

Moldovan justice in figures - a comparative perspective

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ANALYTICAL DOCUMENT

**MOLDOVAN JUSTICE IN FIGURES –
A COMPARATIVE PERSPECTIVE**

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Abbreviations

CEPEJ	European Commission for the Efficiency of Justice of the Council of Europe
CoE	Council of Europe
LRCM	Legal Resources Centre from Moldova
SCJ	Supreme Court of Justice

Executive summary

The Legal Resources Centre from Moldova (LRCM), using statistical data, made an analysis of the justice system of the Republic of Moldova. The goal was to get a picture of the Moldovan justice compared to countries with similar economic development and, from there, to identify potential policy intervention areas in this field. We hope that the data from this review will be useful for the justice system and policymakers dealing with justice.

The review compares justice from the Republic of Moldova with justice from 10 countries of the former Socialist Bloc and with the average for the Council of Europe (CoE) member-states. The review covers the public funds allocated for justice, judges' and prosecutors' salaries, the number of judges, prosecutors and lawyers in relation to the country's population, the adequacy of the personnel that assist judges and prosecutors, the speed with which judges examine cases, as well as judges' and prosecutors' workload. The review is based on data from the report of the European Commission for the Efficiency of Justice of the Council of Europe (CEPEJ) published in 2018. The report contains data for the year 2016. LRCM compared the data from that report with the official data on the Republic of Moldova for 2018.

In 2016, Moldova allocated for the justice system EUR 8 per inhabitant. From this perspective, Moldova ranked at the bottom among the CoE member-states, next to Azerbaijan and Armenia. In 2018, Moldova allocated EUR 14.3 per inhabitant, which statistically is almost twice as much as in 2016, thus outranking Armenia, Azerbaijan, Georgia and Ukraine. However, the per capita allocation for the justice system in 2018 was 4.5 times smaller than the CoE average. In 2018, the budget allocated for justice (courts, legal aid and prosecutor's office) had a consistent share in the state budget, accounting for 1.3% of the entire public expenditures. From this perspective, Moldova was outranked only by Bulgaria and Latvia. The CoE average was 0.9%.

The most of the budget increases for justice over the past years is due to salary increases for judges and prosecutors. Although these increases were important, Moldova still remains among the countries with the lowest salaries for judges and prosecutors. In 2016, only Ukraine paid lower salaries to its prosecutors and judges. In 2018, the entry-level salary paid to Moldovan judges and prosecutors was five times smaller than the CoE average. Although real figures are informative, one should always correlate them with the level of

the country's economic development and the national average salary. Looking at the ratio of the salaries paid to prosecutors and judges to the national average salary, Moldova is situated at the CoE average level.

Moldova is well below the CoE average when it comes to the actual *per capita* number of judges. The country has 15 active judges per 100,000 inhabitants, while the CoE average is 21.5. At first instance, this would suggest an increase of approximately 40% of the number of judges, but these figures require a more thorough analysis. The Moldovan data presented to the CEPEJ did not count vacancies in the system, as well as posted or suspended judges. The filling of judicial vacancies would considerably increase this ratio. Moreover, at least statistically, Moldovan judges examine 23% fewer cases than the CoE average.

The number of Moldovan prosecutors in relation to the country's population in 2018 is twice the CoE average. Here, Moldova stands among the countries with the highest *per capita* number of prosecutors. But this figure needs more caution as some countries count only chief prosecutors as prosecutors. Nevertheless, the number of prosecutor positions in Moldova (720) is higher by 43% than the number of judicial positions (504). In advanced democracies, the number of judges is always higher than the number of prosecutors.

The *per capita* number of lawyers in Moldova is two times lower than the CoE average. This number reflects only active lawyers and does not include lawyers with suspended license. The small number of lawyers seems to be determined mainly by the population's limited capacity to pay their services and the little attention the justice system pays to lawyers' arguments.

This review compares the number of staff that assist judges and prosecutors in relation to the country's population. In 2018, the number of staff that assisted judges (who directly assist judges, administrative and technical staff) was smaller by 8% than the CoE average. On the opposite, the number of staff that assist prosecutors was 24% higher than the CoE average.

The CEPEJ report contains information about the number of cases received by judges and the number of cases examined by prosecutors. In 2016, Moldovan courts registered 3.28 civil, commercial, administrative and criminal cases per 100 inhabitants. The corresponding CoE average is 5.3 cases, 61% more than in Moldova. In 2016, prosecutors started 1.9 cases per 100 inhabitants, whereas the CoE average was 3.1, 63% more than in Moldova. These figures are indicative of the fact that Moldovans go to court considerably less frequently than the CoE average. The number of criminal cases initiated by prosecutors in 2018 was 2.1 per 100 inhabitants, which is also fewer than the CoE average. However, the number of initiated criminal cases must be treated with caution, because it also includes contravention cases. On the other hand, Moldovan prosecutors dismiss many criminal

complaints without starting a criminal investigation. It should be also considered that the ratio of initiated criminal cases to population in Bulgaria, Armenia, Georgia, Latvia and even Russia is smaller than in Moldova.

This review also covers the duration of case examination in courts. In Moldova, the examination of a case through all three layers of courts lasts 259 days on average. The CoE average is 735 days. This confirms that case examination in Moldova is almost three times faster than in the CoE member-states. Moldova is one of the countries with the fastest justice system, ranking third after Azerbaijan and Russian Federation. This comes at the price of low quality of justice, as confirmed by numerous cases lost by Moldova at the European Court of Human Rights.

Methodology

In this document, we conducted a statistical review of the justice system from the Republic of Moldova. The purpose was to get a picture of Moldovan justice as compared with the countries with similar economic development and, consequently, to identify potential policy intervention areas in this field. Hopefully, data from this review will be useful for the justice system and policymakers dealing with justice.

For that purpose, LRCM took the main statistical data from the CEPEJ report published in 2018. The report contains data on 45 countries for the year 2016. LRCM compared the data from the CEPEJ report with the data from the Republic of Moldova for 2018. The data from the Republic of Moldova for 2018 were systematized by the Courts Administration Agency, based on reports submitted by responsible authorities as of 31 December 2018. This data form the basis for the next report to be produced by CEPEJ.

This document reviews only some of the data from the CEPEJ report. It covers the public funds allocated for justice, judges' and prosecutors' salaries, the number of judges, prosecutors and lawyers, the number of staff that assist judges and prosecutors, the speed with which judges examine cases as well as the number of cases received by judges and prosecutors.

The comparison is made between Moldova and a group of states with similar recent history and a comparable economic context (Armenia, Azerbaijan, Georgia, Russia, Ukraine, Estonia, Latvia and Lithuania), the neighboring countries (Romania and Bulgaria), one developed Western European country (Germany) and the average and median for all 45 countries reviewed in the CEPEJ report. The comparison with the Baltic countries, as well as Romania and Bulgaria, had the purpose of building a better picture of the situation in the region. The situation in Germany and the average and median for the countries covered by CEPEJ report were used to get a better understanding of the situation in all 45 countries reviewed by CEPEJ.

The CoE average is the quotient of the sum of the data offered by all countries for a certain aspect and the total number of the countries. The CoE median is the value separating the data offered by the 45 countries reviewed by CEPEJ in two equal groups so that 50% of the countries are above this value and 50% are below it.

The data presented below show that some indicators for Moldova, such as the *per capita* budget allocation for justice and the *per capita* number of judges, prosecutors or lawyers, increased significantly in 2018. To some extent, this is because CEPEJ used older figures of the Moldovan population (3.5 million) in its review.

The calculations for 2018 used 2.68 million of population, according to the official data of the National Statistics Office as of 1 January 2019. The budget and salaries are shown in euros at the exchange rate of the National Bank of Moldova for 1 January 2019.

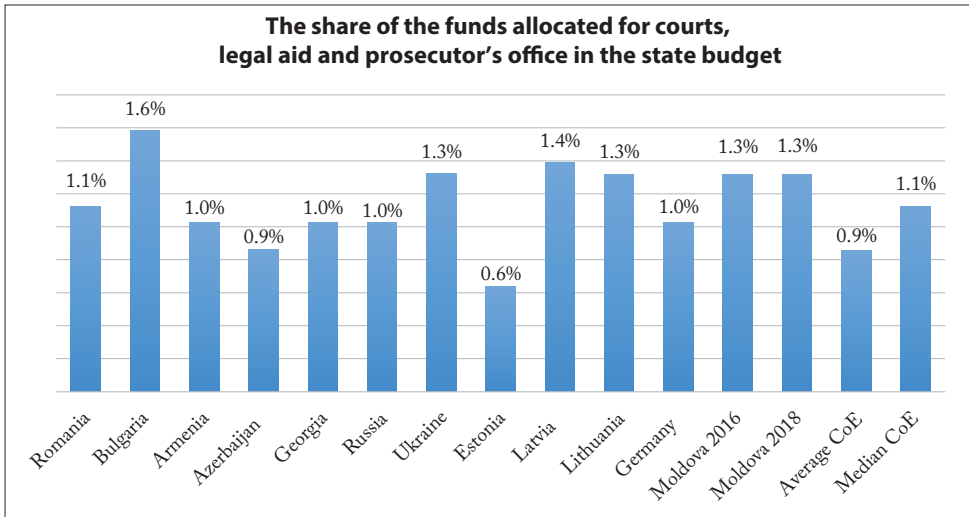
We are grateful to the Ministry of Justice for their cooperation and for providing the data on justice in the Republic of Moldova for 2018.

This document was prepared between August and October 2019. Victoria VIRSCHI, LRCM's legal advisor, ensured data fusion. Vladislav GRIBINCEA, LRCM's Executive Director, was responsible for data analysis.

I. The budget allocated for justice

In 2016, Moldova allocated EUR 29,583,529 — which is 1.3% of the public spending for 2016 — for courts, the legal aid and the prosecutor’s office. This percentage is much higher than the average of the 45 member-states reviewed by CEPEJ, which is 0.9% of the budget. From this perspective, Moldova was outranked only by Bulgaria and Latvia. The 2018 data show that public spending in Moldova increased by 36.6% compared with 2016. The funds allocated for courts, the legal aid and prosecutor’s office increased by 29.4%, their share in the state budget remaining at 1.3%.

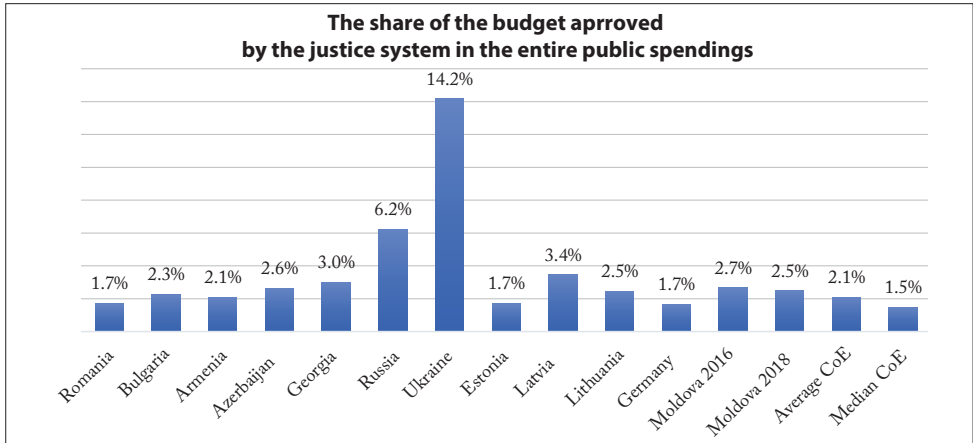
Chart no. 1



To get the most accurate picture of the public spending for justice, the next chart shows information for all justice sectors, not just the judiciary, prosecutors and legal aid. These figures include data from the previous chart, as well as the spending for the prison system, probation services, the judgment enforcement systems, notaries, forensics centres, judges’ and prosecutors’ self-administration bodies, the Constitutional Court (if any), the Ministry of Justice, etc. In 2016, Moldova allocated for the justice sector 2.7% of the budget and 2.5% in 2018. Both in 2016 and in 2018, Moldova spent for this sector more than the CoE average (2.1%), but less than Ukraine, Russia, Latvia or Georgia. The significant budget increase and investment cuts may be the main factors that influenced the decrease of the

share of this spending in 2018 in comparison with 2016. As shown in the next chart, the spending for salaries were constantly on the raise.

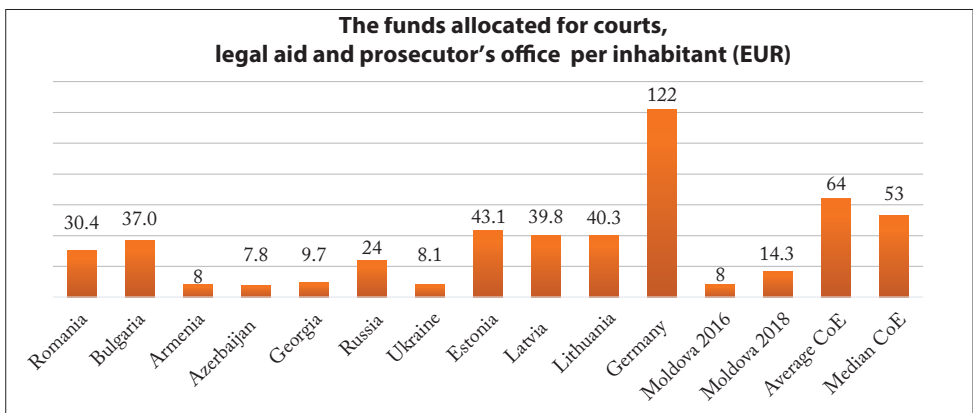
Chart no. 2



The fact that Moldova allocates much of its budget to justice does not mean that the allocated funds are sufficient. Given Moldova’s modest budget, the actual allocated sums are much more important than their share in the state budget. The amount Moldova allocated for justice in 2016 was EUR 8 per inhabitant, making Moldova the country with the smallest sum allocated *per capita*, next to Azerbaijan and Armenia. In 2018, this amount equals to EUR 14.3 per inhabitant, 78% more than in 2016. In this respect, Moldova outranked Ukraine and Georgia.

The 45 countries reviewed by CEPEJ allocate for justice EUR 64 per inhabitant on average, eight and 4.5 times more than Moldova allocated in 2016 and 2018 respectively. Of course, we must admit that, considering economic realities from Moldova, this comparison does not represent a solid baseline.

Chart no. 3



II. Salaries of judges

In 2016, the gross annual entry-level salary (before taxation) of a Moldovan judge was EUR 7,648. In the 45 member-states reviewed by CEPEJ, the average salary of a judge at the beginning of a career was EUR 50,529, and the median, EUR 34,538. In the same year, the average gross annual salary of a judge from the Moldovan Supreme Court of Justice (SCJ) was EUR 12,747, whereas, in the 45 reviewed countries, it was EUR 96,102.

In 2016, the salary of a judge at the beginning of a career and that of a judge at the SCJ were only higher than the ones from Ukraine. The gross annual salary of a judge at the beginning of a career in Romania was three times the salary of a judge at the beginning of a career in Moldova, and the salary of an SCJ judge was four times higher.

In 2017 and 2018, judges' salaries increased significantly, mainly due to the increase of the national average salary and the change of the remuneration scheme in the public sector. Thus, in December 2018, the annual entry-level salary of a judge from Moldova increased to EUR 10,794 (41%), and that of a judge at the SCJ, to EUR 17,272 (35%). Even with these increases, the salaries of Moldovan judges are still among the lowest in the 45 reviewed countries, outranking the Ukraine only.

Chart no. 4

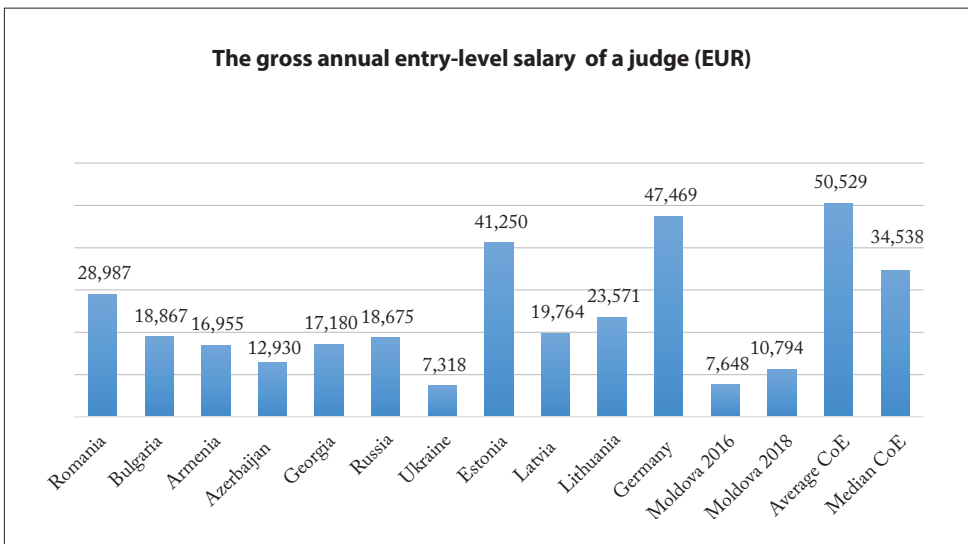
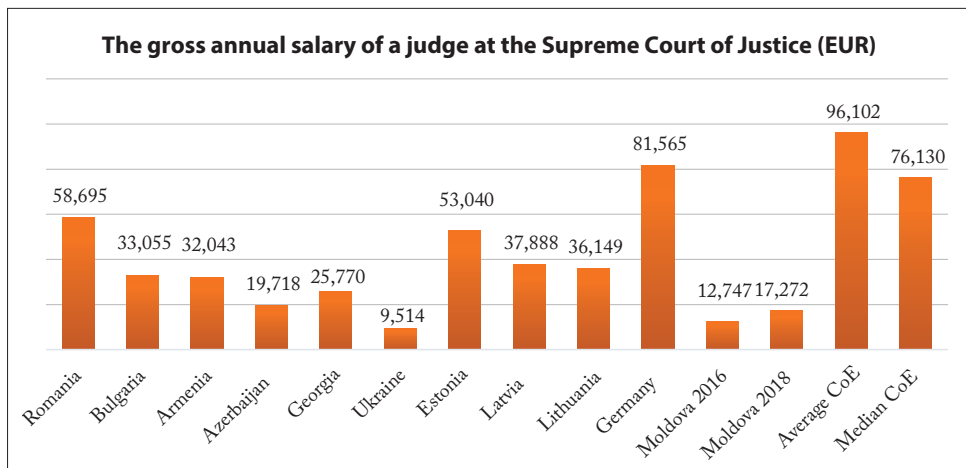
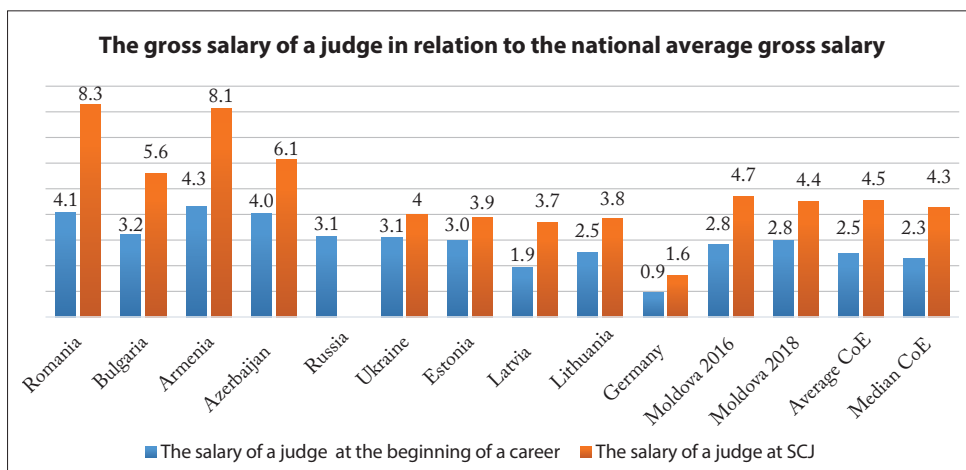


Chart no. 5



The most informative method of comparing judges' salaries is establishing its ratio to the national average salary. In 2016, in the 45 countries reviewed by CEPEJ, judges' average salary was 2.5 times the national average salary, and the median was 2.3 times the national average salary. The average salary of the judges of the Supreme Court was 4.5 times and the median was 4.3 times the national average salary. Judicial remuneration in Moldova, both in 2016 and in 2018, was close to these figures. In 2018, judges at the beginning of a career were paid 2.8 national average salaries, while the SCJ judges - 4.4. However, the 2018 figures cannot serve as a solid baseline because, starting with 1 December 2018, Moldova adopted a new payment system for the public sector. The salary of a judge at the beginning of a career increased by 12% compared with November 2018 and that of SCJ judges by 4%.

Chart no. 6



III. Salaries of prosecutors

In 2016, the gross annual entry-level salary (before taxation) of a Moldovan prosecutor was EUR 6,198. The gross annual salary of a prosecutor at the Prosecutor General’s Office of the Republic of Moldova was EUR 7,381. These salaries were six and, respectively, nine times smaller than the average of the 45 reviewed countries.

Following legal changes in 2016 and 2018, the gross annual salary of a Moldovan prosecutor increased significantly. Thus, as of 31 December 2018, a prosecutor at the beginning of a career was paid EUR 10,612 annually, while a prosecutor from the Prosecutor General’s Office–EUR 17,493. Today, Moldovan prosecutors are paid better than their colleagues from Armenia, Azerbaijan, Georgia and Ukraine.

Chart no. 7

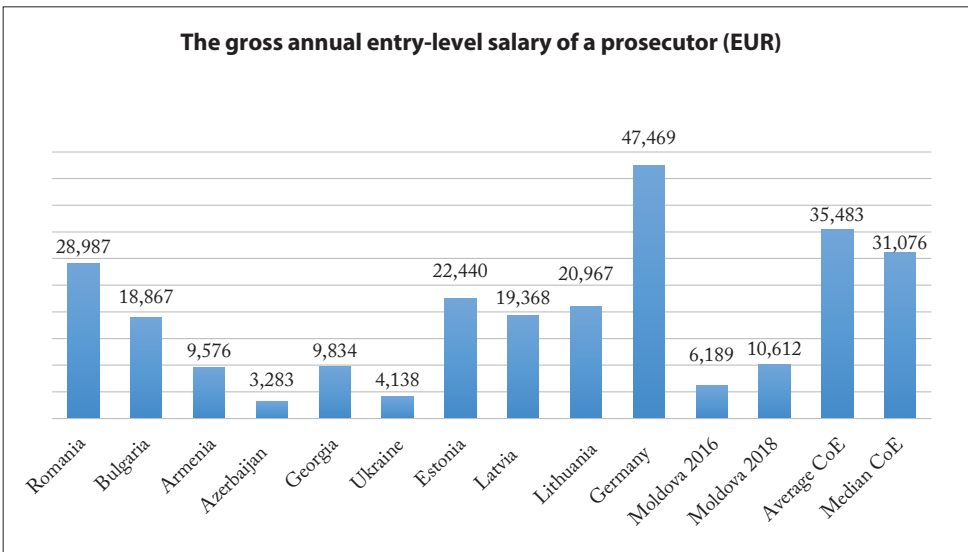
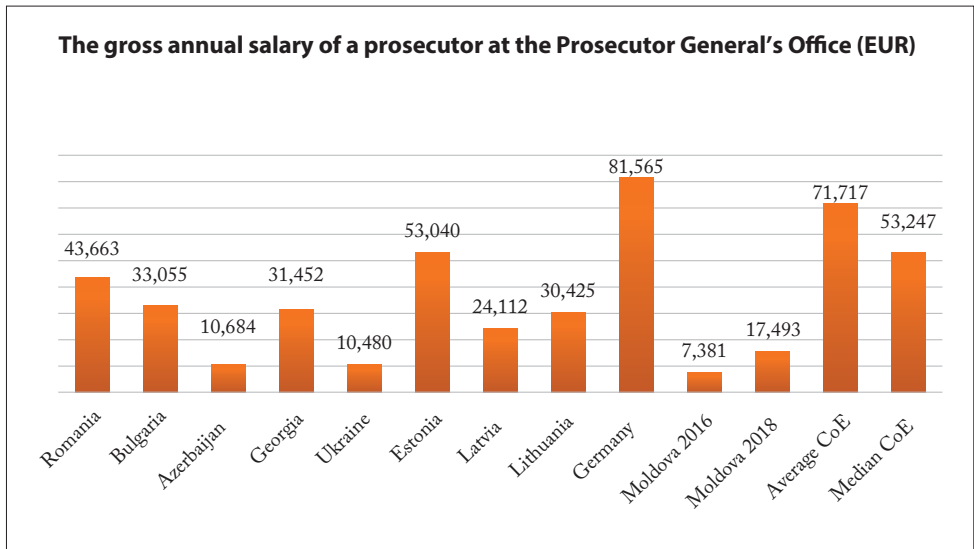
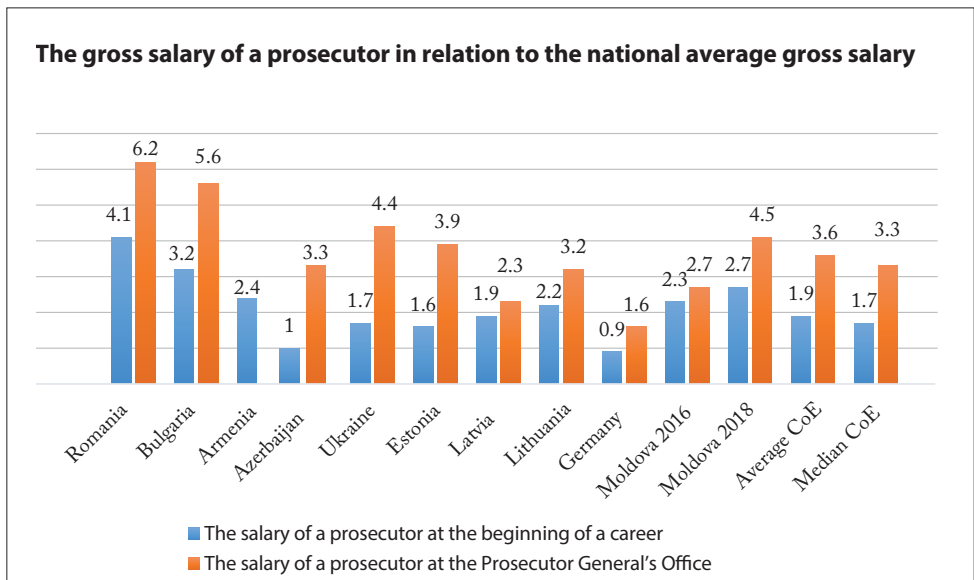


Chart no. 8



When it comes to the ratio of a prosecutor's salary to the national average salary, in 2016, Moldovan prosecutors were paid more than the average for the 45 reviewed member-states. Thus, a prosecutor at the beginning of a career in Europe was paid 1.9 times, whereas a prosecutor in Moldova 2.3 times, as much as the national average salary. In 2018, prosecutors' salaries increased even more.

Chart no. 9

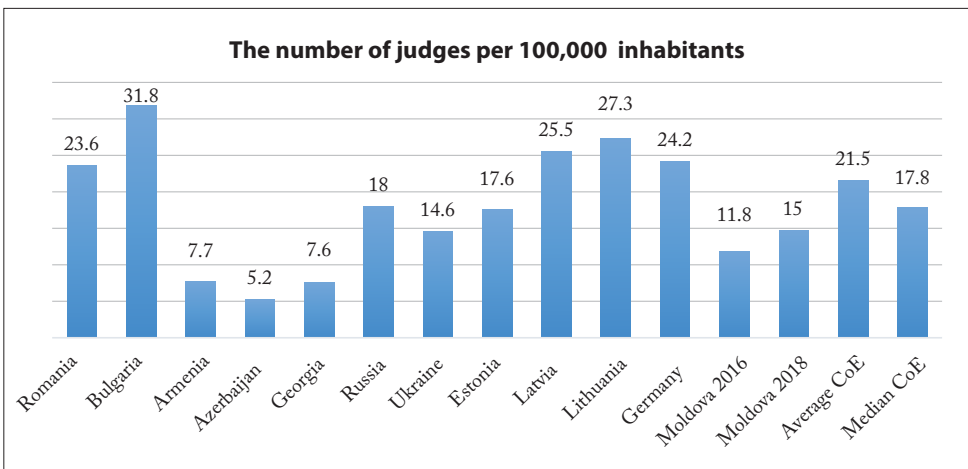


IV. Justice sector personnel

In 2016, Moldova had 418 judges effectively active in courts, which is 11.8 judges per 100,000 inhabitants (based on a population of 3.5 million). This was 45% lower than the CoE average. According to the SCM's performance report for 2018, the number of Moldovan judges who were effectively active in 2018 decreased from 418 to 401. However, considering the new official population data — according to which the country's population decreased to 2.68 million — this figure increased to 15 judges per 100,000 inhabitants. However, even this indicator is smaller than the European average, which is 21.5 judges per 100,000 inhabitants.

At first sight, the above figures suggest the need for at least a 40% increase in the number of judges in the country. Before deciding on any increase in the number of judges, one should consider the number of judicial vacancies and of the suspended or posted judges, which was not factored in this indicator, as well as the number of cases received by judges in relation to the CoE average. [The Law on the organization of judiciary](#) establishes 504 judicial positions for all Moldovan courts. If all these positions were filled in, the number of judges per 100,000 inhabitants would be 18.8. In addition, as shown below, Moldovan judges receive and examine at least 23% fewer cases than the CoE average.

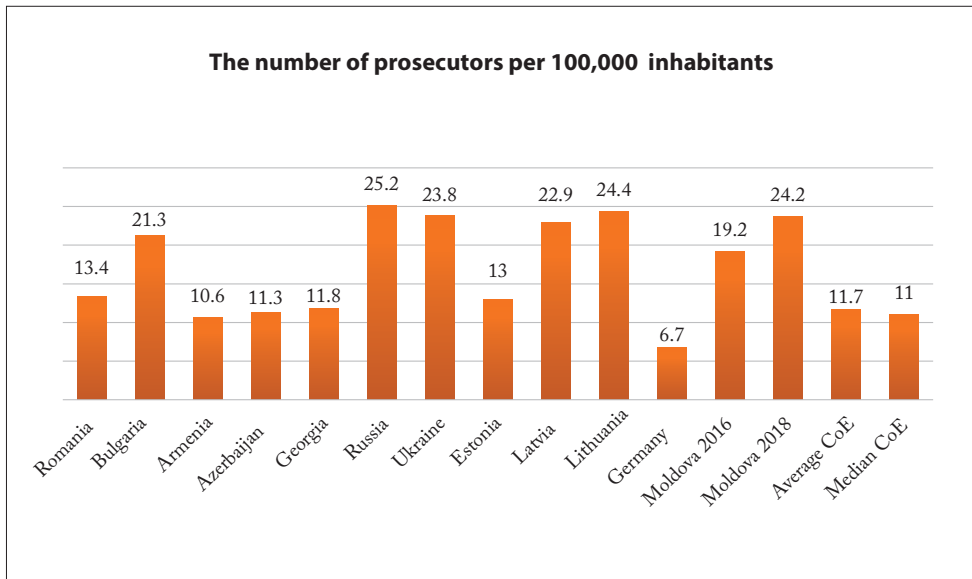
Chart no. 10



In general, most countries in the Central and Eastern Europe have a high number of prosecutors for a relatively small number of received cases (fewer than 3 cases per 100 inhabitants), although they have a variety of duties (approximately ten different types of duties). The number of prosecutors is smaller in the countries where other personnel have similar duties to those of prosecutors.

In 2016, Moldova had 19.2 prosecutors per 100,000 inhabitants, which is much more than the CoE average of 11.7. Because of the population decline, this figure increased to 24.2 judges per 100,000 inhabitants in 2018, twice the CoE average. The number of prosecutor positions in Moldova (720) is by 43% higher than the number of judicial positions (504). The number of judges in advanced democracies is always higher than the number of prosecutors.

Chart no. 11

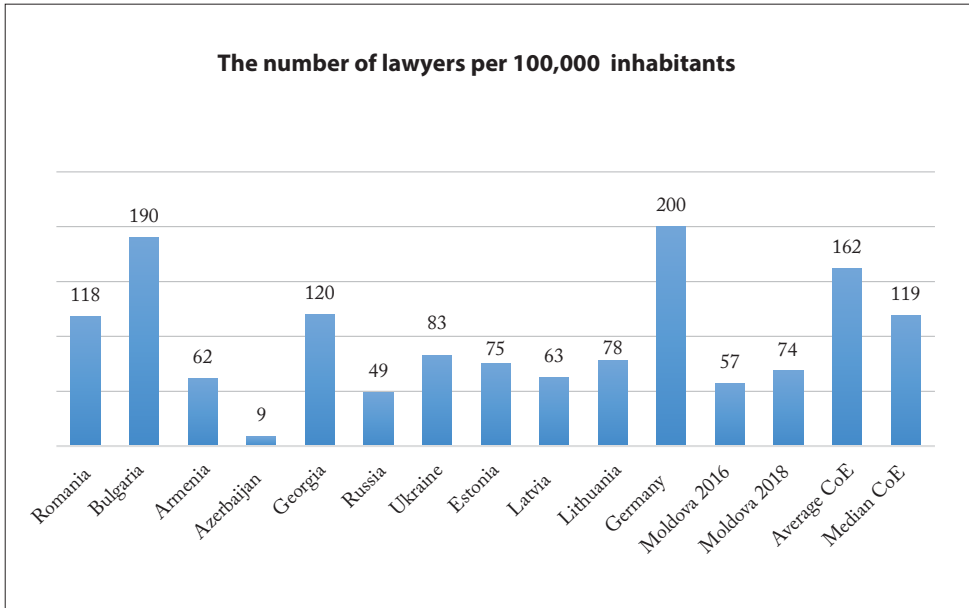


In 2016, Moldova had 1,911 active lawyers (whose licenses were not suspended), which, at that time, meant 57 lawyers per 100,000 inhabitants. According to the Union of Lawyers, by the end of 2018, the number of active lawyers was 1,987, which meant 74 lawyers per 100,000 inhabitants. The number of lawyers in Moldova is 2.2 times lower than the CoE average.

The small number of active lawyers in Moldova may be explained by the population's weak capacity to pay their fees, ambiguous criteria for entry into profession and little importance judges and prosecutors attach to lawyers' arguments. Indeed, in late 2018, more than 500 Moldovan lawyers had suspended licenses. The number of lawyers with

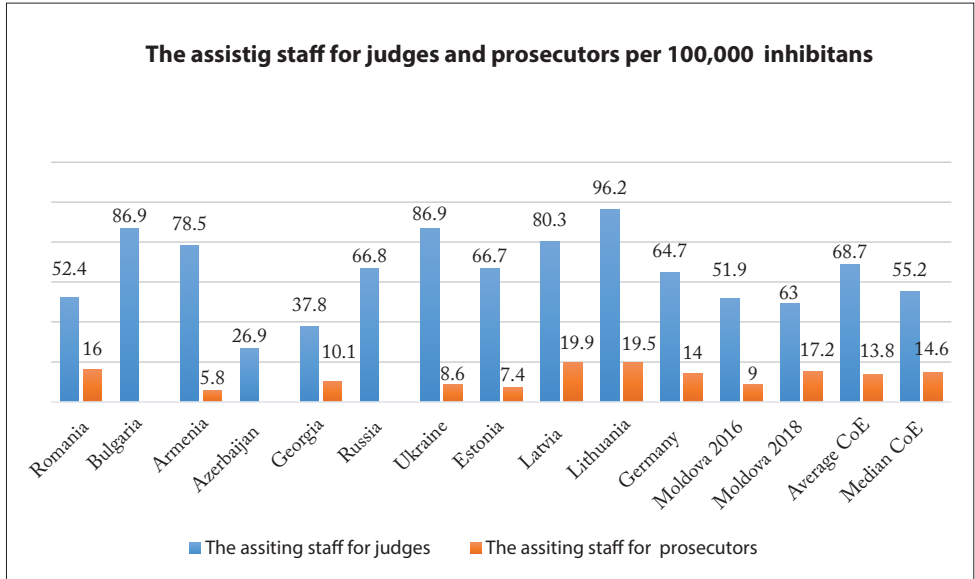
suspended license suggests that, in principle, the ratio of lawyers to population in Moldova is comparable with that of the countries that obtained independence following the fall of the USSR (with the exception of Georgia, where it is almost twice higher).

Chart no. 12



According to statistics, in 2016 the number of staff who assist prosecutors and judges was approximately 20% below the CoE average. The number of the assisting staff for judges increased to 63 per 100,000 inhabitants in 2018 in comparison with 2016. This figure is below the CoE average, but above the median. The number of the assisting staff for prosecutors increased considerably after the adoption of the new Law on the Prosecutor's Office in 2016. By the end of 2018, the number of the assisting staff for prosecutors per 100,000 inhabitants was 17.2, 24% higher than the CoE average and higher than in any of the former USSR member-states, with the exception of Latvia and Lithuania.

Chart no. 13

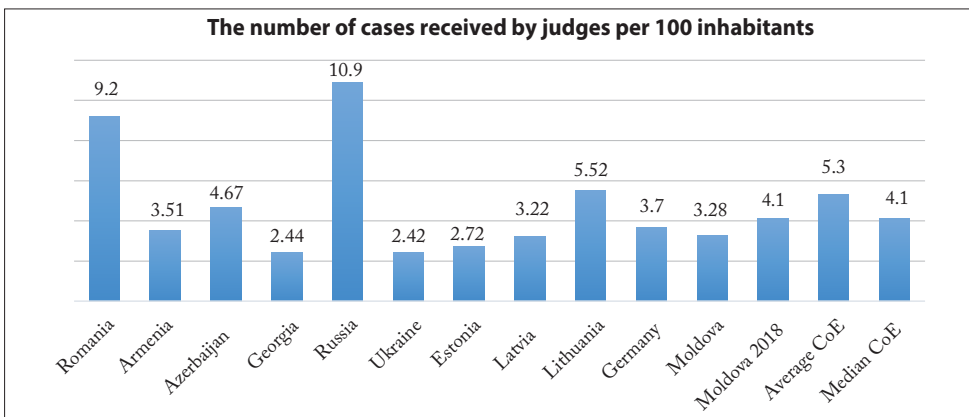


V. Cases examined by judges and prosecutors

In 2016, Moldovan courts received and disposed 3.28 civil, commercial, administrative and criminal cases per 100 inhabitants. The CoE average for the same year was 5.3, which is 61% more than the Moldovan average. These figures are indicative of the fact that Moldovans go to court less frequently. The number of civil, commercial, administrative and criminal cases received by the judicial system per 100 inhabitants in Moldova in 2016 was comparable with that of Latvia and Armenia, but bigger than that of Georgia, Ukraine or Estonia.

The small number of cases examined in 2016 cannot be attributed to non-judicial dispute-resolution mechanisms. It is rather the low trust in justice and the high migration rate that had an influence on it. According to the SCM's data, in 2017 and 2018, the number of cases received by the judicial system in Moldova hardly changed. But, because of the population decline, the number of received cases per 100 inhabitants in 2018 increased from 3.28 to 4.1. The latter figure corresponds to the CoE median, but is 22% lower than the CoE average.

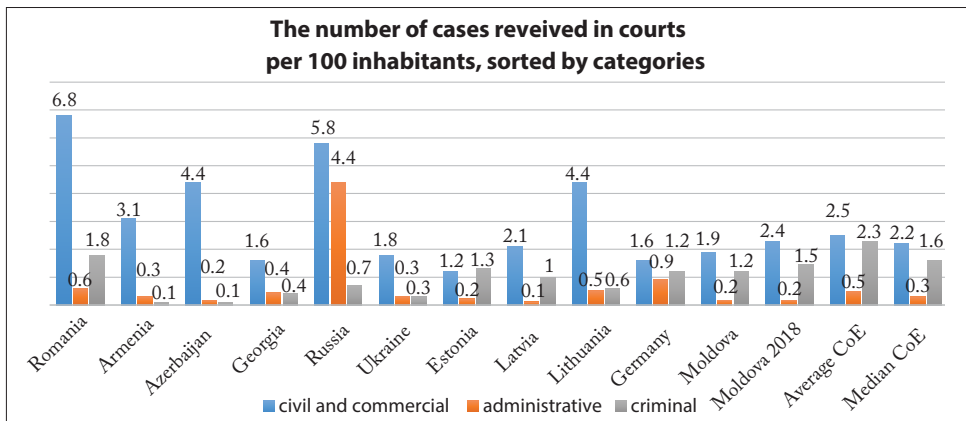
Chart no. 14



The following chart represents the number of cases received by judges, sorted by category. This confirms that the *per capita* number of civil, criminal and administrative cases in Moldova is smaller than the CoE average. For example, in Armenia, Azerbaijan, Russia and

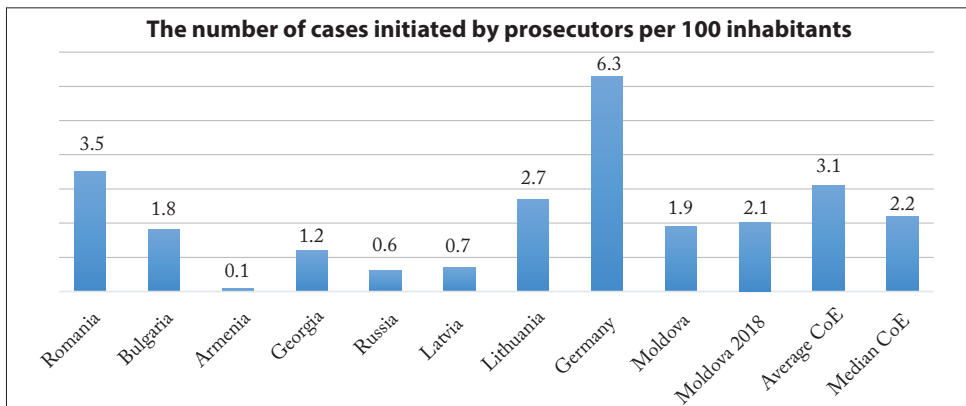
Lithuania, the ratio of *per capita* civil and commercial cases is much higher than in Moldova and the ratio of criminal cases is much lower. However, it is worth pointing out that the ratio of criminal cases the courts received in 2018 to the country's population was the second highest among the reviewed countries. Only Romania outranked Moldova in this respect.

Chart no. 15



In 2016, prosecutors started 1.9 cases per 100 inhabitants, whereas the CoE average was 3.1, 63% more than in Moldova. This suggests that, in 2016, prosecutors started much fewer criminal cases than the CoE average. The number of criminal cases initiated in 2018 increased to 2.1 per inhabitant, which is anyway lower than the CoE average or even median. The number of initiated criminal cases must be treated with caution because it also includes contravention cases initiated by prosecutors. In other countries, prosecutors may initiate more contravention cases. In addition, Moldovan prosecutors dismiss many criminal complaints without launching an investigation. Indeed, the ratio of initiated criminal cases to population in Bulgaria, Armenia, Georgia, Lithuania and even Russia is smaller than in Moldova.

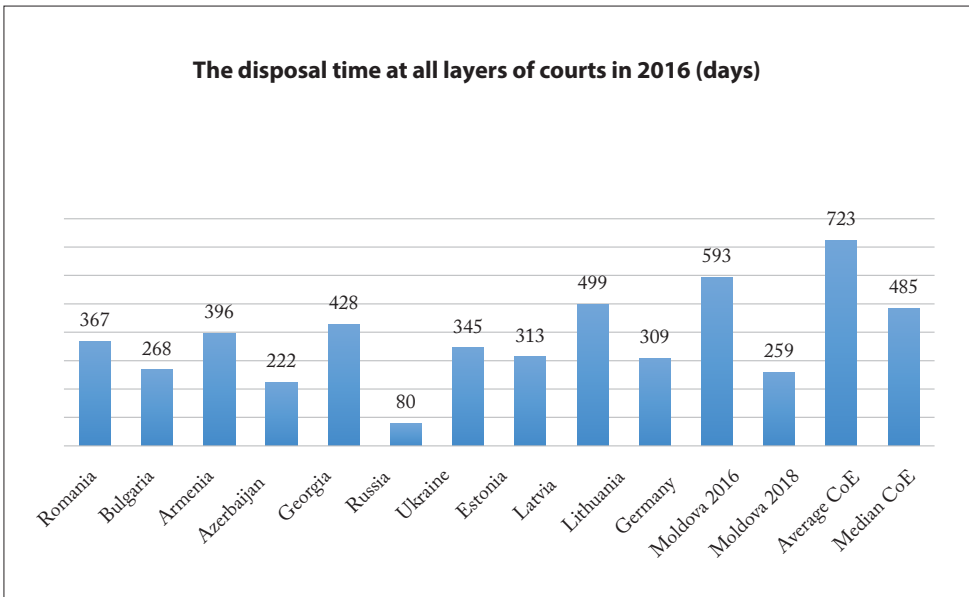
Chart no. 16



VI. Case disposal time in courts

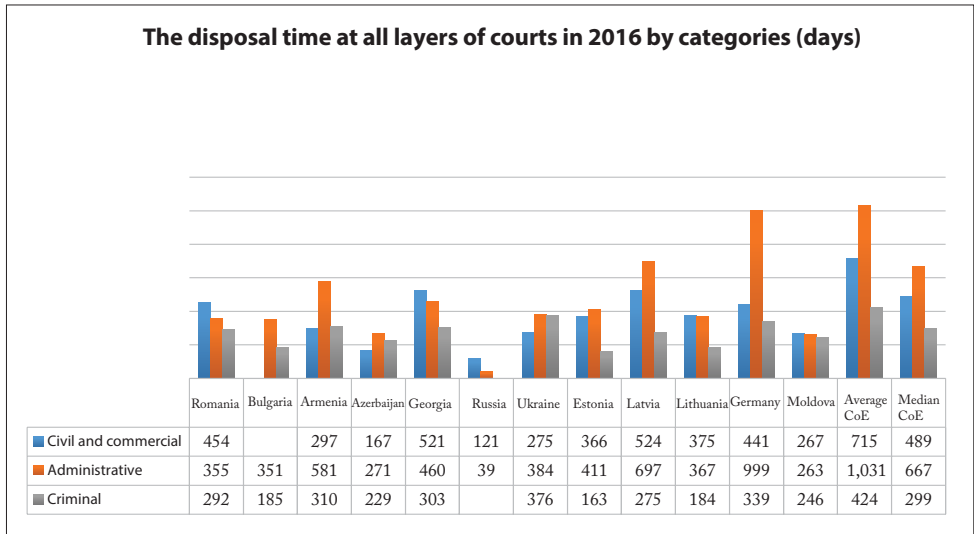
Although Moldovan judges and prosecutors often argue that case examination in court takes too much time, official figures contradict this statement. According to data for 2016, Moldovan courts solved cases of all categories, in trial, appeal and cassation proceedings, within just 259 days, which is 2.8 times faster than the CoE average. Only judges from Azerbaijan examine cases faster than Moldovan judges (the data for the Russian Federation is not representative as it is not complete, and the data for Bulgaria cover only two layers of courts). The speed of case examination comes at a price — poor quality of court judgments.

Chart no. 17



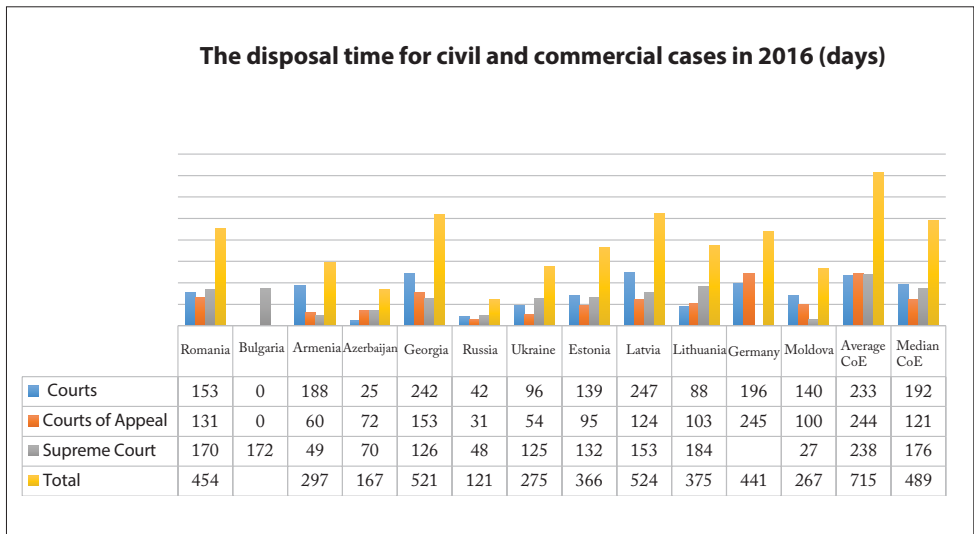
The following chart presents in details the length of examination of the civil, administrative and criminal cases at all three layers of courts. These data confirm that the examination of cases from all three categories is carried out with almost the same speed, although, on average, CoE states examine civil and administrative cases at a much slower pace than criminal ones.

Chart no. 18



As shown in the following chart, in Russia and Azerbaijan only, the examination of civil and commercial cases is faster than in Moldova. The SCJ of the Republic of Moldova examines cassations in civil and commercial cases the fastest — within 27 days on average. This is nine times faster than the CoE average.

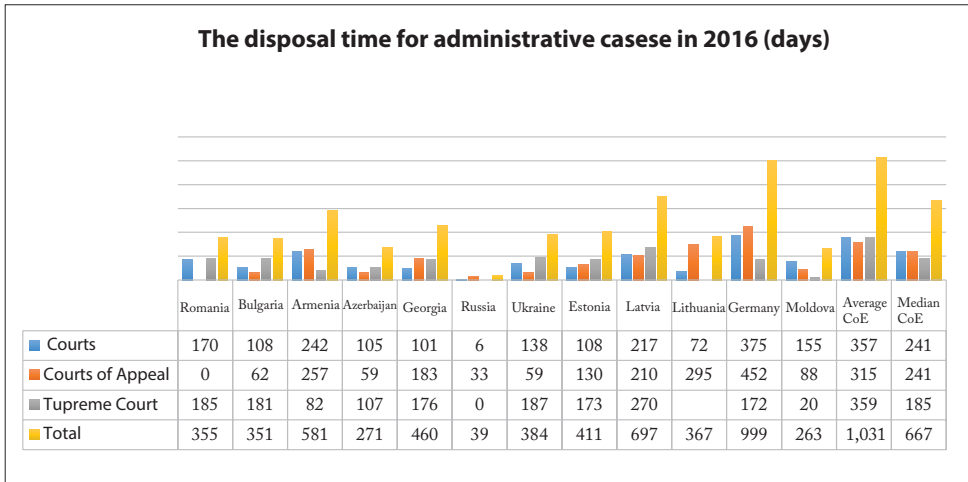
Chart no. 19



The steady trend in civil and commercial cases is also visible in administrative cases. Only in the Russian Federation the examination of administrative cases is quicker than in Moldova. Nothing compares to the SCJ of the Republic of Moldova in terms of the speed

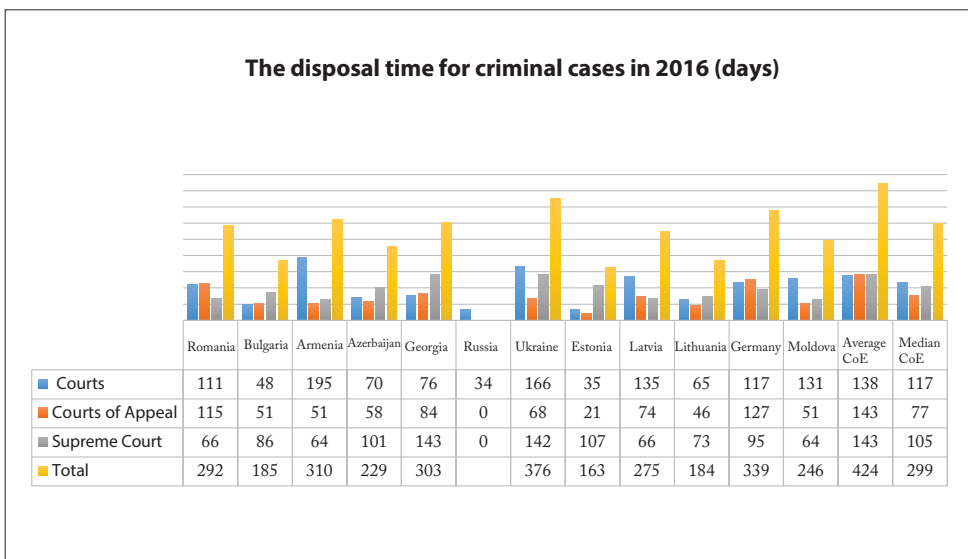
of the examination of cassations in administrative cases, too. The SCJ examines them within 20 days on average, 18 times faster than the CoE average.

Chart no. 20



Traditionally, the examination of criminal cases is prioritized in all countries. However, this is not relevant to Moldova, where the examination of criminal cases takes just as long as of other cases. Even so, the examination of criminal cases in Moldova is faster than the CoE average, albeit similar to the countries in the region. Once again, the SCJ of the Republic of Moldova is fastest in examining cassations (64 days), ranking next to the SCJ of Azerbaijan.


Chart no. 21



The Legal Resources Centre from Moldova (LRCM) is a nonprofit organization that contributes to strengthening democracy and the rule of law in the Republic of Moldova with emphasis on justice and human rights. Our work includes research and advocacy. We are independent and politically non-affiliated.

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