

Translation from Romanian into English

*Annex
to the Decision of the Council
of the National Institute of Justice
No. 14/10 of 06.06.2007*

**STATUTE (BYLAWS)
of the
NATIONAL INSTITUTE OF JUSTICE**

CONTENT:

General provisions	4
Attributions of the institute	5
Training activity of the institute	6
Scientific activity of the institute	6
Activity of the institute in the field of international relations	7
Financial activity of the institute	7
Governing bodies of the institute and their attributions	8
Structural subdivisions of the institute	
Institute's personnel	
Institute's audients	

STATUTE (BYLAWS)
of the National Institute of Justice

I. GENERAL PROVISIONS

- 1.1. The National Institute of Justice (hereinafter referred to as *Institute*) is a public institution that carries out the initial training of the candidates for the positions of judge and prosecutor, the continuous training of the judges in office and of the prosecutors in power, of the registrars, of the judiciary assistants, of the heads of the secretariats of the courts, of the prosecutor's consultants, of the probation counselors, of lawyers who provide guarantee state legal assistance, as well as the initial and continuous training of other persons working in the justice sector, in the cases provided by the legislation.
- 1.2. The Institute carries out its activity according to the international treaties to which the Republic of Moldova is a party, to the Constitution of the Republic of Moldova, to the Law on the National Institute of Justice, present Statute (Bylaws) and other normative acts. Because the Law on the National Institute of Justice establishes the provisions and the institutional framework of the Institute, this Statute reaffirms the corresponding law provisions.
- 1.3. The Institute has legal personality, has the stamp with the image of the State Emblem of the Republic of Moldova and with the name of the Institute, has its own name, its own symbolic, approved by decision of the Institute's Council, budgetary and extra budgetary accounts, including currency, at the State Treasury.
- 1.4. The legal address of the Institute: Chisinau municipality, 1 Serghei Lazo St.
- 1.5. The Institute has administrative, scientific and didactic autonomy.
- 1.6. The Institute has its own assets, consisting of:
 - a) goods transmitted for use in the established manner;
 - b) goods acquired from its own funds;
 - c) the results of the activity performed on a contractual basis;
 - d) donations and sponsorships from natural and legal persons from the country and from abroad, approved by the Institute's Council;
 - e) other sources not prohibited by law.
- 1.7. The goods of the Institute can be alienated only with the Council's consent, according to the law.
- 1.8. The Institute has its own transport units for the fulfillment of the functional attributions, with the annual limit at the level of the Supreme Court of Justice.
- 1.9. Funding of the Institute is made from:
 - a) the means provided separately in the state budget;
 - b) the means obtained by initial and continuous training, on a contractual basis, of other persons who contribute to the justice, in the cases provided by the legislation;
 - c) income obtained from the international collaboration, as well as from the donations of individual and legal entities from the country and from abroad;
 - d) other sources of funding, not forbidden by law, which do not prejudice the activity and autonomy of the Institute and do not prevent the achievement of the basic attributions.

- 1.10. The income earned in accordance with let. b) and d) p. 1.6 of this Statute shall be directed for the improvement of the technical-material basis of the Institute, to granting supplements to the salary of the administrative and teaching staff of the Institute, as well as to the coverage of other expenses provided by the legislation in force.
- 1.11. The Institute collaborates with the scientific institutions and with the higher education institutions, which perform the training of specialists in the field, with other similar institutions from abroad, as well as with various national and international bodies.
- 1.12. The Institute certifies the initial and continuous training of the judiciary staff by issuing attestations and certificates, according to the Law on the National Institute of Justice.

II. ATTRIBUTIONS OF THE INSTITUTE

2.1. Basic attributions:

- a) initial training of the candidates for the positions of judge and prosecutor;
- b) continuous training of the judges in office and of the prosecutors in power;
- c) continuous trainings of registrars, of the judiciary assistants, of the heads of the secretariats of the courts, of the prosecutor's consultants, of the probation counselors, of lawyers who provide guarantee state legal assistance;
- d) organizing and conducting exams for persons with 5 years length of service in legal specialties, provided by Law no. 544-XIII of July 20, 1995 on the status of the judge and Law no. 3 of February 25, 2016 on the Prosecutor's Office (hereinafter referred to as - *persons who are candidates for the office of judge or prosecutor on the grounds of their length of service*);
- e) training of trainers.

2.2. The Institute can also exercise attributions regarding:

- a) initial and continuous training, on a contractual basis, of other persons working in the justice sector, in the cases provided by the law;
- b) organizing and holding roundtables, meetings, conferences, etc. with the participation of the representatives from different bodies that contribute to the achievement of justice;
- c) international cooperation in the field of training, development of scientific activity and training of trainers;
- d) elaboration, editing and publishing didactic materials and other materials elaborated in the process of activity;
- e) conducting scientific research studies in the field of law and justice, publication of completed studies, of didactic materials and other materials elaborated in the process of activity;
- f) editing publications: monographs, collections of scientific papers, textbooks, course materials and other teaching materials;
- g) editing periodical scientific, practical, informative and legal publications;
- h) creating and maintaining the audients' database;
- i) dissemination of knowledge in the field of justice and the results of scientific researches carried out in this field in the country and abroad;
- j) informing the general public about the results of the Institute's activities;
- k) developing, maintaining and updating the Institute's website.

2.3. The Institute may also perform other duties necessary for the exercise of its functions.

2.4. In order to fulfill the attributions established by this law, the Institute has the right to process personal data.

III. TRAINING ACTIVITY OF THE INSTITUTE

3.1. The training activity of the Institute comprises:

- a) initial training of candidates for the positions of judges and prosecutors;
- b) continuous training of the judges in office and of the prosecutors in power, continuous trainings of registrars, of the judiciary assistants, of the heads of the secretariats of the courts, of the prosecutor's consultants, of the probation counselors, of lawyers who provide guarantee state legal assistance as well as the training of other persons who work in the field of justice, in cases provided by law;
- c) organizing and monitoring the internships of candidates for the positions of judge and prosecutor;
- d) attestation of initial training and certification of continuous training;
- e) training of trainers;
- f) other activities necessary for the exercise of its functions.

3.2. The training activity of the Institute is oriented towards the practical and theoretical applicative training of the audients, to the use of modern didactic technologies, interactive and participative methods of the informational technologies.

3.3. The training within the Institute is conducted in accordance with curricula and educational plans approved by the Institute's Council. The educational plan shall be coordinated, in advance, with the Superior Council of Magistracy, the General Prosecutor's Office and, as the case may be, with the Ministry of Justice.

3.4. The training process is done in separate and mixed groups. The training of the candidates for the positions of judge and prosecutor in mixed groups is decided by the Institute's Council.

IV. SCIENTIFIC ACTIVITY OF THE INSTITUTE

4.1. Basic tasks of the Institute's scientific activity are:

- a) conducting scientific research studies in the field of law and justice, publication of achieved studies, didactic materials and other materials elaborated in the process of activity;
- b) conducting scientific studies in order to ensure monographs, collections of scientific papers, textbooks, course materials and other teaching materials of the initial and continuous training of the audients;
- c) stimulating the participation of the Institute's audients in the scientific activity;
- d) conducting comparative studies in the context of the European integration and adapting the judiciary system of the Republic of Moldova to the European standards;
- e) conducting studies in the field of judicial theory and practice, in the light of the evolution of the judicial reform and of the need to create adequate scientific support for its development;
- f) other tasks related to the scientific activity of the Institute.

4.2. The scientific activity is carried out based on special programs, preliminarily selected and approved by the Institute's Council.

V. ACTIVITY OF THE INSTITUTE IN THE FIELD OF INTERNATIONAL RELATIONS

- 5.1. The Institute's activity in the field of international relations comprises:
- a) the international collaboration in the field of professional training and improvement of the justice staff, in order to ensure the conditions for the implementation of the international experience in the accomplishment of justice;
 - b) negotiating and concluding, in accordance with the law, with similar institutions from abroad and donors' contribution, cooperation agreements on training of trainers, continuous and initial training, etc .;
 - c) applying the experience of similar foreign and international institutions to the elaboration of policy and creation of the legal framework for the Institute's activity;
 - d) sending abroad for studies and enrollment in studies, within the Institute, of foreign students based on interstate agreements;
 - e) carrying out joint educational and research projects with partners from abroad;
 - f) informing the judiciary staff of the Republic of Moldova on the international practices in the field of justice.

VI. FINANCIAL ACTIVITY OF THE INSTITUTE

- 6.1. The expenditure norms and the use of budgetary and extra-budgetary means for organizing and conducting courses, seminars and other forms of educational, research and training activities of the Institute's trainers are stipulated in the Regulation on continuous training, approved by the decision of the Institute's Council, in the Decision of the Government no. 211 of 29.02.2016 regarding the approval of the Nomenclature and the tariffs of the services rendered for payment by the National Institute of Justice, as well as the Regulation on the formation and use of the revenues collected by this.
- 6.2. The Institute, at the stage of the budget proposals, as well as in the preparation of the financing plans and expenditures, will provide for the necessary expenses according to the norms established and confirmed by the calculations and the explanatory note.
- 6.3. The audients delegated to continuous training courses outside the municipality of Chisinau shall be provided, according to the law, by the institution that delegated them:
- a) per diem in the amounts established by the normative acts in force regarding the compensation of the expenses of the employees delegated for work purposes;
 - b) payment of round trip travel expenses.
- 6.4. The Institute will bear expenses for internships, documentation and training visits in similar institutions from abroad.

VII. GOVERNING BODIES OF THE INSTITUTE AND THEIR ATTRIBUTIONS

- 7.1. The Council is the supreme governing body of the Institute and is formed in accordance with the Law on the National Institute of Justice.
- 7.2. The Council of the Institute convenes in ordinary meetings once a quarter.
- 7.3. The Council shall convene in extraordinary meetings at the request of the President of the Council or of a third of the members.

- 7.4. The meetings of the Council shall be chaired by the President of the Council. In the absence of the president, the meeting is chaired by the member appointed by the president of the Council or, as the case may be, by the member chosen from among those present at the meeting.
- 7.5. The Council's meetings are public. At the motivated request of the President of the Council or of at least five of its members, the Council may decide that the meeting be closed. The meetings are deliberative if most of the members participate.
- 7.6. The Director is obliged to assist at the Council's meetings, having the consultative vote.
- 7.7. At the request of the President of the Council or of a third of its members, at the Council's meetings may assist representatives of donor institutions and invited experts.
- 7.8. The decisions of the Council shall be adopted by majority vote of the members of the Council and shall be signed by its president. The decisions on the curricula and the educational plans for judges and prosecutors are considered to be adopted if for these have voted the majority of the members of the Council among the judges, respectively - among the prosecutors.
- 7.9. The works of the Council meetings are written down in a minutes, which is signed by the president and the secretary.
- 7.10. The attributions of the Institute's Council in the field of organization of the Institute's activity, in the field of initial training of candidates for the positions of judge and prosecutor, of the continuous training of the judges in the function and of the prosecutors in office, of the registrars, of the judiciary assistants, of the heads of the secretariats of the courts, of the prosecutor's consultants, of the probation counselors, of lawyers who provide guarantee state legal assistance, in the field of organizing exams for persons who are candidates for judges or prosecutors based on their length of service, as well as those related to the initial and continuous training of other persons working in the justice sector are stipulated in art. 7 of the Law on the National Institute of Justice.
- 7.11. The current management of the Institute's activity is ensured by the Director.
- 7.12. The director's candidature is selected on the basis of a competition among the persons who have a completed Bachelor's degree diploma in law, public administration or management, or its equivalent, and whose professional qualifications and work experience in the last 7 years are appropriate for the fulfillment of the Institute's attributions.
- 7.13. The Director is appointed by the Council for a term of five years, without the possibility of exercising two consecutive terms of office.
- 7.14. The Director shall cease to work upon the expiry of his term of office and in the event of resignation or death. The Director may be revoked, based on the Council's decision, at the proposal of one third of the number of Council members in cases of serious violation of legislation, finding insufficient qualifications or systematically committing disciplinary irregularities.

- 7.15. The Director ensures the current management of the Institute's activity and exercises the main attributions stipulated in art. 9 par. (4) of the Law on the National Institute of Justice.
- 7.16. Under the director's supervision works a counselor, appointed and dismissed by the director, in accordance with the law.
- 7.17. The Director is assisted by a Deputy Director, appointed by the Council, at the proposal of the Director, among the persons who have a completed Bachelor's degree diploma in law, and whose professional qualifications and work experience in the last 5 years are appropriate for the fulfillment of the Institute's attributions.
- 7.18. The Director of the Institute establishes, by order, the duties of the Deputy Director.
- 7.19. In the absence of the Director, the Deputy Director exercises his duties.
- 7.20. If a Judge or a Public Prosecutor has been appointed as Director or Deputy Director, the Council of the Institute will request the Superior Council of the Magistracy or, as the case may be, the General Prosecutor's Office, his/her detachment for the duration of the respective function. The period of detachment does not interrupt the term for promotion in grade or, as the case may be, classification, and for the judges - for appointment in office until reaching the age limit.

VIII. STRUCTURAL SUBDIVISIONS OF THE INSTITUTE

- 8.1. The Institute shall establish:
- a) Training and Research Directorate;
 - b) Legal Information Center;
 - c) Economic-administrative Directorate;
 - d) Human Resources and Documentation Section;
 - e) International Relations Department;
 - f) Non-legal abilities, public relations and editing section

IX. INSTITUTE'S PERSONNEL

- 9.1. The staff of the Institute consists of trainers, administrative staff and auxiliary staff.
- 9.2. The Institute's trainers are selected on the basis of a competition, according to a transparent procedure established by the Council and are included in the network of the Institute's trainers.
- 9.3. The trainers are selected from the best professionals among judges, prosecutors, law higher education teaching staff, and other specialists who work in fields that are the subject of initial and continuing training courses organized by the Institute.
- 9.4. The selection of trainers is based on the following criteria:
- a) didactic experience in specified training fields approved by the Council;
 - b) professional experience;
 - c) published works;
 - d) reputation in the field in which they operate;

e) integrity.

- 9.5. In order to ensure the initial training or continuous training, specialists from a certain field are invited. The Director of the Institute disposes their invitation on a contractual basis.
- 9.6. In relation to the trainers working in the Institute are applied the rules laid down for teachers in higher education to the extent that no special rules are laid down. The didactic norm for the Institute's trainers is established by the Government. The Institute's trainers are remunerated on a contractual basis in the manner established by the Government.
- 9.7. The Council establishes the quota of the teachers' teaching activity.
- 9.8. In order to be active within the Institute, there can be detached judges and prosecutors, who are paid according to the provisions of the special laws regulating their status.
- 9.9. The remuneration of the administrative and auxiliary staff of the Institute is carried out on the basis of staffing personnel, approved by the Council's decision, and according to Law no. 152-XVI of 08.06.2006 on the National Institute of Justice, Law no. 355-XVI of 23.12.2005 on the salary system in the budgetary sector.
- 9.10. The conditions for the election and appointment of the Institute's staff are laid down in the Law on the National Institute of Justice.
- 9.11. The Director, the Deputy Director and other administrative staff within the Institute, who meet the conditions set for the trainers, can carry out part-time didactic activity.
- 9.12. The duties, obligations, attributions and responsibilities of the Institute's staff are laid down in the Rules of Internal Order and Position Descriptions, approved by the Director of the Institute.
- 9.13. The staff of the Institute has a badge, the model of which is approved by the Institute's Council.

X. INSTITUTE'S AUDIENTS

- 10.1. From the office, the Institute's audients are the judges, prosecutors, registrars, judiciary assistants, heads of the secretariats of the courts, prosecutor's consultants, probation counselors, lawyers who provide guarantee state legal assistance, as well as candidates for judge and prosecutor positions, enrolled in studies by order of the Director, issued on the basis of the decision of the Institute's Council regarding the approval of the results of the admission contest.
- 10.2. Other categories of persons working in the justice sector may be audients of the Institute on a contractual basis, in the cases provided by law.
- 10.3. Admission to the initial training within the Institute is done exclusively on a competitive basis, in compliance with the principles of transparency and equal rights of all candidates for the positions of judges and prosecutors. The manner and conditions for

conducting the competition are stipulated in the Regulation regarding the organization of the admission contest within the Institute.

XI. FINAL AND TRANSITIONAL PROVISIONS

The amendment of this Statute (Bylaws) shall be made by decision of the Council, at the proposal of the Director or of 1/3 of the number of members of the Institute's Council.