

**Questionnaire: perception of judges on independence and efficiency of the judiciary system in the Republic of Moldova**

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Date: |\_\_|\_|      Month:|\_\_|\_| 2015

Number of the questionnaire: |\_\_|\_|\_|\_|\_|

Dear Madam/Sir,

This questionnaire was drawn up to carry out the survey on the perceptions of stakeholders in the justice system regarding the independence, efficiency and accountability of the judiciary in the Republic of Moldova. The survey is carried out within the project „Increasing efficiency and transparency of the judiciary system in the Republic of Moldova”, implemented by the Legal Resources Centre from Moldova (LRCM).

The objectives of the survey are to collect and analyze the perceptions of key stakeholders in the justice field - judges, prosecutors and lawyers - on the independence, efficiency and accountability of the judiciary, including the impact of legislative changes adopted for the implementation of the Justice Sector Reform Strategy 2011-2016. The survey also aims to identify areas of intervention in the legislation, public policies and practices that could improve the independence, efficiency and accountability of the judiciary. The results of the survey will be presented to the public, including policy-makers that could use the survey findings to develop public policies, legislation and other relevant measures.

The opinion and experience of the judges that we consult through this survey is particularly important for informing the decision makers responsible for developing public policies, drafting legislation and other measures to strengthen the independence, efficiency and accountability of the judiciary. You are not obliged to answer all questions in the questionnaire. Where you do not know the answers to the questions or you do not want to answer, leave the question unanswered. Please seriously consider the questions addressed in the questionnaire and answer them personally, honestly and as much detailed as possible, which will help us to develop useful and relevant conclusions and recommendations.

All the answers you provide are confidential and anonymous. The person who brought the questionnaire is the operator of sociological company "CBS-AXA" trained on the rules of confidentiality and will not process the information in the questionnaire. The answers to addressed questions will be used at impersonal level and statistically processed. The survey requires no more than 30 minutes.

If questions arise during the completion of the questionnaire and you need clarification, feel free to contact the following persons: Nadejda Hriptievschi (Program Director LRCM) – 069817237 or Ion Guzun (Legal Adviser LRCM) – 068272666.

Thank you in advance for completing the survey!

Respectfully,  
Team of the Legal Resources Centre from Moldova

**BLOCK 1: ORGANISATION AND REGULATION OF THE JUDICIARY**

|  |                       |                            |
|--|-----------------------|----------------------------|
| <b>Q1. To what extent do you agree that reforming the judiciary started with 2011 had a positive impact for the judiciary?</b> | totally agree         | 1 <input type="checkbox"/> |
|  | rather agree          | 2 <input type="checkbox"/> |
|  | rather disagree       | 3 <input type="checkbox"/> |
|  | I do not agree at all | 4 <input type="checkbox"/> |

|   |                                       |                            |
|---|---------------------------------------|----------------------------|
| <b>Q2. Have you had the opportunity to examine the draft law on the reorganization of the court system issued by the Ministry of Justice for coordination in June 2015?</b> | Yes                                   | 1 <input type="checkbox"/> |
|   | No                                    | 2 <input type="checkbox"/> |
|   | I heard but did not examine the draft | 3 <input type="checkbox"/> |

**Q3. The draft law mentioned in the previous question proposes merging the courts to obtain a total of at least nine judges per court. *The respective proposal aims to create the necessary conditions for improving the quality of justice (a larger number of judges per court would allow specialization, exchange of views and information between judges, ensuring random distribution of files etc.) and efficiency of justice (the lower courts are more expensive to maintain, long-term savings in infrastructure would allow investments in courts and the use of benefits provided by informational technologies). The implementation of the proposal involves some inconvenience, especially longer trips for individuals from localities that will not have judges, initial expenses for the reconstruction/adaptation of premises of merged courts and expenditure or additional time travel for judges from courts that will be merged or liquidated. The proposal provides for the deadline for implementation of the unification of premises between January 1, 2019 and December 31 2029.* To what extent do you agree with that proposal amending the judicial map?**

|                            |                            |                            |                            |                              |
|----------------------------|----------------------------|----------------------------|----------------------------|------------------------------|
| <b>totally agree</b>       | <b>rather agree</b>        | <b>neutral</b>             | <b>rather disagree</b>     | <b>I do not agree at all</b> |
| 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> | 5 <input type="checkbox"/>   |

**Q4. If the specialization of judges should be implemented in courts of all levels, and there were at least nine judges in court, which of the following options would you consider most appropriate: (please choose one option):**

|   |                            |
|---|----------------------------|
| The specialization of judges in two general areas: criminal and civil   | 1 <input type="checkbox"/> |
| Specialization of judges in narrower fields, e.g. family and minors, insolvency, administrative cases, corruption offenses etc. | 2 <input type="checkbox"/> |
| I do not support the idea of specialization of judges in courts   | 3 <input type="checkbox"/> |

**Q5. If the specialization of judges should be implemented in courts of all levels, which of the implementing modalities for of specialization of judges would you consider the most appropriate: (please choose one option):**

|  |                            |
|--|----------------------------|
| Creating specialized panels in each court  | 1 <input type="checkbox"/> |
| Creating specialized courts  | 2 <input type="checkbox"/> |
| Merging small courts in bigger courts that would allow for a better specialization of judges     | 3 <input type="checkbox"/> |
| Informal specialization of judges through training and other professional development activities | 4 <input type="checkbox"/> |

Others (mention which modalities of specialization would you recommend)

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**Q6. Please indicate your opinion on whether the following administrative measures could help improve the performance of the court? Please tick your response for each option below:**

|   | <b>totally agree</b>       | <b>rather agree</b>        | <b>rather disagree</b>     | <b>I do not agree at all</b> |
|---|----------------------------|----------------------------|----------------------------|------------------------------|
| 1. Specialization of judicial assistants  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 2. A better exchange of knowledge between judges (by various methods at court or judiciary level) | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 3. Delegation of more routine tasks to court clerks   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 4. Reducing the number of courts and increasing the number of judges in each court                | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 5. Improving the management of courts   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 6. Electronic submission of requests for initiating proceedings and criminal cases                | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| Other (mention other measures that you mean) _____  |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |

**Q7. Please indicate your opinion on whether the following measures of simplifying court procedures would help improving the performance of the court. Please tick your response for each option below:**

|   | <b>totally agree</b>       | <b>rather agree</b>        | <b>rather disagree</b>     | <b>I do not agree at all</b> |
|---|----------------------------|----------------------------|----------------------------|------------------------------|
| 1. Summoning the parties by email   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 2. Simplifying the manner of keeping the minutes (as a result of audio recording of hearings) | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 3. Introducing tougher measures for rendering parties responsible                             | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 4. Establishing a uniform practice in the courts of appeal                                    | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 5. Establishing a uniform practice in the Supreme Court of Justice                            | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| Others (mention other measures that you mean) _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |

**BLOCK 2: LEGISLATIVE AMENDMENTS FOR IMPROVING THE JUDICIARY SYSTEM, INCLUDING REDUCTION OF WORKLOAD**

**Q8. To what extent do you agree with the statement that in 2015 the quality of justice is better than in 2011?**

|                            |                            |
|----------------------------|----------------------------|
| totally agree              | 1 <input type="checkbox"/> |
| rather agree               | 2 <input type="checkbox"/> |
| neither agree nor disagree | 3 <input type="checkbox"/> |
| rather disagree            | 4 <input type="checkbox"/> |
| I do not agree at all      | 5 <input type="checkbox"/> |

**Q9. Since 2014 the salaries of judges were increased. Please tell your opinion on the importance of this measure to ensure the independence, accountability and effectiveness of the judiciary:**

|                      |                            |
|----------------------|----------------------------|
| very important       | 1 <input type="checkbox"/> |
| important            | 2 <input type="checkbox"/> |
| relatively important | 3 <input type="checkbox"/> |
| not important at all | 4 <input type="checkbox"/> |

**Q10. What is your opinion on the immunity of judges in cases of contravention? Please choose one of the options below.**

|   |                            |
|---|----------------------------|
| Judges are to be applied similar rules to any other party as to facts and contravention sanctions | 1 <input type="checkbox"/> |
|---|----------------------------|

|   |                            |
|---|----------------------------|
| Judges are to be applied similar rules to any other party as to facts and contravention sanctions, except for detention | 2 <input type="checkbox"/> |
| Contravention sanctions are to be applied only with the SCM's consent   | 3 <input type="checkbox"/> |
| Contravention sanctions are to be applied only by judges, without the involvement of the SCM                            | 4 <input type="checkbox"/> |
| It is difficult for me to answer/I do not have an opinion   | 5 <input type="checkbox"/> |
| Others (specify what do you mean)   |                            |
| _____   |                            |
| _____   |                            |
| _____   |                            |
| _____   |                            |

|  |                       |                            |
|--|-----------------------|----------------------------|
| <b>Q11. To what extent do you agree with the statement that the exclusion of the obligation to reason civil judgments in the first instance was a correct measure?</b> | totally agree         | 1 <input type="checkbox"/> |
|  | rather agree          | 2 <input type="checkbox"/> |
|  | neutral               | 3 <input type="checkbox"/> |
|  | rather disagree       | 4 <input type="checkbox"/> |
|  | I do not agree at all | 5 <input type="checkbox"/> |

| <b>Q12. To what extent do you agree with the following statements regarding the impact of 2012 changes in the Civil Procedure Code which excluded the duty to reason civil judgments in the first instance court?</b> |                            |                            |                            |                              |
|---|----------------------------|----------------------------|----------------------------|------------------------------|
|   | <b>totally agree</b>       | <b>rather agree</b>        | <b>rather disagree</b>     | <b>I do not agree at all</b> |
| 1. It was a needed change to reduce the workload of judges in courts  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 2. It was a change needed to reduce the workload of judges in courts, but increased the workload of the Courts of Appeal judges   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| It was a change needed to reduce the workload of judges in courts, but it complicates the situation of the parties who do not know the procedure sufficiently well and fail to request the reasoned judgment          | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 3. It was a beneficial change to reduce the workload of judges in courts, but the failure to reason judgments could be detrimental for the unification of judicial practice   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 4. It was a beneficial change to reduce the workload of judges in courts, yet the failure to reason judgments increases risks for corruption  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 5. The exclusion of the obligation to reason judgments is adequate, but should be introduced for a limited type of cases  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| Others (Please present details.)  |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |

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|---|--------------------------|----------------------------|
| <b>Q13. If you are a court judge, to which extent has your workload decrease since the entry into force of amendments to the Civil Procedure Code which excluded the duty to reason civil judgments in first instance court? Please choose the <u>right</u> option:</b> | 10-20%                   | 1 <input type="checkbox"/> |
|   | 30%                      | 2 <input type="checkbox"/> |
|   | 40-50%                   | 3 <input type="checkbox"/> |
|   | more than 50%            | 4 <input type="checkbox"/> |
|   | has not decreased at all | 5 <input type="checkbox"/> |

|   |                       |                            |
|---|-----------------------|----------------------------|
| <b>Q14. To what extent do you agree with the statement that the 2012 changes to the Civil Procedure Code allow for a better preparation of the case for the hearing and reduce the number of hearings per case?</b> | totally agree         | 1 <input type="checkbox"/> |
|   | rather agree          | 2 <input type="checkbox"/> |
|   | rather disagree       | 3 <input type="checkbox"/> |
|   | I do not agree at all | 4 <input type="checkbox"/> |

|   |                 |                            |
|---|-----------------|----------------------------|
| <b>Q15. The introduction of the term for presenting evidence in civil procedure</b> | totally agree   | 1 <input type="checkbox"/> |
|   | rather agree    | 2 <input type="checkbox"/> |
|   | rather disagree | 3 <input type="checkbox"/> |

|  |   |                            |
|--|---|----------------------------|
| in 2012 was thought to render the participants in the trial more responsible and reduce postponements of hearings. In your opinion, has this measure achieved its purpose? | I do not agree at all                     | 4 <input type="checkbox"/> |
|  | Comments to this subject, please indicate |                            |
|  | _____                                     |                            |
|  | _____                                     |                            |
|  | _____                                     |                            |
|  | _____                                     |                            |

|   |                               |                            |
|---|-------------------------------|----------------------------|
| <b>Q16. The 2012 amendment of the Civil Procedure Code allows for the written preparation of the case for the hearing on the merits. How often do you use this procedure?</b> | In each case                  | 1 <input type="checkbox"/> |
|   | In the majority of cases      | 2 <input type="checkbox"/> |
|   | Only in a small part of cases | 3 <input type="checkbox"/> |
|   | I have not applied it yet     | 4 <input type="checkbox"/> |

|  |                       |                                    |
|--|-----------------------|------------------------------------|
| <b>Q17. Recently, the Centre for Reform in the Judicial System proposed the amendment of the manner of paying the state fee in civil cases. It is proposed that the payment of the state fee is made after the judgment becomes final, by the party who has lost the case. To what extent do you agree with this proposal?</b> | totally agree         | 1 <input type="checkbox"/> =>Q18   |
|  | rather agree          | 2 <input type="checkbox"/> =>Q18   |
|  | neutral               | 3 <input type="checkbox"/> =>Q18   |
|  | rather disagree       | 4 <input type="checkbox"/> =>Q17.1 |
|  | I do not agree at all | 5 <input type="checkbox"/> =>Q17.1 |

|   |                            |                            |                            |                              |
|---|----------------------------|----------------------------|----------------------------|------------------------------|
| <b>Q17.1 If you have indicated <i>rather disagree</i> or <i>I do not agree at all</i> with the proposal regarding the change of the manner of payment of the state fee, please mention whether you agree or disagree with the possible risks this proposal might imply:</b> |                            |                            |                            |                              |
|   | <b>totally agree</b>       | <b>rather agree</b>        | <b>rather disagree</b>     | <b>I do not agree at all</b> |
| 1. The courts' workload will increase because many abusive requests will be filed   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 2. State tax would be collected in a small percentage because the parties will try to avoid the payment   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 3. Access to justice for the poor would be limited, since they will no longer qualify for the exemption or evening out payment of state fees  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 4. Thus, the state budget will suffer   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| Others (Please present details.)  |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |

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|--|-----------------------|------------------------------------|
| <b>Q18. Recently, the Centre for Reform in the Judicial System proposed the introduction of fixed terms for examining cases in courts - 6 months for first instance court and 3 months for appeal and 3 for recourse, in criminal and civil cases. To what extent do you agree with this proposal?</b> | totally agree         | 1 <input type="checkbox"/> =>Q19   |
|  | rather agree          | 2 <input type="checkbox"/> =>Q19   |
|  | neutral               | 3 <input type="checkbox"/> =>Q19   |
|  | rather disagree       | 4 <input type="checkbox"/> =>Q18.1 |
|  | I do not agree at all | 5 <input type="checkbox"/> =>Q18.1 |

**Q18.1** If at the previous question you have chosen the option *rather disagree* or *I do not agree at all*, please consider if you agree or disagree with the following statements regarding introducing fixed terms of examining cases by courts:

|   | <b>totally agree</b>          | <b>rather agree</b>        | <b>rather disagree</b>     | <b>I do not agree at all</b> |
|---|-------------------------------|----------------------------|----------------------------|------------------------------|
| 1. The proposed terms are too limited and will adversely affect the quality of decisions  | 1 <input type="checkbox"/>    | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 2. The terms fixed for the examination of cases in court are not suitable, the principle of reasonable time is sufficient       | 1 <input type="checkbox"/>    | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| Fixed terms are impossible or nearly impossible to be met due to complex procedures and failure to show up in courts by parties | 1 <input type="checkbox"/>    | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 3. The proposed terms are much shorter than European standards  | 1 <input type="checkbox"/>    | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| The judicial system already has sufficient fixed terms for examining cases that we can hardly meet                              | 1 <input type="checkbox"/>    | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| Others (Please present details.)  | <hr/> <hr/> <hr/> <hr/> <hr/> |                            |                            |                              |

|  |                       |                                    |
|--|-----------------------|------------------------------------|
| <b>Q19.</b> Recently, the Centre for Reform in the Judicial System proposed the amendment of the membership of the Supreme Court of Justice, so that 16 of the 33 judges are selected among representatives of academia, civil society and lawyers and 17 are career judges. To what extent do you agree with this proposal? | totally agree         | 1 <input type="checkbox"/> =>Q20   |
|  | rather agree          | 2 <input type="checkbox"/> =>Q20   |
|  | rather disagree       | 3 <input type="checkbox"/> =>Q19.1 |
|  | I do not agree at all | 4 <input type="checkbox"/> =>Q19.1 |

**Q19.1** If at the previous question you have chosen the option *rather disagree*, please consider if you agree or disagree with the following statements about changing the composition of the Supreme Court of Justice:

|  | <b>totally agree</b>          | <b>rather agree</b>        | <b>rather disagree</b>     | <b>I do not agree at all</b> |
|--|-------------------------------|----------------------------|----------------------------|------------------------------|
| 1. The SCJ should be composed only of career judges to ensure the quality of decisions   | 1 <input type="checkbox"/>    | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 2. I have no certainty that the most professional academics, civil society and lawyers will be selected                            | 1 <input type="checkbox"/>    | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 3. It is not fair to the career judges who have their possibilities to accession to the SCJ for a long time blocked                | 1 <input type="checkbox"/>    | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 4. Academia, civil society and lawyers have the opportunity to enter the system starting from the first instance                   | 1 <input type="checkbox"/>    | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 5. Membership of the SCJ could include academics, civil society and lawyers, but in a smaller percentage compared to career judges | 1 <input type="checkbox"/>    | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 6. The proposal does not solve the current problems in the judiciary   | 1 <input type="checkbox"/>    | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| Others (Please present details.)   | <hr/> <hr/> <hr/> <hr/> <hr/> |                            |                            |                              |

|   |                 |                            |
|---|-----------------|----------------------------|
| <b>Q20.</b> Recently, the Centre for Reform in the Judicial System has proposed to introduce compulsory mediation in civil cases by the judge who was randomly distributed the case. In case of failure of mediation, the | totally agree   | 1 <input type="checkbox"/> |
|   | rather agree    | 2 <input type="checkbox"/> |
|   | neutral         | 3 <input type="checkbox"/> |
|   | rather disagree | 4 <input type="checkbox"/> |

|   |                       |                            |
|---|-----------------------|----------------------------|
| case will be sent for examination to another judge. To what extent do you agree with this proposal? | I do not agree at all | 5 <input type="checkbox"/> |
|---|-----------------------|----------------------------|

**Q21. Recently, the Ministry of Justice proposed to attribute the SCM, without prejudice to the competence of other bodies, with the right to order the Judicial Inspection to carry out controls over the declarations of income and property and declarations of personal interests of judges, the right to determine whether between the revenues obtained by the judge and his/her family members while being in office and the property acquired is a notable difference that cannot be justified and if a violation is found, the judge should be proposed for dismissal. To what extent do you agree with this proposal?**

|                            |                            |                            |                            |                              |
|----------------------------|----------------------------|----------------------------|----------------------------|------------------------------|
| <b>totally agree</b>       | <b>rather agree</b>        | <b>neutral</b>             | <b>rather disagree</b>     | <b>I do not agree at all</b> |
| 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> | 5 <input type="checkbox"/>   |

**Q22. In order to reduce the workload of the courts, what is your opinion on the proposal that some cases examined now by judges are examined by administrative bodies (existing or created for the purpose), and the parties can address in court only if they disagree with the decision of administrative body? Please express your opinion about the appropriateness of changing competences on the following factors:**

|   | <b>totally agree</b>       | <b>rather agree</b>        | <b>rather disagree</b>     | <b>I do not agree at all</b> |
|---|----------------------------|----------------------------|----------------------------|------------------------------|
| 1. Divorces with minor children, where there are no disputes between parties (for example: civil status bodies)   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 2. Granting compensation for illegal prosecution (for example, the Ministry of Justice)   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 3. Granting compensation for breach of the reasonable term (Law no. 87) (for example, the Ministry of Justice)  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 4. Ascertaining fact which have a legal value, in case the person has all the documents (for example, notary)   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 5. Limit the number of contraventions within the competence of the court (for example, contravention cases against minors)  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| 6. Increase of the number of offenses where the ascertaining agent might apply the contravention sanction, and the court would have jurisdiction only to examine the appeal | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>   |
| Others (Please mention the types of cases that you mean)  |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |
| _____   |                            |                            |                            |                              |

|   |   |                            |
|---|---|----------------------------|
| <b>Q23. To what extent do you agree with the statement that the practice of the SCJ is uniform?</b> | totally agree                             | 1 <input type="checkbox"/> |
|   | rather agree                              | 2 <input type="checkbox"/> |
|   | rather disagree                           | 3 <input type="checkbox"/> |
|   | I do not agree at all                     | 4 <input type="checkbox"/> |
|   | Comments to this subject, please indicate |                            |
|   | _____                                     |                            |

|   |   |                            |
|---|---|----------------------------|
| <b>Q24. What is your opinion about the examination of recourses by the SCJ in the absence of parties (written procedure)?</b> | totally agree                             | 1 <input type="checkbox"/> |
|   | rather agree                              | 2 <input type="checkbox"/> |
|   | neutral                                   | 3 <input type="checkbox"/> |
|   | rather disagree                           | 4 <input type="checkbox"/> |
|   | I do not agree at all                     | 5 <input type="checkbox"/> |
|   | Comments to this subject, please indicate |                            |

|  |                               |
|--|-------------------------------|
|  | <hr/> <hr/> <hr/> <hr/> <hr/> |
|--|-------------------------------|

|  |   |                            |
|--|---|----------------------------|
| <b>Q25. To what extent do you agree with the statement that since 2012, the Supreme Court of Justice has taken sufficient measures to unify the jurisprudence?</b> | totally agree                             | 1 <input type="checkbox"/> |
|  | rather agree                              | 2 <input type="checkbox"/> |
|  | rather disagree                           | 3 <input type="checkbox"/> |
|  | I do not agree at all                     | 4 <input type="checkbox"/> |
|  | Comments to this subject, please indicate |                            |
| <hr/> <hr/> <hr/> <hr/>  |   |                            |

**BLOCK 3: SELF-ADMINISTRATION OF THE JUDICIARY**

|  |   |                            |
|--|---|----------------------------|
| <b>Q26. To what extent do you agree with the statement that the activity of the Superior Council of Magistracy (CSM) is transparent?</b> | totally agree                             | 1 <input type="checkbox"/> |
|  | rather agree                              | 2 <input type="checkbox"/> |
|  | rather disagree                           | 3 <input type="checkbox"/> |
|  | I do not agree at all                     | 4 <input type="checkbox"/> |
|  | Comments to this subject, please indicate |                            |
| <hr/> <hr/> <hr/> <hr/>  |   |                            |

|   |   |                            |
|---|---|----------------------------|
| <b>Q27. To what extent do you agree with the statement that the SCM judgments are well reasoned and clear for judges?</b> | totally agree                             | 1 <input type="checkbox"/> |
|   | rather agree                              | 2 <input type="checkbox"/> |
|   | rather disagree                           | 3 <input type="checkbox"/> |
|   | I do not agree at all                     | 4 <input type="checkbox"/> |
|   | Comments to this subject, please indicate |                            |
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|---|---|----------------------------|
| <b>Q28. To what extent do you agree with the statement that the SCM effectively communicates with judges?</b> | totally agree                             | 1 <input type="checkbox"/> |
|   | rather agree                              | 2 <input type="checkbox"/> |
|   | rather disagree                           | 3 <input type="checkbox"/> |
|   | I do not agree at all                     | 4 <input type="checkbox"/> |
|   | Comments to this subject, please indicate |                            |
| <hr/> <hr/> <hr/> <hr/>   |   |                            |

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|---|---|----------------------------|
| <b>Q29. To what extent do you agree with the statement that the organization of General Assemblies of Judges is fair and effective?</b> | totally agree                             | 1 <input type="checkbox"/> |
|   | rather agree                              | 2 <input type="checkbox"/> |
|   | rather disagree                           | 3 <input type="checkbox"/> |
|   | I do not agree at all                     | 4 <input type="checkbox"/> |
|   | Comments to this subject, please indicate |                            |
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| <b>Q30. To what extent do you agree with the statement that the mechanism for initial appointment of judges is correct and based on merit, the best candidates being selected?</b> | totally agree                             | 1 <input type="checkbox"/> |
|  | rather agree                              | 2 <input type="checkbox"/> |
|  | rather disagree                           | 3 <input type="checkbox"/> |
|  | I do not agree at all                     | 4 <input type="checkbox"/> |
|  | Comments to this subject, please indicate |                            |
| _____  |   |                            |
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|---|---|----------------------------|
| <b>Q31. To what extent do you agree with the statement that the manner of promoting judges is correct and based on merit, the best judges being promoted to a higher court?</b> | totally agree                             | 1 <input type="checkbox"/> |
|   | rather agree                              | 2 <input type="checkbox"/> |
|   | rather disagree                           | 3 <input type="checkbox"/> |
|   | I do not agree at all                     | 4 <input type="checkbox"/> |
|   | Comments to this subject, please indicate |                            |
| _____   |   |                            |
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| <b>Q32. To what extent do you agree with the statement that judicial performance evaluation system established in 2012 helps judges improve their performance?</b> | totally agree         | 1 <input type="checkbox"/> =>Q33   |
|  | rather agree          | 2 <input type="checkbox"/> =>Q33   |
|  | rather disagree       | 3 <input type="checkbox"/> =>Q32.1 |
|  | I do not agree at all | 4 <input type="checkbox"/> =>Q32.1 |

**Q32.1 Please indicate whether you agree or disagree that the following factors determined your opinion regarding the fact that performance evaluation system does not help to improve the performance of judges (choose the right options below):**

|   | totally agree              | rather agree               | rather disagree            | I do not agree at all      |
|---|----------------------------|----------------------------|----------------------------|----------------------------|
| 1. Performance evaluation can improve the quality   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
| 2. The criteria and evaluation indicators are inadequate  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
| 3. The assessment procedure is not appropriate  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
| 4. The decisions of the Evaluation Board are limited to giving scores, without reasoning the given score  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
| 5. The decisions of the Evaluation Board do not include specific recommendations for the evaluated judges | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
| 6. The results of performance evaluation do not count in promotion of judges                              | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
| Others (Please mention the types of cases that you mean)  |                            |                            |                            |                            |
| _____   |                            |                            |                            |                            |
| _____   |                            |                            |                            |                            |
| _____   |                            |                            |                            |                            |

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| <b>Q33. What is your opinion on the mechanism of disciplinary liability of judges introduced by Law no. 178, in force as of 1 January 2015? Please select an option.</b> | The mechanism is adequate  | 1 <input type="checkbox"/> =>Q34   |
|  | The mechanism is inadequate  | 2 <input type="checkbox"/> =>Q33.1 |
|  | I have not had the opportunity to analyze in detail and can not answer | 3 <input type="checkbox"/> =>Q34   |

**Q33.1 Please indicate whether you agree or disagree with the following reasons that have determined your opinion on the fact that the disciplinary liability mechanism established by Law no. 178 is not suitable (select the appropriate option below):**

|   | totally agree              | rather agree               | rather disagree            | I do not agree at all      |
|---|----------------------------|----------------------------|----------------------------|----------------------------|
| 1. The admissibility phase complicates the disciplinary proceedings   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
| 2. The procedure includes too many means of appeal  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
| 3. The wording of disciplinary offenses is too general  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
| 4. The number of disciplinary offenses is too high  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
| 5. The participation of the person who filed the complaint to the examination of the case by the Disciplinary Board of SCM is inappropriate | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
| Others (Please provide details on your opinion)   |                            |                            |                            |                            |
| _____   |                            |                            |                            |                            |
| _____   |                            |                            |                            |                            |
| _____   |                            |                            |                            |                            |
| _____   |                            |                            |                            |                            |
| _____   |                            |                            |                            |                            |

**Q34. What is your opinion on judicial inspection's activity in disciplinary proceedings? Please choose the right options below:**

|  |                            |
|--|----------------------------|
| Judicial inspection adequately investigates the circumstances alleged in complaints                      | 1 <input type="checkbox"/> |
| Judicial inspection reasons well decisions for rejecting complaints                                      | 2 <input type="checkbox"/> |
| Judicial inspection reasons insufficiently decisions for rejecting complaints                            | 3 <input type="checkbox"/> |
| Judicial inspection is not effective because it has sufficient autonomy in relation to SCM               | 4 <input type="checkbox"/> |
| Judicial inspection is not effective because it does not have an active role in disciplinary proceedings | 5 <input type="checkbox"/> |
| Judicial inspection is not effective because due to insufficiency of staff                               | 6 <input type="checkbox"/> |
| Other. Please indicate   |                            |
| _____  |                            |
| _____  |                            |
| _____  |                            |

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|--|--|----------------------------|
| <b>Q35. Recently, the Centre for Reform in the Judicial System proposed the amendment of the number of the members of the Judicial Inspection by increasing the number of inspectors from 5 to 15, of which 8 be representatives of the academia, civil society and lawyers. To what extent do you agree with this proposal?</b> | totally agree  | 1 <input type="checkbox"/> |
|  | rather agree   | 2 <input type="checkbox"/> |
|  | neutral  | 3 <input type="checkbox"/> |
|  | rather disagree  | 4 <input type="checkbox"/> |
|  | I do not agree at all  | 5 <input type="checkbox"/> |
|  | If you have comments to this subject, please indicate them below |                            |
| _____  |  |                            |
| _____  |  |                            |
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**Q36. The decisions of the Disciplinary Board may be appealed to the SCM and further to the SCJ. If appeal possibilities would change, which remedy do you think is most effective for disciplinary cases? Please chose an option above:**

|   |                            |
|---|----------------------------|
| The examination of the appeal by the SCM is sufficient  | 1 <input type="checkbox"/> |
| The decision of the Disciplinary Board should be directly appealed to SCJ, without the involvement of the SCM | 2 <input type="checkbox"/> |
| Both means of appeal are necessary  | 3 <input type="checkbox"/> |

Others (Please provide details) \_\_\_\_\_

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**BLOCK 4: PERCEPTIONS ON CORRUPTION JUSTICE SECTOR**

|   |                                      |                            |
|---|--------------------------------------|----------------------------|
| <b>Q37. What is your opinion about the development of corruption in the justice sector from 2011 until now?</b> | Corruption increased significantly   | 1 <input type="checkbox"/> |
|   | Corruption increased insignificantly | 2 <input type="checkbox"/> |
|   | Corruption is at the same level      | 3 <input type="checkbox"/> |
|   | Corruption decreased                 | 4 <input type="checkbox"/> |
|   | There is no corruption               | 5 <input type="checkbox"/> |

|  |   |                            |
|--|---|----------------------------|
| <b>Q38. What is your perception about corruption in the justice sector (judiciary, prosecution, legal profession, police)?</b> | Corruption is especially widespread at the level of executors | 1 <input type="checkbox"/> |
|  | Corruption is especially widespread at the management level   | 2 <input type="checkbox"/> |
|  | Corruption is widespread at all levels                        | 3 <input type="checkbox"/> |
|  | There is no corruption in these systems                       | 4 <input type="checkbox"/> |

|  |                  |                            |                            |                            |                            |
|--|------------------|----------------------------|----------------------------|----------------------------|----------------------------|
| <b>Q39. To what extent do you consider corruption is widespread in the following justice structures?</b> |                  | Very high                  | High                       | Low                        | Not at all                 |
|  | Police           | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
|  | Prosecution      | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
|  | Legal profession | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |
|  | Judiciary        | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/> |

|   |                            |                            |                            |                             |
|---|----------------------------|----------------------------|----------------------------|-----------------------------|
| <b>Q40. In your opinion, how important are the following factors in spreading corruption in the justice sector? Please rate <u>each question</u>.</b> |                            |                            |                            |                             |
|   | very important             | important                  | not important              | it is not a corruption case |
| 1. Low salaries   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>  |
| 2. Lack of transparency in the management bodies / self-administration  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>  |
| 3. Corrupt persons are not held accountable   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>  |
| 4. Corruption is an indispensable part of the system  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>  |
| 5. Deficiencies in selection and promotion system   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>  |
| 6. Corruption is a tradition in the society   | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>  |
| 7. Failure to comply with the code of ethics of the legal profession  | 1 <input type="checkbox"/> | 2 <input type="checkbox"/> | 3 <input type="checkbox"/> | 4 <input type="checkbox"/>  |
| Others (please mention the types of cases that you mean)  |                            |                            |                            |                             |
| _____   |                            |                            |                            |                             |
| _____   |                            |                            |                            |                             |
| _____   |                            |                            |                            |                             |
| _____   |                            |                            |                            |                             |

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|--|---------------------------------------|----------------------------|
| <b>Q41. In your opinion, where do you think is the highest level of corruption in the judiciary?</b> | Superior Council of Magistracy        | 1 <input type="checkbox"/> |
|  | Supreme Court of Justice              | 2 <input type="checkbox"/> |
|  | Courts of Appeal                      | 3 <input type="checkbox"/> |
|  | First instance courts                 | 4 <input type="checkbox"/> |
|  | There is no corruption in this system | 5 <input type="checkbox"/> |

