

# 49% of judges at the courts of the Republic of Moldova have less than 5 years of experience and have not yet been appointed for life



Judges from the Republic of Moldova are appointed for an initial five-year term and then until reaching the age limit.

The initial five-year term affects the independence of judges, as they risk not to be appointed until life tenure.

Since 2011 the Parliament and the Government of the Republic of Moldova have assumed the obligation to amend the Constitution and remove the initial term of office for judges - for example action 1.1.6. of the Justice [Sector Reform Strategy for 2011–2016](#).

SRSJ | Strategia de reformare a sectorului justiției



In 2016 the Ministry of Justice developed a draft law amending the Constitution, which included the cancellation of the initial five-year term for the appointment of judges. The draft law was endorsed by the [Constitutional Court](#). The Parliament, however, did not vote for the draft law - there were not enough votes.

On [18 January 2018](#) a new draft Law no. 10 with similar provisions was registered at the Parliament. The draft Law was again endorsed by the [Constitutional Court](#) and the [Venice Commission](#). The draft Law is to be passed within one year since registration, otherwise it becomes null (Article 143 para. (2) of the Constitution).



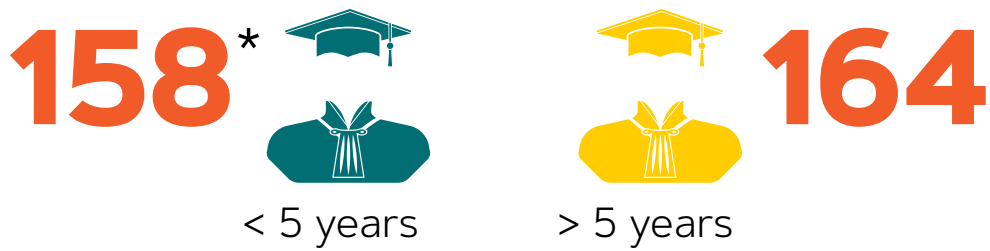
By 27 November 2018 the adoption of draft Law no. 10 amending the Constitution has not yet been put on the agenda of the Parliament.

**Why does not the Parliament vote for the exclusion of the initial term for the appointment of judges and does not provide a fundamental guarantee of the judges' independence, namely their appointment until reaching the age limit?**

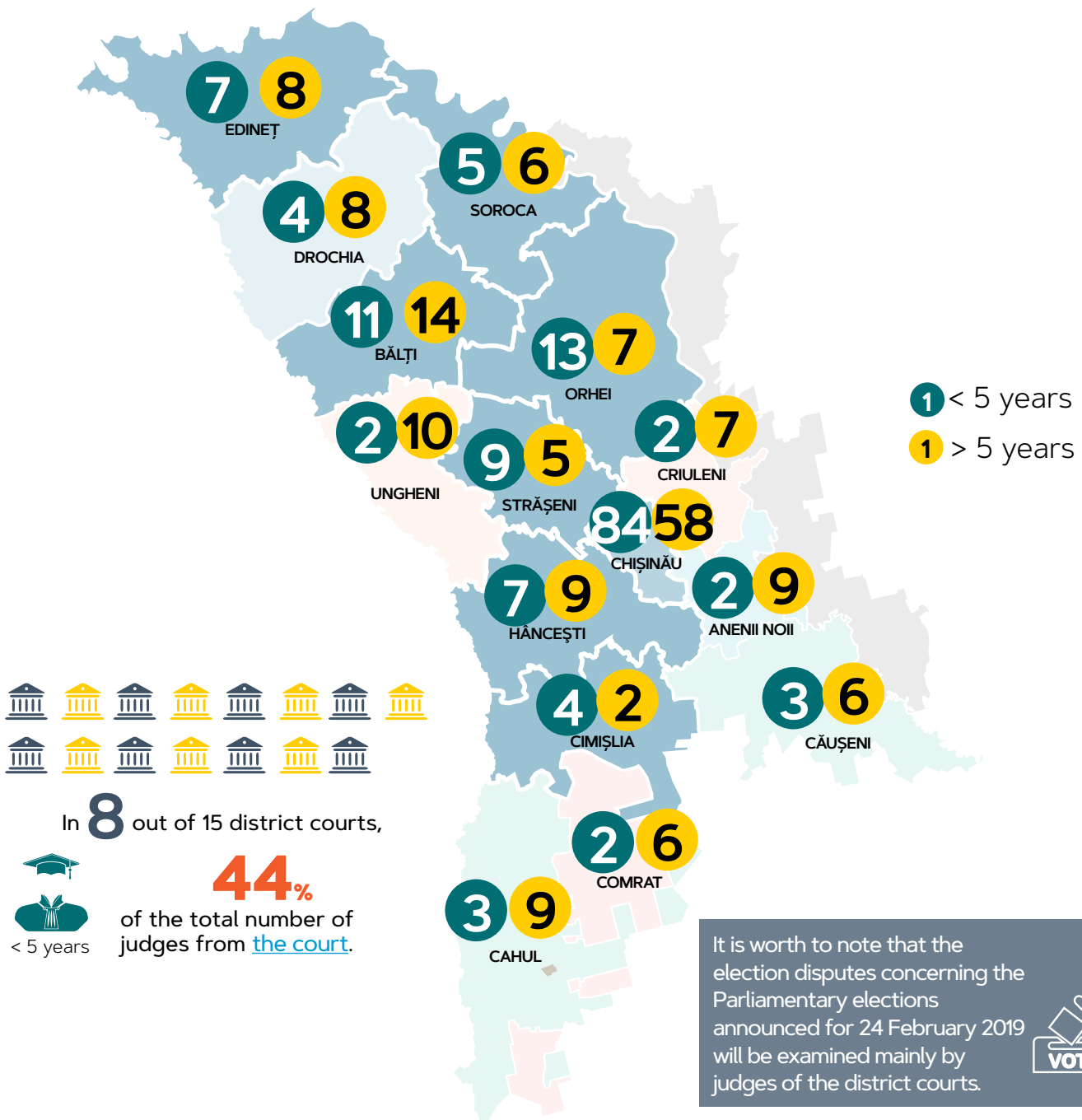
As regards judges with less than 5 years of experience appointed until 1 August 2018:

On [1 August 2018](#) there were 158 judges in office with less than 5 years of experience in the district courts, which constitutes 49% of all [judges](#).

Professional experience of judges:



Distribution of judges from district courts base on their professional experience:



\* Professional experience of judges before being appointed in office: Judicial Assistant – 86 (54%), Advocate – 22 (14%), Prosecutor – 21 (13%), SCM and courts secretariat – 11 (7%), Others – 18 (11%)