

SURVEY

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Perception of judges, prosecutors and lawyers on justice reform and fight against corruption



SURVEY

PERCEPTION OF JUDGES, PROSECUTORS AND LAWYERS ON JUSTICE REFORM AND FIGHT AGAINST CORRUPTION



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**Rule of Law Institutional
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Summary

The survey among judges, prosecutors and lawyers was conducted in October-December 2015. The document sought to establish the opinion of the main justice sector actors on reforming the judiciary and fighting corruption. The survey was carried out by the Centre of Sociological Investigations and Marketing Research „CBS-AXA", at the request of the Legal Resources Centre from Moldova (LRCM).

The survey assessed the perception of judges, prosecutors and lawyers. They were asked about the implementation of the Justice Sector Reform Strategy (JSRS); the recent initiatives of the Centre for Reform in the Judicial System; self-administration of the judiciary, prosecution service and legal profession; reform of the prosecution service; as well as about perception of corruption in the justice sector. The questions tended to identify areas of intervention in the legislation, public policies and law enforcement practices. This research is the first of a kind carried out in the Republic of Moldova.

945 persons filled in questionnaires for the survey, which represents about 32% of the total number of judges, prosecutors and active lawyers from the country. The questionnaires were completed by 273 judges, 509 prosecutors and 163 lawyers. The survey was conducted through self-administrated questionnaires, ensuring the confidentiality of the responses.

Block no. 1 of questions refers to the organization of the judiciary: 75% of respondent judges, 50% of respondent prosecutors and 42% of respondent lawyers believe that *the justice reform launched in 2011* had a positive impact on the judiciary. These results confirm that the perception of the reform impact in the justice sector varies significantly among legal professions.

One of the key provisions of the JSRS refers to the *amendment of the judicial map*. The Ministry of Justice prepared a draft law proposing merging the district courts to get at least 9 judges per court. Asked about this draft law, 39% of judges supported it, 45% were against, 14% were neutral and 2% have no opinion. This position could be explained by lack of support for this initiative among judges from small courts, which are to merge if optimization takes place. Thus, only 18% of judges working in courts with less than 5 judges opted for optimization of the judicial map, compared to 51% of judges in courts with 6-9 judges and 38% of judges in the courts with more than 9 judges. In turn, 29% of prosecutors support the draft law, 50% are against, 19% are neutral and 2% have no opinion. Among respondent lawyers, 37% support the draft law, 37% are against, 21% are neutral and 5% have no opinion.

Block no. 2 of questions refers to the legislative amendments to improve the activity of the judiciary: As for the *immunity of judges in contravention cases*, 42% of judges consider contravention sanctions should be applied only with the SCM's consent, compared to 33% of judges who consider that judges are to be sanctioned according to the rules applicable to ordinary litigants. Only 13% of prosecutors believe that judges should to be applied contravention sanctions only with the SCM's consent, compared to 75% of prosecutors who consider that judges are to be sanctioned according to the rules applicable to ordinary litigants. 9% of lawyers support the contravention sanctioning of judges only with the SCM's consent, compared with 82% of lawyers who consider that judges are to be sanctioned according to the rules applicable to ordinary litigants. These data reveal that judges want more legal protection compared to other people, while prosecutors and lawyers consider that judges are to be sanctioned for contraventions according to general rules.

For 86% of respondent judges, the *increase of judges' salary* in 2014 was a very important or important step to ensure the independence, accountability and efficiency of the judiciary. 79% of prosecutors and 53% of lawyers agree with them.

Being asked about the *quality of justice* in 2015 compared to 2011, 82% of judges, 46% of prosecutors and 37% of lawyers believe that it has improved. On the other hand, 4% of judges, 29% of prosecutors and 43% of lawyers disagree with this statement. 12% of judges, 23% of prosecutors and 20% of lawyers have expressed a neutral option. These figures confirm that even if the vast majority of judges see a clear improvement of justice, prosecutors and lawyers are more reserved in this regard.

Legal professions seem to have divided opinions regarding the 2012 *exclusion of the obligation to motivate the first instance of civil judgments*. When asked to what extent they agree with this change, 84% of judges agreed, compared to only 36% of prosecutors and 55% of lawyers. 26% of judges working in first instance courts consider that the legislative amendments decreased their workload with 30%, while 21% of first instance court judges mentioned that their workload did not decrease at all.

When asked about the SCJ's *uniform practice*, 62% of Supreme Court judges consider that the practice of the Supreme Court is uniform, compared to 47% of prosecutors and 35% of lawyers. 37% of judges, 50% of prosecutors and 64% of lawyers disagree with it. In the same line, 79% of judges consider that since 2012, the SCJ has taken sufficient measures to unify the judicial practice, compared to 54% of prosecutors and 34% of lawyers. These figures confirm that expectation of legal professions regarding the uniformity of judicial practice is different, the most demanding in this respect being the lawyers.

Recent proposals to reform the judiciary: On 20 May 2015 the Centre for Reform in the Judicial System launched several initiatives to amend the legislation. They refer to court fees, fixed term for examination of cases in courts, changing the composition of the SCJ, introduction of mandatory mediation of civil cases, etc.

When it came to the payment of the *court fee* after the judgment becomes final, 20% of respondent judges answered favorably, compared with 62% of prosecutors and 63% of the questioned lawyers.

In favor of *introducing fixed terms for examination of civil and criminal cases in courts* were 13% of judges, 40% of prosecutors and 52% of lawyers. 82% of judges, 38% of prosecutors and 38% of lawyers disagree with this initiative.

The changing the composition of the SCJ so that 16 out of 33 judges are selected from among academics, civil society and lawyers and 17 are career judges, it is supported by 11% of judges, 31% of prosecutors and 55 % of lawyers. 64% of judges, 41% of prosecutors and 24% of lawyers disagree with this initiative.

Block no. 3, 4 and 5 of the questions refer to the self-administration bodies: As to the question regarding the SCM's transparency, 72% of judges consider that the SCM's activity is transparent. Only 20% of lawyers share the same opinion. 66% of prosecutors consider that the SCP's activity is transparent and 52% of lawyers believe that the activity of the Council of the Bar Union's over the last 6 months is transparent. At the same time, 30% of judges do not consider that the SCM's decisions are clear and well-reasoned. 22% of prosecutors do not consider that the SCP's decisions are well-reasoned and clear.

As to the selection of judges, 62% of judges agree and 34% disagree with the statement that the *mechanism for initial appointment of judges* is fair and based on merits. At the same time, 54% of judges agree and 43% disagree with the statement that the *manner of promotion of judges* is correct and based on merits. Such a high percentage of judges who do not consider that the appointment and promotion of judges takes place on the basis of merit may suggest that there are shortcomings in system of appointment and promotion of judges.

Regarding the *mechanism of disciplinary liability of judges*, 27% of judges consider the mechanism introduced in 2015 by the new Law on disciplinary liability of judges is adequate, while 38% of judges consider the mechanism to be inadequate. Answering the same question, 24% of lawyers consider the disciplinary mechanism for judges as adequate and 26% of lawyers consider this mechanism inadequate.

Regarding the *need to reform the prosecution service*, 84% of prosecutors are in favor of such changes. 63% of prosecutors agree with the approach of the new draft Law on prosecution service, and 33% of prosecutors do not support it.

In favor of *the opportunity of having specialized prosecutions*, 83% of prosecutors support the Anticorruption Prosecutor's Office, 60% of prosecutors support the creation of Prosecutor's Office for Organized Crime and 53% of prosecutors support the existence of the military prosecutor's office. However, only 30% of prosecutors support the existence of transport prosecutor's office and 19% of prosecutors argue the need to create environmental prosecutor's office.

Regarding the Chişinău municipality Prosecutor's Office, 43% of prosecutors believe that it must be kept only if the district prosecutor's offices in Chişinău are liquidated, while 39% are against this option. 33% of prosecutors consider that the Chişinău municipality Prosecutor's Office is necessary, while 50% of prosecutors disagree with this statement.

When asked about the *activity of the General Prosecutor's Office*, 61% of prosecutors consider it effective and 54% of prosecutors consider that the practice of the General Prosecutor's Office is uniform. 69% of prosecutors believe that the instructions of the

General Prosecutor are well-reasoned and suggest the right solutions. Meanwhile, only 41% of prosecutors agree with the statement that the General Prosecutor's Office does not affect the independence of prosecutors, while 53% think the opposite.

About the *mechanism of initial appointment of prosecutors*, 59% of prosecutors consider that it is fair and based on merits and 39% of prosecutors disagree with this statement. At the same time, 44% of prosecutors support the statement that the manner of promotion of prosecutors is fair and based on merits, compared with 54% of prosecutors who disagree with this statement. Such a large percentage of prosecutors who do not consider that appointment and promotion is based on merits may suggest that there are weaknesses in the process of appointment and promotion of prosecutors.

Being asked about the *transparency of the Council of the Union of Lawyers* over the last months of its activity, 52% of lawyers believe that the activity is transparent and 47% of lawyers disagree with this statement. 35% of questioned lawyers believe that the *activity of the Licensing Commission of the legal profession* was fair in the past four years and 64% of lawyers disagree with this statement. When asked whether in the past four years the Commission for ethics and discipline for lawyers adopted fair and well-reasoned judgments, 57% of lawyers agreed with this statement, while 35% did not agree.

Block no. 6 of questions refers to the perception of corruption in the justice sector: Being questioned about the *evolution of corruption in the justice sector since 2011*, 49% of judges consider that this phenomenon has decreased, 10% of judges consider that corruption is at the same level, 8% of judges consider that this phenomenon increased. Answering the same question, 21% of prosecutors think that corruption has decreased, 33% of prosecutors think that corruption remained at the same level and 35% of prosecutors believe that corruption has increased. At the same time, 15% of lawyers believe that corruption has decreased, 28% of lawyers believe that corruption remained at the same level and 52% of lawyers consider that this phenomenon has increased. 20% of judges believe that corruption does not exist in the justice sector, compared to 6% of prosecutors and 2% of lawyers. The above figures show a different perception among lawyers, prosecutors and judges of corruption in the justice sector. While most judges think that corruption in the justice sector decreased compared to 2011 or that it does not exist, 68% of prosecutors and 81% of lawyers believe that corruption has remained at the same level or even increased.

Regarding the *stratification of corruption in the justice sector* (judiciary, prosecution, legal profession and police), 42% of judges consider that corruption is widespread at all levels and 15% of judges consider that corruption is especially widespread at the management level. 53% of prosecutors consider that corruption is widespread at all levels and 22% of prosecutors consider that corruption is especially widespread at the management level. 59% of lawyers consider that corruption is widespread at all levels and 18% of lawyers consider that corruption is especially widespread at the management level.

Being questioned about the *courts with the highest level of corruption*, 18% of judges consider that the highest level of corruption is in the SCJ, 30% of judges consider that the highest level of corruption is in the courts of appeal, 18% of judges consider that the highest level

of corruption is in the first instance courts, 23% believe there is no corruption in the system, while 28% of respondents could not answer this question. Answering the same question, 27% of prosecutors consider that the highest level of corruption is in the SCJ, 56% of prosecutors consider that the highest level of corruption is in the courts of appeal, 40% of prosecutors consider that the highest level of corruption is in the first instance courts, 7% claimed that there is no corruption in the judiciary and 11% of respondent prosecutors could not answer this question. At the same time, 32% of lawyers believe that the highest level of corruption is in the SCJ, 55% - the highest level of corruption is in the courts of appeal and 35% believe that the highest level of corruption is in the first instance courts. 4% of respondent lawyers argued that there is no corruption in the judiciary, and 7% could not answer this question. 11% of judges, 19% of prosecutors and 21% of lawyers argued that the highest level of corruption is in the CSM. The above figures suggest that prosecutors and lawyers perceive that there is a higher level of corruption in the judiciary than the judges admit. However, all legal professions declared that the highest level of corruption is in courts of appeal.

Being questioned about *prosecutor's offices with the highest level of corruption*, 32% of judges have indicated the Anticorruption Prosecutor's Office, 29% - the General Prosecutor's Office, 22% - the rayon and sector prosecutor's offices, and 15% - Chişinău municipality Prosecutor's Office. Answering the same question, 48% of prosecutors indicated the Anticorruption Prosecutor's Office, 21% - the General Prosecutor's Office, 19% - the rayon and sector prosecutor's offices and 24% - Chişinău municipality Prosecutor's Office. At the same time, 48% of lawyers indicated the Anticorruption Prosecutor's Office, 45% - the General Prosecutor's Office, 37% - the rayon and sector prosecutor's offices and 25% - Chişinău municipality Prosecutor's Office. The above figures suggest that all legal professions most frequently declared that the highest level of corruption is in the Anticorruption Prosecutor's Office, followed by the General Prosecutor's Office.

Being questioned about the *highest level of corruption in legal profession*, 38% of judges have indicated the Commission for ethics and discipline, 36% - the Council of the Union of Lawyers, 10% - Licensing Commission. Answering the same question, 60% of prosecutors indicated Licensing Commission, 13% - the Council of the Union of Lawyers, 9% - the Commission for ethics and discipline, and 40% of prosecutors indicated to the ordinary lawyers. At the same time, 60% of lawyers believe that the highest level of corruption is in the Licensing Commission, 4% indicated the Council of the Union of Lawyers, 7% - the Commission for ethics and discipline and 19% - ordinary lawyers.

Methodology

This document is based on a survey conducted among judges, prosecutors and lawyers. It was carried out through written questionnaires by the Centre of Sociological Investigations and Marketing Research „CBS-AXA" (CBS-AXA), at the request of the Legal Resources Centre from Moldova (LRCM). The company which carried out the survey was selected at a tender announced by the LRCM. The survey was based on the questionnaires drawn up by the LRCM. The questionnaires were filled in between October and December 2015.

The research was conducted through three separate surveys, among judges, prosecutors and lawyers. For each target group similar questionnaires have been developed. Each questionnaire also contained questions specific to each legal profession. 945 people filled in the questionnaires within the survey, which represents about 32% of the total number of judges, prosecutors and lawyers from the country. The questionnaires were filled in by:

- 273 judges¹, representing 58% of the total number of judges from the country. Of the total number of respondent judges, 201 judges (73.5%) are from first instance courts, 53 (19.6%) work in courts of appeal and 19 (6.9%) in the Supreme Court of Justice.
- 509 prosecutors², representing 72.7% of the total number of prosecutors from the country. Of the total number of respondent prosecutors, 323 (63.4%) work in district prosecutor's offices, 27 (5.3%) in prosecutor's offices of Chisinau municipality or TAU Gagauzia, 43 (8.5%) in specialized prosecutor's offices, 18 (3.6%) in the prosecutor's offices at the level of courts of appeal and 98 (19.3%) of the respondents work in the General Prosecutor's Office.
- 163 lawyers³, representing 9% of the total number of lawyers. Of the total number of respondent lawyers, 151 (86.6%) work in the Chisinau Bar, 17 (10.4%) work in the Balti Bar, 3 (1.8%) in the Cahul Bar and 2 (1.2%) in the Comrat Bar.

The survey was conducted through self-administrated filling in of questionnaires by respondents, the confidentiality of responses being preserved. Questionnaires were left in each court, prosecutor's office or handed to lawyers in A4 envelopes. Respondents were called to fill in and return the filled in questionnaires in sealed envelopes. The sealed envelopes were subsequently collected by CBS-AXA operators. The questionnaire did not include the name and surname of the respondent.

¹ On 1 August 2015 there were approximately 470 judges in the country.

² On 1 August 2015 there were approximately 700 prosecutors in the country.

³ On 1 August 2015 in the Republic of Moldova there were approximately 1800 lawyers with active licence.

The analysis of the questionnaires was conducted by CBS-AXA. The results of the analysis were presented separately for each target group. For some questions, the results were disaggregated by the level of the institution where the judges or prosecutors work.

Details on the survey among judges

Given the purpose of the research and the preset methodological requirements, a representative survey of the entire judicial body based on the following parameters was conducted:

- Method of recording: standardized self-administrated interviews at the work place of the respondents;
- Sampling strategy: research was conducted on a stratified, probabilistic sample;
- Stratification criteria: 44 courts, four courts of appeal, the Supreme Court of Justice and the Superior Council of Magistracy;
- Selection of courts: the sample included all courts, except for those which have less than three judges;
- Judges were selected randomly by statistical step applied to lists of names of judges ordered alphabetically;
- Data collection period: October–November 2015;
- To encourage honest answers, the questionnaire contained no data that would have enabled the identification of the respondent. Respondents were offered envelopes to seal the filled in questionnaires.

Details on the survey among prosecutors

Given the purpose of the research and the preset methodological requirements, a representative survey for all prosecutors based on the following parameters was conducted:

- Method of recording: standardized interviews by single-handed filling in at the work place of the respondents;
- Sampling strategy: research was conducted on a stratified, probabilistic sample;
- Stratification criteria: 53 prosecutor's offices⁴;
- Selection of courts: the sample included all courts;
- Prosecutors were selected randomly by statistical step applied to lists of names of prosecutors ordered alphabetically;
- Data collection period: October–November 2015;
- To encourage honest answers, the questionnaire contained no data that would have enabled the identification of the respondent. Respondents were offered envelopes to seal the filled in questionnaires.

⁴ In the Republic of Moldova there are 53 prosecutor's offices (35 rayon prosecutor's offices, five sector prosecutor's offices (in Chisinau municipality), three municipal prosecutor's offices (Balti, Bender and Chisinau), Prosecutor's Office of TAU Gagauzia (in Comrat), Anticorruption Prosecutor's Office, Transport Prosecutor's Office, three military prosecutor's offices (Balti, Cahul and Chisinau), four prosecutor's offices at the courts of appeal level and the General Prosecutor's Office.

Details on the opinion survey among lawyers

Given the purpose of the research and the preset methodological requirements, a representative survey for all lawyers based on the following parameters was conducted:

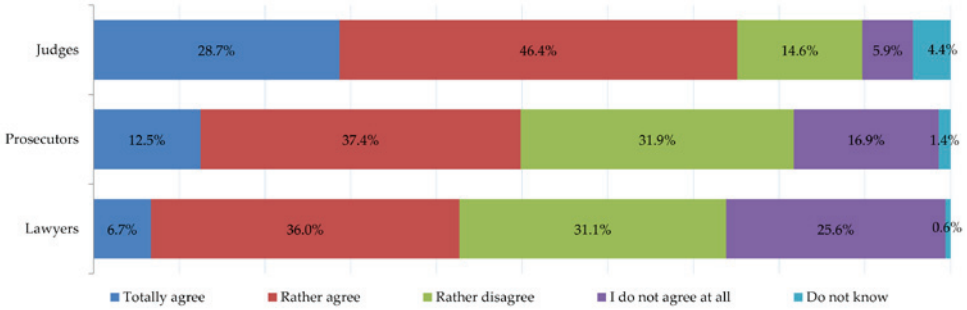
- Method of recording: standardized interviews by single-handed filling in at the work place of the respondents;
- Sampling strategy: research was conducted on a stratified, probabilistic sample;
- Stratification criteria: proportional distribution of the sample between lawyers working in the bars. Proportional territorial distribution was also carried out;
- Selection of lawyers: random selection;
- Lawyers were selected randomly by statistical step applied to lists of names of lawyers ordered alphabetically;
- Data collection period: November-December 2015.
- To encourage honest answers, the questionnaire contained no data that would have enabled the identification of the respondent. Respondents were offered envelopes to seal the filled in questionnaires.

THE RESULTS OF THE SURVEY

BLOCK I: Organisation and legal framework of the judiciary

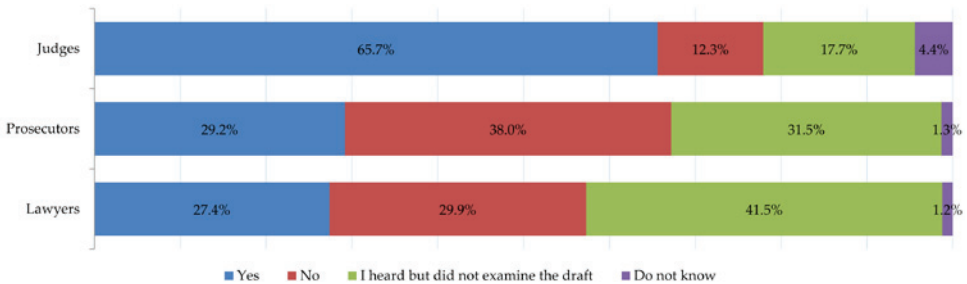
1. Impact of the Reform on Judicial System

1.1. To what extent do you agree that reforming the judiciary started with 2011 had a positive impact for the judiciary?

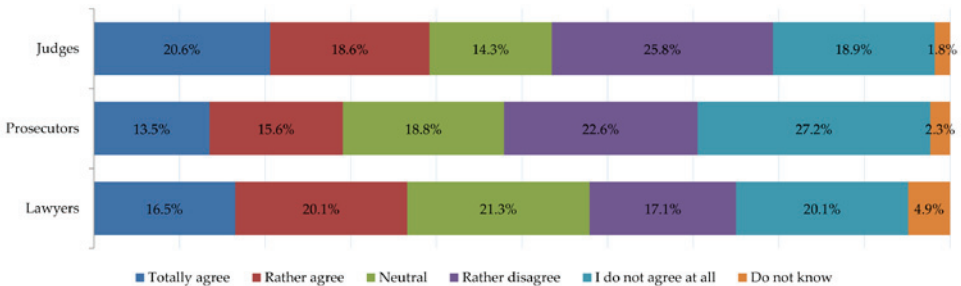


2. Judicial Map

2.1. Have you had the opportunity to examine the draft law on the reorganization of the court system sent by the Ministry of Justice for coordination in June 2015?

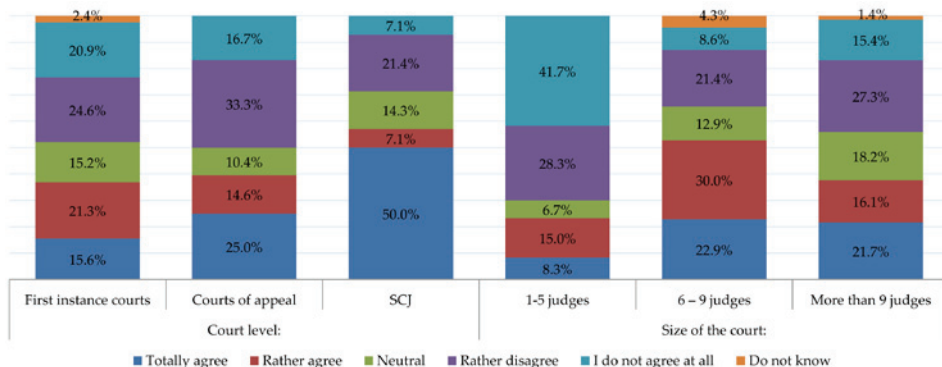


2.2. The draft law mentioned in the previous question proposes merging the courts to obtain a total number of at least nine judges per court⁵. To what extent do you agree with this proposal to amend the judicial map?

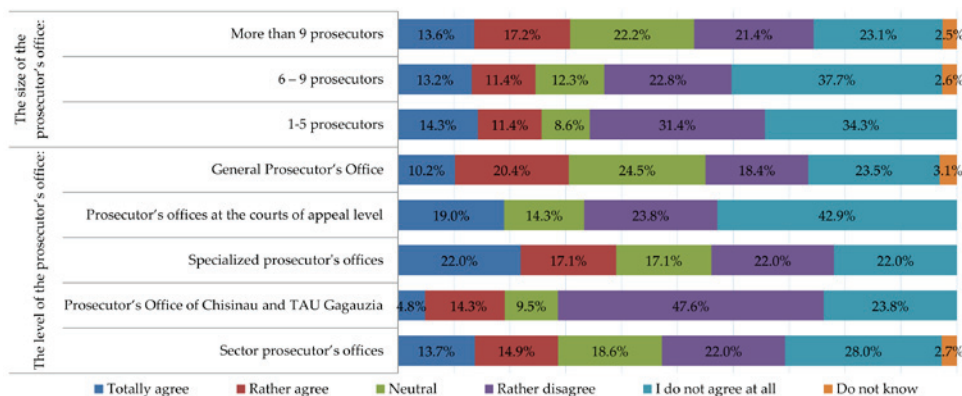


⁵ The respective proposal aims to create the necessary conditions for improving the quality of justice (a larger

The opinions expressed by judges according to the size and the level of the court



The opinions expressed by prosecutors according to the size and the level of the prosecutor's office

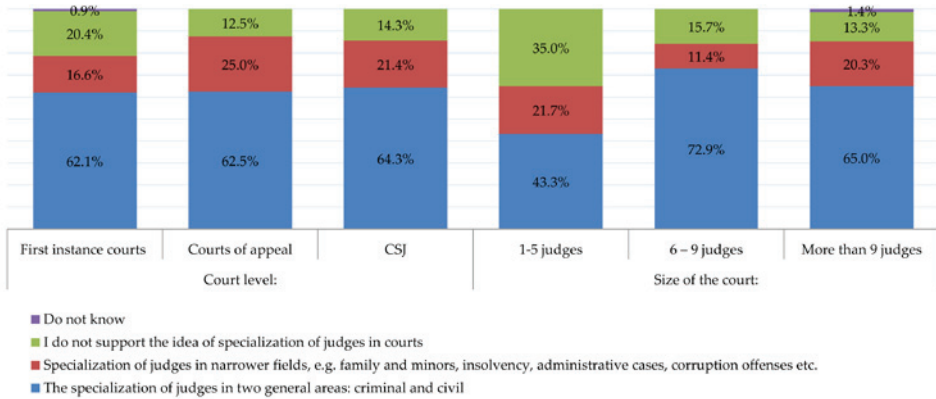


number of judges per court would allow specialization, exchange of views and information between judges, ensuring random distribution of files etc.) and efficiency of justice (the lower courts are more expensive to maintain, long-term savings in infrastructure would allow investments in courts and the 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.

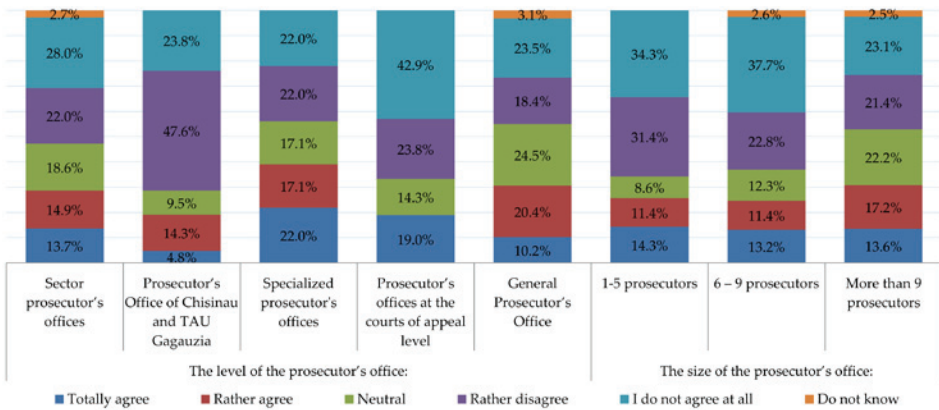
3. Specialization of Judges

3.1. If specialization of judges is to be implemented in courts of all levels and there would be at least nine judges in court, which of the following options would you consider most appropriate

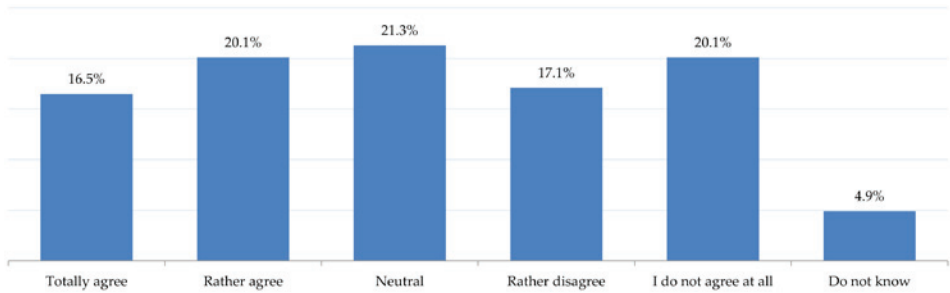
The opinions expressed by judges according to the size and the level of the court



The opinions expressed by prosecutors according to the size and the level of the prosecutor's office

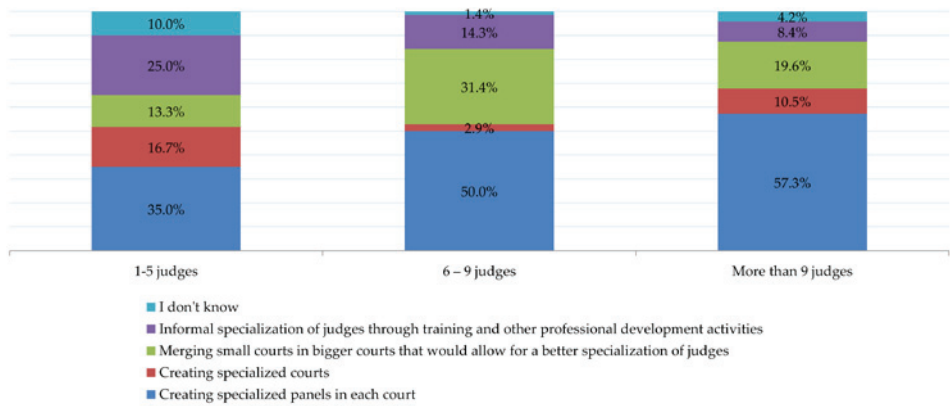


The opinions expressed by the lawyer

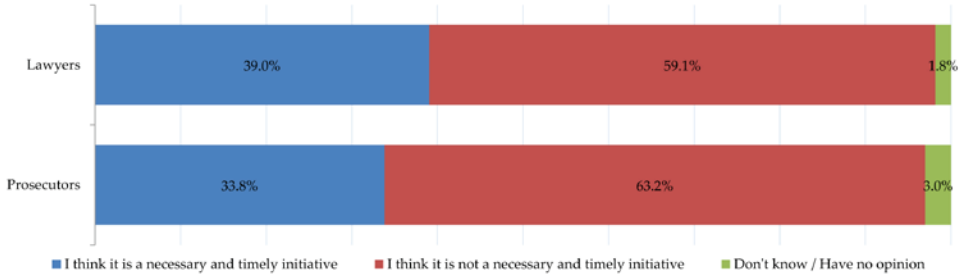


3.2. If specialization of judges is to be implemented in courts of all levels, which of the implementing modalities for specialization of judges would you consider the most appropriate

The opinions expressed by judges according to the size of the court



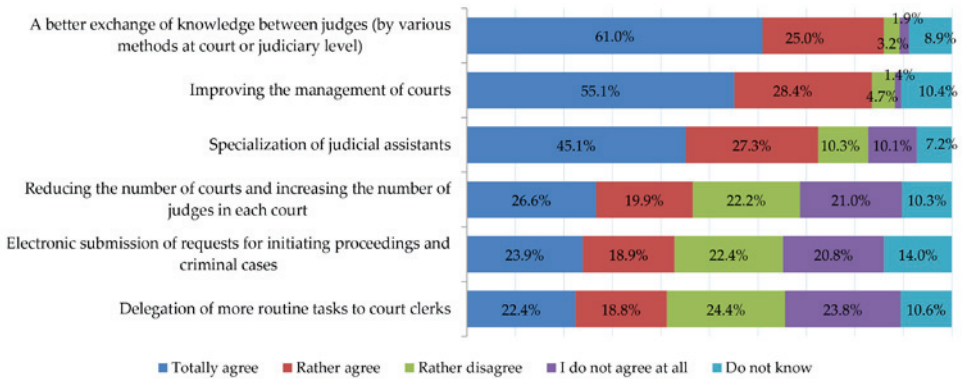
3.3. Recently, the Ministry of Justice proposed to create the Anticorruption Court, establish a specialized panel within court of appeals and a permanent specialized panel within the Criminal Board of the SCJ for the examination of the cases related to corruption. What is your opinion on this initiative?



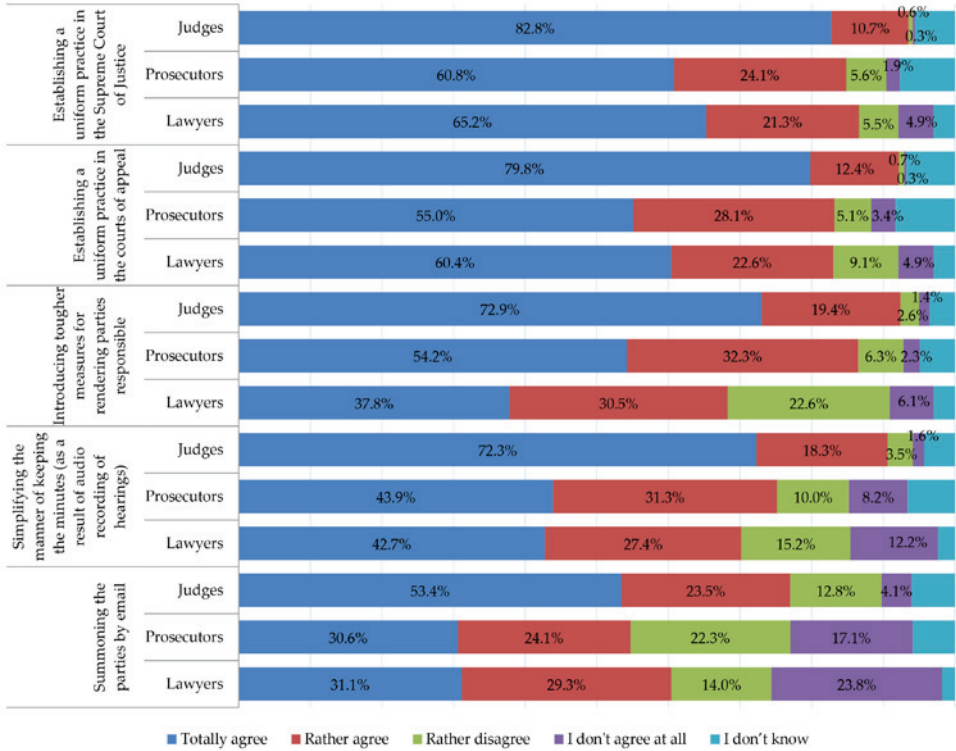
4. Improve the Court's Performance Evaluation Applying Administrative Measures

4.1. 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

The opinions expressed by judges



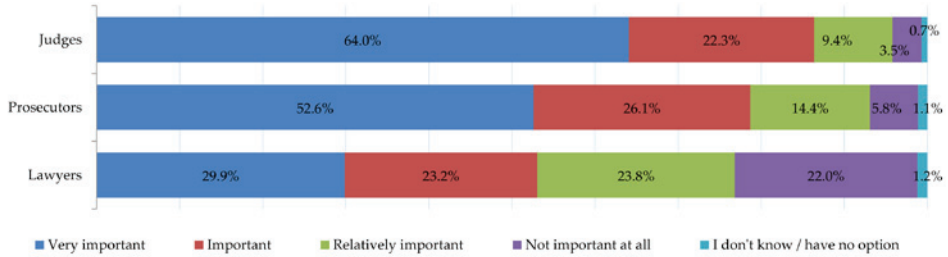
4.2. Please indicate your opinion on whether the following measures of simplifying court procedures would help improve a court’s performance. Please tick your response for each option below



BLOCK II: Legislative amendments for improving the judiciary system, including reduction of workload

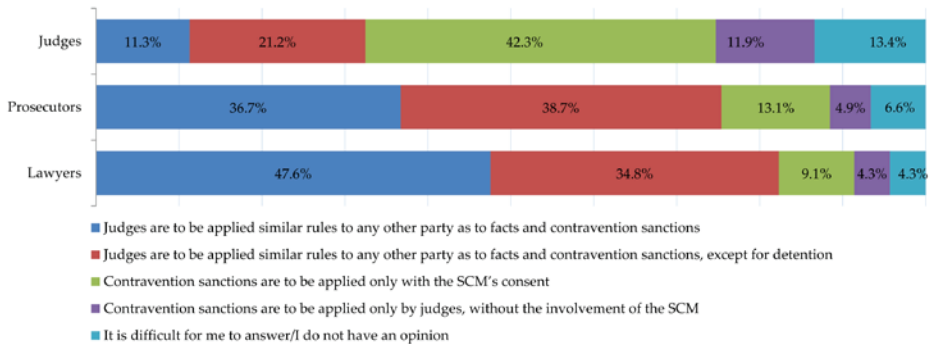
5. Salaries of Judges

5.1. Since 2014 the judges' salaries increased. What is your opinion on the importance of this measure to ensure the independence, accountability and effectiveness of the judiciary?



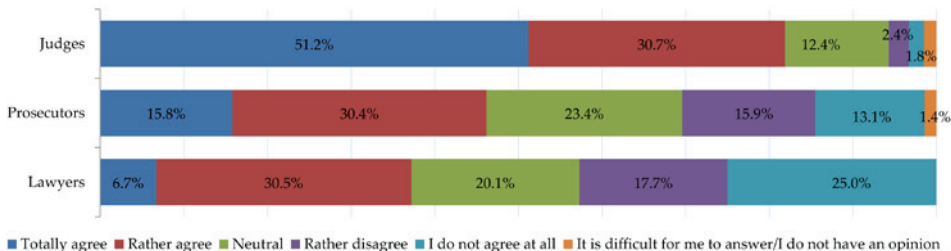
6. Immunity of Judges

6.1. What is your opinion on the immunity of judges to contravention liability? Please choose one of the options below

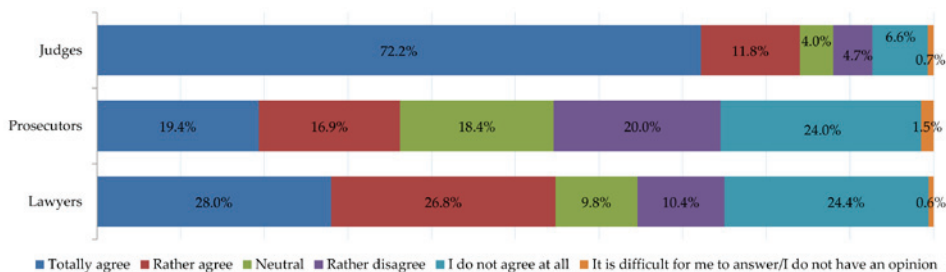


7. Quality of Justice

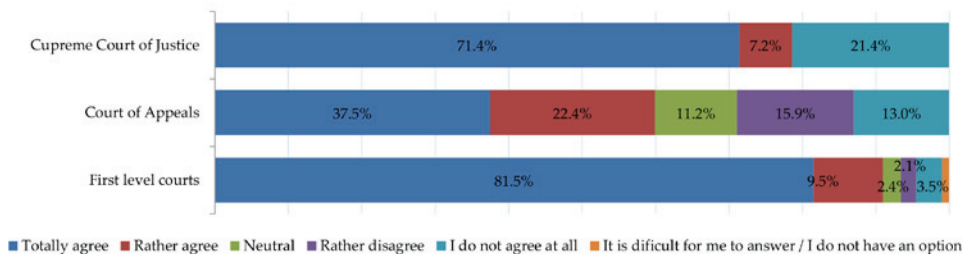
7.1. To what extent do you agree with the statement that in 2015 the quality of justice was better than in 2011?



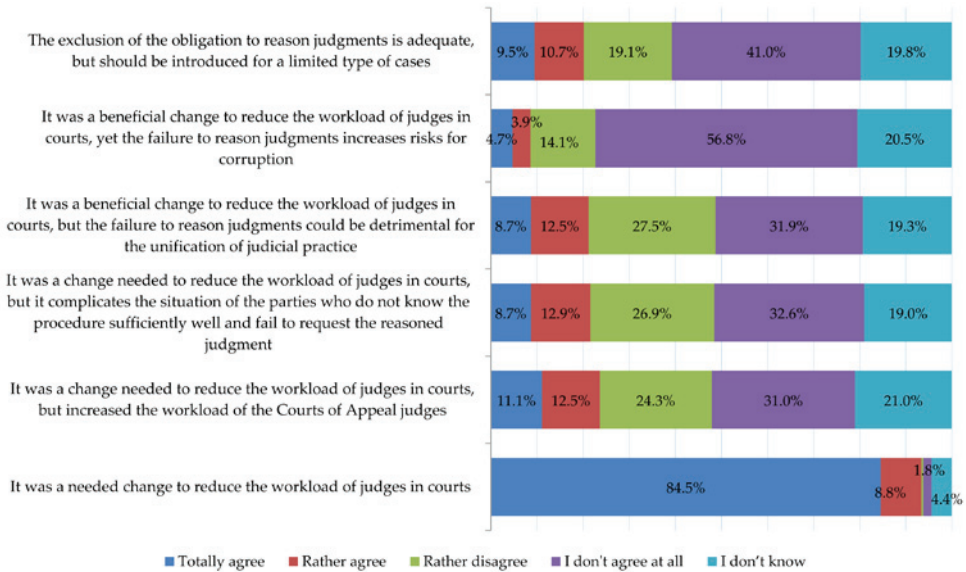
7.2. To what extent do you agree with the statement that the exclusion of the obligation to reason civil judgments in the first instance was a correct measure?



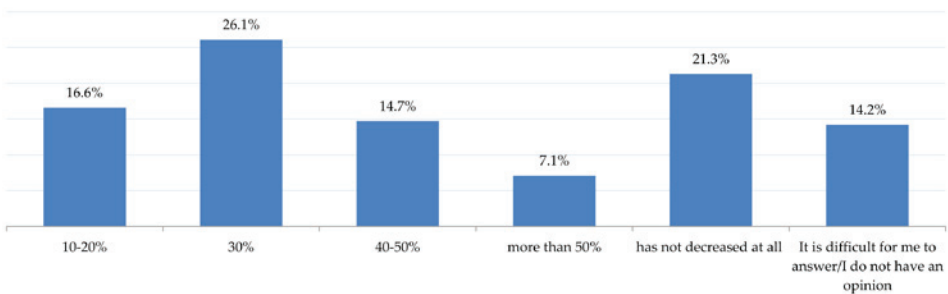
The opinions expressed by judges according to the size of the court



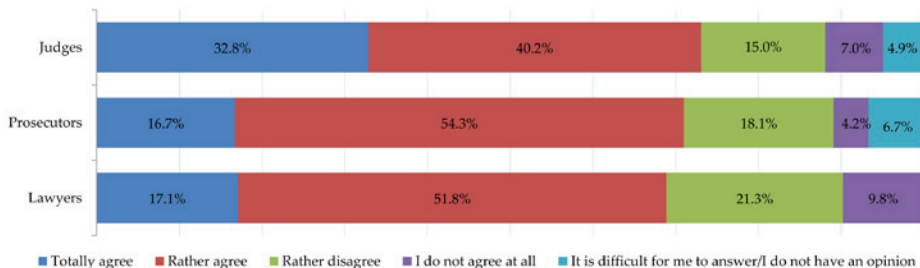
7.3. To what extent do you agree with the following statements regarding the impact of 2012 changes in the Civil Procedure Code which excluded the duty to reason civil judgments in the first instance courts?



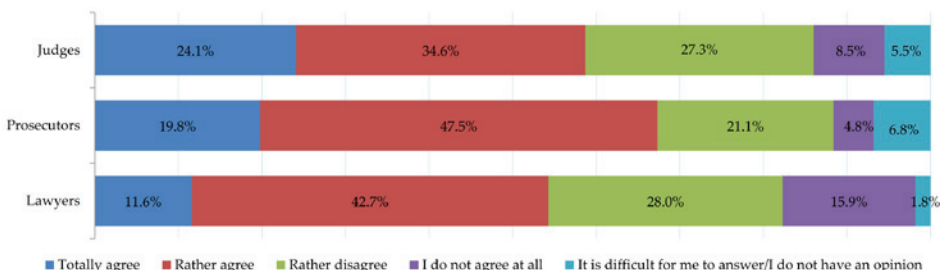
7.4. If you are a court judge, to which extent has your workload decrease since the entry into force of amendments to the Civil Procedure Code which excluded the duty to reason civil judgments in first instance courts?



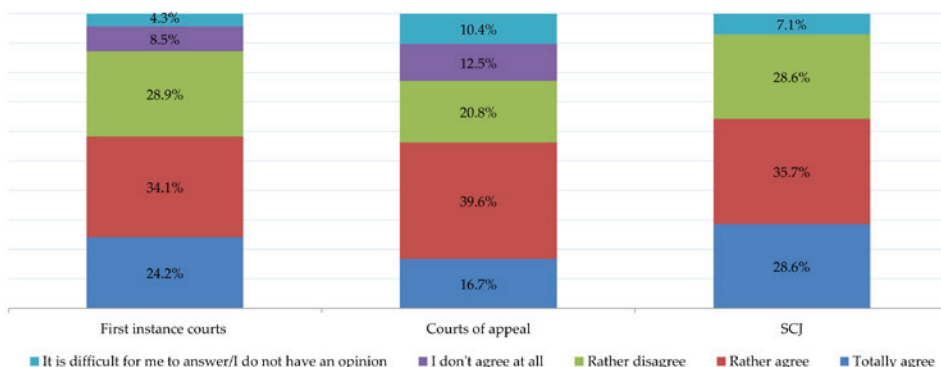
7.5. To what extent do you agree with the statement that the 2012 changes to the Civil Procedure Code allow for a better preparation of the case for the hearing and reduce the number of hearings per case?



7.6. Introduction of a time term for presenting evidence in civil procedure 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?

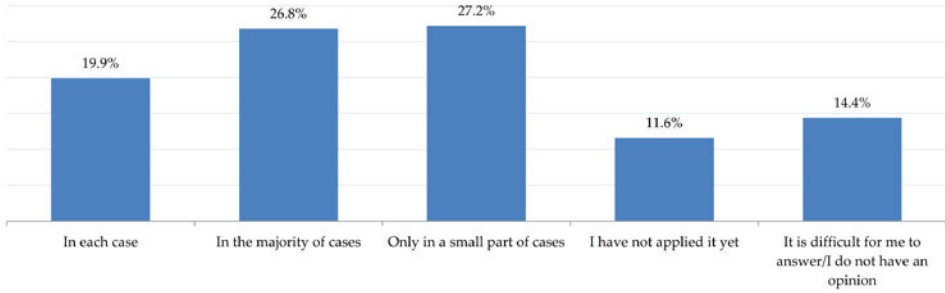


The opinions expressed by judges according to the level of the court

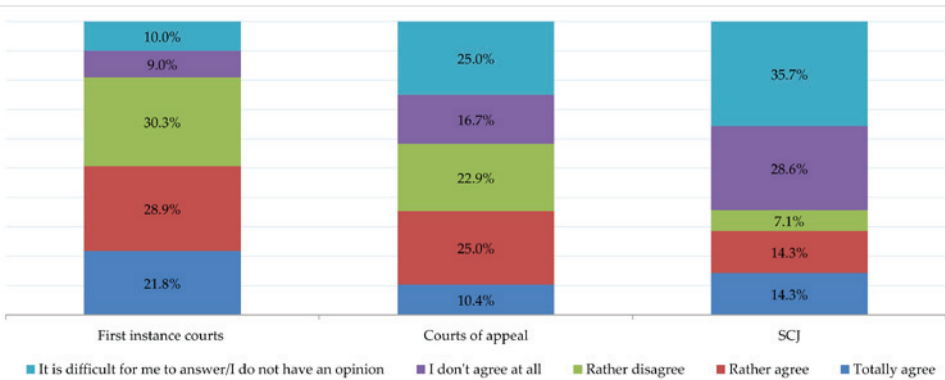


7.7. The amendment of the Civil Procedure Code in 2012 allows for production in written form of the case for the hearing on the merits. How often do you use this procedure?

The opinions expressed by judges

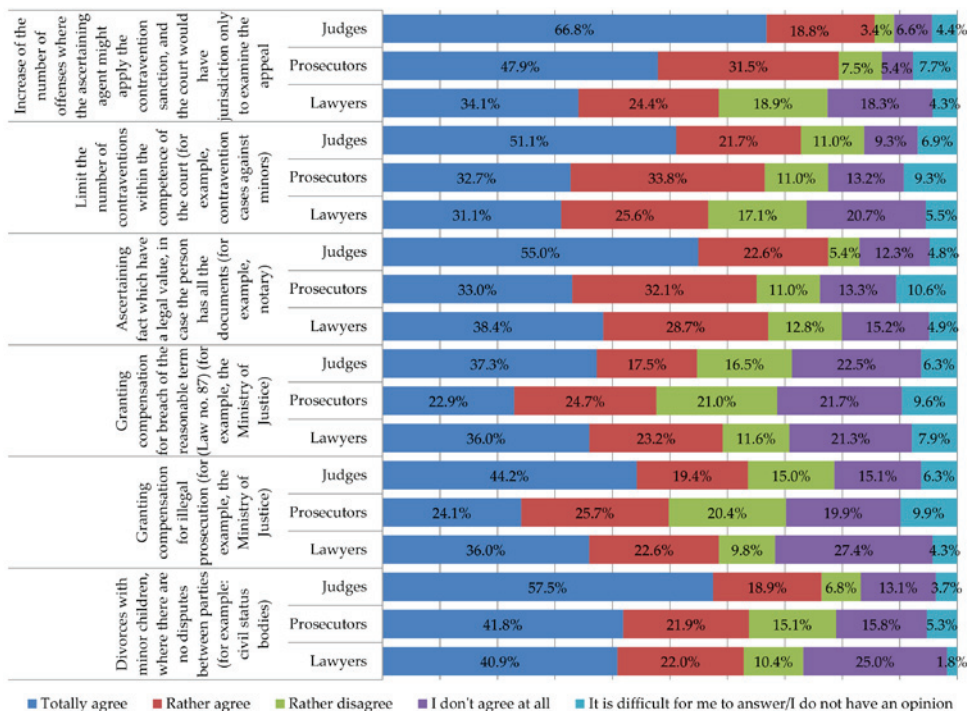


The opinions expressed by judges according to the court level



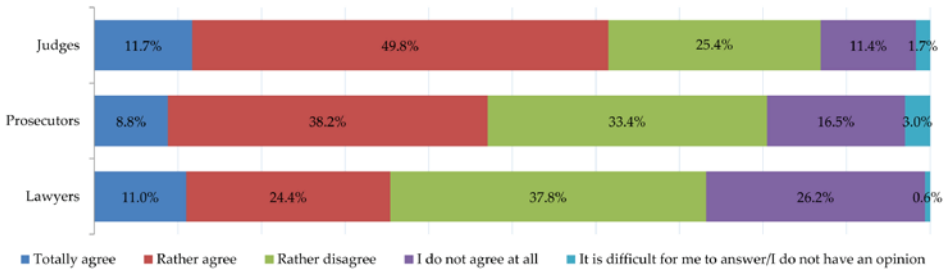
8. Empower the Administrative Bodies to Examine Some Cases

8.1. In order to reduce the workload of the courts, what do you think about the proposal that some cases examined now by judges should be examined by administrative bodies (existing or created for this purpose), and the parties can go to court only if they disagree with the decision of the administrative body? Please express your opinion on the appropriateness of changing competences based on the following factors:

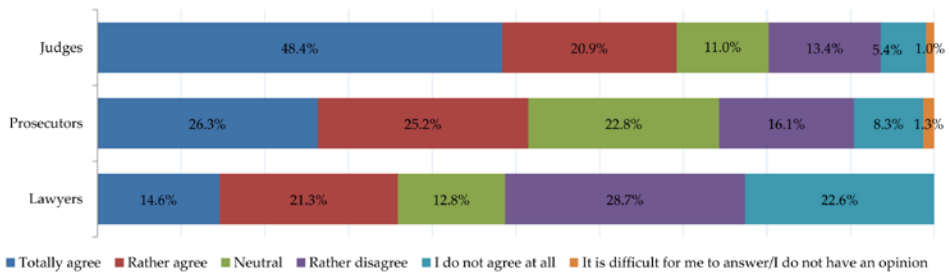


9. Judicial Practice

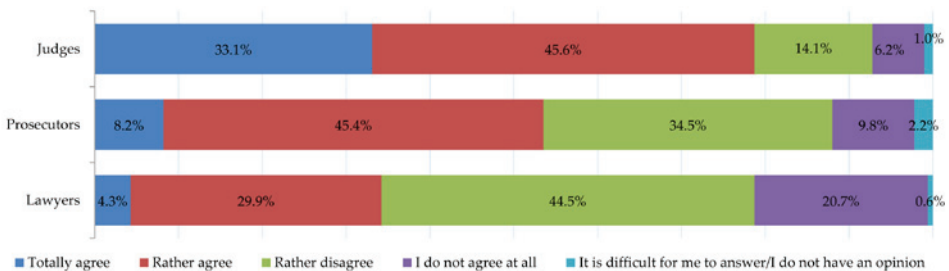
9.1. To what extent do you agree with the statement that the SCJ practice is uniform?



9.2. What is your opinion about the examination of recourses by the SCJ in the absence of parties (written procedure)?



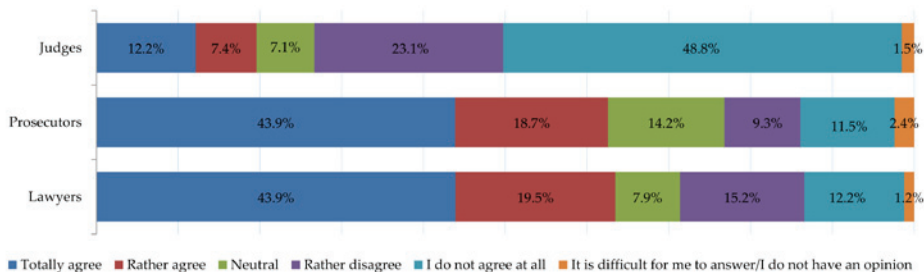
9.3. To what extent do you agree with the statement that since 2012, the Supreme Court of Justice has taken sufficient measures to unify the jurisprudence?



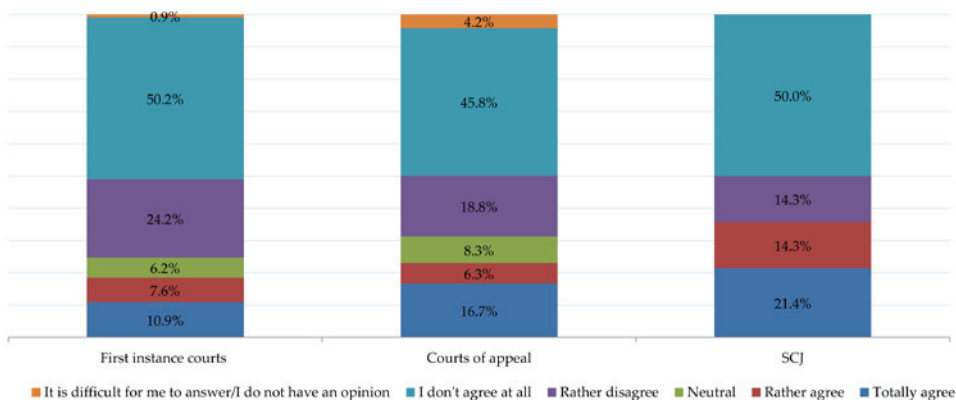
Recent proposals to reform the judiciary

10. Court Fees

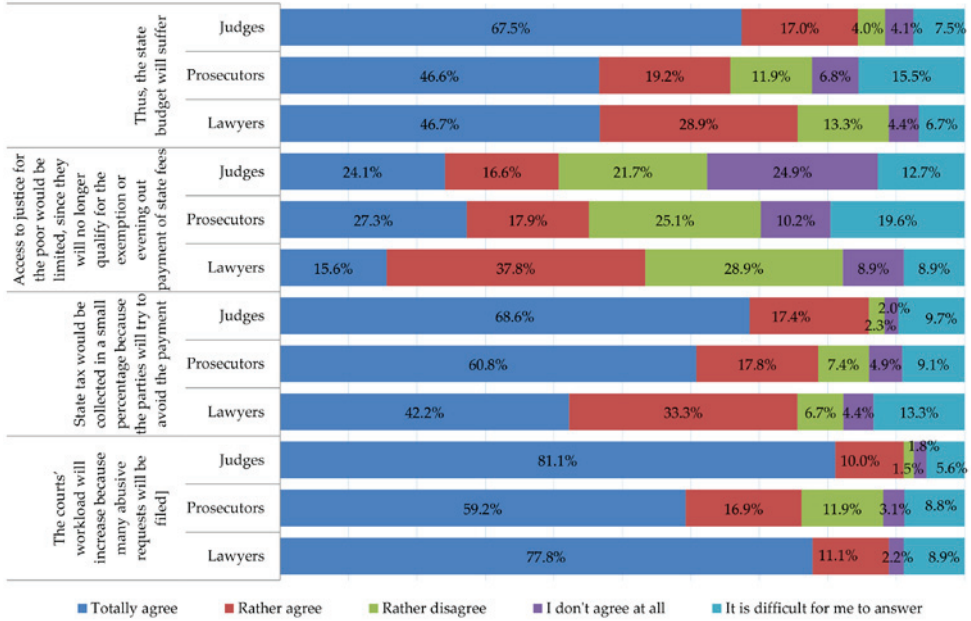
10.1. Recently, the Centre for Reform in the Judicial System proposed to amend the manner of paying the state fee in civil cases. It is proposed to pay the state fee after the judgment becomes final, by the party who lost the case. To what extent do you agree with this proposal?



The opinions expressed by judges according to the court level

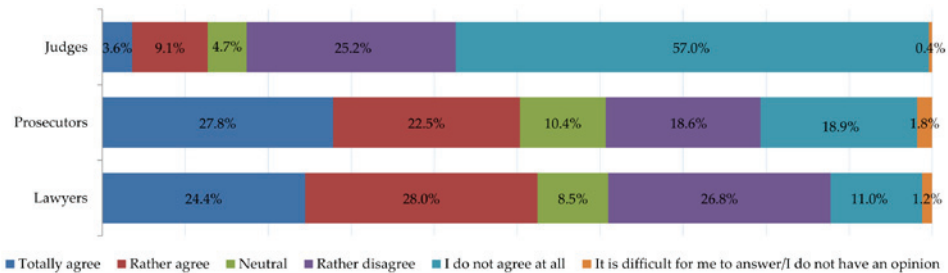


10.2. If you have indicated *rather disagree* or *I do not agree at all* with the proposal regarding the change in the state fee payment manner, please mention whether you agree or disagree with the possible risks this proposal might imply:

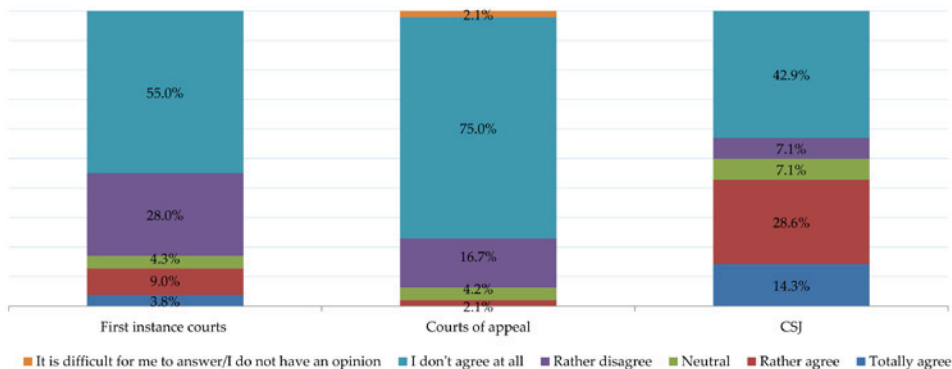


11. Fixed Terms for Examining Cases in Courts

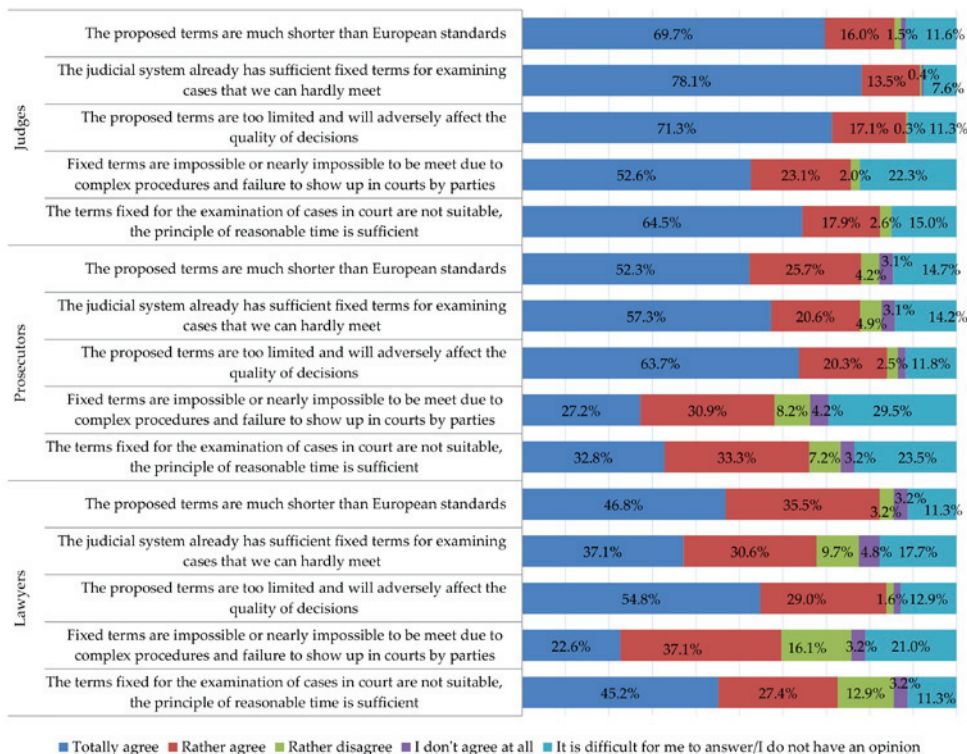
11.1. Recently, the Centre for Reform in the Judicial System proposed to introduce fixed terms for examining cases in courts - 6 months for the first instance court and 3 months for the appeal and 3 for the recourse, in criminal and civil cases. To what extent do you agree with this proposal?



The opinions expressed by judges according to the court level

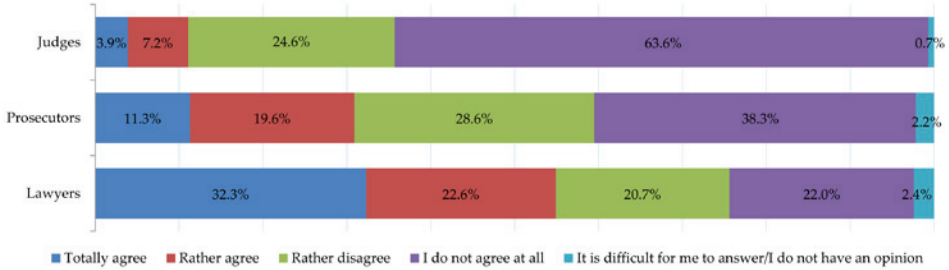


11.2. If you have chosen the option *rather disagree* or *I do not agree at all*, please consider if you agree or disagree with the following statements regarding introducing fixed terms of examining cases by courts:

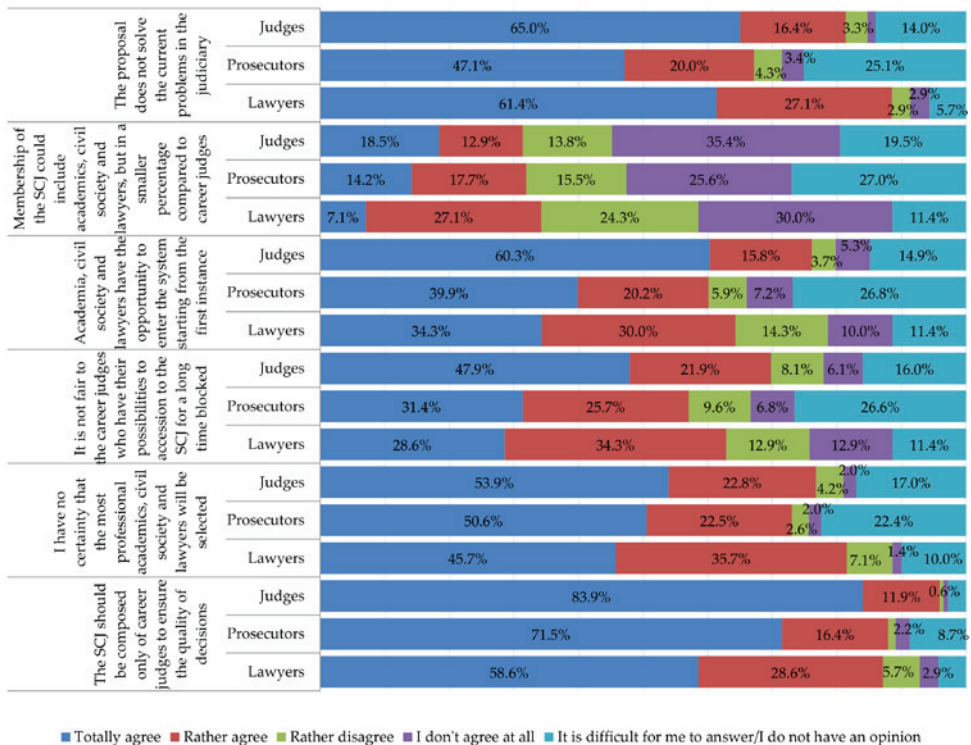


12. The Membership of the Supreme Court of Justice

12.1. Recently, the Centre for Reform in the Judicial System proposed to amend the membership of the Supreme Court of Justice, so that 16 of 33 judges shall be selected from among representatives of academia, civil society and lawyers and 17 shall be career judges. To what extent do you agree with this proposal?

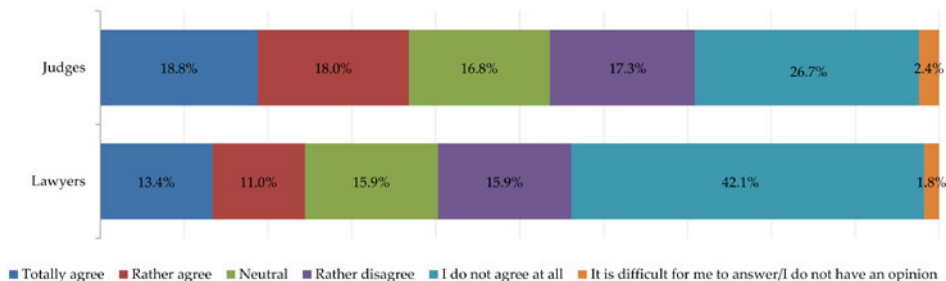


12.2. If you have chosen the option *rather disagree* or *I do not agree at all*, please consider if you agree or disagree with the following statements about changing the composition of the Supreme Court of Justice:



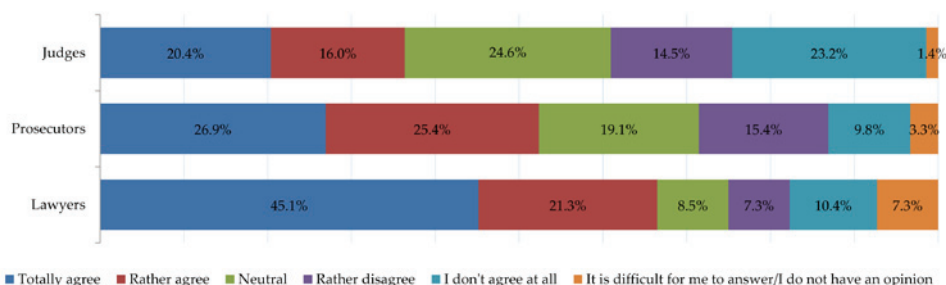
13. Compulsory Mediation

13.1. Recently, the Centre for Reform in the Judicial System proposed to introduce compulsory mediation in civil cases by the judge who was randomly distributed the case. Should the mediation fail, the case will be sent for examination to another judge. To what extent do you agree with this proposal?



14. Assigning the SCM the Competence to Carry out Controls over the Declarations of Income and Property and Declarations of Personal Interests of Judges

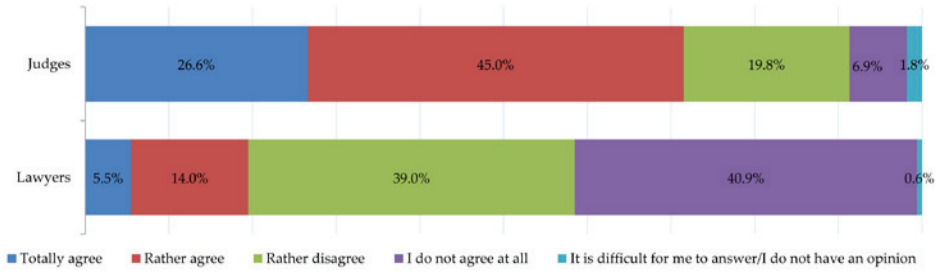
14.1. Recently, the Ministry of Justice proposed to attribute the SCM, without prejudice to the competences of other bodies, with the right to order the Judicial Inspection to carry out controls over the declarations of income and property and declarations of personal interests of judges, the right to determine whether between the revenues obtained by a 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?



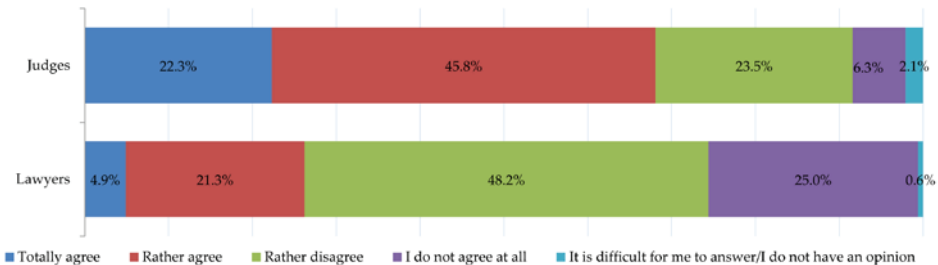
BLOCK III: Self-administration of the judiciary

15. The Activity of the Superior Council of Magistracy

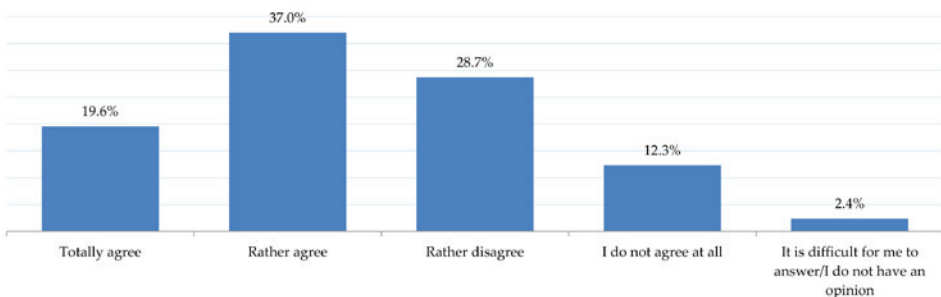
15.1. To what extent do you agree with the statement that the activity of the Superior Council of Magistracy (CSM) is transparent?



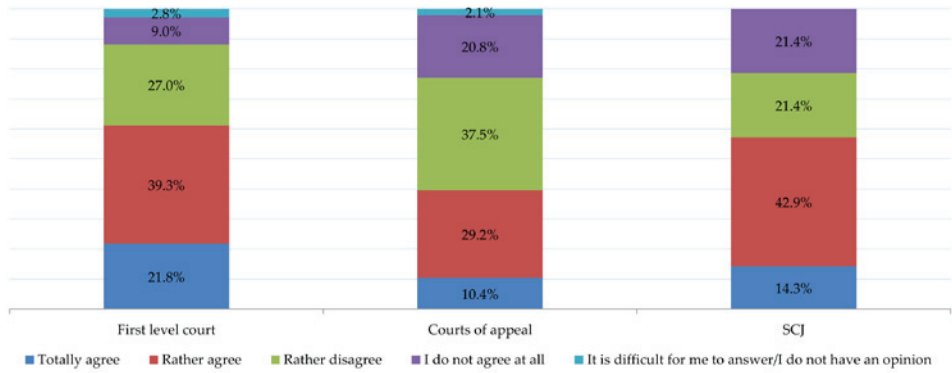
15.2. To what extent do you agree with the statement that the SCM decisions are well-reasoned and clear for judges?



15.3. To what extent do you agree with the statement that the SCM effectively communicates with judges?

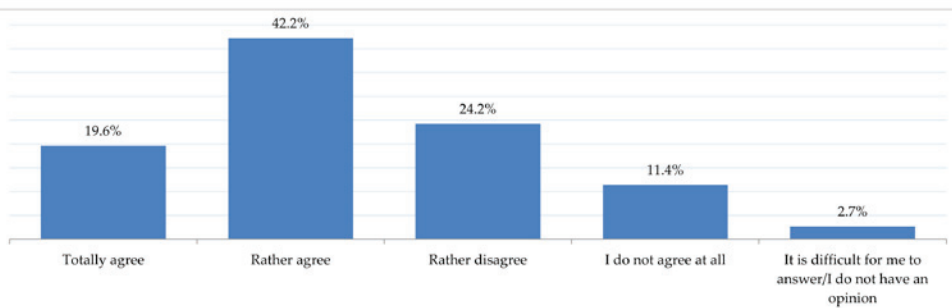


The opinions expressed by judges according to the court level



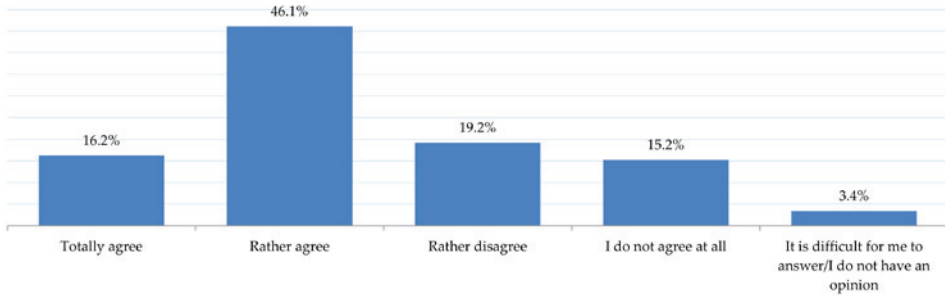
15.4. To what extent do you agree with the statement that the organization of General Assemblies of Judges is fair and effective?

The opinions expressed by judges

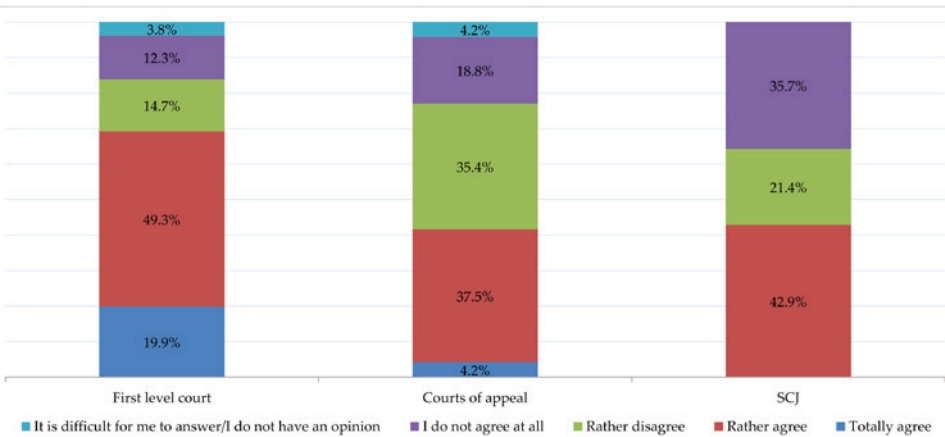


16. Selection, Promotion and Performance Evaluation of Judges

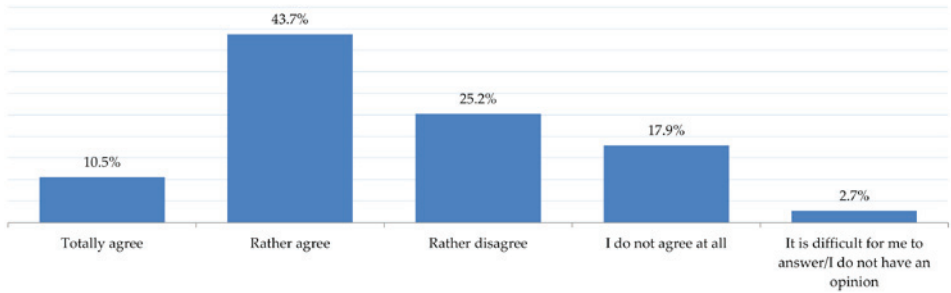
16.1. To what extent do you agree with the statement that the mechanism for initial appointment of judges is correct and based on merits, the best candidates being selected?



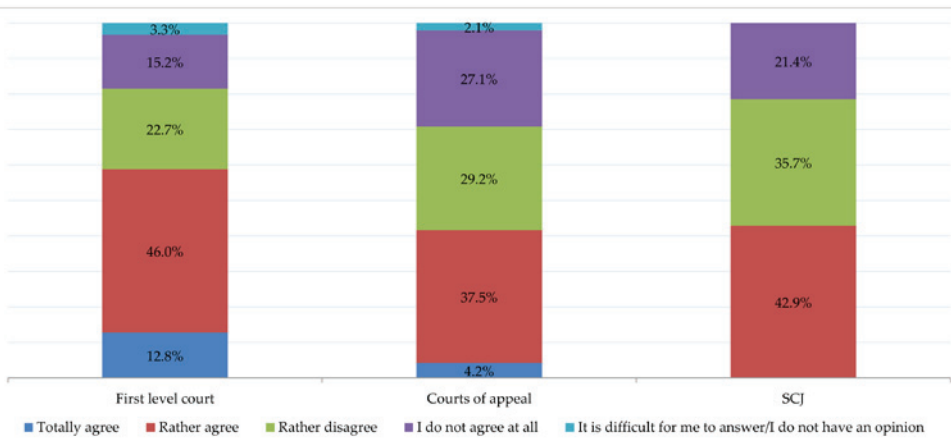
The opinions expressed by judges according to the court level



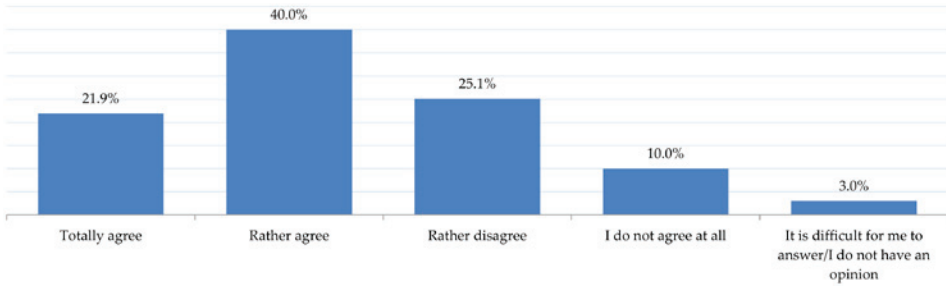
16.2. To what extent do you agree with the statement that the manner of promoting judges is correct and based on merits, the best judges being promoted to a higher court?



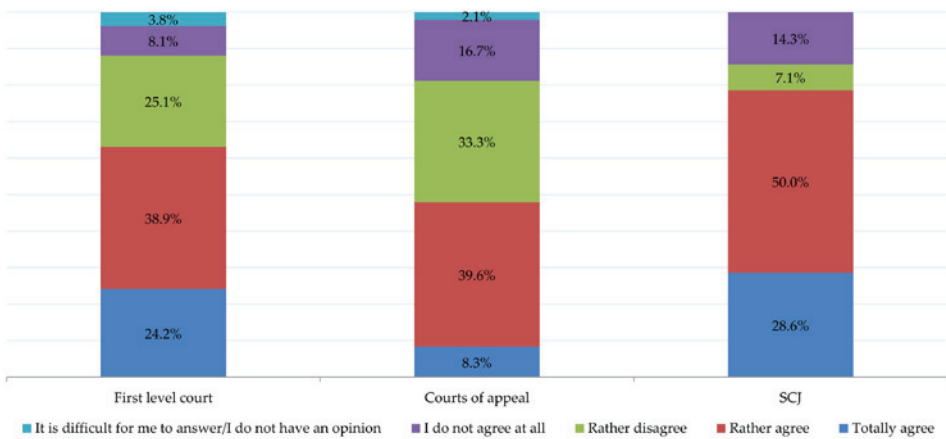
The opinions expressed by judges according to the court level



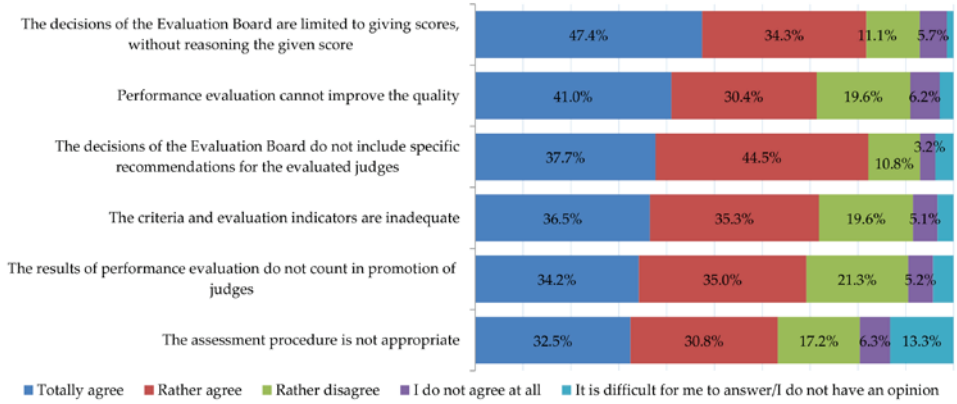
16.3. To what extent do you agree with the statement that judicial performance evaluation system established in 2012 helps judges improve their performance?



The opinions expressed by judges according to the court level

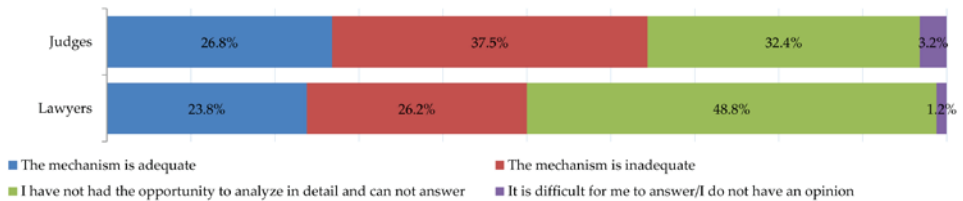


16.4. Please indicate whether you agree or disagree that the following factors determined your opinion regarding the fact that performance evaluation system does not help improve the performance of judges

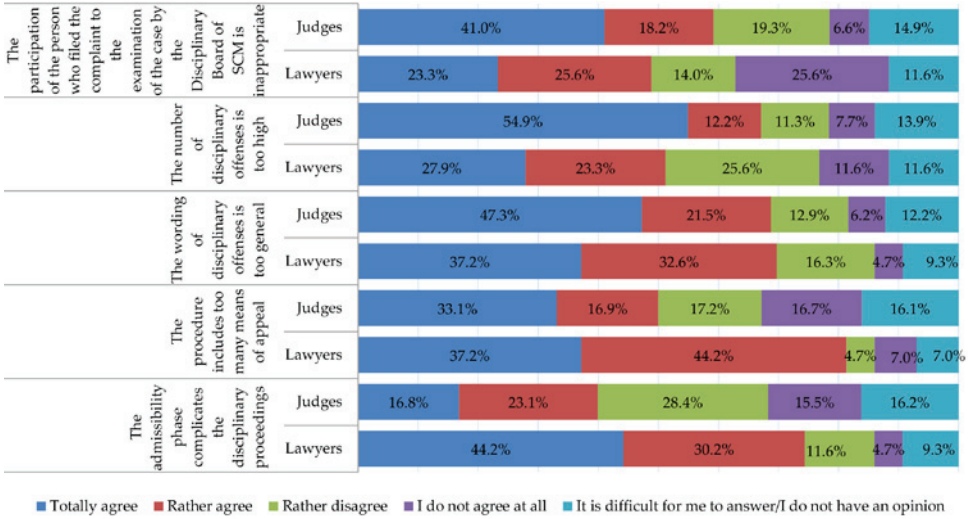


17. Judges Liability System

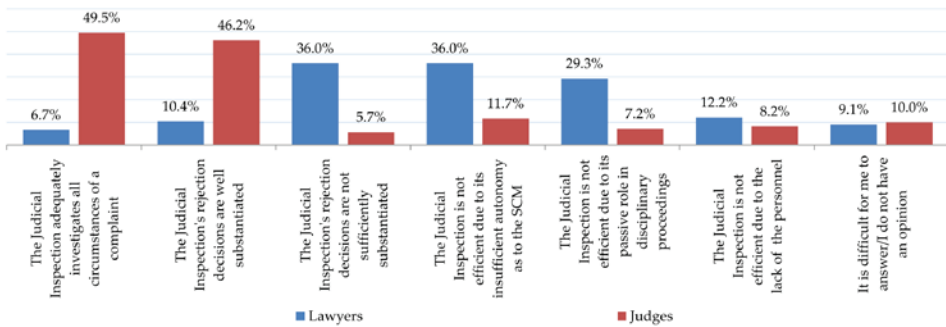
17.1. What is your opinion on the mechanism of disciplinary liability of judges introduced by Law no. 178 in force as of 1 January 2015? Please select an option.



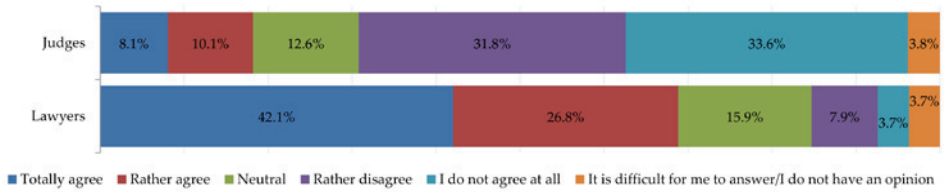
17.2. Please indicate whether you agree or disagree with the following reasons that have determined your opinion on the fact that the disciplinary liability mechanism established by Law no. 178 is not suitable.



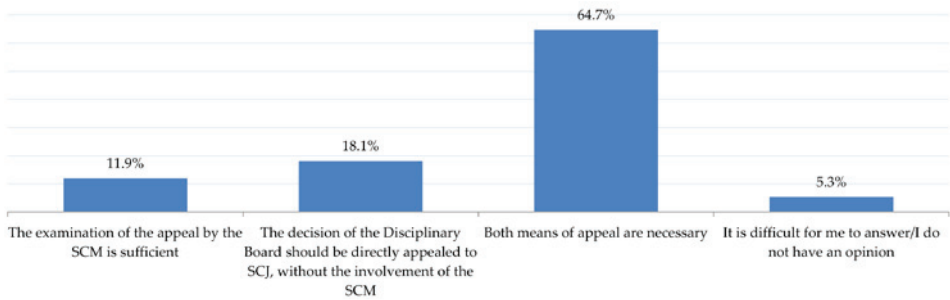
17.3. What is your opinion on the activity of the Judicial Inspection in disciplinary cases?



17.4. Recently, the Centre for Reform in the Judicial System proposed to amend the number of the members of the Judicial Inspection by increasing the number of inspectors from 5 to 15, of which 8 shall be representatives of the academia, civil society and lawyers. To what extent do you agree with this proposal?



17.5. The decisions of the Disciplinary Board may be appealed to the SCM and further to the SCJ. If appeal possibilities are changed, which remedy do you think would be most effective for disciplinary cases?

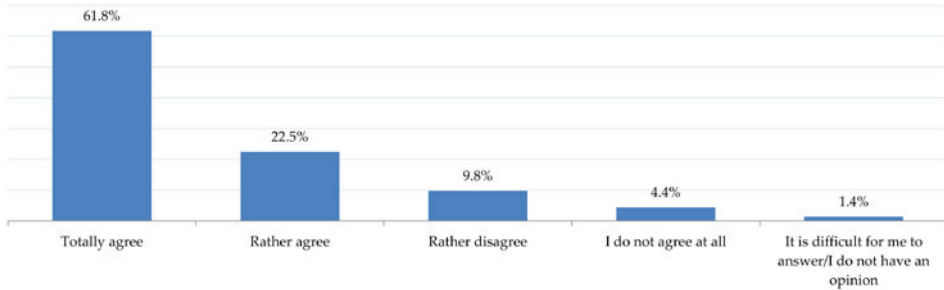


BLOCK IV: The reform of the Prosecution Service.

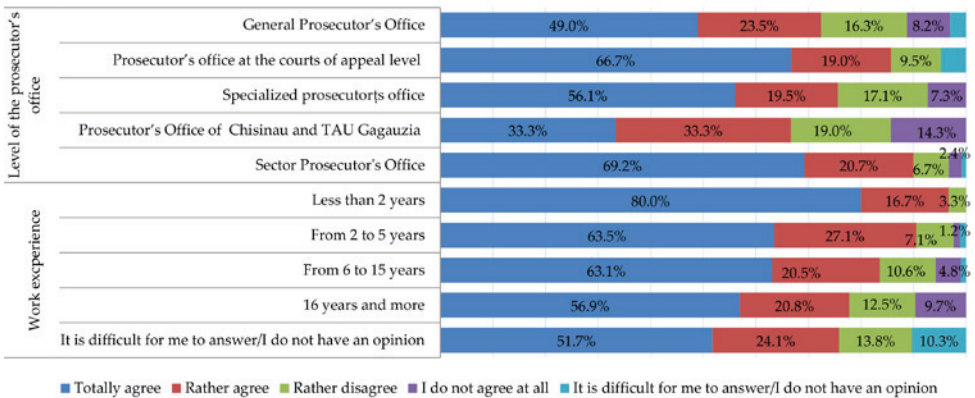
Opinions expressed by the prosecutors

18. Draft Law on Prosecution Service

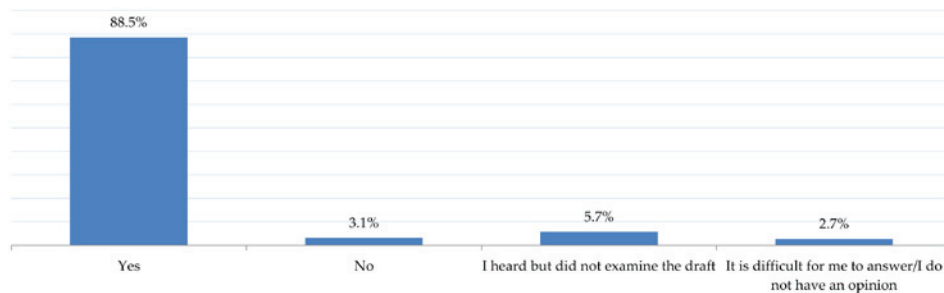
18.1. To what extent do you agree with the statement that the reform of the prosecution service is needed?



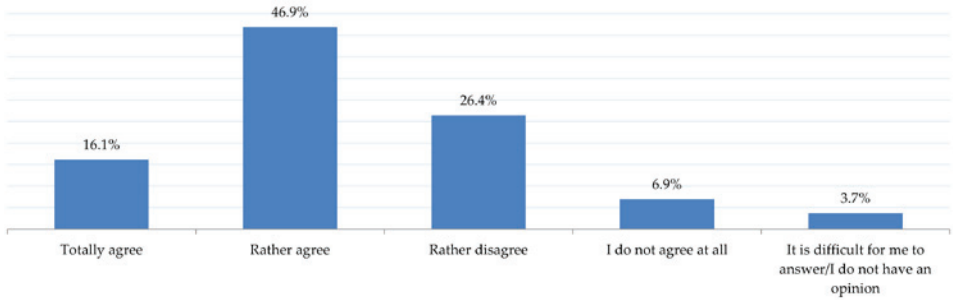
The opinions expressed by prosecutors according to the level of the prosecutor's office



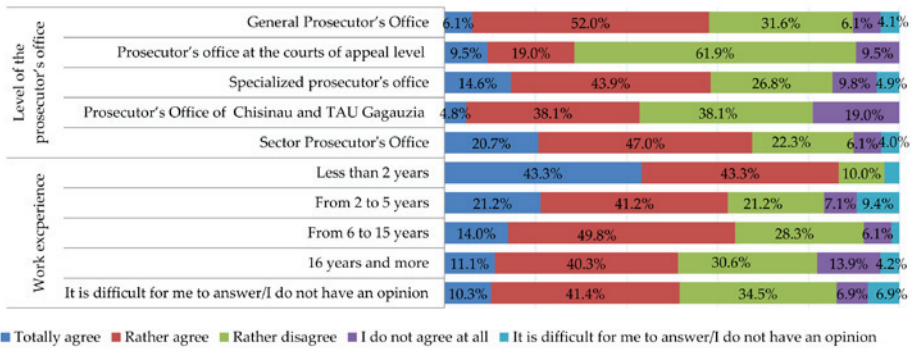
18.2. Did you have the possibility to analyse the draft of the new Law on prosecution service adopted by the Parliament in the first reading?



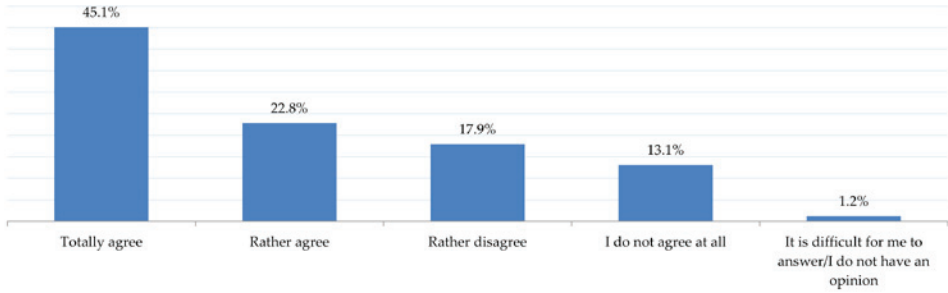
18.3. To what extent do you agree with the approach of the new Law on prosecution service?



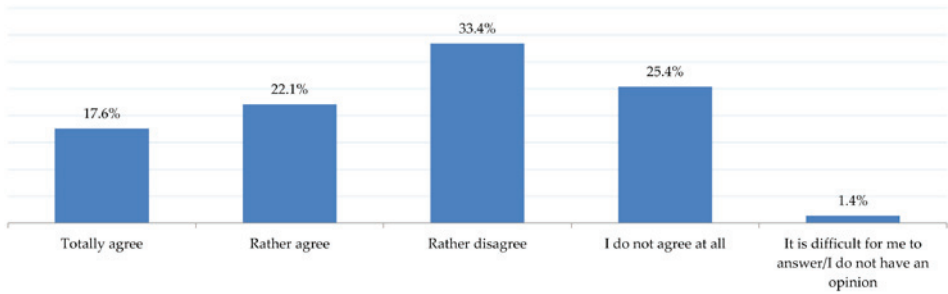
The opinions expressed by prosecutors according to the prosecutor's office and their work experience



18.4. To what extent do you agree with the statement that the prosecutor’s office competence to initiate civil cases should be excluded?

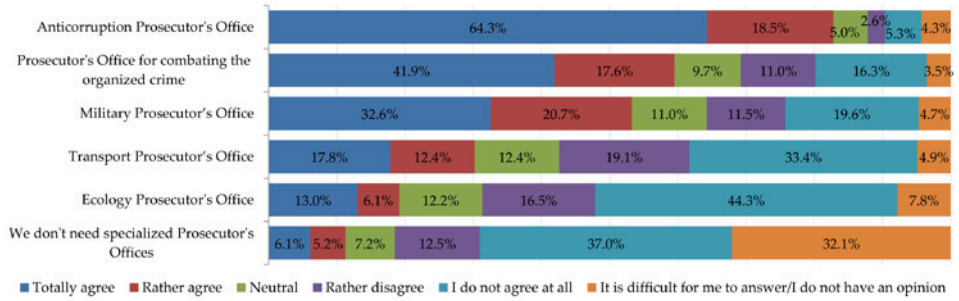


18.5. To what extent do you agree with the statement that the prosecutor’s office competence to ensure respect of law in army forces and penitentiary system should be excluded?

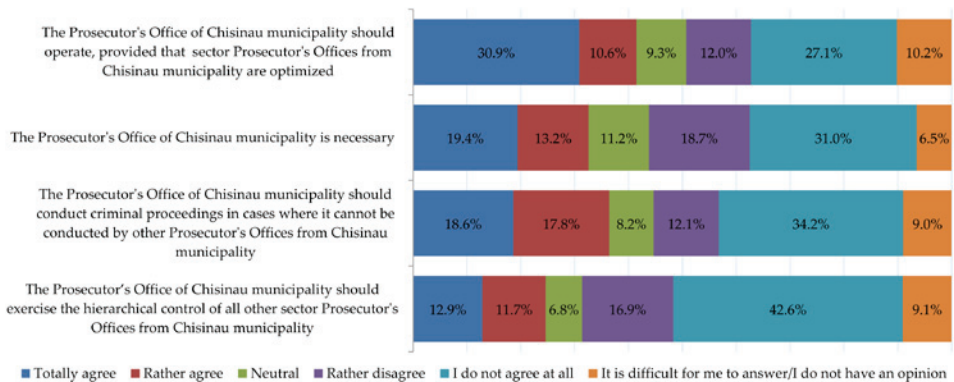


19. Specialization and Optimization of the Prosecutor's Offices

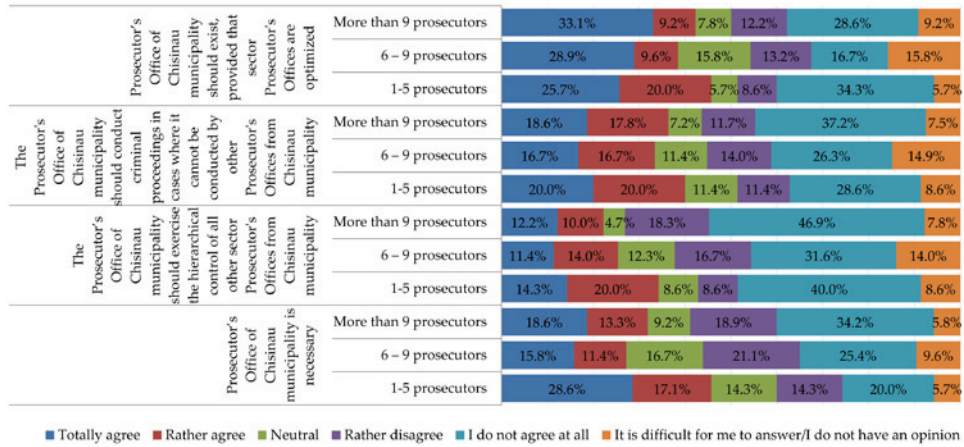
19.1. Below are indicated existing prosecutor's offices, as well as the prosecutor's offices that can be created in the Republic of Moldova. Please fill in your opinion with regard to the opportunity (justification) of the existence of each specialized prosecution office listed below



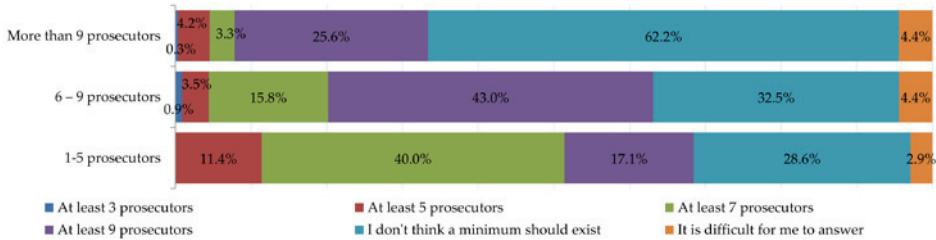
19.2. The following statements refer to the Prosecutor's Office of Chisinau municipality. Please indicate if you agree with each of the below-mentioned statement



The opinions expressed by prosecutors according to the prosecutor's office and their work experience

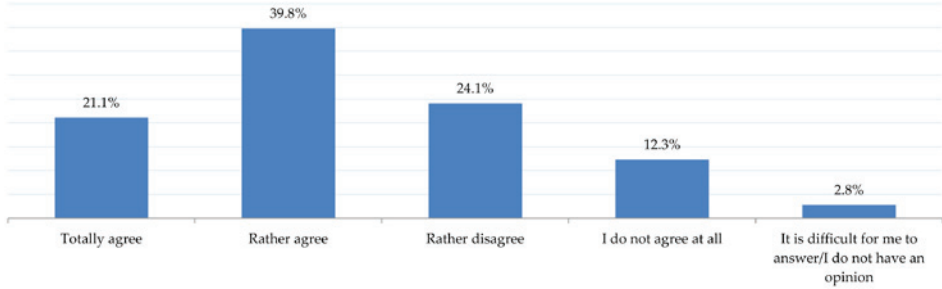


19.3. Please indicate, what should be, in your opinion, the minimum number of prosecutors in a district (sector/rayon) prosecutor's office so as to be able to conduct its activity in an efficient manner according to the procedural rules in force

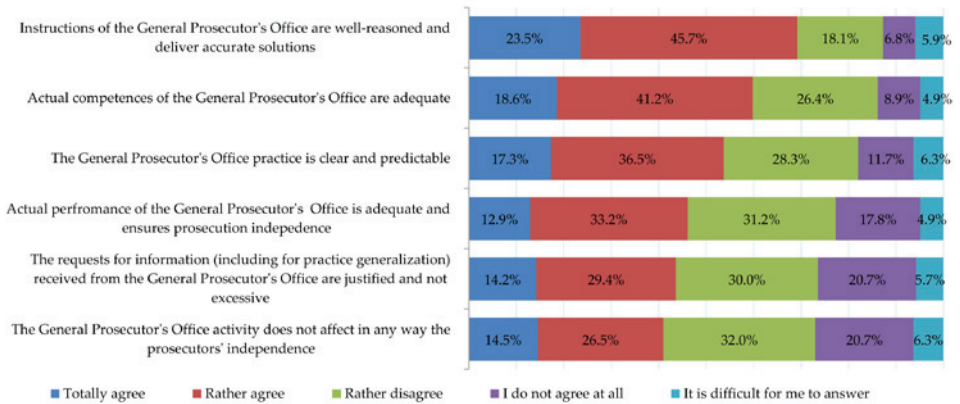


20. Prosecution Self-administration

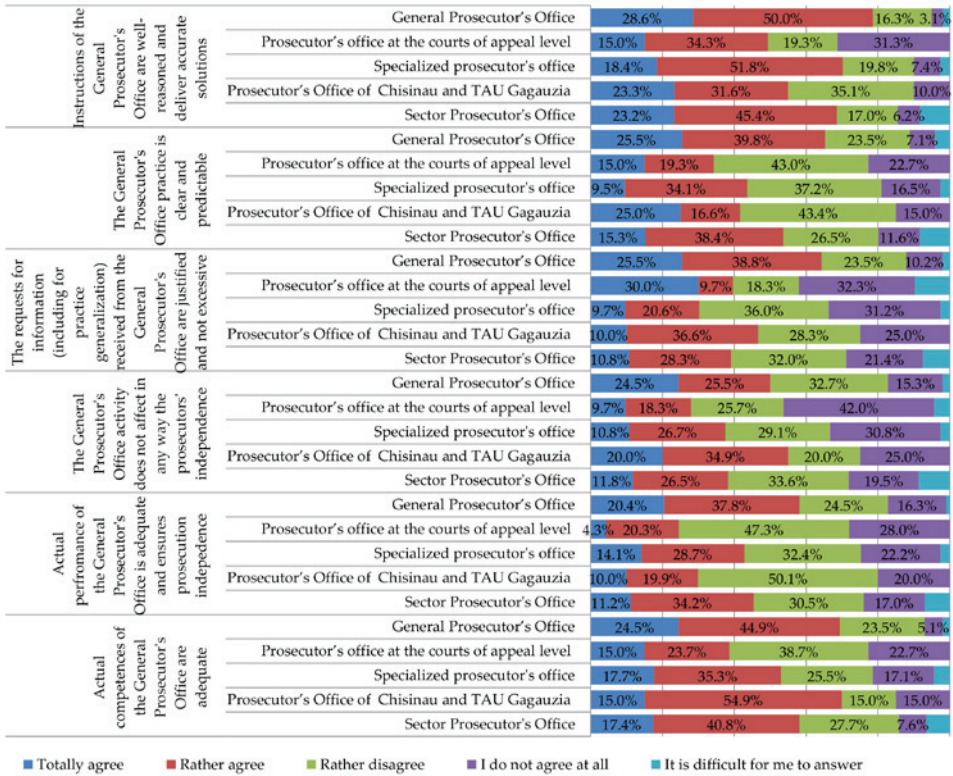
20.1. To what extent do you agree with the statement that the activity of the General Prosecutor’s Office is efficient?



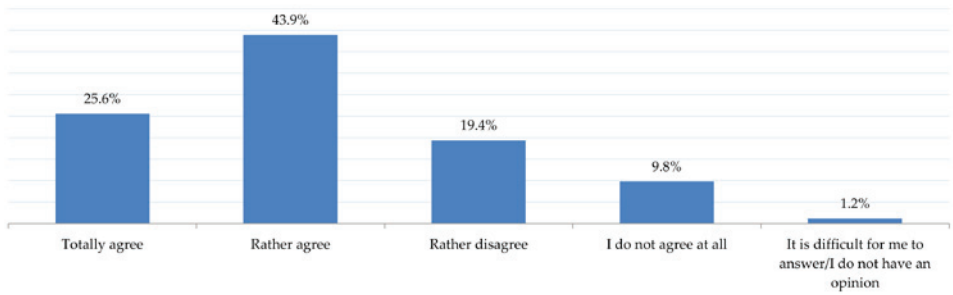
20.2. This question refers to the quality of the General Prosecutor’s Office activity. Please express to which extent do you agree with the following statements:



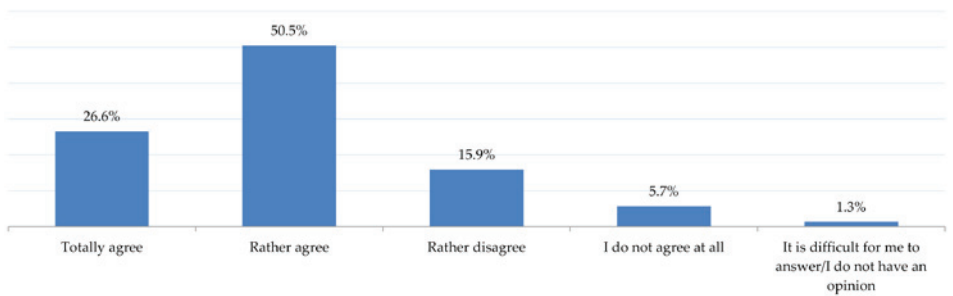
The opinions expressed by prosecutors according to the prosecutor's office and their work experience



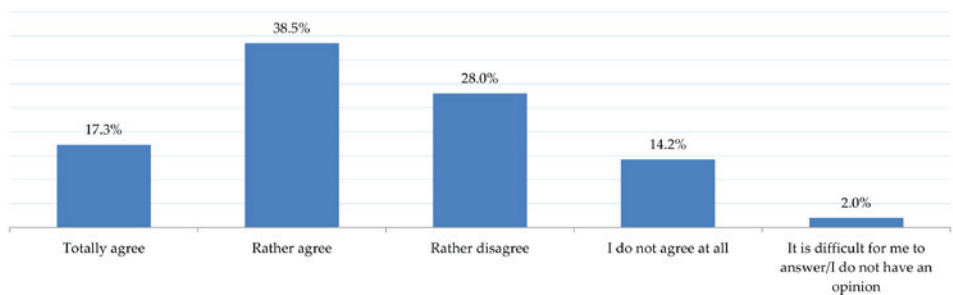
20.3. To what extent do you agree with the statement that the activity of the Superior Council of Prosecutors (SCP) is transparent?



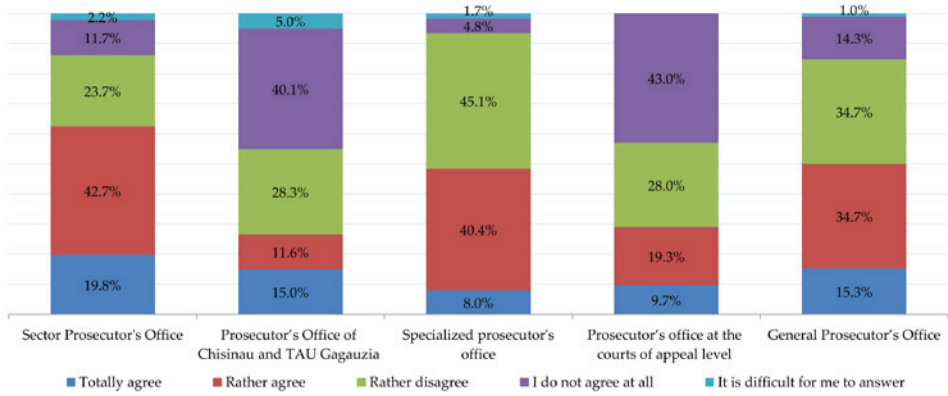
20.4. To what extent do you agree with the statement that the decisions of the SCP are well-reasoned and clear for prosecutors?



20.5. To what extent do you agree with the statement that the SCP effectively communicates with prosecutors?

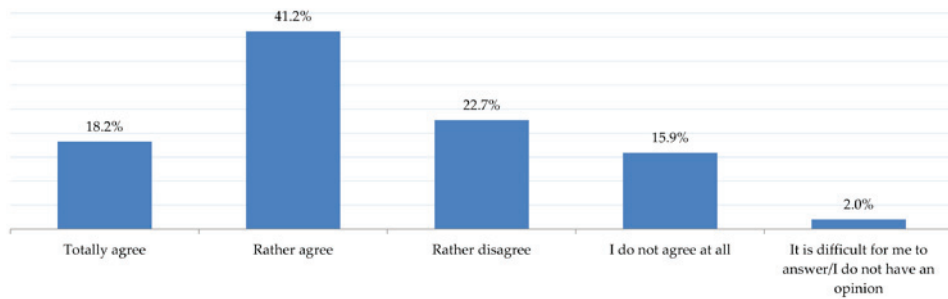


The opinions expressed by prosecutors according to the prosecutor's office and their work experience

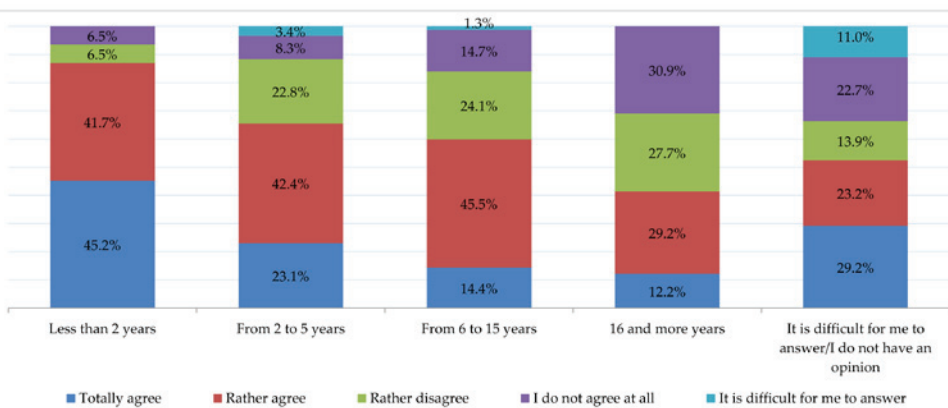


21. Selection and Promotion of Prosecutors

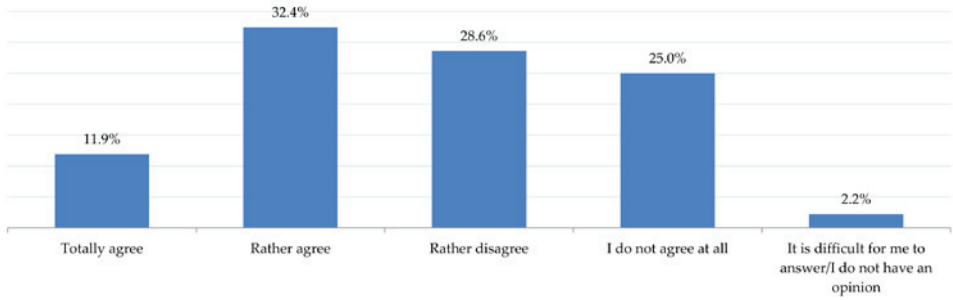
21.1. To what extent do you agree with the statement that the initial appointment of prosecutors is correct and based on merits, the best candidates being selected?



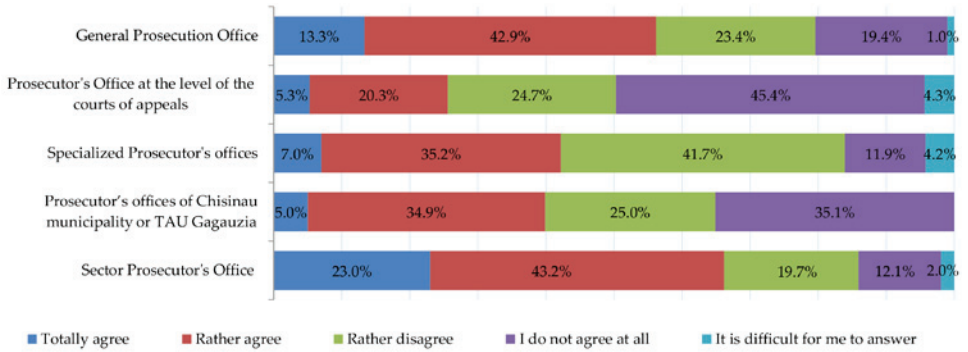
The opinions expressed by prosecutors according to their work experience



21.2. To what extent do you agree with the statement that the manner of promotion is correct and based on merits, the best prosecutors being selected?



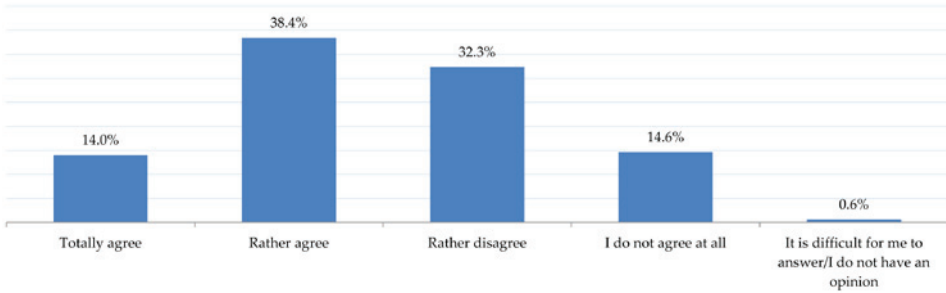
The opinions expressed by prosecutors according to the prosecutor's office



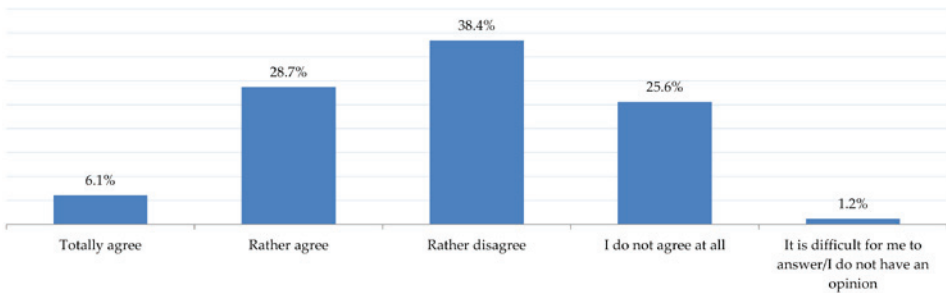
BLOCK V: Self-administration of the lawyers.

The opinions expressed by the lawyers

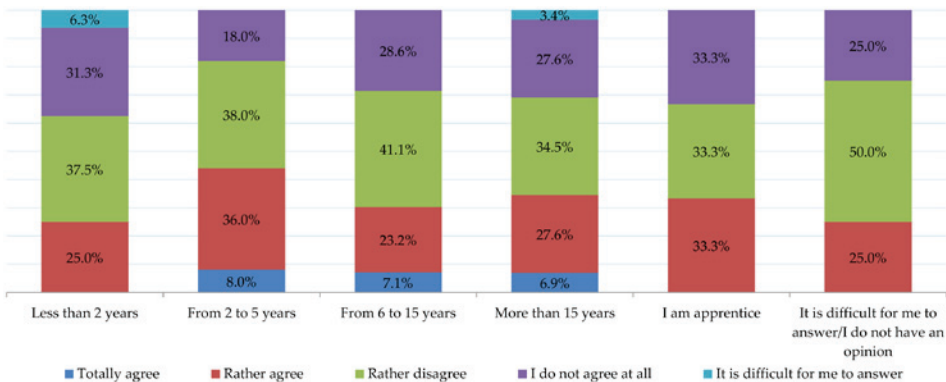
22.1. To what extent do you agree with the statement that the activity of the Council of the Union of Lawyers was transparent in the last 6 months?



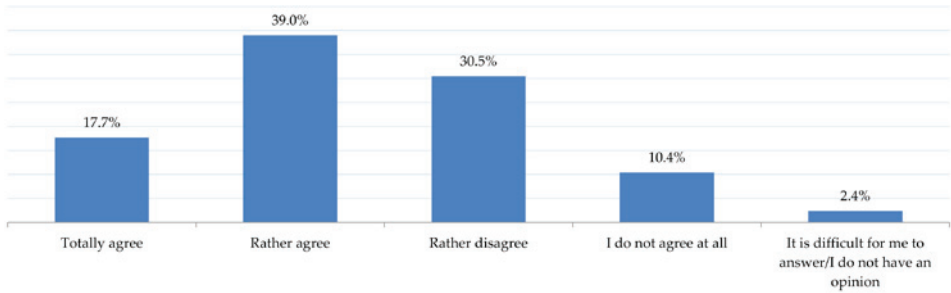
22.2. To what extent do you agree with the statement that the activity of the Licensing Commission of the legal profession was fair during the last four years?



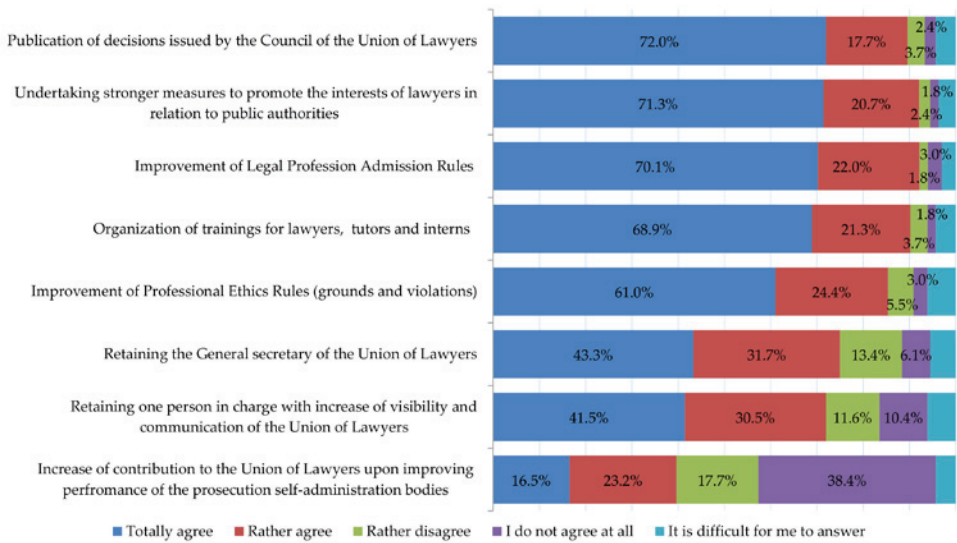
The opinions expressed by lawyers according to their work experience



22.3. To what extent do you agree with the statement that the Commission for Ethics and Discipline for lawyers adopted fair and well-reasoned judgments?



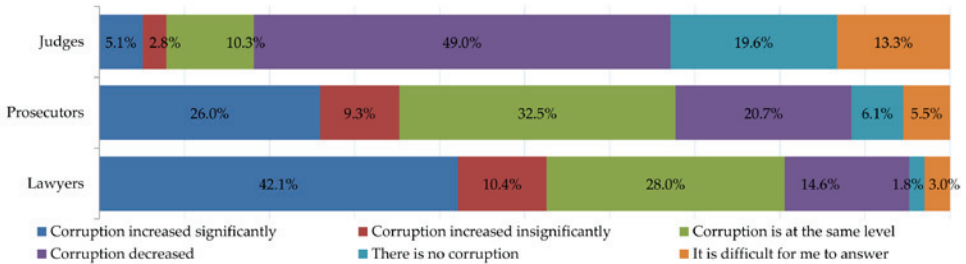
22.4. Please indicate your opinion with regard to the fact whether the following measures could improve the activity of the Union of Lawyers? Please fill in your answer for each option indicated below:



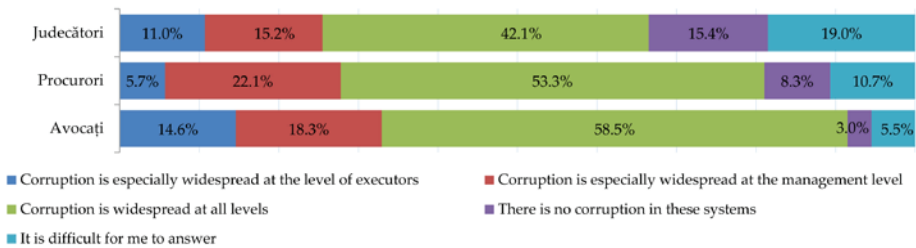
BLOCK VI: Perception of corruption in the justice sector

23. Perception of corruption in the justice sector

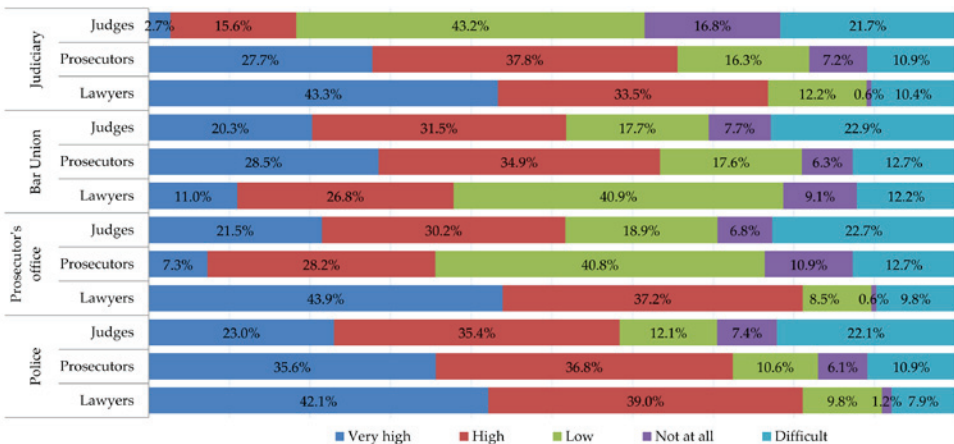
23.1. What is your opinion regarding the evolution of corruption in the justice sector since 2011?



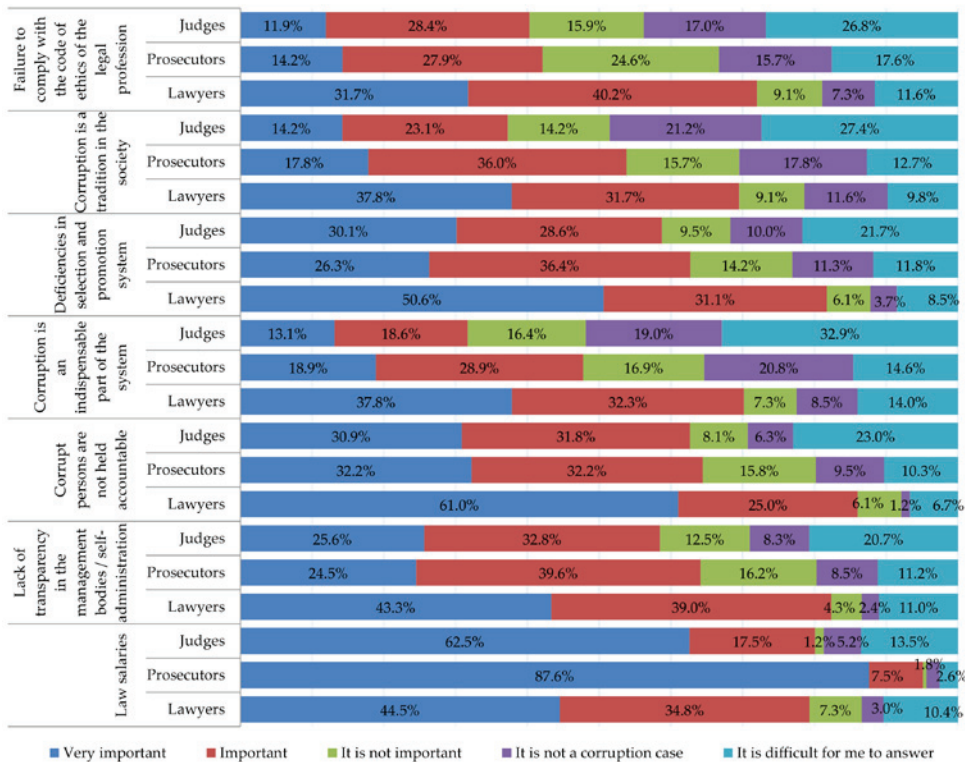
23.2. What is your opinion regarding the stratification of corruption in the justice sector (judiciary, prosecution, legal profession and police)?



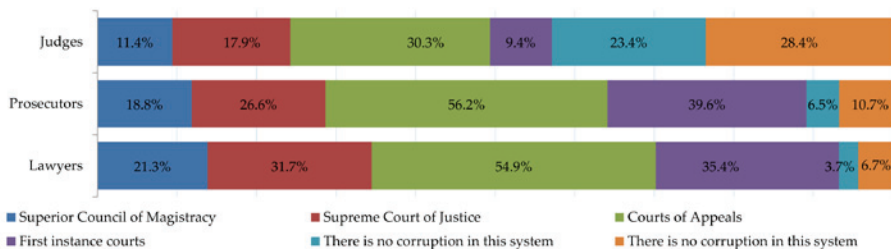
23.3. To what extent do you consider the corruption is spread in the following institutions?



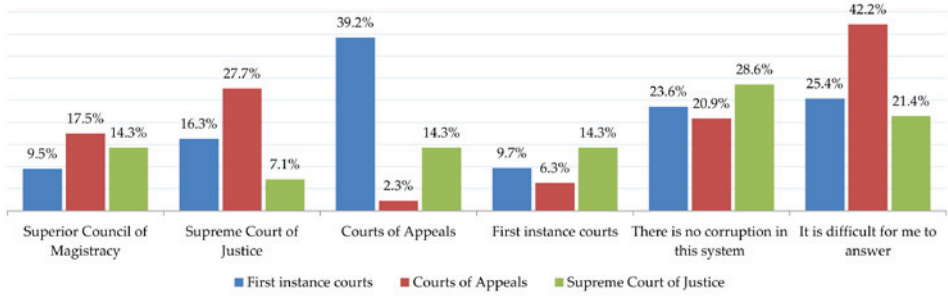
23.4. In your opinion, what is the impact of the following causes in distribution of corruption in the justice sector? Please estimate each cause:



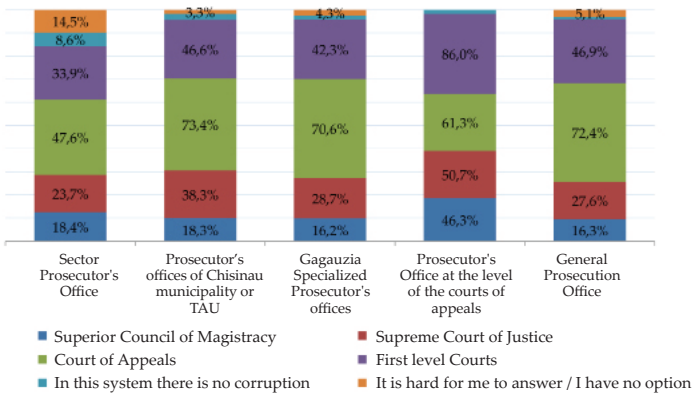
23.5. In your opinion, where is the highest level of corruption?



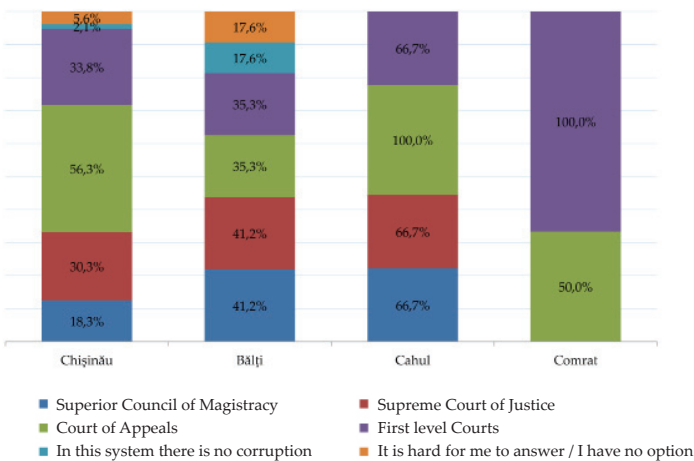
The opinions expressed by judges according to the court level



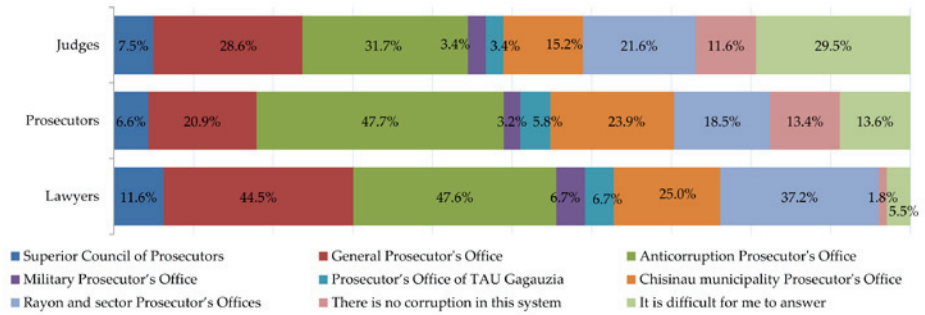
The opinions expressed by prosecutors according to the prosecutor's office



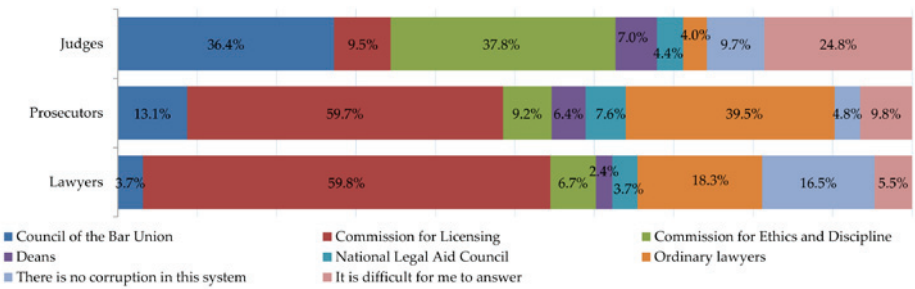
The opinions expressed by lawyers according to the Bar they are part of



23.6. In your opinion, in which unit of the prosecution service do you consider is the highest level of corruption?

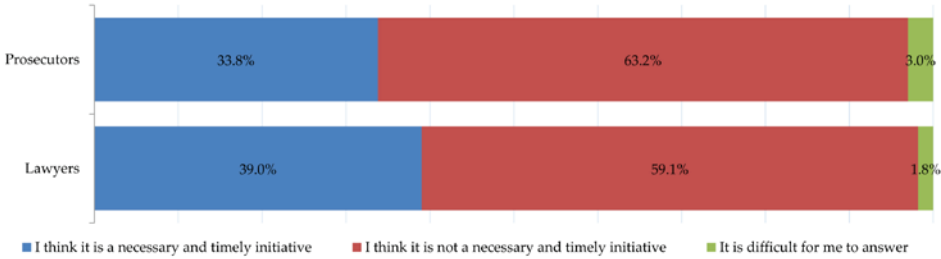


23.7. In your opinion, where do you consider is the highest level of corruption in legal profession?

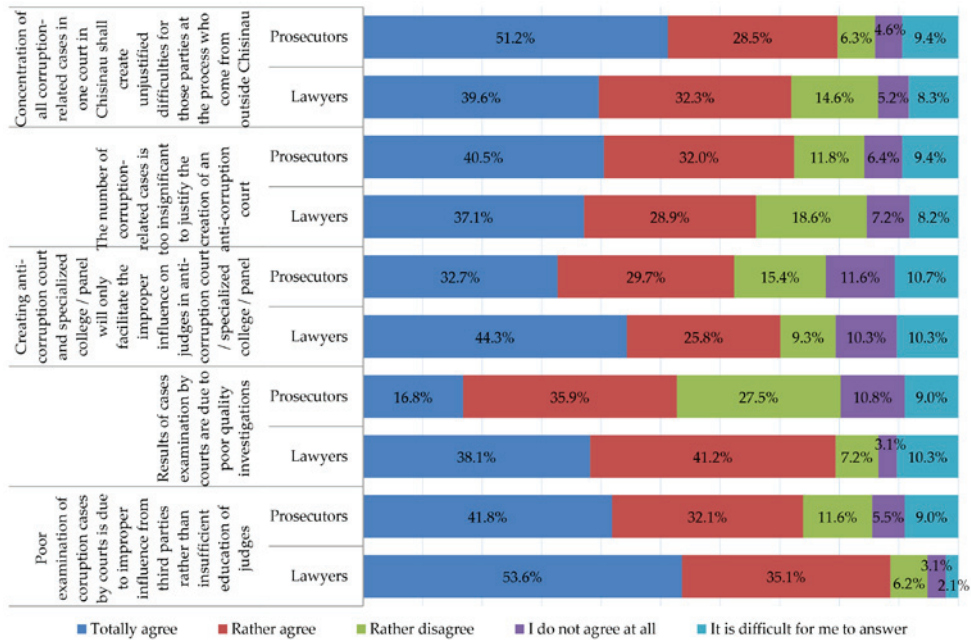


24. Anticorruption courts

24.1. Recently, the Ministry of Justice proposed to create the Anticorruption Court, establish a specialized panel within court of appeals and a permanent specialized panel within the Criminal Board of the SCJ for the examination of the cases related to corruption. What is your opinion on this initiative?



24.2. If you have indicated that the initiative of the Ministry of Justice to create the Anticorruption Court and a specialized panel/board is not necessary and appropriate, please identify to what extent do you agree with the following options:



The Legal Resources Centre from Moldova is a non-profit non-governmental organisation based in Chişinău, Republic of Moldova. LRCM strives to ensure a qualitative, prompt and transparent delivery of justice and effective observance of civil and political rights in Moldova. In achieving these aims, LRCM combines policy research and advocacy in an independent and non-partisan manner.

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