



### **General Information**

- Number of inhabitants: 3.58 million at September 2007.<sup>1</sup>
- Prison population rate per 100,000 inhabitants: 227.
- Link to Probation Service:
  - [www.justice.gov.md](http://www.justice.gov.md) (Ministry of Justice).
- Links to websites:
  - [www.irp.md](http://www.irp.md) (Institute for Penal Reform).
- Moldova is not yet member of CEP.

### **Characteristics of the Probation Service**

- The Directorate for Probation (a government agency created in 2007) is part of the Department for Execution of Judicial Decisions, which falls under the authority of the Ministry of Justice.
- The Directorate for Probation can deal with adults as well as juveniles.
- Within the Directorate for Probation, 42 regional subdivisions (execution agencies) take care of:
  - the probation activities (conducted by judicial executors/probation officers);
  - the enforcement of civil and administrative documents.
- The private Institute of Penal Reform (IPR) is also involved in probation work through projects financed by, amongst others, the Soros-Foundation Moldova (SFM), the Swedish Agency for International Development and Cooperation (SIDA) and UNICEF-Moldova. The probation activities of the IPR are not carried out under the responsibility of the Directorate for Probation. Together with Centres for Community Justice (created by the IPR) and the execution agencies, the IPR is involved in the assistance and counseling of probation clients, preparation of pre-sentence reports regarding minors (persons under the age of 18 years) as well as assistance of persons released from penitentiary institutions.

### **Tasks**

During the pre-trial stage, probation officers are involved in making pre-trial reports (compulsory for minors (all persons under the age of 18 years) and upon request of the prosecutor, court or police for adults). Furthermore, a mediator, who is part of the IPR<sup>2</sup>, can facilitate negotiations between parties and is able to provide active assistance to parties in choosing a convenient solution. The decision to involve a mediator can be taken by the prosecutor, the judge, upon

<sup>1</sup> International Centre for Prison Studies (2009), *Prison Brief for Moldova*. London: King's College. Available online at: [www.kcl.ac.uk/depsta/law/research/icps/worldbrief/](http://www.kcl.ac.uk/depsta/law/research/icps/worldbrief/)

<sup>2</sup> Anno 2010, there is also a Council of Mediators besides the Ministry of Justice.

request of one of the parties or by a lawyer. Within the trial and enforcement stage, the Directorate for Probation is in charge of the enforcement of several community sanctions, like supervision of persons conditionally released from prison and suspended sentence, community work and postponement of the execution of punishments regarding pregnant women who have children under the age of 8 years. With regard to persons staying in penitentiary institutions, probation officers (upon request of the Social-Educational and Probation Service within the institution) provide persons assistance for release from prison. They for instance take care of educational work, are involved in psycho-social therapy programs and develop and deal with professional training.

### **Number of staff in 2007**

- Directorate for Probation (Management):	9
- Staff within the execution agencies:	169
<b>Total:</b>	<b>178</b>

- Daily average number of offenders/clients dealt with: unknown.

### **New developments**

- An important act regarding the development of probation is the law on probation. The Draft Law passed parliament the 14<sup>th</sup> of February 2008 and came into force on the 13<sup>th</sup> of September 2008. The Law stipulates the objective, principles and activity direction of probation. It for example stipulates the cooperation between governmental and non-governmental organizations, including international ones.
- The Action Plan of the Ministry of Justice on the implementation of the Republic of Moldova-European Union Action Plan (which was 'launched' in 2007) addresses a series of activities in probation development. These activities aim amongst others:
  - to improve the legislative framework and mechanism of applying probation;
  - to draft a Bill on probation;
  - to develop and approve the Concept for Probation Service development;
  - to develop instructions for probation officers related to assisting, counselling and supervising within the community;
  - to introduce amendments to the legislation which improve the direct cooperation between probation officers and other authorities;
  - to determine the exact type of probation activities which can be imposed upon juveniles;
  - to develop efficient programs for probation officers in assisting, counselling and supervising juveniles.

## Probation during the different stages of the criminal procedure

	Pre-Trial Phase	Trial and Enforcement Phase	Post Release Phase
Preparing a Social Enquiry report	x		
Mediation/victim support	x		
Supervising / organizing etc. community service		x	
Supervising etc. drug/alcohol treatment programs		x (SP prison)	
Supervising etc. other community sanctions, namely:		x	x
a. fine		x	x
b. deprivation of the right to hold certain positions or to carry out a certain activity;		x	x
c. release from punishment of minors		x	x
d. application of constraint measures of an educational nature		x	
e. unpaid community work;		x	
Pre - sentence report	x		
Supervising etc. sanction of probation		x	x
Supervising etc. suspended sentence		x	x
Supervising etc. semi-detention		x (SP prison)	
Supervising etc. conditional sentence		x	x
Assistance / support to prisoners in prison		x (SP prison)	x
Supervising etc. conditional release/parole		x	x
Advisory report with respect to amnesty / pardon		x	x
Assistance / support to persons who are granted amnesty / pardon.		x	x

This summary is based on the country chapter in the book *Probation in Europe*, the most comprehensive survey of probation systems and services in Europe today. If you wish to order it, please click [here](#).

