

AMENDMENTS TO THE CONSTITUTION REGARDING THE JUDICIARY

in force since 1 April 2022



The draft law has been finalised for several years and has been positively endorsed by the Venice Commission.

"The amendments are generally positive and in line with the applicable international standards."



Opinion no. 983/2020

4 MOST IMPORTANT CHANGES



Appointment of judges from the very beginning until they are aged 65 years



Strengthening the role of the President in the appointment of judges



Changing the conditions of appointment to the Supreme Court of Justice



Modification of the composition of the Superior Council of Magistracy

1 / 4



From the very beginning the judges will be appointed to the term of office until they are aged 65 years

Previously, judges had to be reconfirmed 5 years after their appointment. Such procedure affected their independence.



The amendment will increase the degree of **independence of judges**.



It will **eliminate the risk** that judges will not be able to act due to the reconsideration procedure, which sometimes takes **up to one year**.



2 / 4

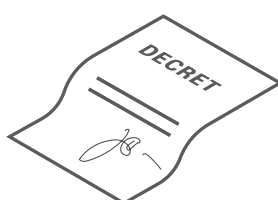


All judges will be appointed by the President of the country, at the proposal of the SCM

Previously, judges of the Supreme Court of Justice were appointed by the Parliament of the Republic of Moldova, which sometimes ignored the proposals by the SCM providing no arguments.



The amendment will **reduce the political influence** on these appointments by transferring responsibility from an eminently political body - the Parliament of the Republic of Moldova, to **a specific person - the President** of the country.



3 / 4



Other legal professionals also can be appointed as judges at the SCJ

Previously, a **10-year tenure in the position of judge was mandatory** in order to become a judge at the Supreme Court of Justice.



The amendment allows the **appointment to the SCJ of legal professionals having different backgrounds**, thus reducing the corporatism of judges.



4 / 4



Modified composition, without ex-officio members, for a single term of 6 years in the SCM

The Superior Council of Magistracy will consist of 12 members - 6 judges of all court levels and 6 professionals from outside the judiciary.

Previously, the SCM was composed of 6 judges - 3 university lecturers and 3 ex-officio members (the Chairperson of the SCJ, the Minister of Justice and the Prosecutor General). They could be re-elected after a four-year term of office.



The amendment allows **increasing the independence of the SCM**.



Judges who are members of the SCM will be **able to act more courageously**, as the risk of not being elected to the next SCM has been eliminated.



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