</li> <li>▪ Initiation of criminal proceedings in the absence of a complaint from the victim. Circumstances to be established in the</li> </ul>	25

	<p>investigation of crimes;</p> <ul style="list-style-type: none"> <li>▪ Determination of the degree of harmfulness of crimes against minors based on the elements of the crime;</li> <li>▪ Assessment of the victim's situation and referring the victim to the available support services (medical assistance, psychological counselling, shelter services, legal aid), Avoiding re-victimization;</li> <li>▪ Criminal prosecution actions that cannot be postponed in the investigation of crimes against the family and minors;</li> <li>▪ Ordering of expert examinations in the investigation of crimes against the family and minors;</li> <li>▪ Hearing of the minor before the court;</li> <li>▪ Disputes regarding the application of protection measures for victims of domestic violence;</li> <li>▪ Simulation of the procedure for examining the request for application of protection measures concerning children in situations of domestic violence;</li> <li>▪ Distinguishing crimes against the family and minors from certain related criminal acts;</li> <li>▪ Participation and stages of incomplete criminal activity in the case of crimes against the family and minors;</li> <li>▪ Psychological aspects of the hearing of minor victims;</li> <li>▪ Specific behavior of children subjected to violence, post-traumatic stress and revictimization.</li> </ul>	
<b>Topics concerning child witnesses</b>	<ul style="list-style-type: none"> <li>▪ Hearing of child witnesses under special conditions provided for in Article 110/1 of the CCP;</li> </ul> <p><i>Note: This topic is the most frequently addressed in the course units. Whether in the field of conducting criminal prosecution, representing the state prosecution in courts or the methodology for investigating certain categories of crimes.</i></p>	1
<b>Topics concerning children involved in trials in another capacity</b>	<ul style="list-style-type: none"> <li>▪ Determination of the conditions for filing an action regarding liability for damage caused by a minor;</li> <li>▪ Determination of the place of residence of the minor child;</li> <li>▪ Adoption;</li> <li>▪ Simulation of the examination of civil cases regarding the dissolution of marriage;</li> <li>▪ Determination of the place of residence of the minor child and recovery of child support;</li> <li>▪ Simulation of the examination of civil cases regarding the loss of parental rights;</li> <li>▪ Simulation of the examination of civil cases regarding the establishment, contestation of paternity;</li> <li>▪ Simulation of the examination of civil cases regarding the adoption.</li> </ul>	8

### Course units for children in contact with the law



- Children who committed crimes/offences
- Concerning child victims
- Concerning child witnesses
- Concerning children involved in proceedings with another status

For further information and a more in-depth analysis, see Annex No. 1 Table of the Curriculum provided for by the NIJ Initial Training Plan.

## Chapter 2. Continuing Training

Another form of training provided by the NIJ is continuous training of judges, prosecutors, lawyers and other actors in the field of justice.

The NIJ organizes continuous training courses for the following categories of beneficiaries:

- judges - 9 + 2 (optional)
- prosecutors - 9 + 2 (optional)
- clerks - 5
- judicial assistants - 5
- heads of court secretariats - 2
- prosecutor's consultants - 4
- probation advisors - 2
- lawyers providing state-guaranteed legal aid - 3
- other persons working in the justice sector - 1

when planning courses, a certain number of participants is taken into account:

- judges/prosecutors - 310/237
- judges - 60/20
- prosecutors - 65/x
- clerks + judicial assistants + prosecutor's consultants - 264/216+x
- heads of court secretariats (including clerks)
- probation advisors - 100/96
- lawyers providing state-guaranteed legal aid - 180/187
- other persons working in the justice sector - 42/45

Continuous training of sitting judges and prosecutors is organized annually, and its duration is at least 40 hours, of which 24 hours must be accumulated within the framework of profile/specialty training.

The number of continuous training hours that clerks, judicial assistants, heads of court secretariats, prosecutor's consultants, probation advisors and lawyers who provide state-guaranteed legal aid must accumulate annually is established by the NIJ Council depending on the organizational possibilities and resources of the NIJ.

### Methodology for collecting training needs

All measures provided for the training of NIJ beneficiaries are included in an annual Continuous Training Plan, which is approved by the NIJ Council, by 30 November of the year preceding the training courses.

The Continuous Training Plan is developed using a clear methodology aimed at identifying the training needs of sitting judges and prosecutors. The methodology for determining the needs takes into account various sources of information, 'based on the requests of sitting judges and sitting prosecutors, the proposals submitted by the Selection and Evaluation Board for Judges, the Selection and Evaluation Board for Prosecutors, the Superior Council of Magistracy and the Superior Council of Prosecutors.'<sup>4</sup>

The Continuous Training Plan may also include mandatory courses, established by the Superior Council of Magistracy and the Superior Council of Prosecutors, depending on the needs shared and the legislative or administrative context of the respective year.

Once approved, the Continuous Training Plan is published on the official website of the Institute and is communicated to the competent authorities, i.e. the Superior Council of Magistracy and the Superior Council of Prosecutors, as early as December of the year preceding the courses.

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<sup>4</sup> Art. 30(3) of Law No. 152 of 08.06.2006 on the National Institute of Justice

The training activities from the plans are included in the Information System (IS) of the NIJ. Judges and prosecutors have direct and personal access to the NIJ IS, enabling them to select their educational path each semester, register online, within the available places, and attend 40-80 hours of training per year<sup>5</sup>.

### **Certification**

After completion of the training, each participant receives an electronic certificate of participation in the NIJ IS with an individual identification number. The Superior Council of Magistracy and the Superior Council of Prosecutors, as well as the specialized Boards attached to the respective institutions have direct access to the NIJ IS in the programme of training activities for judges and, respectively, prosecutors and prosecutor's consultants (SCP).

Continuous professional training of judges and prosecutors is delivered taking into account the need for their specialization, with emphasis on the development of professional competencies applied through a multidisciplinary approach, based on high professional ethics, gaining non-legal techniques and skills, unification of judicial practice in priority areas, development of skills to use information technologies in professional activities<sup>6</sup>.

### **Some qualitative assessments of the course contents**

This study examined the (compiled) modular continuous training plans for semester 1 and semester 2 of 2024.<sup>7</sup> It should be noted that the topics related to the protection of children's rights are included in the module: PROTECTION OF MINORS AND DOMESTIC VIOLENCE. The module includes content intended for judges and prosecutors (4 measures planned in total) as well as judicial assistants, clerks and prosecutors' consultants (3 measures planned in total, of which 2 measures with topics relevant to this study).

In total, according to the modular continuous training plans, 17 courses are planned for 2024, including various topics in the field of protection of children's rights, of which 15 courses were repeated in semesters 1 and 2.

Relating the course topics to the target audience, we consider it appropriate to examine the issue of expanding the audience for certain subjects. For example, according to the modular continuous training plan for 2024, the course: 'Preparation of pre-sentence psychosocial assessment reports. Juvenile probation', is intended for 50 probation advisors only. The subject is of undeniable relevance to all professionals involved in juvenile justice. *Inter alia*, the Activity Report of the Prosecutor's Office for 2023 notes: 'The highest rate of custodial sentences is recorded for crimes committed during the probation period and concerns property-related crimes. This is determined by the low rate of application of the pro-active obligations requiring minors' participation in probation programmes, as provided for in Article 90(6)(f) of the Criminal Code, which contributes to reducing the preventive and educational effect of criminal punishment.' The concerns of prosecutors are absolutely justified, as issues related to the application of alternatives to imprisonment, diversion measures and restorative justice still remain a major challenge for contemporary justice.

Certain aspects of criminal justice, such as probation, could be much friendlier to minors in contact with the law, if the application of legal rules by professionals were closer to the spirit of the law.

Article 475 of the Criminal Procedure Code provides that: 'In the course of criminal prosecution and trial of criminal cases concerning minors, in addition to the circumstances provided for in Article 96, the following shall be established: 1) the minor's age (day, month, year of birth); 2) the conditions in which the minor lives and is educated, the level of his or her intellectual,

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<sup>5</sup> <https://www.inj.md/ro/instruire-continuu%C4%83>

<sup>6</sup> <https://www.inj.md/ro/instruire-continuu%C4%83>

<sup>7</sup> <https://www.inj.md/ro/realiz%C4%83ri>

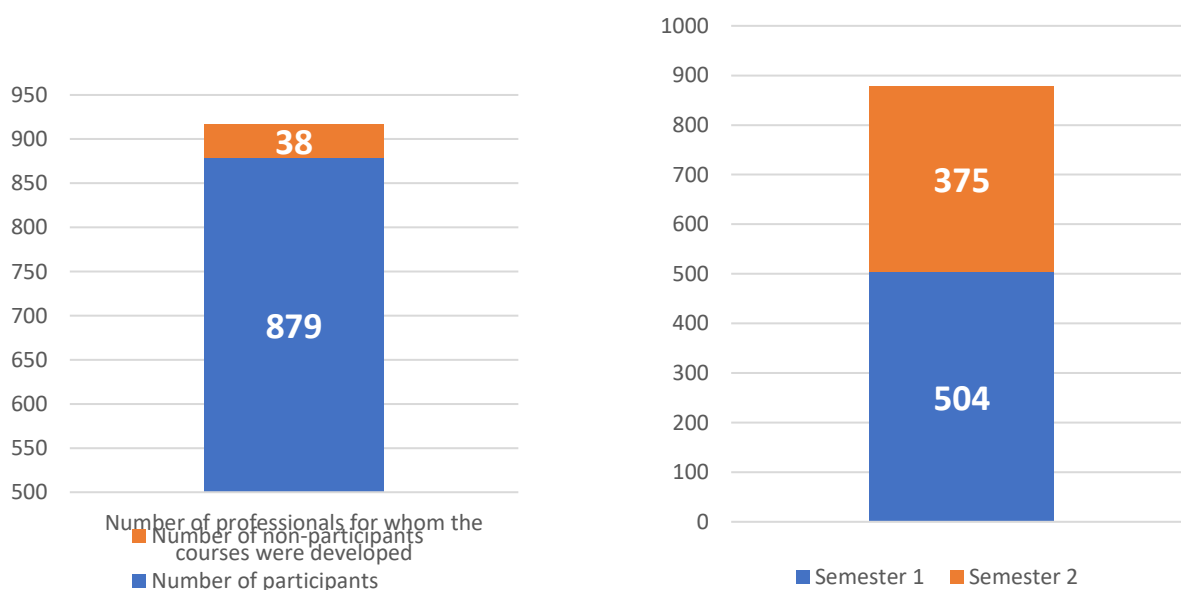
volitional and psychological development, the character traits and temperament, interests and needs; 3) the influence of adults or other minors on the minor; 4) the causes and conditions that contributed to the commission of the crime'. These provisions are of crucial importance for the conduct of proceedings, as they reveal issues that must determine the authorities' response to the harmful act committed by or against a child.

The procedural rule also offers solutions concerning the mechanism for collecting such data: 'For the circumstances provided for in this article, the criminal prosecution body, the prosecutor or, as the case may be, the court shall order preparation of a pre-sentence psychosocial evaluation report of the minor.'<sup>8</sup> Therefore, we consider it reasonable to take into account the possible expansion of the target audience of the aforementioned course to include judges and prosecutors, as a subject for both continuous and initial training.

The Criminal Procedure Code offers a series of possibilities, under advantageous conditions, for minors to resolve the case. Settlement of the case through mediation or reconciliation of the parties<sup>9</sup> is one of the restorative justice tools available to children in conflict with the law, but which is still not popular among professionals. The analysis of the reviewed course contents reveals a lack of mediation-related topics in cases of crimes and offences, although, as mentioned above, mediation is possible in cases involving minors, unlike adults, even for serious crimes provided for in Chapters II–III and V–VI of the Special Part of the Criminal Code. The lack of indicators in the activity reports of the competent authorities may have various explanations, which can undoubtedly be established within the framework of thematic researches. Nevertheless, it is certain that professionals in the field must benefit from thorough and systemic training on mediation and its advantages in the conduct of procedures.

Therefore, taking into account the importance of restorative justice in the context of the general challenges of the national justice system, we consider it appropriate to draw attention to the prospect of developing a special course in this field or, alternatively, addressing the subject within the framework of already existing courses.

The courses were planned for the training of 917 professionals. In practice, according to the NIJ data, 879 professionals participated in the courses: 504 in semester 1 and 375 in semester 2.



<sup>8</sup> Criminal Procedure Code No. 122 of 14.03.2003, Art. 475(4)

<sup>9</sup> Criminal Procedure Code No. 122 of 14.03.2003, Art. 344/1

In most cases, all reserved places were filled, and in some cases the number of participants even exceeded the planned one. This trend proved to be particularly characteristic for groups composed of legal professions other than judges and prosecutors.

However, in other cases (mainly within groups of judges and prosecutors) the courses did not reach the planned number of specialists.

<b>Course</b>	<b>Beneficiaries</b>	<b>Planned number</b>	<b>Actual number</b>
<b>(+ beneficiaries)</b>			
Peculiarities of examining disputes related to establishing the schedule of meetings with the child within the general litigation procedure and the administrative litigation procedure	Lawyers providing state-guaranteed legal aid	60	65
Ensuring respect for the rights of victims of sexual violence and domestic violence	Lawyers providing state-guaranteed legal aid	60	65
Psycho-physiological aspects of minors involved in sexual crimes	Judicial assistants, clerks, heads of secretariats/ prosecutors' consultants	50	71
Peculiarities of investigating and judging crimes of domestic violence/violence against children	Judicial assistants, clerks, heads of secretariats/ prosecutors' consultants	60	83
Methods and tactics of investigating and examining cases of sexual crimes committed through information technologies. Aspects of online abuse of minors.	Judicial assistants, clerks, heads of secretariats/ prosecutors' consultants	60	68
Practical aspects of examining family disputes, including those involving children	Judicial assistants, clerks/ prosecutors' consultants	60	77
<b>(- beneficiaries)</b>			
Peculiarities of resolving family disputes involving minors	Judges	60	20
Psycho-physiological aspects of minors involved in sexual crimes	Judges and prosecutors	60	30
Investigation of sexual crimes committed by and against minors	Judges and prosecutors	60	33
Investigation and examination of crimes of domestic violence	Judges and prosecutors	60	51

In this regard, it is necessary to highlight the considerable efforts made by the Institute, the SCM, the SCP, the General Prosecutor's Office and representatives of the associative sector (WLC), which, due to certain circumstances, are only partially capitalized upon. Things could be easily adjusted, possibly through a needs assessment questionnaire that could be distributed to course beneficiaries.

For more information and a more detailed analysis, see Annex No. 2: Table of Courses included in the Modular Continuous Training Calendar Plan for semesters 1 and 2, year 2024

## Chapter 3. Training of Trainers

The training-of-trainers activity, aimed at the practical and theoretical preparation of the teaching staff by using modern teaching technologies, interactive and participatory teaching methods, information technologies, is one of the basic responsibilities of the NIJ provided for in the Statute of the National Institute of Justice, approved at the meeting of the NIJ Council of 06.06.2007.

The training of trainers is organized in order to prepare a staff capable of delivering initial training to candidates for the positions of judge and prosecutor, as well as continuous training for judges, prosecutors and other persons who administer justice (court clerks, judicial assistants, heads of court secretariats, probation advisors, etc.).

The NIJ teaching staff is formed through the Network of Trainers and is completed by means of a competition organized by the NIJ Council, usually from among sitting judges and prosecutors, teaching staff from higher education institutions, and specialists with professional expertise in other fields necessary for training<sup>10</sup>.

### The network of trainers. Expertise of trainers

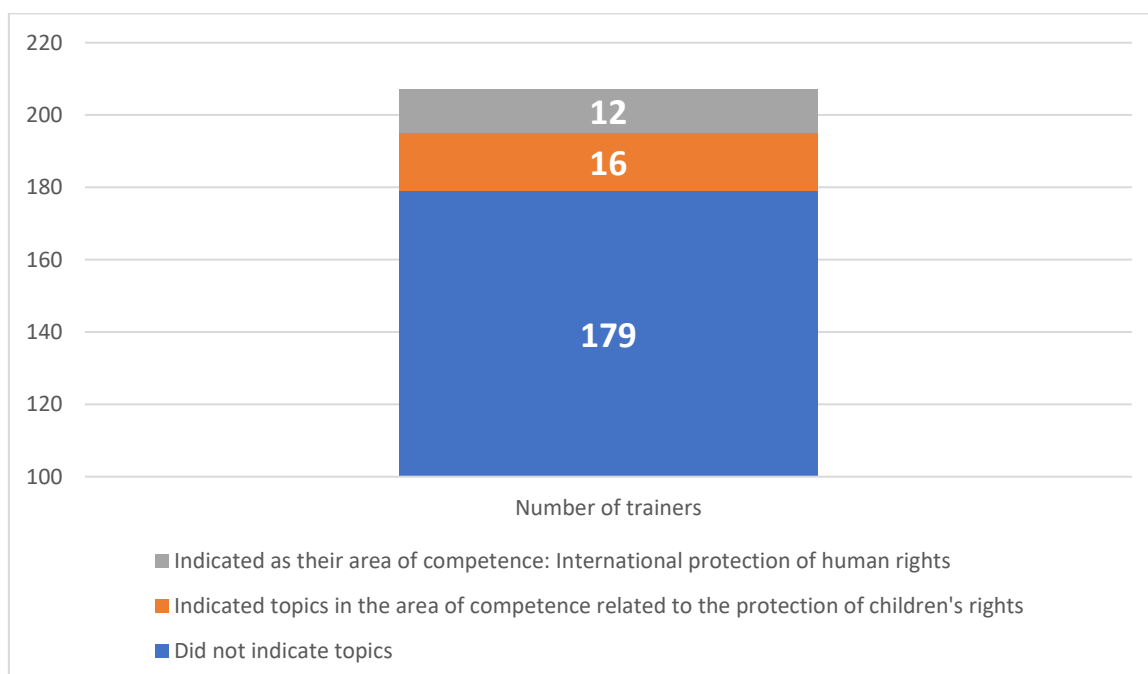
At the time of the study, 207 trainers were registered in the network of trainers of the Institute. Out of this number, 16 trainers declared their expertise in the protection of children's rights.

#	Expertise	Area	Trainer
1.	ECtHR case law on crimes of human trafficking, child trafficking, organization of illegal migration, and other crimes assimilated or related to them	<b>Child trafficking, illegal migration</b>	A. Bucuci
2.	Human trafficking, rehabilitation and protection of victims of crime; Family law and domestic violence	<b>Human trafficking. Domestic violence</b>	M. Ghervas
3.	Combating domestic violence, protection of minors and ensuring effective access to justice	<b>Domestic violence</b>	E. Popa
4.	Criminal law aspects in preventing and combating domestic violence. Investigation of crimes of domestic violence; Child-friendly justice	<b>Domestic violence. Child-friendly justice</b>	M. Gornea
5.	Crimes of sexual abuse of children using information technologies	<b>Child protection in the online environment</b>	I. Degteariov
6.	Investigation of crimes of online abuse and exploitation of children	<b>Child protection in the online environment</b>	L. Popa, S. Rusu
7.	Issues of resolving child return disputes; Issues of resolving family disputes	<b>Child and family protection</b>	R. Pulbere
8.	Human rights and child and family protection (family disputes); Investigation of crimes against the family and minors, concerning sexual life and human trafficking.	<b>Child and family protection</b>	A. Țurcan-Donțu
9.	Investigation of crimes against the family and minors	<b>Child and family protection.</b>	V. Gribincea
10.	Criminal law (domestic violence, crimes against the family and minors, etc.)	<b>Child and family protection.</b>	E. Roșior

<sup>10</sup> <https://www.inj.md/ro/formare-formatiori>

11.	Family law (resolution of disputes regarding the exercise of parental rights / correlation between parents' rights and obligations / protection of children's rights from the perspective of the international legal framework)	<b>Child and family protection. Protection of children's rights from the perspective of the international legal framework.</b>	M. Ganganu
12.	Legal protection of children's rights	<b>Child and family protection</b>	V. Cojocari
13.	Protection of minors (Psychology)	<b>Child and family protection (psychology)</b>	C. Trigub
14.	Criminal procedural law (e.g. preparation of the criminal case for judicial examination, examination of criminal cases on the merits concerning sexual life, crimes against the family and minors); Criminal law (e.g. individualization of punishments, application of educational coercive measures)	<b>Criminal law. Criminal procedural law.</b>	I. Chirtoacă
15.	Exemption of minors from liability and punishment	<b>Criminal law. Probation</b>	I. Mahu
16.	Preparation of pre-sentence psychosocial assessment reports. Juvenile probation	<b>Probation</b>	A. Sorocean

Other 12 trainers (A. Zubco, S. Stratan, C. Ceban, O. Dorul, G. Eremciuc, I. Lealin, T. Papuc, C-E. Polisca, A. Postica, Gh. Renita, O. Rotari, D. Sarbu) indicated their area of expertise as: International protection of human rights.



The training-for-trainers plan for 2024 includes 12 measures. None of these measures contain topics relevant to this study.

## Chapter 4. E-learning

In total, the INJ platform hosts 37 e-learning courses aimed at increasing resources for continuous training, 2 courses for the training of trainers, and 1 course for initial training.

Out of this number, 3 courses address topics dedicated to children's rights.

<b>COURSE:</b>	<b>Child-friendly justice</b>	<b>Child-friendly justice for victims/witnesses of crimes - the multidisciplinary response to the violence against children</b>	<b>Family law and human rights</b>
<b>AUTHOR:</b>	HELP	NIJ, in partnership with the NCCAP and the Ministry of Justice, with the support of UNICEF and the World Childhood Foundation	HELP
<b>TRAINING HOURS:</b>	40 hours	24 hours	40 hours
<b>PARTICIPANTS:</b>	Judges, judicial assistants, clerks, court officers, prosecutors, prosecutor's consultants, NIJ trainers, NIJ officers, lawyers providing state-guaranteed legal aid.	Judges, prosecutors, lawyers who provide state-guaranteed legal aid.	40 judges and prosecutors
<b>GENERAL DESCRIPTION OF THE COURSE:</b>	The course consists of nine modules and addresses children's rights and child-friendly justice, the benefit of extrajudicial procedures in resolving cases involving minors, aspects related to respecting confidentiality in such cases, the main difficulties in interacting with children, the peculiarities and challenges of depriving children of their liberty, violence against children and relevant aspects regarding the specific rights of migrant children.	The e-Course consists of eight modules: 1. Child victim/witness of sexual crimes, child trafficking or domestic violence: definitions, indicators, consequences. 2. International framework on children's right to protection against violence. 3. Principles of child-friendly justice regulated at international level. 4. National normative framework in the	This course is composed of the following modules: Module 1: Introduction to the course; Module 2: Rights associated with couples; Module 3: Relationships between children and their parents and other relatives; Module 4: International child abduction; Module 5: Children's rights: key

		<p>field of protection of the child in contact with the criminal law.</p> <p>5. Hearing child victims/witnesses of crimes under special conditions.</p> <p>6. Child in contact with the criminal justice system in the Republic of Moldova.</p> <p>7. Integrated assistance to child victims/witnesses of crimes (Barnahus model).</p> <p>8. Role and responsibilities of actors in the legal system in the investigation and examination of criminal cases involving child victims/witnesses of crimes.</p>	<p>challenges. The course examines horizontal relationships between people in a couple, from the perspective of both the status of the relationship and the rights that arise from such relationships. A similar approach is applied to vertical relationships between children and parents and other relatives. The course also presents the issues of international child abduction, as well as some key challenges in the field of children's rights, such as protection against sexual abuse or protection of children in the digital environment.</p>
<b>TRAINING STAFF:</b>	NIJ trainers, HELP tutors	NIJ trainers	NIJ trainers, HELP tutors
<b>CERTIFICATION</b>	Beneficiaries who passed the course receive certificates issued by the NIJ.	Beneficiaries who passed the course receive certificates issued by the NIJ.	Beneficiaries who passed the course receive certificates issued by the NIJ.

## **Chapter 5. Conclusions**

The integrated analysis of the educational offer of the National Institute of Justice (NIJ) revealed a real and consistent concern for including the topics of children's rights in the initial and continuous training of justice professionals.

The existing curricular contents address issues relevant to child protection – ranging from the hearing of minors under special conditions (the most frequently addressed topic) to the investigation of crimes against the family and minors (from both procedural and forensic perspectives). These topics are explicitly included in 28% of the analyzed curricula, accounting for approx. 31.3% of the total training hours related to these courses.

Considering the diversity of the topics addressed in the field of criminal, civil and procedural law, this share can be considered significant and demonstrates an institutional commitment to the development of a justice system sensitive to the needs of children. However, the share of hours allocated to these subjects, the degree of specialization of the courses and the practical nature of the training can be expanded and strengthened to respond more effectively to the challenges in the field of protection of children's rights in the contemporary judicial practice.

The evaluation of how the NIJ identifies training needs showed the existence of a stable methodological framework, based on institutional consultation and centralization of thematic requests. However, certain essential areas, such as prompt response of the authorities to causes of juvenile delinquency, restorative justice, application of alternatives to detention, criminal mediation, and preparation of pre-trial reports, remain insufficiently covered or are addressed only sporadically, without systemic continuity between initial training, continuous training and training of trainers. In our opinion, a coherent thematic coverage in these areas will stimulate the formation of an integrated vision of the best interests of the child in the context of the contemporary judicial system.

The conclusions drawn from these findings underlie the recommendations presented in the next chapter, which aim to strengthen legal education focused on child protection, develop a multidisciplinary approach and ensure a coherent framework for continuous and specialized professional training for all actors involved in the administration of justice.

## Chapter 6. Recommendations

**Recommendation No. 1. Widely implement the mechanisms provided for by the Criminal Procedure Code to ensure prompt response to the causes and conditions that contributed to the commission of crimes, violations of the law and human rights.**

### 1. Child Victims

During the 12 months of 2023, prosecutors conducted criminal prosecutions in 898 criminal cases concerning 951 child victims of crimes, compared to 1003 criminal cases in 2022, involving 1,097 child victims, with a decrease in the number of crimes committed against them of 13.31%, compared to the same period in 2022.

A significant number of these crimes are violent in nature, accounting for **76.5%** of all crimes committed against minors (59.07% - in 2022), including 37.76% of sexual crimes (**339** (372-2022) child victims)<sup>11</sup>.

Of the total number of child victims of crimes related to sexual life - 122 children were victims of the crime provided for by Article 171 of the Criminal Code 'Rape' - 128 criminal cases; - 45 child victims of the crime provided for by Article 172 of the Criminal Code 'Violent sexual acts' - 48 criminal cases; - 19 child victims of the crime provided for by Article 173 of the Criminal Code 'Sexual harassment' - 19 criminal cases; - 116 child victims of the crime provided for by Article 174 of the Criminal Code 'Sexual intercourse with a person under the age of 16' - 119 criminal cases; - 21 child victims of the crime provided for by Article 175 of the Criminal Code 'Perverse acts' - 21 criminal cases; - 16 child victims of the crime provided for by Article 175/1 of the Criminal Code 'Grooming of minors for sexual purposes' - 12 cases<sup>12</sup>.

Another category of cases includes **crimes against the family and minors** - **248** (267-2022) children, of whom: - 64 child victims of the crime provided for by Article 201/1 of the Criminal Code 'Domestic violence' - 57 criminal cases; - 84 child victims of the crime provided for by Article 201/2 of the Criminal Code 'Inappropriate fulfilment of parental obligations' - 51 criminal cases; - 14 child victims of the crime provided for by Article 206 of the Criminal Code 'Child trafficking' - 14 criminal cases; - 38 child victims of the crime provided for by Article 207 of the Criminal Code 'Illegal removal of children from the country' - 31 criminal cases; - 37 child victims of the crime provided for by Article 208 of the Criminal Code 'Involving minors in criminal activity or determining them to commit immoral acts' - 38 criminal cases; - 11 child victims of the crime provided for by Article 208/1 of the Criminal Code 'Child pornography' - 11 criminal cases.

**Crimes against public health and social coexistence** - 10 (9-2022) child victims, of whom: - 4 child victims of the crime provided for by Article 209 of the Criminal Code 'Involving minors in the illegal consumption of narcotic drugs, psychotropic and/or other similar substances' - 3 criminal cases. - 6 child victims of the crime provided for by Article 213 of the Criminal Code 'Negligent violation of the rules and methods of providing medical care' - 6 criminal cases<sup>13</sup>.

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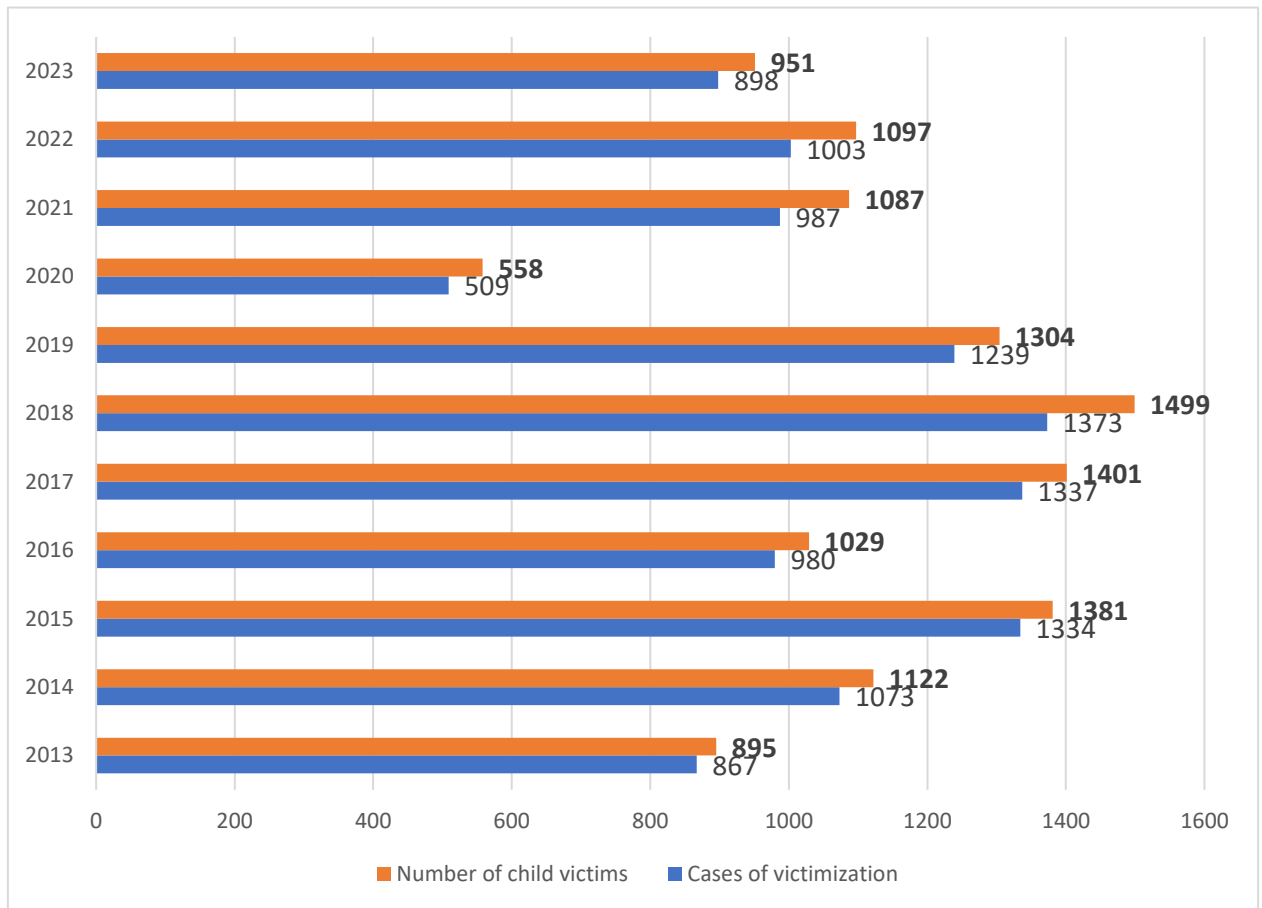
<sup>11</sup> R E P O R T ON THE ACTIVITY OF THE PROSECUTOR'S OFFICE FOR THE YEAR 2023, pages 43-44

<sup>12</sup> Information Note ON THE STATUS OF JUVENILE DELINQUENCY AND ACTIVITY IN THE FIELD OF CHILD SAFETY DURING THE 12TH MONTH OF THE YEAR 2023

[https://politia.md/sites/default/files/informatia\\_privind\\_starea\\_delincventei\\_juvenile\\_si\\_activitatile\\_pe\\_domeniul\\_siguranta\\_copii\\_pe\\_parcursul\\_a\\_12\\_luni\\_ale\\_anului\\_2023.pdf](https://politia.md/sites/default/files/informatia_privind_starea_delincventei_juvenile_si_activitatile_pe_domeniul_siguranta_copii_pe_parcursul_a_12_luni_ale_anului_2023.pdf)

<sup>13</sup> Information Note ON THE STATUS OF JUVENILE DELINQUENCY AND ACTIVITY IN THE FIELD OF CHILD SAFETY DURING THE 12TH MONTH OF 2023

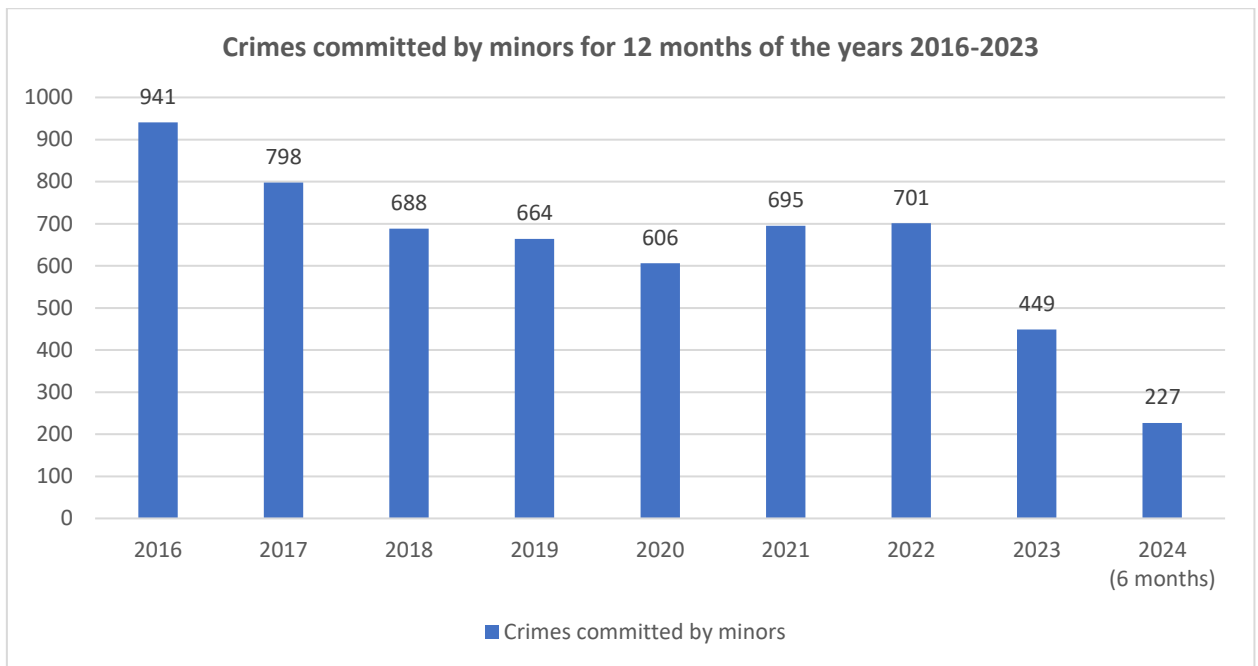
[https://politia.md/sites/default/files/informatia\\_privind\\_starea\\_delincventei\\_juvenile\\_si\\_activitatile\\_pe\\_domeniul\\_siguranta\\_copii\\_pe\\_parcursul\\_a\\_12\\_luni\\_ale\\_anului\\_2023.pdf](https://politia.md/sites/default/files/informatia_privind_starea_delincventei_juvenile_si_activitatile_pe_domeniul_siguranta_copii_pe_parcursul_a_12_luni_ale_anului_2023.pdf)



### Number of child victims of crimes in the period 2013-2023

## 2. Child Offenders

According to statistical data provided by the Information Technology Service of the Ministry of Internal Affairs, over the 12 months of 2023, 21,442 crimes were committed in the Republic of Moldova, compared to 23,889, recorded in the same period of 2022, representing a **10.2%** decrease. During the reference period, 449 (701-2022) crimes were committed by and with participation of children, representing a **35.95%** decrease, compared to the same period of the previous year.



The analysis of delinquency shows that 735 (1039 – 2022) children were involved in the commission of 449 (705 – 2022) crimes, including: - **555** (771 – 2022) children committed less serious crimes; - **103** (188 – 2022) children committed serious crimes; - **62** (74 – 2022) children committed minor crimes; - 9 (3 – 2022) children committed particularly serious crimes; - 6 (3 – 2022) children committed exceptionally serious crimes. The analysis revealed that 735 (1039 – 2022) children were involved in the commission of crimes, of whom 684 (974 – 2022) were boys and 51 (65 – 2022) were girls. Of these, 735 children, i.e. 68.3%, were held criminally liable, **and 3 children, or 0.41%, were released from criminal liability.**

As can be observed in the table above, the number of crimes committed by minors ranges from year to year and shows a general downward trend. However, according to data provided by the police<sup>14</sup>, 227 criminal cases involving crimes committed by minors were registered, representing a 28% increase compared to the same period in 2023, and 253 minors were held criminally liable, showing a 72.18% increase compared to the same period of previous year. Since statistical data for 12 months of 2024 are not yet available at the time of writing this report, no further comparative analysis is provided.

As regards the qualitative analysis of statistical indicators, the latest upward trends lack any explanation in official sources, raising certain concerns and support for the following recommendations. The increase in indicators clearly shows shortcomings in the administration of juvenile justice, which must be identified with the appropriate approach by state authorities responsible for protecting child and family rights.

The above allows us to conclude that, to ensure respect for the rights of the child and to prevent the commission of crimes by minors, all procedural actors in the criminal justice sector, as well as other authorities with direct or indirect responsibilities or those involved in various intersectoral collaboration mechanisms, should be fully engaged in (responsible for) identifying the causes that made the crime possible, regardless of whether the minor is a victim or an offender.

<sup>14</sup> Police Activity Report for 2024, page 13, [https://politia.md/sites/default/files/igp\\_raport\\_activitate\\_6\\_luni\\_2024.pdf](https://politia.md/sites/default/files/igp_raport_activitate_6_luni_2024.pdf)

Prosecutors and judges, in particular, must strictly apply the provisions of the Criminal Procedure Code, given that protection of the rights of minors and identification of the causes that contributed to the commission of the crime are essential for fair justice, and in the case of crimes committed involving minors, it is also mandatory<sup>15</sup>.

It is particularly important to note that justice always works in two directions: a) to ensure prevention and restoration of social equity, and b) for the effective integration of offenders into society.

In the context of protecting children's rights and preventing their involvement in criminal activities, it is important that prosecutors and judges correctly and efficiently apply the provisions of the Criminal Procedure Code, in particular Articles 216, 217 and 218 of the CPC, which lay down clear obligations regarding the identification of the causes and conditions that contributed to the commission of the crime. These provisions are crucial not only for correctly resolving criminal cases, but also for preventing possible abuses or deficiencies in protecting child rights in particular, and for the proper administration of justice in general.

**However, the topic of issuance by the prosecutor and courts of mandatory procedural acts in order to resolve the causes and conditions that led to the commission of crimes, or that resulted in the violation of the law or human rights, is not reflected in the studied curricula.**

We consider it relevant and important to develop the skills of prosecutors and judges to apply, in each case of crimes committed by or against minors, the provisions of Articles 216, 217 and 218 of the CPC, which will really contribute to increasing the degree of protection of children's rights in criminal procedures and will allow, in particular:

### **1. Identification of causes and conditions that contributed to the commission of the crime (Article 216 of the CPC)**

When a minor is involved in a criminal procedure, prosecutors and judges must determine not only the criminal act, but also the causes and conditions that determined the criminal behavior of the minor. It is essential to analyze the family, social, educational and psychological context of the minor, as well as any other factors that may have influenced his or her decision to commit the crime.

### **2. Referring the case to the competent authorities for taking measures (Article 217 of the CPC)**

If causes and conditions are identified that could be remedied to prevent future crimes, it is imperative that prosecutors and judges notify the competent authorities for taking the necessary measures. For example, if unfavorable family conditions, neglect or lack of education are detected, the prosecutor may request the competent authorities to adopt measures to protect the minor, such as placement in a protective family environment or psychological support. Also, in cases where violations of the minor's rights are found, the courts or human rights protection authorities must be notified.

**3. Issuance by the court of the interlocutory ruling to protect children's rights (Article 218 of the CPC)** Courts must be extremely vigilant regarding the respect for human rights, especially in cases involving minors. If violations of the rights of the minor are found during criminal proceedings, the court must issue an interlocutory ruling provided for in Article 218 to inform the competent authorities about the risk situations for the minor and propose measures that can prevent additional harm. The court must also ensure that information regarding the resolution of these cases reaches the prosecutor in a timely manner, so that the necessary measures can be taken.

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<sup>15</sup> Art. 475(3) of the Criminal Procedure Code.

#### **4. Achieving perhaps the most difficult goal of criminal proceedings and criminal punishment, in particular – the responsibility to prevent recidivism**

Application of Articles 216, 217 and 218 of the Criminal Procedure Code is not only a procedural obligation, but also an essential tool to prevent recidivism among minors. By identifying and eliminating the causes that led to the commission of the crime, one can intervene more effectively in preventing future criminal behavior, thus ensuring the reintegration of minors into society in a healthy and constructive way. In the same vein, highlighting the causes and conditions that gave rise to criminal behavior also highlight the causes and circumstances that made the minor to bear the consequences of such behavior.

***Therefore, we consider it relevant that the courses: Peculiarities of judging criminal cases in the first instance; Conducting criminal prosecution; Methodology of investigating certain categories of crimes, specifically address the procedural mechanisms provided for in Articles 216-218 of the CPC in order to increase protection of the rights of minors as a result of criminal procedures.***

#### **Recommendation No. 2. Capitalize on the potential and competence of the probation service to a greater extent in order to achieve an approach focused on the best interests of the child.**

The course: *'Preparation of pre-sentence psychosocial assessment reports. Juvenile probation'*, is intended, according to the Modular Continuous Training Plan, for 50 probation advisors. No other content in the continuous training plan is dedicated to the role of probation in juvenile justice. Likewise, the initial training plan does not include such courses.

Article 475 of the Criminal Procedure Code provides: 'In the course of criminal prosecution and trial of a criminal case concerning minors, in addition to the circumstances provided for in Article 96, the following shall be established: 1) the minor's age (day, month, year of birth); 2) the conditions in which the minor lives and is educated, the level of his or her intellectual, volitional and psychological development, the character traits and temperament, interests and needs; 3) the influence of adults or other minors on the minor; 4) the causes and conditions that contributed to the commission of the crime'. These provisions are of crucial importance for the conduct of proceedings, as they reveal issues that must determine the authorities' response measures to the harmful act committed by the child. The procedural rule also offers solutions concerning the mechanism for collecting these data: 'For the circumstances provided for in this article, the criminal prosecution body, the prosecutor or, as the case may be, the court orders the preparation of the pre-sentence psychosocial assessment report on the minor'<sup>16</sup>.

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<sup>16</sup> Criminal Procedure Code No.122 of 14.03.2003, Art. 475(4)

Law No. 8 of 14.02.2008 on Probation regulates the activity of probation bodies, their organization and functioning ‘in order to prevent recidivism, regulates assistance and counseling

*There will be exponentially increased chances to achieve fairness in the trial if prosecutors and judges know the causes that determined the minor to commit a crime or made him or her a victim. Therefore, we consider it reasonable to propose initiating discussions about a possible expansion of the beneficiaries of the course offered to judges and prosecutors, as a subject for both continuous and initial training.*

for the reintegration of probation subjects into the community’. The regulatory framework regulates several types of probation, including pre-sentence probation. In pre-sentence probation, a pre-sentence psychosocial personality assessment report is drawn up for the suspect, accused, defendant who reached the age of criminal liability. For a minor, the pre-sentence psychosocial personality assessment report must be prepared under the legislation<sup>17</sup>.

**Recommendation No. 3. Examine the possibility of extending the duration of certain courses to ensure a comprehensive approach to topics of high importance for children in conflict with the law.**

### **Application of Diversion Measures**

Diversion measures should be the preferred solution in most cases involving minors. States parties should continuously expand the range of crimes for which such measures may be applied, including, where appropriate, even serious crimes.<sup>18</sup>

In the Republic of Moldova, the situation is somewhat a little different. For example, Article 54 of the Criminal Code provides that ‘(1) A person under the age of 18 who committed a *minor or less serious* crime for the first time may be released from criminal liability in accordance with the provisions of criminal procedure if it was determined that his or her correction is possible without being subject to criminal liability. (2) Persons released from criminal liability under paragraph (1), shall be subject to the educational coercive measures, provided for in Article 104.’ Therefore, Article 54 of the Criminal Code limits the application of this measure only for minor and less serious crimes committed for the first time, which automatically excludes serious crimes, regardless of the circumstances of the case.

Based on the statistical data presented above: ‘The analysis of delinquency (author’s data for the 12-month period of 2023) showed that 735 children were involved in committing 449 crimes, of which: - **555** (75%) children committed less serious crimes; - **103** (14%) children committed serious crimes; - **62** (8%) children committed minor crimes; ... in 417 cases the criminal prosecution was completed, of which 339 cases were referred to court, while in another 14 cases (2%) ‘the criminal prosecution was completed based on Article 54 and Article 104 of the Criminal Code - release of minors from criminal liability with the application of educational coercive measures<sup>19</sup>.’ (in 2022, the release of minors from criminal liability was applied in 7 cases<sup>20</sup>)

<sup>17</sup> Law on Probation No. 8 of 14.02.2008, Art. 8

<sup>18</sup> General Comment No. 24 (2019) on children’s rights in the child justice system, p.16

<sup>19</sup> R E P O R T ON THE ACTIVITY OF THE PROSECUTOR'S OFFICE FOR 2023, page 43

<sup>20</sup> R E P O R T ON THE ACTIVITY OF THE PROSECUTOR'S OFFICE FOR 2022, page 52

The data suggest a minimal application of these measures, which indicates either a reluctance of the judicial bodies to use them, or the lack of clear mechanisms for their application and monitoring. In any case, professionals involved in the administration of criminal justice must be properly trained in the field of existing instruments for the application of diversion measures.

***In the same context, a conclusion shall be made about the need to make the provisions of Article 54 of the Criminal Code more flexible. Certainly, not all serious crimes could be included in the list of components liable not to be incriminated to minors, but new trends in the juvenile justice should be taken into account by the competent authorities in reviewing and improving the regulatory framework, possibly offering the procedural possibility for applying diversion measures to certain serious crimes, if there are mitigating or exceptional circumstances and real premises for rehabilitation.***

### **Individualization of Punishment. Alternatives to Imprisonment**

The juvenile justice system should provide wide opportunities for the application of social and educational measures and strictly limit the use of deprivation of liberty, from the moment of arrest, throughout the procedure and until the sentencing phase. States parties should have a probation service or a similar body with qualified personnel to ensure the maximum and most effective use of measures such as court orders for family guidance and family support, court monitoring orders, probation, community supervision or day reporting centres, as well as the possibility of early release.<sup>21</sup>

The subject is of undeniable interest to all specialists involved in juvenile justice. *Inter alia*, the Activity Report of the Prosecutor's Office for 2023 notes: 'The highest rate of application of imprisonment is for crimes committed during the probation period and refers to property crimes, which is determined by the low share of imposing pro-active obligations on the minor to participate in probation programmes, provided for in Article 90(6)(f) of the Criminal Code, which contributes to reducing the preventive and educational effect of criminal punishment.' The concerns of prosecutors are absolutely justified, as the issues related to the application of alternatives to imprisonment, diversion measures and restorative justice continue to be major challenges for the contemporary justice.

***However, considering how complex the subject of diversion and alternatives to imprisonment is, there are sufficient premises to deduce that 2 lecture hours and 10 practical hours allocated to the course 'Application of educational coercive measures' and 4 lecture hours and 12 practical hours allocated to the course 'Individualization of punishments' are minimum in terms of duration that could be necessary (currently) for a complex approach to the subject.***

In this context, as for the course 'Application of educational coercive measures', it is necessary to note that certain aspects of this subject can be reflected or developed in the content of other courses such as, for example, the course: 'Individualization of punishments' (4 lecture hours and 12 practical hours in total), with the content - *Application of criminal punishment in accordance with the general criteria for individualization of criminal punishment (4 lecture hours)*, in which the subject: *Individualization of the punishment applied to the minor* is addressed, and the course

<sup>21</sup> General Comment No. 24 (2019) on children's rights in the child justice system, p.18

‘Enforcement of criminal court judgements’, with the content in which the subject: *Sanctions and community-based measures applied to minors* is addressed.

## Mediation

The Criminal Procedure Code offers a series of possibilities, under advantageous conditions for minors, to resolve the case. Resolving a case through mediation or reconciliation between the parties<sup>22</sup>, is one of the restorative justice tools available to children in conflict with the law, but which is still not popular among professionals. The analysis of the reviewed course contents indicates the lack of mediation-related topics in cases of crimes and offences, although, as mentioned above, mediation is possible in cases involving minors, unlike adults, even for serious crimes provided for in Chapters II–III and V–VI of the Special Part of the Criminal Code. The lack of indicators in the activity reports of the competent authorities may have various explanations, which can undoubtedly be established within the framework of thematic researches. Nevertheless, it is certain that professionals in the field must benefit from thorough and systemic training on mediation and its advantages in the conduct of procedures.

*Therefore, taking into account the importance of the restorative justice in the context of the general challenges of local justice, we consider it necessary to bring to attention the prospect of developing a special course in this field or addressing the subject within the existing courses.*

### **Recommendation No. 4. Include in the curriculum topics related to minors who committed crimes under the age of criminal liability**

The analysis of the course contents in the Initial Training Plan, the Modular Continuous Training Plan, as well as the topics in the e-training programmes, found the lack of topics dedicated to the response and intervention measures of competent authorities in cases where harmful acts are committed by minors who have not reached the age of criminal liability.

In accordance with General Comment No. 24 (2019) on the rights of minors in the juvenile justice system, it is ‘demonstrated that intensive family- and community-based treatment programmes designed to make positive changes in aspects of the various social systems (home, school, community, peer relations) that contribute to the serious behavioural difficulties of children reduce the risk of children coming into child justice systems. Prevention and early intervention programmes should be focused on support for families, in particular those in vulnerable situations or where violence occurs. Support should be provided to children at risk, particularly children who stop attending school, are excluded or otherwise do not complete their education. Peer group support and a strong involvement of parents are recommended. States parties should also develop community-based services and programmes that respond to the specific needs, problems, concerns and interests of children, and that provide appropriate counselling and guidance to their families.<sup>23</sup> Interventions should be preceded by a comprehensive interdisciplinary assessment of the child's needs. As an absolute priority, minors should be supported within their families and communities. In exceptional cases requiring placement in a care structure outside the family environment, such alternative care should preferably be provided within a family, although in certain cases, placement in residential care institutions may be appropriate as it allows for the provision of all necessary professional

<sup>22</sup> Criminal Procedure Code No. 122 of 14.03.2003, Art. 344/1

<sup>23</sup> General Comment No. 24 (2019) on children's rights in the child justice system, p.9

services.<sup>24</sup> In addition, individual assessments of minors and adoption of a multidisciplinary approach are encouraged. Particular attention should be paid to specialized community services for minors who have not reached the age of criminal liability, but are considered to need support.<sup>25</sup>

In 2023, out of 417 completed criminal cases involving minors, in 9 cases involving 9 minors, criminal prosecution was terminated because the minor offender did not reach the age of criminal liability.<sup>26</sup> Although this represents a small share - 2% of the number of completed criminal cases and 14% of the number of terminated criminal cases during 2023, the issue related to the authorities' response to harmful acts committed by children under the age of criminal liability is relevant in terms of the approach taken by professionals: are these children offenders or children at risk who need support?

*Given the importance of this topic, it is recommended to include it in the courses 'Peculiarities of judging criminal cases in the first instance' and 'Conduct of criminal prosecution', to ensure a unified and professional approach in such situations.*

#### **Recommendation No. 5. Develop the course: 'Juvenile justice: international standards, modern approaches and responsibility of professionals'**

To ensure a better understanding of the problems and challenges in the justice system for minors in contact with the law, in addition to solid knowledge in the field, it is also important for professionals to adopt a child-friendly mindset. This includes a clear vision of the role and responsibility of adults and society as a whole regarding the behavioural pattern adopted by the minor in conflict with the law and the role and responsibility of professionals in providing support to the child (and his or her family) in a crisis situation.

The Committee emphasizes that continuous and systematic training of professionals in the juvenile justice system is essential to ensure compliance with these guarantees. These professionals should be able to work in interdisciplinary teams and should be well-informed about the physical, psychological, mental and social development of minors and adolescents, as well as about the special needs of the most marginalized children.<sup>27</sup>

*Based on the above, we consider it appropriate to develop a general course, aimed at creating models of approach rather than detailing specific topics, intended for all actors of justice trained in the field of juvenile justice, which would be equally valuable for both initial and continuing training.*

To ensure the quality of the administration of juvenile justice, it is essential that all involved professionals receive adequate multidisciplinary training regarding the content and meaning of the UN Convention on the Rights of the Child and other relevant standards. Training should be systematic and continuous, and should not be limited to information on relevant national and

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<sup>24</sup> Ibidem, p.11

<sup>25</sup> Ibidem, p.109

<sup>26</sup> Prosecutor's Office Activity Report for 2023, page.43

<sup>27</sup> Ibidem, p.39

international legal provisions. It should include specific information and new data from various fields, in particular regarding the social and other causes of delinquency; the social and psychological development of minors, including current findings in the field of neuroscience; youth-specific culture and trends; dynamics of group activities; and available diversion measures and non-custodial sanctions, especially measures that allow avoidance of judicial procedure.<sup>28</sup>

## **Indicative Course Content**

The indicative course content may include, but not be limited to, the following topics:

### **Module I: Fundamentals of juvenile justice**

1. Guiding principles of juvenile justice
  - Children's rights in justice: international and national standards
  - UN Convention on the Rights of the Child and General Comment No. 24
  - The principle of the best interests of the child in the justice system
2. Current trends and good practices in the field of juvenile justice
  - European and international models
  - Experiences and innovations in the approach to juvenile justice

### **Module II: Children as subjects of criminal justice**

3. Children who committed criminal acts: from punishment to support
  - Age of criminal liability
  - What is diversion and restorative justice? Advantages of diversion and restorative justice;
  - Tools and good practices of restorative justice:
    - Criminal mediation: how and when can it be applied?
    - Probation programmes
    - The role of facilitating dialogue between the minor and the victim
  - Rehabilitation and social reintegration of minors
4. Child victims and child witnesses in criminal cases
  - Protection of child victims: international and national standards
  - Interviewing child witnesses: methods and good practices
  - Special protection measures for minors during criminal procedures

### **Module III: Re-sizing juvenile criminal justice and alternatives to imprisonment**

5. Alternative to detention: necessity and benefits
  - Negative impact of detention on child development
  - Models of alternative sanctions
  - The importance of community involvement and support services
6. Pre-trial detention and conditions for enforcement of sentences
  - Principles of deprivation of liberty of minors
  - Regime and conditions in juvenile detention facilities
  - International standards on the treatment of minors deprived of liberty

### **Module IV: Children in civil and administrative justice**

7. Children involved in family disputes
  - Determination of residence and visitation rights
  - Division of property and property rights of children

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<sup>28</sup> Ibidem, p.111

- Deprivation of parental rights: criteria and consequences
- 8. National and international adoption
  - Legal procedures and international standards in adoption
  - Child protection in the adoption process
- 9. Children in the social protection system
  - Child protection mechanisms for children at risk
  - The role of social services and the justice in preventing abuse

**Module V: Importance of statistical data and professional training**

- 10. Collection and processing of statistical data on juvenile justice
  - Why are statistical data important for public policies?
  - How can statistics be used to improve interventions?
  - Models for reporting and analyzing data on minors in the justice system
- 11. Role of justice professionals in child protection
  - Awareness raising and continuous training
  - Interdisciplinary approach in juvenile justice
  - Effective communication with minors in judicial procedures

**ANNEX No. 1. Table of the Curricula included in the Initial Training Plan**

	Course	Total number of hours	Course unit	Topic developed within the course unit	Lecture hours	Practical hours	Teaching strategies/ logistical resources	Recipients
1.	<b>Methodology for investigating crimes against sexual life</b>	4/12	<b>Topic 1:</b> Crimes related to sexual life. General characterization. Types of crimes related to sexual life	Sexual acts committed against a person under the age of 16; Grooming of minors for sexual purposes.	4		Interactive lecture (with visual support); Projector/laptop Flipchart Internet access	candidates for the position of prosecutor
			<b>Topic 4.</b> Peculiarities of investigating sexual crimes involving child victims	Hearing of child victims under special conditions Article 110/1 of the CPC. Interviewers. Referral of cases to the Integrated High Specialization Service ' <i>Barnahus</i> '; Age of sexual consent. Vitiated consent. Psychological assessment. Protection of the child victim. Indication of participants whose presence is mandatory during criminal prosecution actions described above and the role of each participant.		2	Seminars Case study Flipchart board Drafting procedural documents	
2.	<b>Methodology for investigating crimes against the family and minors</b>	4/12	<b>Topic 1</b> General characterization of crimes against the family and minors. Types of crimes against the family and minors.	General characterization of crimes against the family and minors. Types of crimes against the family and minors Article 201 of the CC - Incest Article 201/1 of the CC – Domestic violence Article 205. Abuse by parents and other persons in the adoption of children Article 206. Child trafficking Article 206/1. Use of the results of labour or services of a child trafficking victim Article 207. Illegal removal of children from the country Article 208. Involving minors in criminal	4		Interactive lecture (with visual support); Projector/laptop Flipchart Internet access	candidates for the position of prosecutor

			<p>activity or determining them to commit immoral acts</p> <p>Article 208/1. Child pornography</p> <p>Article 208/2. Resorting to prostitution practiced by a child</p> <p>Article 209. Involving minors in the illegal consumption of narcotic drugs, psychotropic and/or other similar substances</p>				
		<p><b>Topic 2</b> Tactics and methodology of carrying out criminal prosecution actions when investigating the crime of domestic violence <b>(General)</b></p>	<p>Examination of reports and initiation of criminal proceedings in cases of the crime of <b>domestic violence</b>. Special subject of the crime – the family member. Factual modalities of the crime of domestic violence. Initiation of criminal proceedings in the absence of a complaint from the victim. Circumstances to be established in the investigation of crimes. Evidence. Criminal prosecution actions that cannot be postponed in the case of investigating domestic violence crimes. On-site investigation. Confrontation. Studying procedural documents taken from judicial practice based on cases presented to the participants, identifying errors made in their preparation. Preparation of documents.</p>		4	<p>Seminars</p> <p><b>Case study</b></p> <p>Flipchart board</p> <p>Drafting procedural documents</p>	
		<p><b>Topic 3</b> Hearing the victim of crimes against the family and minors. Peculiarities of the special procedure in cases with child victims of crimes against the family</p>	<p>Special methods of hearing the victim; Hearing under special conditions – Article 110/1 of the CPC Interviewers. Referral of cases to the Integrated High Specialization Service '<i>Barnahus</i>'; Conditions of confrontation. Types of expert examinations that can be ordered in the investigation of crimes against the family and minors. Cases of mandatory performance of expert examinations; Forensic medical fact founding or expert examination; Ordering and performing psychiatric, psychiatric and psychological expert</p>		2	<p>Seminars.</p> <p><b>Case study</b> .</p> <p>Flipchart board</p> <p>Drafting procedural documents</p>	

				examination; Studying procedural documents, taken from judicial practice, identifying errors admitted in their preparation. Preparing procedural documents based on cases presented to the participants. Analysis of procedural documents prepared by the participants.				
			<b>Topic 4</b> Tactics and methodology of criminal prosecution actions when investigating crimes against minors. Illegal removal of a child from the country. Circuit of child sexual abuse materials (CSAM); Child trafficking;	Procedural aspects in the criminal prosecution of crimes against minors: <b>illegal removal of a child from the country, circuit of child sexual abuse materials (CSAM); child trafficking;</b> <b>Determination of the degree of harmfulness of crimes against minors based on the elements of the crime;</b> Description of the factual elements to be proven within the criminal proceedings. Identification of the criminal prosecution actions necessary to be carried out		4	Seminars <b>Case study</b> Flipchart board Drafting procedural documents	
			<b>Topic 5</b> Hearing of the suspect, the accused in the case of investigating crimes against the family and minors. Arraignment and termination of criminal prosecution. Indictment.	Practical aspects of the conduct of criminal prosecution actions mentioned above. Verification by the prosecutor of the case received from the criminal prosecution body, whether the criminal prosecution is complete, there is sufficient and legally administered evidence; Standard of proof; Arraignment and termination of criminal prosecution. <b>Assessing the victim's situation and referring the victim to the available support services (medical assistance, psychological counselling, shelter services, legal aid).</b> <b>Avoiding re-victimization.</b> Preparation of procedural documents based on cases presented to the participants.		1	Seminars <b>Case study</b> Flipchart board Drafting procedural documents	
<b>3.</b>	<b>Representation of the prosecution in court</b>	10/56	<b>Topic 2</b> Theoretical and practical aspects	1. Importance of the judicial investigation and the role of the prosecutor at this stage.	2	12	Course - lecture	candidates for the

	<b>and participation of the prosecutor in non-criminal procedures</b>		regarding the procedure and tactics of presenting evidence in the prosecution by the prosecutor within the judicial investigation	2. Factors influencing the determination of the order of evidence examination. 3. Hearing of the defendant. 4. Hearing of the other parties. Hearing of witnesses. 5. Hearing of the injured party; <b>6. Hearing of minors;</b> 7. Ordering the expert examination, hearing of the expert. 8. Examination of the physical evidence. 9. Examination of documents and minutes of procedural actions. 10. Submission of additional evidence.				position of prosecutor
4.	<b>Methodology for investigating crimes against the life and health of the person</b>	4/12	<b>Topic 1:</b> Crimes against life and health	Concepts of crimes against life and health of a person. General characterization of crimes against life and health of a person. Types of crimes against life and health of a person. Intentional homicide, homicide committed in a state of passion, <b>infanticide</b> . Deprivation of life at the person's request (euthanasia), deprivation of life due to imprudence, determination to commit suicide.	4		Course - lecture Seminars Case study Flipchart board	For prosecutors
5.	<b>Preparation of civil cases for court hearings</b>	8/8	<b>Topic 3.</b> Peculiarities of the phase of case preparation for court hearings in disputes regarding non-contentious civil relations	Theoretical implications regarding the preparation of the case for court hearings in disputes regarding non-contentious legal relations: - disputes regarding the establishment of facts that have legal value; - disputes regarding the establishment of judicial protection measures; - <b>disputes regarding the application of protection measures for victims of domestic violence</b>	2	2	Course – lecture Projector/laptop Interactive lecture (with visual support); Brainstorming Seminar Study of procedural documents on specific cases	(candidates for the position of judge)
6.	<b>Application of protection measures</b>	8/12	<b>Topic 3.</b> Application of protection measures in	Simulation of the process of resolving the request for the application of protection		2	Simulative activity	(candidates for the

	<b>in cases of domestic violence</b>		cases of domestic violence	measures <b>for children/adults</b> and people with multiple vulnerabilities (people with physical, sensory, intellectual or psychosocial disabilities for whom judicial protection measures are applied) - within the framework of domestic violence				position of judge)
7.	<b>Application of educational coercive measures</b>	2/10	<b>Topic 1</b> Introductory aspects of the criminal and criminal procedural legal framework on educational coercive measures.	1. Legal aspects of educational coercive measures. 2. Evolution and characteristics of educational coercive measures. 3. Comparative aspects of educational coercive measures.	1		Interactive lecture (with visual support); Brainstorming Projector/laptop Flipchart Internet access	(candidates for positions of judge and prosecutor)
			<b>Topic 2</b> Peculiarities of application of educational coercive measures	System of educational coercive measures. Determination of the peculiarities of educational coercive measures. <b>Conditions for practical application of educational coercive measures.</b> Consequences of their non-compliance.		4	Course – lecture Projector/laptop Interactive lecture (with visual support); Brainstorming	
			<b>Topic 3.</b> Prospects of social reintegration of minors subjected to educational coercive measures	1. General aspects of preventing and combating juvenile delinquency. 2. Contribution of the community and public authorities to the social reintegration of children in conflict with the law who are subject to educational coercive measures. 3. Role of educational coercive measures in preventing and combating juvenile delinquency.	1	4	Course – lecture Projector/laptop Interactive lecture (with visual support); Brainstorming	
			<b>Topic 4.</b> National judicial practice with reference to the application of educational coercive measures	National judicial practice regarding the application of educational coercive measures		2	Course – lecture Projector/laptop Interactive lecture (with visual support); Brainstorming	
8.	<b>Examination of the civil case in</b>	4/8	<b>Topic 2.</b> Simulation of the examination of	1. Determining the conditions for filing an action regarding liability for <b>harm caused by</b>	0	2	Seminar Study of	(candidates for the

	<b>disputes that results from tort liability</b>		processes regarding liability for harm caused by a minor.	<b>a minor</b> , by a person in respect of whom a judicial protection measure was established and by a person with diminished capacity.			procedural documents on specific cases. Drafting procedural documents	position of judge )
9.	<b>Examination civil cases in disputes arising from family law (for training through simulation activities)</b>	4/12	<b>Topic 1.</b> Theoretical and practical aspects of examining civil cases in disputes arising from family law	Curriculum for the simulation activities within the module ‘Examination of civil cases in disputes arising from family law’ is focused on the in-depth study by the participants of the first-instance trial procedure in civil cases arising from family law, in particular disputes concerning divorce, <b>determination of the place of residence of the minor child</b> , adoption, deprivation of parental rights, as well as on developing skills for understanding, interpreting, and correctly applying legal provisions  <i>Note: The curriculum does not contain detailed information about course units. The curriculum provides the methodology for organizing the process simulation.</i>	4	0	One or more rooms specially designed for simulation of court trials; Video and audio recording equipment for the court hearing; A room provided with one or more computers and printers; Internet access, office supplies; Judge robes, clerk, lawyers; As appropriate: flipchart, projector.	(candidates for the position of judge)
			<b>Topic 2.</b> Simulation of the examination of civil cases concerning divorce, <b>determination of the residence of the minor child and recovery of child support</b>		0	2		
			<b>Topic 3.</b> Simulation of the examination of civil cases concerning <b>termination of</b>		0	3		

			<b>parental rights</b>					
			<b>Topic 4.</b> Simulation of the examination of civil cases regarding the establishment, <b>contestation of fatherhood</b>		0	3		
			<b>Topic 5.</b> Simulation of the examination of civil cases regarding <b>the approval of adoption</b>		0	3		
<b>10.</b>	<b>Judicial control of pre-trial procedure</b>	24/58	<b>F.1.4.</b> Special methods of hearing witnesses and injured parties	<p>1. General information on special methods of hearing witnesses and injured parties in criminal proceedings.</p> <p>2. Simulation of the witness hearing process pursuant to Article 109 (para.) 3-3/1 of the Criminal Code.</p> <p>3. Simulation of the witness hearing process under Article 110 of the Criminal Code.</p> <p>4. Simulation of the process of <b>hearing a minor witness</b> pursuant to Article 110/1 of the Criminal Code.</p>	4	12	One or more rooms specially designed for simulation of court trials; Video and audio recording equipment for the court session; A room provided with one or more computers and printers; Internet access, office supplies; Judge robes, clerk, lawyers; As appropriate: flipchart, projector, ZOOM software.	(candidates for positions of judge and prosecutor)
<b>11.</b>	<b>Issues of legal classification of certain categories of crimes</b>	4/44	<b>Topic 3.</b> Crimes against freedom, honor and dignity of the person	<b>1.</b> Comparison of some crimes provided for in Chapter III of the Special Part of the Criminal Code with some crimes against property, against the family and	0	4	Case study; Group work; Feedback; Observation	(candidates for positions of judge)

				<p><b>minors</b>, against justice, etc.  2. Specifics of co-authorship, complicity, attempt, etc. in the case of crimes against freedom, honor and dignity of the person.</p>			<p>sheets;  Laptop/smart board;  Studies/procedural documents in electronic form;  ZOOM software.</p>	<p>and prosecutor)</p>
			<p><b>Topic 6.</b> Crimes against the family and minors</p>	<p>1. Characteristic features of the elements and aggravating circumstantial elements of crimes against the family and <b>minors</b>.  2. Distinguishing crimes against the family and <b>minors</b> from certain related criminal acts.  3. Participation and stages of incomplete criminal activity in the case of crimes against the family and <b>minors</b>.  4. Problems of classifying incriminated acts in Chapter VII of the Special Part of the Criminal Code.</p>	0	4	<p>Settlement of practical cases;  Frontal brainstorming;  Individual case study;  Flipchart;  Laptop/smart board;  Worksheets and Evaluation sheets;  ZOOM software.</p>	
12.	<p><b>Individualization of punishments</b></p>	4/12	<p><b>Topic 2.</b> Application of criminal punishment in accordance with the general criteria for individualization of criminal punishment</p>	<p>1. Punishment system;  2. Forms and methods of individualization of criminal penalties.  3. The person of the offender.  <b>Individualization criminal punishment regarding the minor</b>, person who did reach the age of 18, but did not reach the age of 21.</p>	0	4	<p>Course – lecture  Projector/laptop  Interactive lecture (with visual support)  Brainstorming</p>	<p>(candidates for positions of judge and prosecutor)</p>
13.	<p><b>Enforcement of criminal court judgements</b></p>	8/22	<p><b>Theme 3.</b> Alternatives to detention. Sanctions and community-based measures. Community involvement.</p>	<p>Prison sentence and human rights;  Excessive use of detention;  Inappropriate use of alternative measures to detention;  Sanctions and community-based measures – advantages. The role of the community.  Application of SCbM to minors;</p>	3	8	<p>Lecture with Visual support, Power Point, laptop, projector  Course notes  Case study.  Flipchart board.</p>	<p>(candidates for positions of judge and prosecutor)</p>

14.	<b>Behavioral and investigative psychology</b>	4/12	<b>Topic 4.</b> Psychological dimensions of minors involved in investigative processes	<p><b>Psychological characteristics of the minor. Age crises, behavioral traits. Specific behavior of children subjected to violence, post-traumatic stress and revictimization.</b></p> <p>Psychological aspects of lying in juvenile behaviour.</p> <p>Psychological perspective on the stages of hearing children.</p> <p>Tactical and ethical issues related to hearing minors.</p> <p>Psychological aspects of the hearing of minor victims.</p>	1	3	One or more special rooms designed for simulation of evidentiary procedures; Video and audio recording equipment for the actions criminal prosecution; A room provided with one or more computers and printers; Internet access, office supplies; as appropriate: flipchart, projector, ZOOM software.	(candidates for positions of judge and prosecutor)
15.	<b>Conduct of criminal prosecution</b>	32/88	<b>A.2.3.</b> Ordering and application of coercive and preventive measures	<b>7.</b> Simulation of the procedure for applying preventive measures to <b>minors</b> and Military personnel.	12	28	One or more rooms specially designed for carrying out practical activities;	(candidates for the position of prosecutor)
16.	<b>Methodology for investigating certain categories of crimes</b>	40/12	<b>A.3.5.</b> Investigation of crimes against the family and minors	<p><b>1. General characterization of crimes against the family and minors.</b></p> <p>Types of crimes against the family and minors.</p> <p><b>2. Working with the victim</b> of crimes against the family and <b>minors</b>; Informational</p>	4	12	One or more special rooms designed for simulation of evidentiary	(candidates for the position of prosecutor)

			<p>counseling and referral of the victim to protection and support services; pecuniarities of the special procedure in cases involving child victims of crimes against the family and minors;</p> <p>3. <b>Examination of reports</b> and initiation of criminal prosecution in cases of crimes against the family and <b>minors</b>;</p> <p>4. <b>Criminal prosection actions that cannot be postponed</b> in case of investigation of crimes against the family and <b>minors</b>;</p> <p>5. <b>Ordering expert examinations</b> in case of investigation of crimes against the family and minors; Conduct of psychological evaluations of the victim;</p> <p>6. <b>Hearing in special conditions</b> of minor witnesses/victims; Hearing of the suspect, defendant in case of investigation of crimes against the family and minors. Arraignment and termination of criminal prosecution</p>			<p>procedures;</p> <p>Video and audio recording equipment for actions of criminal prosecution;</p> <p>A room provided with one or more computers and printers;</p> <p>Internet access, office supplies; as appropriate: flipchart, projector, ZOOM software.</p>	
<b>total</b>		<b>172/390</b>		<b>45</b>	<b>131</b>		

**ANNEX No. 2. Table of Courses included in the Modular Continuous Training for Semesters 1 and 2 of 2024**

**Indicators:**

*Sem. – Semester;*

*\*\* - The course is repeated in both semesters;*

*Numbers through slash, \_\_/\_\_ - judges/prosecutors;*

#	Name of the activity	Addresses	Planned number of participants Sem. 1 Sem. 2	Actual number of participants Sem. 1 Sem. 2
<b>MODULE: PROBATION ACTIVITY</b>				
1.**	<b>Techniques and methods of working with family aggressors. Prevention of violence against women and children</b>	Probation advisors	25 25	25 24
2.**	<b>Preparation of pre-sentence psychosocial assessment reports. Juvenile probation</b> <b>Content:</b> Identification of factors and perspectives for reintegration according to the case; The concept of juvenile probation, peculiarities of juvenile justice. The process of supervision of minors subjected on probation: categories of minor subjects, assessment, development of the probation plan, implementation of control and assistance actions. Specialized tools for working with minor subjects: probation programmes	Probation advisors	25 25	27 20
<b>MODULE: PECULIARITIES OF PROVISION OF STATE-GUARANTEED LEGAL AID FOR DIFFERENT TYPES OF CASES</b>				
3.**	<b>Peculiarities of examining disputes related to establishing the schedule of meetings with the child in the general litigation procedure and in the administrative litigation procedure</b> <b>Content:</b> Provision of qualified state-guaranteed legal aid in civil cases related to the establishment of a schedule of meetings with the child by the guardianship authority; ECtHR case law with reference to parental authority, child custody and visitation rights; The child's right to express his	Lawyers providing state-guaranteed legal aid	30 30	34 31

	or her opinion during judicial or administrative debates; Provision of qualified state-guaranteed legal aid in civil cases related to the removal of impediments/obstacles in the communication between the parent and the child			
4.**	<b><u>Peculiarities of hearing a minor under special conditions</u></b> <b>Content:</b> Indicators and medium- and long-term consequences of physical and sexual abuse of children. Specific approach to child victims of sexual crimes, child trafficking and domestic violence; Special legal provisions regarding the hearing of minors under special conditions; Practical applications regarding the hearing of minors under special conditions	<b>Lawyers providing state-guaranteed legal aid</b>	<b>30</b> <b>30</b>	<b>32</b> <b>25</b>
5.**	<b><u>Ensuring respect for the rights of victims of sexual and domestic violence</u></b> <b>Content:</b> Legislation of the Republic of Moldova in the field of domestic violence: aspects of civil law and civil procedural law. Application of protection measures in cases of domestic violence in civil proceedings; Application of protection measures in cases of domestic violence in criminal proceedings; ECtHR case law on domestic violence; Protection and assistance services for victims of sexual violence and domestic violence	<b>Lawyers providing state-guaranteed legal aid</b>	<b>30</b> <b>30</b>	<b>33</b> <b>32</b>
<b>MODULE: LAW. PSYCHOLOGY. PSYCHIATRY</b>				
6.**	<b><u>Psycho-physiological aspects of minors involved in sexual crimes</u></b> <b>Content:</b> Indicators and consequences of child abuse (Child abuse, Risk factors; Consequences of abuse; Defense mechanisms; Stockholm syndrome; Resilience and post-traumatic growth/development); General and particular characteristics of abusers (Parenting skills, Child sexual abusers, Grooming and manipulation) <u>Protection of the rights and interests of victims/witnesses at all stages of the investigation and criminal trial.</u>	<b>Judicial assistants, clerks, heads of secretariats/prosecutors' consultants</b>	<b>25</b> <b>25</b>	<b>37</b> <b>34</b>
7.	<b>Council of Europe project: Workshop on GREVIO General Recommendation No. 1</b>	<b>Judges and prosecutors</b>	<b>40</b>	<b>39</b>

	<b>on the digital dimension of violence against women and girls, addressed to prosecutors, judges and criminal prosecution officers</b> <b>Content:</b> Children and the digital dimension of violence			
<b>MODULE: PROTECTION OF MINORS AND DOMESTIC VIOLENCE</b> <b>(for Judicial Assistants, Clerks, Prosecutors' Consultants)</b>				
<b>8.**</b>	<b>Peculiarities of investigating and judging crimes of domestic violence/violence against children</b> <b>Content:</b> Causes of domestic violence and the psychological portrait of the victim and the aggressor. Trauma and the needs of the victim of domestic violence; Peculiarities of judging civil cases with elements of domestic violence; The crime of 'domestic violence', elements of the crime, subjects, aggravating circumstances, liability; Application of protection measures in cases of domestic violence; Investigation of cases of domestic violence: case law, evidence in cases of domestic violence, dangers of mediation and reconciliation in cases of domestic violence; Protection and assistance to victims in cases of domestic violence	<b>Judicial assistants/clerks/prosecutors' consultants</b>	<b>30</b> <b>30</b>	<b>39</b> <b>44</b>
<b>9.**</b>	<b>Methods and tactics of investigating and examining cases of sexual crimes committed through information technologies. Aspects of online abuse of minors</b> <b>Content:</b> Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention); UN Convention on the Rights of the Child; Compliance with the special procedure in cases involving child victims of online sexual abuse; National practices for qualifying acts of online sexual abuse and exploitation: key findings, conclusions and recommendations; Phenomenon of online sexual abuse of children (Victim-centric approach to the case, Normative acts and international recommendations)	<b>Judicial assistants/clerks/prosecutors' consultants</b>	<b>30</b> <b>30</b>	<b>28</b> <b>40</b>
<b>MODULE: PROTECTION OF MINORS AND DOMESTIC VIOLENCE</b> <b>(for judges and prosecutors)</b>				

<b>10**</b>	<b>Investigation of sexual crimes committed by and against minors</b> <b>Content:</b> Indicators and medium- and long-term consequences of sexual abuse of children. Specific approach to child victims of sexual crimes; Specifics of investigation of cases of online sexual abuse of children; Investigation of sexual crimes committed by and against minors; Hearing of children under special conditions.	<b>Judges and prosecutors</b>	<b>30</b> <b>30</b>	<b>21 (9/13)</b> <b>13 (2/11)</b>
<b>11**</b>	<b>Psycho-physiological aspects of minors involved in sexual crimes</b> <b>Content:</b> Indicators and consequences of child abuse (Child abuse, Risk factors; Consequences of abuse; Defense mechanisms; Stockholm syndrome; Resilience and post-traumatic growth/development); General and particular characteristics of abusers (Parenting skills, Child sexual abusers, Grooming and manipulation) <u>Protection of the rights and interests of victims/witnesses at all stages of the investigation and criminal trial.</u>	<b>Judges and prosecutors</b>	<b>30</b> <b>30</b>	<b>18 (6/12)</b> <b>12 (1/11)</b>
<b>12**</b>	<b>Investigation and examination of crimes of domestic violence</b> <b>Content:</b> Causes of domestic violence and the psychological portrait of the victim and the aggressor. Trauma and the needs of the victim of domestic violence; Peculiarities of adjudicating civil cases with elements of domestic violence; The crime of 'domestic violence', elements of the crime, subjects, aggravating circumstances, liability; Application of protection measures in cases of domestic violence; Investigation of cases of domestic violence: jurisdiction, evidence in cases of domestic violence, dangers of mediation and reconciliation in cases of domestic violence; Protection and assistance to victims in cases of domestic violence.	<b>Judges and prosecutors</b>	<b>30</b> <b>30</b>	<b>26 (8/18)</b> <b>25 (9/16)</b>
<b>MODULE: CIVIL LAW AND ADMINISTRATIVE LAW</b>				
<b>13.**</b>	<b>Practical aspects of examining family disputes, including</b>	<b>Judicial assistants, clerks/prosecutors' consultants</b>	<b>30</b>	<b>49</b>

	<p><b>those involving children</b>  <b>Content:</b> Practical aspects and EtCHR standards regarding the establishment of the minor's place of residence. The child's access to justice in these cases. Child custody; Children's departure abroad. Child abduction and return; Practical aspects regarding the establishment/modification of child support; Termination of parental rights, EtCHR standards.</p>		<b>30</b>	<b>28</b>
<b>MODULE: CIVIL LAW AND CIVIL PROCEDURE ASPECTS</b>				
<b>14.</b>	<p><b>The issue of resolving (national/international) adoption disputes</b>  <b>Content:</b> Substantive and formal conditions of adoption  Adoptable child: - establishing the status of an adoptable child; - prohibitions. Adopters: - adopter profile; - prohibitions. Pre-judicial adoption procedure: - assessment of the adopter; - suitability; - entrustment of the child for the purpose of adoption; Judicial procedure: - jurisdictional competence; - subjects of the judicial procedure; - actions of the court to prepare the case for debates; - adopters' file; - child's file. Peculiarities of examining cases of: - national adoption; - international adoption; - adoption between relatives. Court decision: - content of the decision; - cases of motivation of the decision; - effects of adoption; - legal regime of information regarding adoption. Revocation of adoption.</p>	<b>Judges and prosecutors</b>	<b>10/20</b>	<b>15/18</b>
<b>15.**</b>	<p><b>Peculiarities of resolving family disputes involving minors</b>  <b>Content:</b> Establishing the place of residence of minor children. Termination of parental rights; Certification of the child's origin. Establishing/contesting paternity. Establishing the child's right to communicate with parents and other relatives; Determining the child support for the minor. Participation of parents in coverage of additional expenses in favor of the children.</p>	<b>judge</b>	<b>30</b> <b>30</b>	<b>12</b> <b>8</b>

<b>MODULE: CYBERCRIME</b>				
<b>16.**</b>	<b>Spring/Autumn Thematic School: Methods and tactics of investigating and examining cases of sexual crimes committed through information technologies. Aspects regarding online abuse of minors. Content:</b> Vulnerability of children to online sexual abuse and sexual exploitation, Age-related characteristics of children, Risky online behaviors, Forms of manifestation of online sexual abuse, Consequences of online sexual abuse on children, Stereotypes and prejudices among specialists; Peculiarities of crimes in the category of online sexual abuse and exploitation of children; Investigative activity specific to the respective categories of crimes; Profile, motivation and behavior of aggressors;	Judges and prosecutors (sem. 1) Judges and prosecutors (sem. 2)	30 30	29 21(4/17)
<b>MODULE: CRIMINAL LAW AND CRIMINAL PROCEDURE ASPECTS</b>				
<b>17.</b>	Autumn School: Preventing and combating online exploitation and abuse of minors	Judges, prosecutors, OUP, investigation officers, officers of the National Agency for Prevention and Combating Violence against Women and Domestic Violence / General Directorate for the Protection of Children's Rights	42	45
<b>Sem.1</b>			497	504
<b>Sem.2</b>			420	375
<b>Total</b>			917	879
	<b>Tactics, techniques and best practices for interaction with the media</b> <b>We consider it necessary to include a module on the dissemination of sensitive information about minors</b>	prosecutors	30/35	
	<b>Interaction of courts with the media and promotion of trust in justice. Interaction with litigants. Social media.</b> <b>We consider it necessary to include a module on the dissemination of sensitive information about minors</b>	Judicial assistants Clerks Heads of secretariats	4/7/2/21 court officers	