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MOLDOVAN JUSTICE IN FIGURES – A COMPARATIVE PERSPECTIVE

Vladislav GRIBINCEA

Andrei NASU

Victoria MEREUȚĂ

LRCM
Rights and justice for all

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Authors:

Vladislav GRIBINCEA

Andrei NASU

Victoria MEREUȚĂ

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SUMMARY

The Legal Resources Centre from Moldova (LRCM) analysed the judicial system of the Republic of Moldova based on statistical data. We wanted to get an image of the judicial system of the Republic of Moldova and compare it with countries with a similar economic standpoint and, possibly, identify areas of policy intervention.

In this research, the Moldovan judiciary is compared with the judiciary of 10 other countries, as well as with the median values of the Council of Europe (CoE) member states. We analysed such aspects as the public funds allocated to the justice system, the salaries of judges and prosecutors, the number of judges, prosecutors, and lawyers, the sufficiency of the personnel assisting judges and prosecutors, the speed with which judges examine cases, as well as the workload of judges and prosecutors.

The analysis was developed based on the Report of the European Commission for the Efficiency of Justice of the Council of Europe (CEPEJ), published in October 2022. This report presents the data for the year 2020. LRCM compared the data from this report with the official data on the Republic of Moldova for the year 2021 and, when comparing salaries, with the data for the year 2022 (instead of 2021).

In 2020, the share of the budget allocated to justice (courts, state-guaranteed legal aid, and the Prosecutor's Office) constituted 1.2% of all public budgetary expenditures, 0.1% less than in 2018. The CoE median in 2020 was also 1.2%. In this respect, Moldova was far ahead of Armenia, Azerbaijan, and Georgia. In 2018, the Republic of Moldova allocated EUR 13.2 per capita to justice. In this regard, the Republic of Moldova scored last among the CoE countries, along with Armenia, Azerbaijan, and Georgia. In 2020, the Republic of Moldova allocated to justice system EUR 15.7 per capita, considerably exceeding the three countries and the amount allocated by Moldova in 2018 (19%). However, this increase was still lower than the median increase of all budget expenditures in the Republic of Moldova for the same period. The amount allocated to Moldovan justice system in 2020 per capita was four times lower than the median of the CoE.

The bulk of the budget increases allocated to the judiciary since 2014 are due to the increase in salaries of judges and prosecutors, as well as the increase in the number of personnel assisting them. Even if these increases were significant, the Republic of Moldova, along with Georgia, are two countries that pay their judges the least.

Compared to the national average gross salary, in 2022 judges at the beginning of their career were remunerated with a 2.1 national average gross salaries, and the judges of the Supreme Court of Justice (SCJ) – with 3.1 average salaries, which is less than the CoE median. In 2020, it was 2.3 and 4.4 national average gross salaries, respectively. In countries with a comparable level of the national average gross salary to that of the Republic of Moldova, such as Armenia, Azerbaijan, Georgia, or Ukraine, judges have a much higher salary than the median of 47 countries.

Thus, in 2020, newly appointed judges in Armenia received a salary that was 3.9 times higher than the national average gross salary, in Azerbaijan – 6.3 times, and in Ukraine – 6.8 times. These figures suggest that a considerable increase in the salary of judges is necessary. The increase is also suggested by the evolution of inflation in the last two years in Moldova. Even though inflation has increased by more than 48% since 2020, judges' salaries have increased by only 2.9%. The political decision to increase the salary of judges may not come easily as Moldova is going through difficult times. An easier solution could be to grant this increase only to judges and prosecutors who have passed the vetting – the main anti-corruption reform currently promoted by the authorities. Such an

increase will not significantly burden the state budget in 2023, but it will be felt considerably in the following years.

In 2020, the entry-level salary of prosecutors in the Republic of Moldova was much higher than that received by prosecutors at the beginning of their career from Armenia, Azerbaijan, or Georgia, but slightly lower than that of prosecutors from Ukraine. Compared to the national average gross salary, Moldovan prosecutors were paid with 2.25 average salaries per economy. This ratio dropped to 1.84 average salaries in 2022, slightly above the CoE median (1.81 median salaries). In 2020, the salary of prosecutors from the General Prosecutor's Office of the Republic of Moldova was the lowest of the 47 countries analysed in the CEPEJ report. In addition to the fact that this (3.35 median salaries) was below the median of the analysed countries (3.56 median salaries), it was also considerably lower than the salaries of prosecutors of the General Prosecutor's Office from Armenia, Azerbaijan, Georgia, or Ukraine. In 2022, the salary of the prosecutors of the General Prosecutor's Office compared to the national average gross salary decreased considerably, from 3.35 to 2.74. These data confirm that an increase in the salary of the prosecutors of the General Prosecutor's Office would be necessary. According to the law, this will also lead to an increase in the salary of prosecutors in specialized prosecutor's offices.

As concerns the effective number of judges per capita, in 2020 the Republic of Moldova evened with the median of the CoE member countries. At that time, there were 17.5 active judges per 100,000 inhabitants in Moldova and the median of CoE member countries was 17.6. At the end of 2021, in Moldova, this indicator decreased to 15.4, most likely due to many to many newly appointed judges whose initial five-year mandate had expired and in respect of whom the President had not yet decided to reconfirm. Even so, in this regard, the Republic of Moldova surpasses by far Armenia, Azerbaijan, Georgia, and Ukraine. If all 504 judge positions were filled, the ratio of judges in the Republic of Moldova per 100,000 inhabitants would be 18.8, higher than the CoE median. These figures, corroborated with the number of cases assigned to Moldovan judges, suggest that it is not necessary to increase the number of judges in Moldova, but it is urgently necessary to increase their efficiency.

The number of prosecutors in the Republic of Moldova compared to its population is twice as high as the CoE median. In this regard, the Republic of Moldova is one of the countries with the highest number of prosecutors per capita. The number of prosecutor positions in the Republic of Moldova (720) is 43% higher than the number of judge positions (504), which is atypical. In countries with advanced democracies, the number of judges is always higher than the number of prosecutors. In Romania, Armenia, Azerbaijan, Georgia, Estonia, and Germany, the number of prosecutors per 100,000 inhabitants is twice as low as in the Republic of Moldova. These figures could serve as a basis for opening discussions regarding the optimisation of the number of prosecutors in the Republic of Moldova, but only if the procedures for investigation and examination of criminal cases are simplified. The legitimacy of these discussions is also supported by the low number of criminal cases handled by prosecutors compared to other countries. The funds thus saved could be used to increase the salaries of judges and prosecutors who passed the vetting.

In 2020, the Republic of Moldova had 79.4 active lawyers per 100,000 inhabitants, which represents only 58.4% of the CoE median (136 lawyers per 100,000 inhabitants). Their small number is probably determined by the limited ability of the population to pay for their services and the limited attention given by judges and prosecutors to the arguments of lawyers. This indicator decreased at the end of 2021 to 77.7, apparently due to the non-organisation of the bar admission exams and the high social contributions that liberal legal professionals must pay.

As part of this analysis, the actual number of personnel assisting judges and prosecutors was also compared to the country's population. Regarding the number of personnel assisting judges (staff

directly assisting judges, administrative, and technical staff), in 2020 it was 68.2 positions per 100,000 inhabitants. Towards the end of 2021, this ratio has reduced insignificantly (to 68.1) and is much higher than the CoE median (56.1). Only three countries out of those analysed exceeded Moldova on this head – Bulgaria, Latvia, and Lithuania.

At the end of 2020, the number of personnel assisting prosecutors per 100,000 inhabitants was 13.7 units, which is lower than the CoE median (15.2), but more than any former USSR country except Latvia and Lithuania. This ratio decreased to 13.5 by the end of 2021. The total number of personnel that should assist prosecutors is 464, but 109 positions were vacant at the end of 2021. If all 464 positions were filled, they would represent 17.7 assistant prosecutors per 100,000 inhabitants in Moldova, well above the CoE median.

The CEPEJ report contains information on the number of cases assigned to judges and those dealt with by prosecutors. In 2020, the courts of the Republic of Moldova registered 4.27 civil, commercial, administrative, and criminal cases per 100 inhabitants. Despite the pandemic that started in 2020, which should have led to a reduction in the number of cases assigned to judges, this number increased in Moldova from 4.1 in 2018 to 4.27 in 2020. The median of the CoE countries in this regard is 3.63 cases, and the average is 5.32. Considering the sufficient number of judges, the increased number of personnel assisting judges, and the number of cases assigned to judges, which exceeds the CoE median by 16%, judges' complaints about excessive workload can be only explained by the reduced efficiency of the administration of the judiciary, poor training of personnel assisting judges, the inefficiency of judges, or excessive bureaucratisation of judicial procedures.

We also analysed the number of cases initiated by prosecutors. In 2020, Moldovan prosecutors initiated 1.04 criminal and contravention cases per 100 inhabitants, which is about 2.5 times lower than the CoE median and twice lower than the number of cases initiated by Moldovan prosecutors in 2018. According to data, in 2020, only prosecutors from Azerbaijan and Latvia initiated fewer criminal and contravention cases than prosecutors from the Republic of Moldova.

The document also analyses the length of the examination of the cases in courts. On average, in 2020 a case in the Republic of Moldova was examined by all three layers of court in 452 days, 160 days less than the median of the CoE countries. This confirms that, on average, cases in the Republic of Moldova are examined much faster than in other CoE member countries. However, the average time for examining cases in Moldova in 2020 increased considerably compared to 2018, by about 60% (from 280 to 452 days), that could be explained by the pandemic. Surprisingly, such large increases were not recorded in other countries.

In 2020, only in Armenia (287 days) and Azerbaijan (319 days) were civil cases solved faster than in the Republic of Moldova (329 days). Overall, the average examination time for civil and administrative cases in Moldova in 2020 was 78% and 55% respectively lower than the CoE median. Usually, criminal cases are examined faster. However, this was not the case of the Republic of Moldova, where criminal cases are examined slower (473 days) than civil and commercial cases (329 days). Moreover, in 2020, in the Republic of Moldova, criminal cases were examined about three months slower than the CoE median (390 days).

We also analysed the performance of the SCJ in the Republic of Moldova, given the announced reform, which includes reducing the number of its judges. In 2020, only 19 of the 33 judges worked at the SCJ, which coincides with the desired number of active SCJ judges after the Court will be reformed. Even though the SCJ was missing 14 judges in 2020, it continued to examine cases at a very high speed. On average, civil cases were examined by the SCJ in 2020 in 42 days, administrative cases – in 51 days, and criminal cases – in 118 days. The median for CoE countries was 172 days for civil cases, 249 days for administrative cases, and 120 days for criminal cases.

These figures confirm that in 2020 the SCJ of the Republic of Moldova examined civil cases four times faster than the CoE median, and administrative cases five times faster. Among the analysed countries, Moldova scored first in how speedy civil cases were examined and second in how speedy administrative cases were examined, the SCJ of Azerbaijan being ahead in this regard by only one day. In examining criminal cases, the SCJ moved at a very similar speed to that of the CoE median. These figures suggest that reducing SCJ judges from 33 to 20 should not impact the performance of the SCJ. Moreover, the SCJ could devote even more time to the examination of cases in order to improve cases, to improve the quality of its decisions.

METHODOLOGY

In this document, LRCM statistically analysed the judicial system of the Republic of Moldova. We wanted to get an image of the judicial system of the Republic of Moldova and compare it with countries with a similar economic standpoint and, possibly, identify areas of intervention at the policy level.

The analysis was developed based on the [Report](#) of the European Commission for the Efficiency of Justice of the Council of Europe (CEPEJ), published in October 2022. This report presents the data for the year 2020 about the judicial systems in 47 countries, of which 44 countries are Council of Europe member states, as well as Israel, Kazakhstan, and Morocco. LRCM extracted the main statistics from the CEPEJ report and compared them with the relevant data for the Republic of Moldova.

In the paper, we analysed only the data from the CEPEJ Report which is most relevant to the legal system in the Republic of Moldova. We looked into such aspects as the public funds allocated to the justice system, the salaries of judges and prosecutors, the number of judges, prosecutors, and lawyers, the sufficiency of the personnel assisting judges and prosecutors, the speed with which judges examine cases, as well as the workload of judges and prosecutors.

In this paper, the Moldovan judiciary is compared with the judiciary of 10 other countries, as well as with the respective median values of the Council of Europe (CoE) member states. The comparison was drawn between countries with a similar recent history and a comparable economic standpoint (Armenia, Azerbaijan, Georgia, Ukraine, Estonia, Latvia, and Lithuania), neighbouring countries (Romania and Bulgaria) and one developed country in Western Europe (Germany). We compared Moldova with the Baltic countries, Romania, and Bulgaria to get a clearer understanding of the situation in the region. The analysis also refers to the median of all 47 countries presented in the CEPEJ Report. Data on Germany and the median of the countries covered in the CEPEJ Report were introduced to better understand the situation in Moldova compared to all 47 countries analysed by CEPEJ. The study also compares the data on the Republic of Moldova from 2020 with that of 2018.

Given the major differences between the judicial systems in Europe, the median is a more relevant benchmark than the average for such an analysis, as it reduces the impact of very different situations from some countries. The CoE median is the result between the 47 states, analysed by CEPEJ, divided into two equal groups, so that 50% of the countries are above this value and 50% are below this value. Precisely for this reason, we used the median of the 47 countries as the main reference point.

LRCM also generated data on the salaries of judges and prosecutors in the Republic of Moldova at the beginning and end of their careers for the year 2022, to have a clearer picture of the compensation trend of the main actors in the judiciary. Salaries for 2022 were calculated according to the provisions of the [Law](#) on the Unitary Salary System in the Public Sector and the [Law](#) on State Budget for 2022. Salaries were converted into euros at the official exchange rate of 1 November 2022.

Additionally, we used data from the [Report](#) on the activity of the Prosecutor's Office for the year 2021, the data provided by the Union of Lawyers from the Republic of Moldova regarding [the list of lawyers](#) with the right to practice in 2022, as well as the information provided by the Courts Administration Agency. Unfortunately, we could not find in public sources the data on the execution of the budget for the justice sector in the year 2021, because the SCM report on the activity of the judiciary in the year 2021 has not yet been published.

To work out the number of judicial personnel and the funds allocated to justice per capita, we used the population of the Republic of Moldova used by CEPEJ in the 2022 report – 2.63 million. When calculating values regarding judicial personnel, we used the information on the positions actually filled in, without considering vacant positions or persons suspended from office.

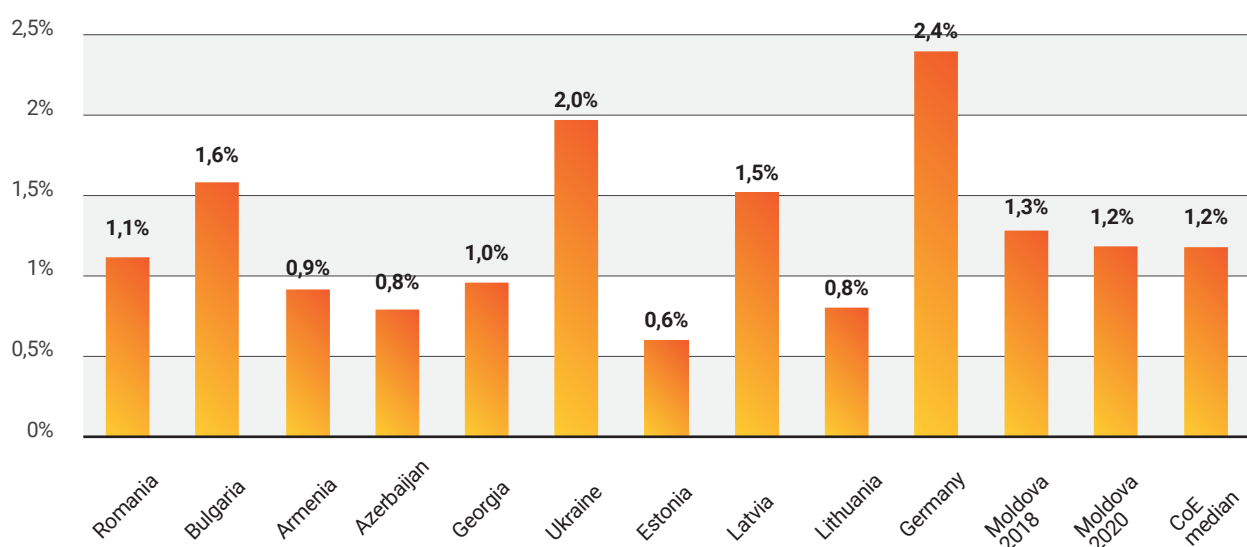
This paper was prepared between October and November 2022. The data were synthesized by Victoria MEREUȚĂ and Andrei NASU, legal advisers at the LRCM. The data analysis was carried out by Vladislav GRIBINCEA, Executive Director of LRCM, and Andrei NASU.

In 2019 and 2021, LRCM developed similar documents based on the CEPEJ Reports from 2018 and 2020. They present data for the years 2016 and 2018 respectively.

I. BUDGET ALLOCATED TO JUSTICE

In 2020, the Republic of Moldova allocated EUR 106.9 million for the justice system (courts, state-guaranteed legal aid, and the Prosecutor's Office). EUR 43.8 million was allocated to courts, which constituted 1.2% of all public expenditure in that year. This figure is equal to the median of the 47 member countries analysed by CEPEJ. Compared to 2018, the amount allocated for the judicial system increased by EUR 5.5 million. However, the share of the budget allocated for 2020 in the state budget decreased slightly compared to 2018, which confirms that the funds allocated to justice grew slower than other budget expenditures.

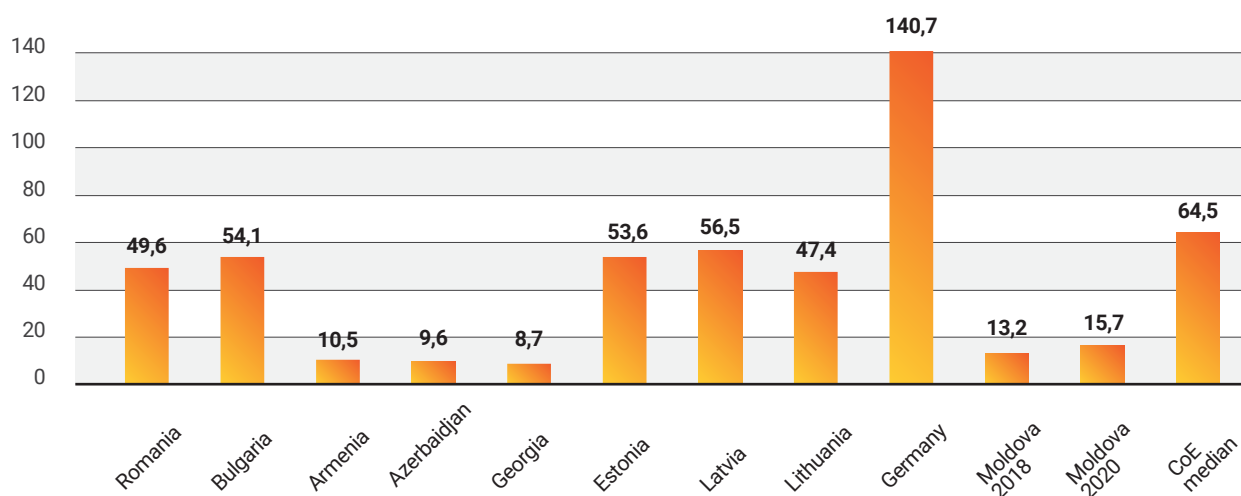
Table no. 1: The share in the state budget for the year 2020 of the amount allocated to justice



The fact that the Republic of Moldova allocates for the justice system as much as the European median, does not mean that the allocated resources are sufficient. Considering the small budget in the Republic of Moldova, the actual amount allocated per inhabitant is more informative. The amount allocated by the Republic of Moldova to justice in 2020 was EUR 15.7 per inhabitant, much more than in Armenia (EUR 10.47), Azerbaijan (EUR 9.58), or Georgia (EUR 8.69).

However, in 2020, Moldova spent on justice several times less per capita than Bulgaria, Romania, or the Baltic countries. It should be noted that the amount allocated in 2020 per inhabitant increased considerably between 2018 and 2020, from EUR 13.2 to EUR 15.7, which is a 19% increase. However, this increase was lower than the average increase of all budget expenditures in the Republic of Moldova in the same period.

Table no. 2: Budget allocated to justice per inhabitant in the year 2020 (Euro)



In the 47 countries analysed by CEPEJ, in 2020, EUR 64.5 were allocated per inhabitant to justice, according to the median value. This figure is more than four times higher than the amount allocated to justice by Moldova in 2020. Considering the economic realities in the Republic of Moldova, the comparison cannot serve as a solid argument for the considerable increase in the amounts allocated to the justice system.

On the contrary, in 2020 the Republic of Moldova spent per capita on the justice system much more than Armenia, Azerbaijan, or Georgia, states with similar economic standpoints. Following the analysis of the data below, it appears that these differences are mainly explained by the fact there are fewer judges, prosecutors, and assisting personnel per capita and by the poorer compensation of prosecutors in those countries.

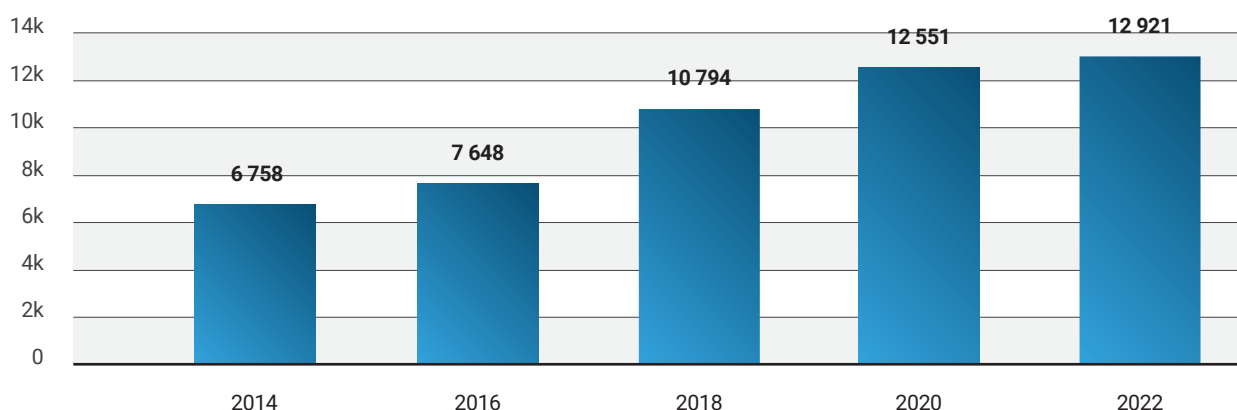


II. JUDGES' SALARIES

In 2014-2020, judges' salaries increased considerably, mainly due to the method of compensation being changed and due to the increase in the national average gross salary. In December 2018, the new salary system for the budgetary sector ([Law 270/2018](#)) entered into force, which no longer calculates judges' salaries according to the average salary in the economy. As a result of the new salary calculation method introduced in 2014, the salary of judges at the beginning of their careers increased considerably in 2018 compared to 2014 (by 60%).

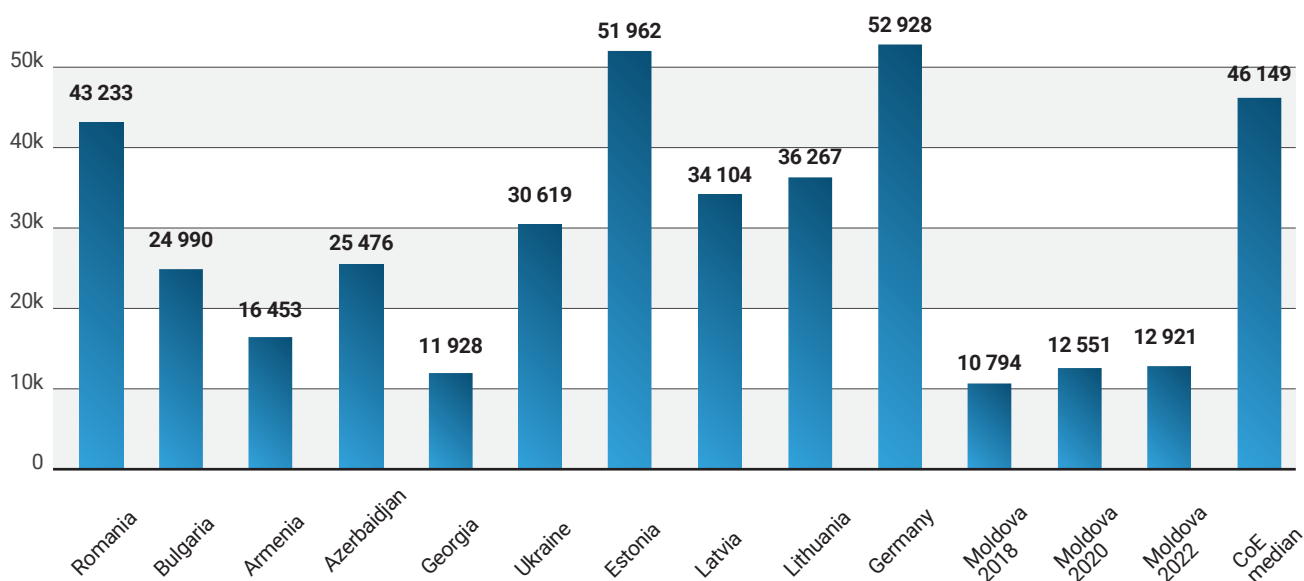
Another substantial increase was recorded in 2020 compared to 2018 (by 16.2%). In 2022, an insignificant increase (2.9%) in judges' salaries compared to 2020 was recorded, well below the average increase of other salaries in the country.

Table no. 3: The evolution of the annual salary of newly appointed judges in the Republic of Moldova (Euro)

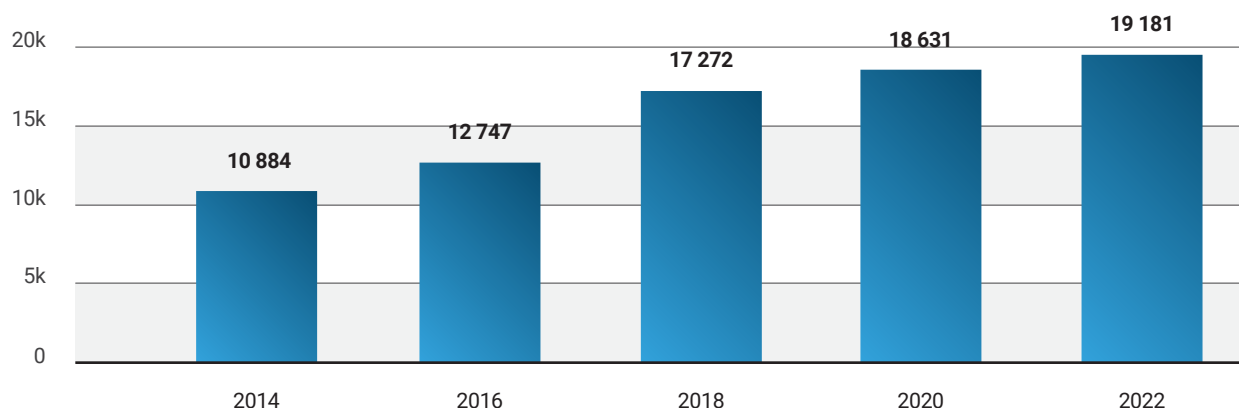


In 2020, the gross annual salary (before taxation) of judges at the beginning of their career in the Republic of Moldova was EUR 12,551. Even if it increased compared to 2018, it remained one of the lowest salary paid to judges at the beginning of their career in the 47 countries analysed by CEPEJ (only judges from Georgia received a lower salary).

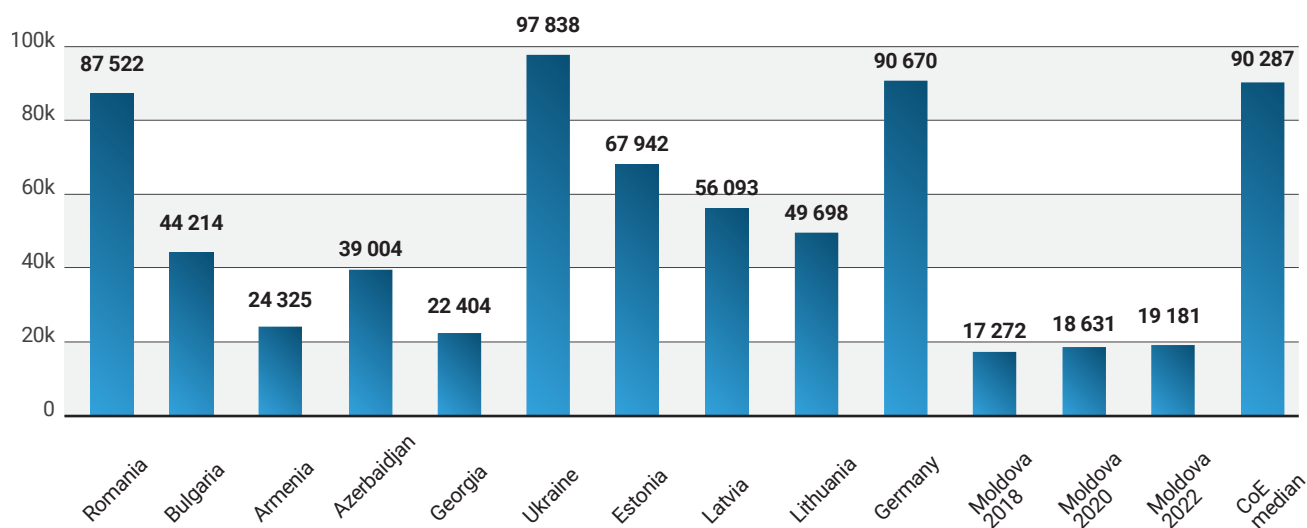
In comparison, in the same year, judges at the beginning of their career in Armenia earned an average gross annual salary of EUR 16,453, in Azerbaijan – EUR 25,476, and in Ukraine – EUR 30,619. This fact confirms the need to increase the salaries of newly appointed judges, especially considering the 48.5% inflation recorded between 2021 and 2022 in Moldova and the fact that the salary of judges has increased by only 2.9% since 2020.

Table no. 4: Annual salary of judges at the beginning of their career in the year 2020 (Euro)


In 2020, the average gross annual salary of judges of the Supreme Court of Justice (SCJ) of Moldova was 18,631 EUR. It also increased compared to 2018 by 7.8%. In 2022, the salary of judges of the Supreme Court in Moldova registered an insignificant increase (by 2.9%) compared to 2020, up to EUR 19,181.

Table no. 5: The evolution of the annual salary of Supreme Court judges in the Republic of Moldova (Euro)


Of all the countries analysed in the CEPEJ Report, in 2020 the Supreme Court judges in Moldova received the lowest salary. For comparison, in the same year, Supreme Court judges in Armenia received a salary of EUR 24,325, in Azerbaijan – EUR 39,004, and in Ukraine – EUR 97,838.

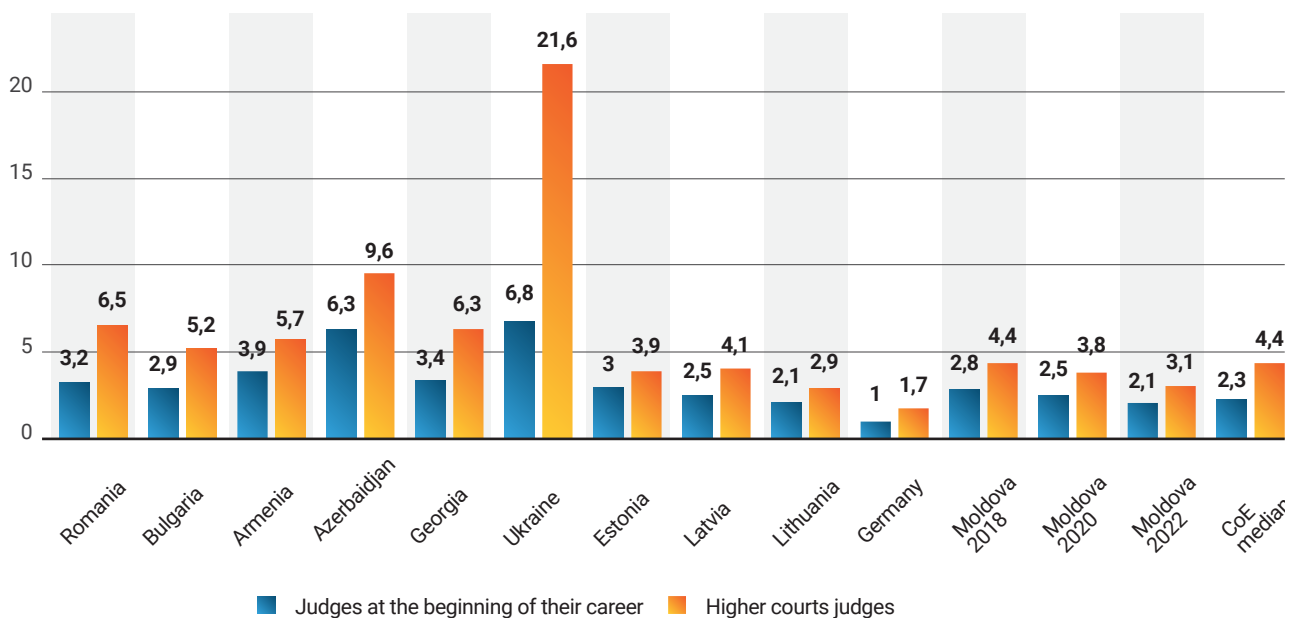
Table no. 6: Annual salary of Supreme Court judges in the year 2020 (Euro)

The most informative method to compare a salary is its correlation with the national average gross salary. In 2020, in the 47 countries analysed by CEPEJ, new judges were remunerated, on average, with 2.6 national average gross salaries, and the median was 2.3 national average gross salaries.

Supreme court judges were paid, on average, 4.9 national average gross salaries, and the median was 4.4 national average gross salaries. Newly appointed judges in the Republic of Moldova, in 2020, had a salary of 2.5 national average gross salaries, which was 0.2 points higher than the CoE median, and CSJ judges – 3.8 national average gross salaries, 0.8 points below the median CoE.

In 2022, the co-ratio between judges' salaries and the national average gross salary decreased, for new judges to 2.1, and SCJ judges – to 3.1. This decrease is due to the freezing of wages in the public sector and the increase in the national average gross salary.

In countries with a comparable level of the national average gross salary to that of the Republic of Moldova, such as Armenia, Azerbaijan, Georgia, or Ukraine, judges have a much higher salary than the median of the 47 countries. Thus, in 2020, judges at the beginning of their career in Armenia received a salary that was 3.9 times higher than the average salary, in Azerbaijan 6.3 times, and in Ukraine 6.8 times. These figures also support the need of a considerable increase in the salaries of judges in the Republic of Moldova.

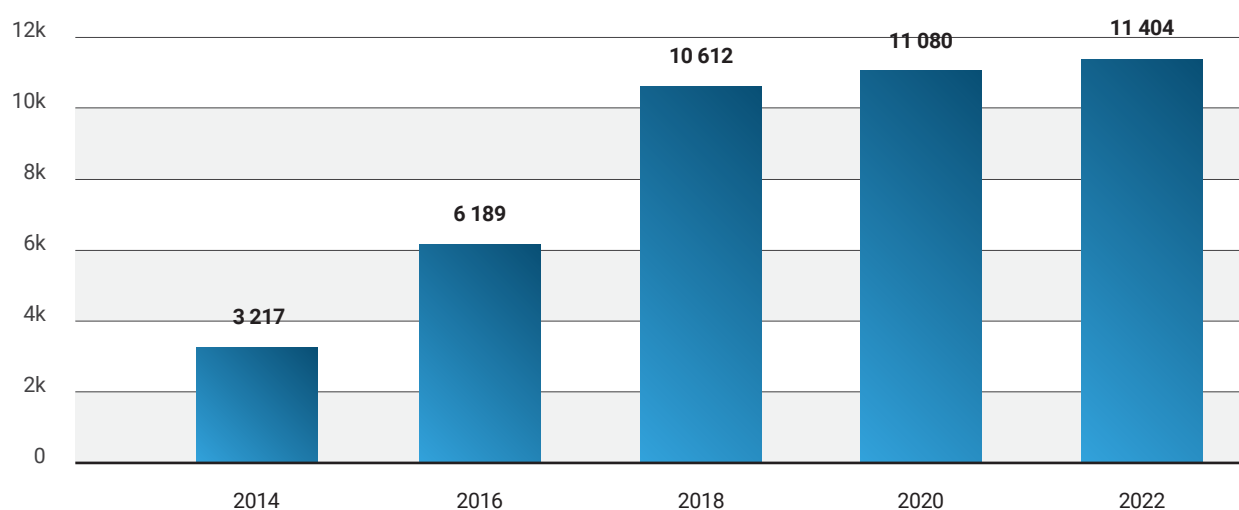
Table no. 7: Annual salary of judges at the beginning of their career in 2020 (euro)

It is paramount to increase judges' salaries in the context of the authorities' commitment to fighting corruption in the judiciary. The figures above suggest that a significant increase is needed, a political decision that may not come easily as Moldova is going through a complicated period. An easier solution could be to grant this increase only to judges and prosecutors who have passed the vetting – the main anti-corruption reform currently promoted by the authorities. Such an increase will not significantly burden the state budget in 2023, but it will be felt considerably in the following years.

III. PROSECUTORS' SALARIES

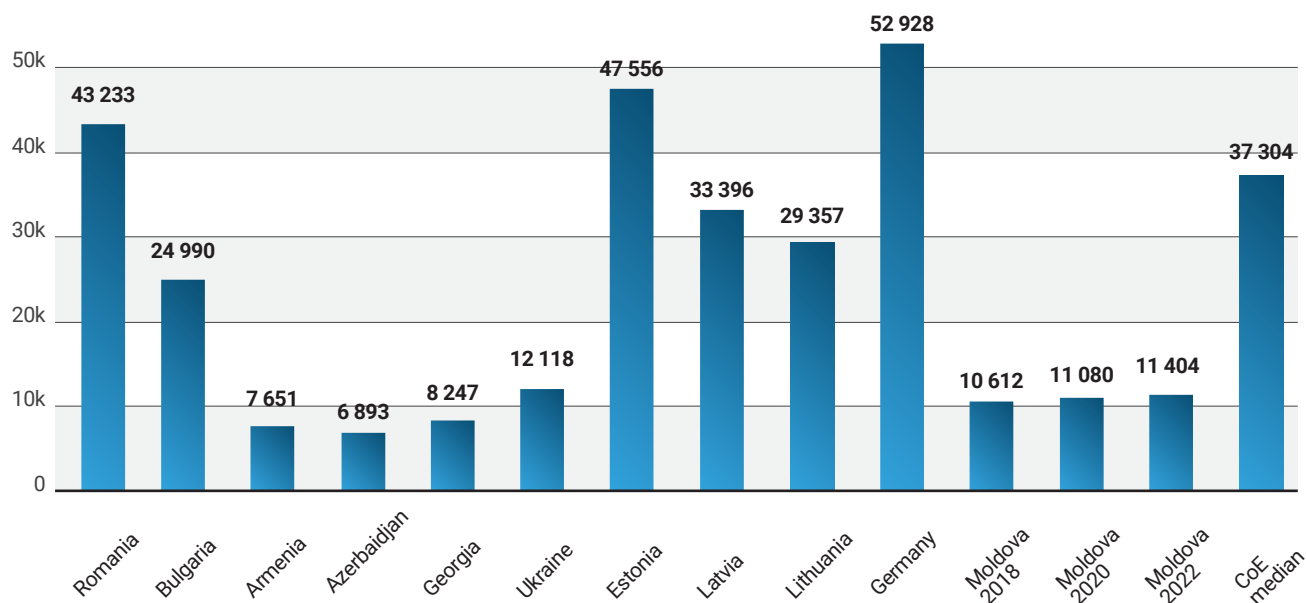
Starting with 2016, as a result of legislative changes, the gross annual salary of prosecutors in the Republic of Moldova has increased considerably. In 2018, a prosecutor at the beginning of his/her career received a gross annual salary of EUR 10,612 – three times more than in 2014. In 2020, the salaries of newly appointed prosecutors increased slightly compared to 2018 (by 4.4%), up to EUR 11,080. As in the case of judges, the entry-level salary of prosecutors in Moldova in 2022 were only 2.9% higher than their salary in 2020.

Table no. 8: The evolution of the annual salary of Moldovan prosecutors at the beginning of their career in the year 2020 (Euro)

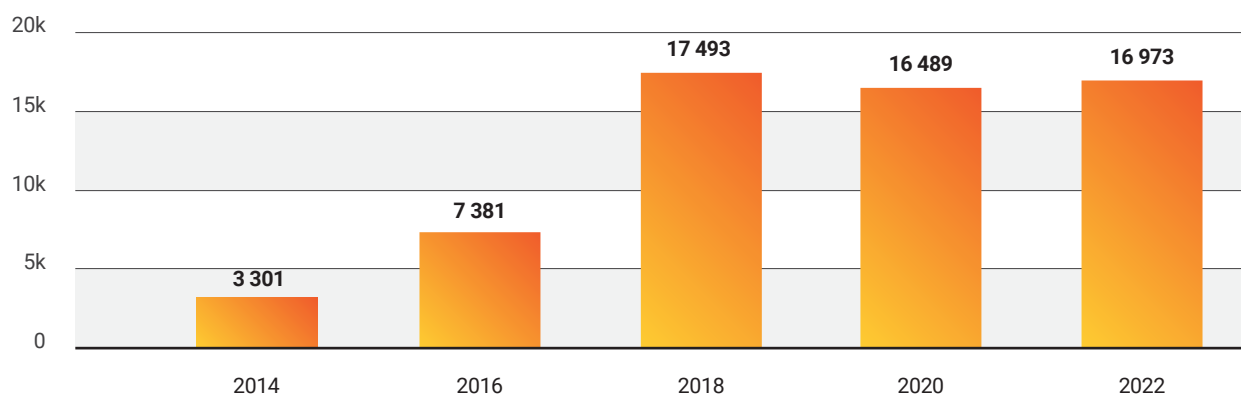


The salary of prosecutors at the beginning of their career from the Republic of Moldova in 2020 (11,080 EUR) was higher than that of entry-level salary of prosecutors from Armenia (7,651 EUR), Azerbaijan (6,893 EUR), or Georgia (8,247 EUR) for the same year.

Although the gross annual salary of prosecutors at the beginning of their career in Moldova in 2020 was well below the average and median of the 47 countries analysed in the CEPEJ Report, it was still 45% higher than the entry-level salary of prosecutors from Armenia, Azerbaijan, and Georgia, and slightly lower than from Ukraine.

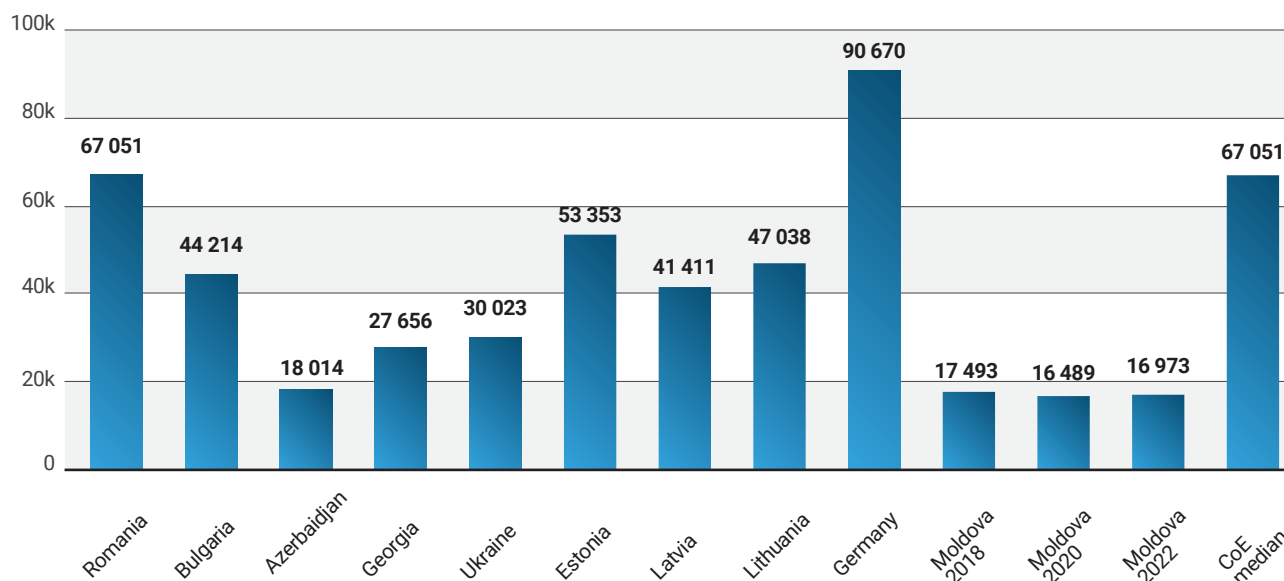
Table no. 9: Annual salary of prosecutors at the beginning of their career in 2020 (euro)

The gross annual salary of prosecutors from the General Prosecutor's Office of the Republic of Moldova significantly increased in 2018, up to EUR 17,493 – 5.3 times to that of 2014. In 2020, the salary of prosecutors from the General Prosecutor's Office decreased by 4.3% compared to the salary in 2018. In 2022, the salary of these prosecutors increased by 2.9%.

Table no. 10: The evolution of the annual salary of prosecutors in the General Prosecutor's Office of the Republic of Moldova (Euro)

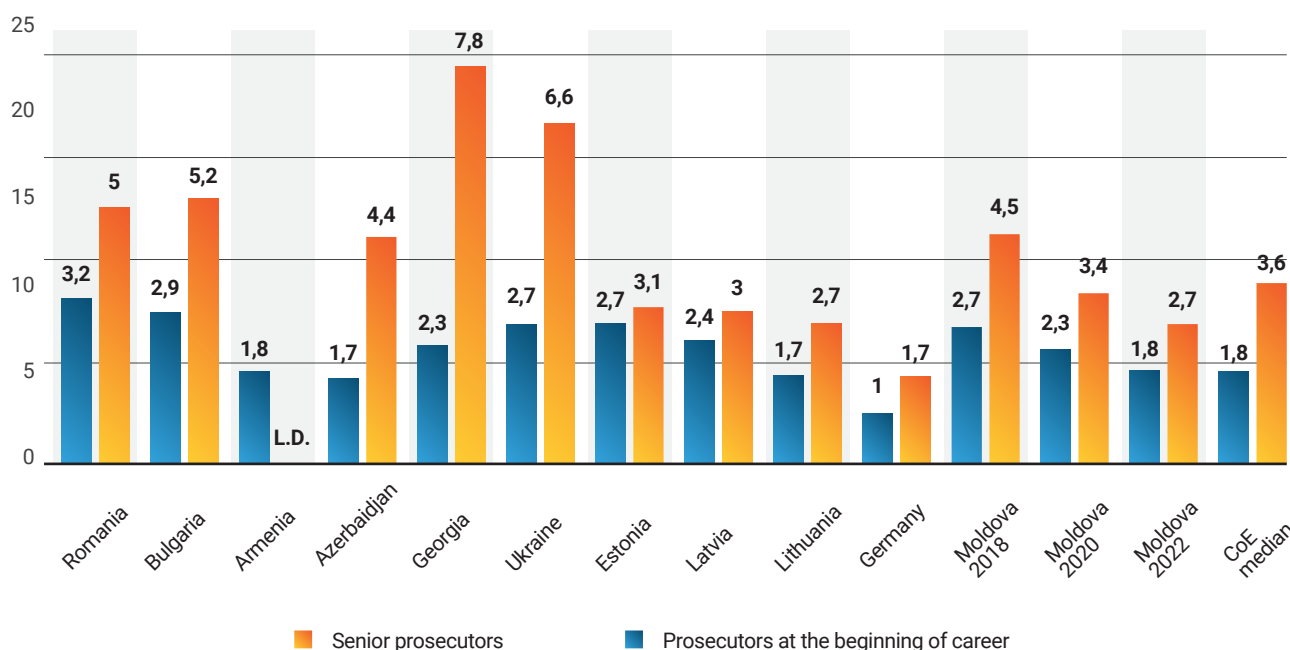
In 2020, the salary of prosecutors from the General Prosecutor's Office of the Republic of Moldova was EUR 16,489 – the lowest of the 47 countries analysed in the CEPEJ report. In addition to the fact that the mentioned salary is far below the average and median of the analysed countries, it was also considerably lower compared to the salaries of prosecutors in supreme institutions in countries comparable to Moldova, such as Azerbaijan (18,014 EUR), Georgia (27,656 EUR), or Ukraine (30,023 EUR).

Table no. 11: Annual salary of the prosecutors in the General Prosecutor's Office in the year 2020 (Euro)



Comparing the salary of prosecutors to the average salary in the economy, prosecutors at the beginning of their career in the Republic of Moldova were remunerated in 2020 above the median of the 47 analysed member states (2.25 average salaries and the median of 1.81). In the same year, prosecutors from the General Prosecutor's Office of the Republic of Moldova were remunerated below the median of the analysed countries (3.35 salaries, compared to 3.56 national average gross salaries). In 2022, the salary of prosecutors compared to the national average gross salary in the Republic of Moldova decreased considerably compared to 2018 and 2020.

Table no. 12: Prosecutor's salary compared to the national average annual salary in the year 2020



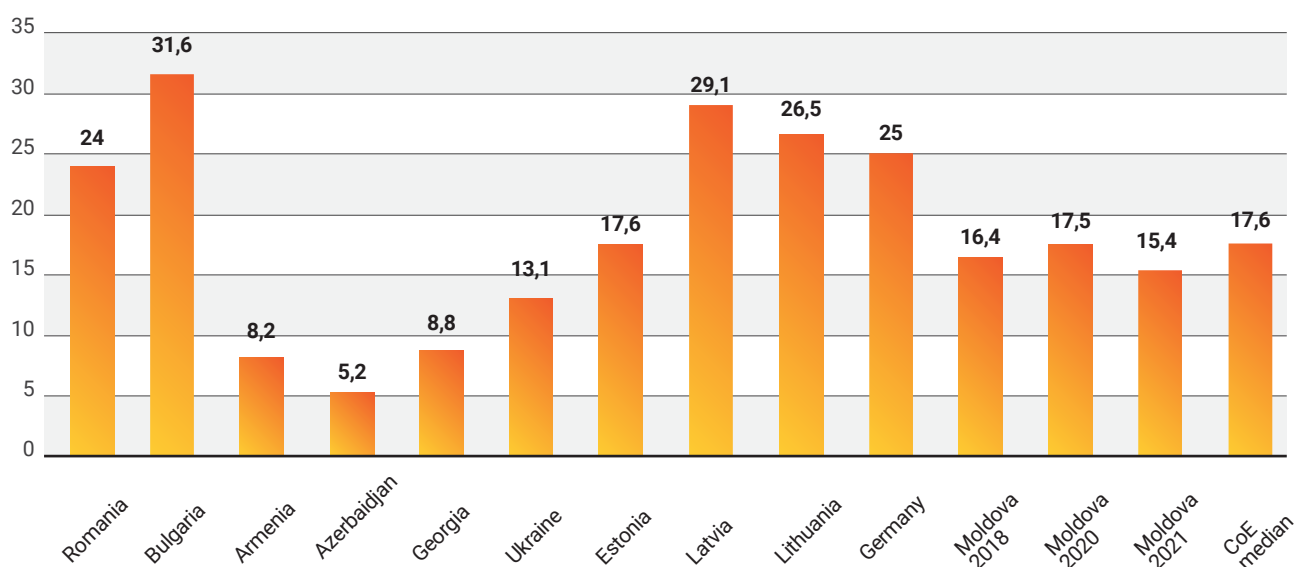
The figures in Table no. 12 confirm that the entry-level salary of prosecutors in the Republic of Moldova compared to the average salary in 2020 were comparable to the entry-level salaries of prosecutors from Armenia, Azerbaijan, Georgia, Ukraine, and the Baltic countries. There is, however, a rather large negative difference in the salaries of prosecutors from the General Prosecutor's Office of the Republic of Moldova compared to the national average gross salary, compared to Azerbaijan, Georgia, or Ukraine.

IV. JUSTICE PERSONNEL

There are 504 judges in total in Moldova, but some positions are vacant, and a significant number of judges are suspended from office. According to the CSM's 2020 activity report, on 31 December 2020, 424 judges were active in the judicial system. According to the 2022 CEPEJ Report, relative to the country's population, in 2020, 17.5 judges were active in the Republic of Moldova per 100,000 inhabitants, which is almost equal to the median of the 47 analysed countries (17.6). The figure dropped in 2021 to 15.4 (405 judges), most likely due to many judges at the beginning of their career whose initial five-year mandate had expired and in respect of whom the President had not yet take a decision on reconfirmation. After their initial mandate expired, they did not examine any cases.

The figures from the previous paragraph do not suggest that we need more judges in the country, despite judges' grievances. If all 504 judge positions were filled, the ratio of judges per 100,000 inhabitants would be 18.8, which exceeds the CoE median. This number would be higher than the number of judges per capita in Armenia, Azerbaijan, Georgia, Ukraine, or Estonia. Also, as can be seen from the information below, the number of cases examined by the judges of the Republic of Moldova is not much higher than the median of the CoE member countries and the number of personnel assisting judges in Moldova is much higher than in most CoE countries.

Table no. 13: Number of judges per 100,000 inhabitants in the year 2020

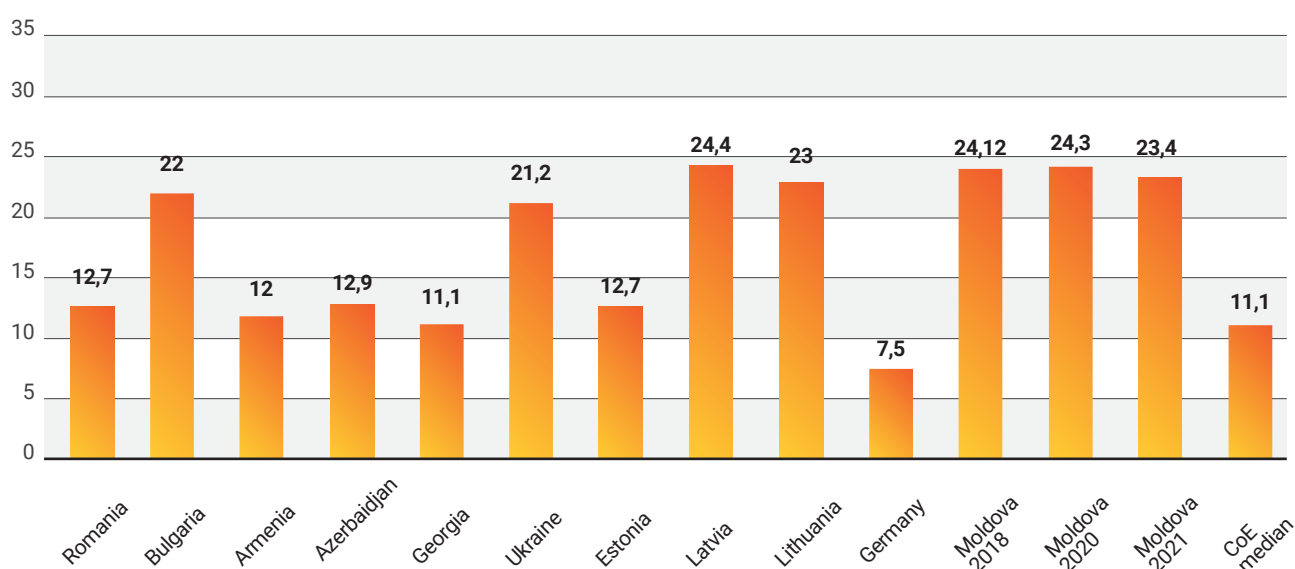


Even if the number of prosecutor positions in the Republic of Moldova (720) decreased slightly compared to the beginning of 2016 (then there were about 760 positions in Moldova), there are still 43% more prosecutors than judges (504) in Moldova. In countries with advanced democracies, there are more judges than prosecutors. In former USSR countries however, the number of prosecutors was always very high. Even in 2020, in Armenia, Azerbaijan, Georgia, and Ukraine, there were more prosecutors than judges.

In 2020, there were 24.3 prosecutors in the Republic of Moldova per 100,000 inhabitants – twice as many as the CoE median (11.1). According to the [Report](#) on the activity of the Prosecutor's Office for the year 2021, out of 720 positions of prosecutors, 615 were filled, which represents a ratio of 23.4 prosecutors per 100,000 inhabitants. If all prosecutor positions were filled, then the ratio of prosecutors in Moldova per 100,000 inhabitants would be 27.4.

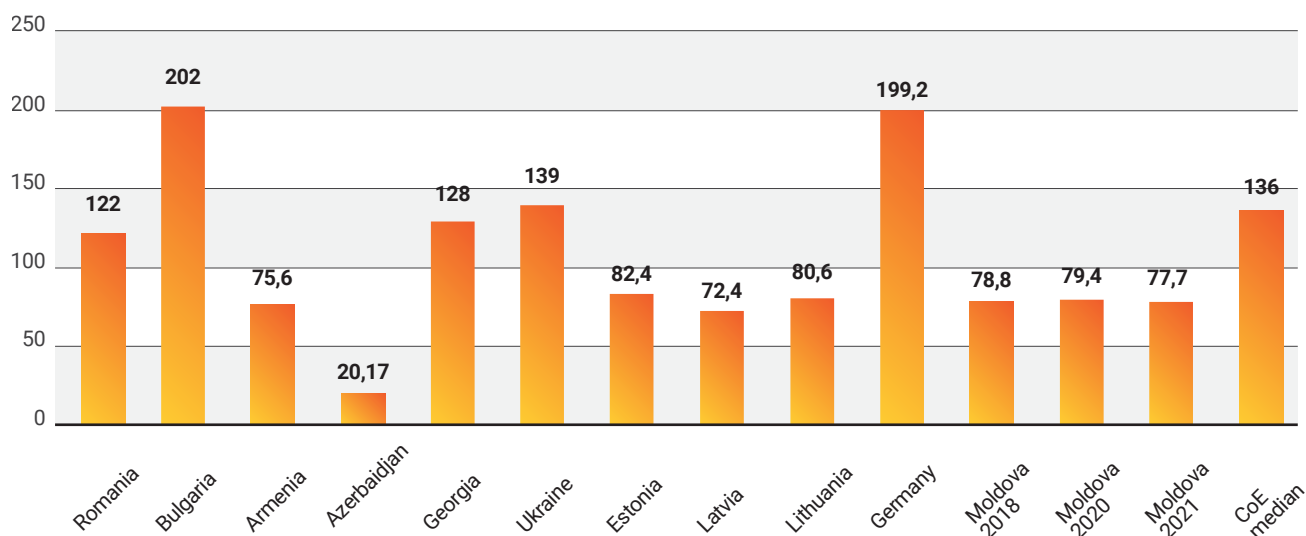
In Romania, Armenia, Azerbaijan, Georgia, Estonia, and Germany, the number of prosecutors per 100,000 inhabitants is twice as low as in the Republic of Moldova. These figures could serve as a basis for opening discussions regarding the optimisation of the number of prosecutors in the Republic of Moldova, but only if the procedures for investigation and examination of criminal cases are simplified. The legitimacy of these discussions is also supported by the low number of criminal cases handled by prosecutors compared to other countries. The funds thus saved could be used to increase the salaries of judges and prosecutors who will pass the vetting.

Table no. 14: Number of prosecutors per 100,000 inhabitants in the year 2020



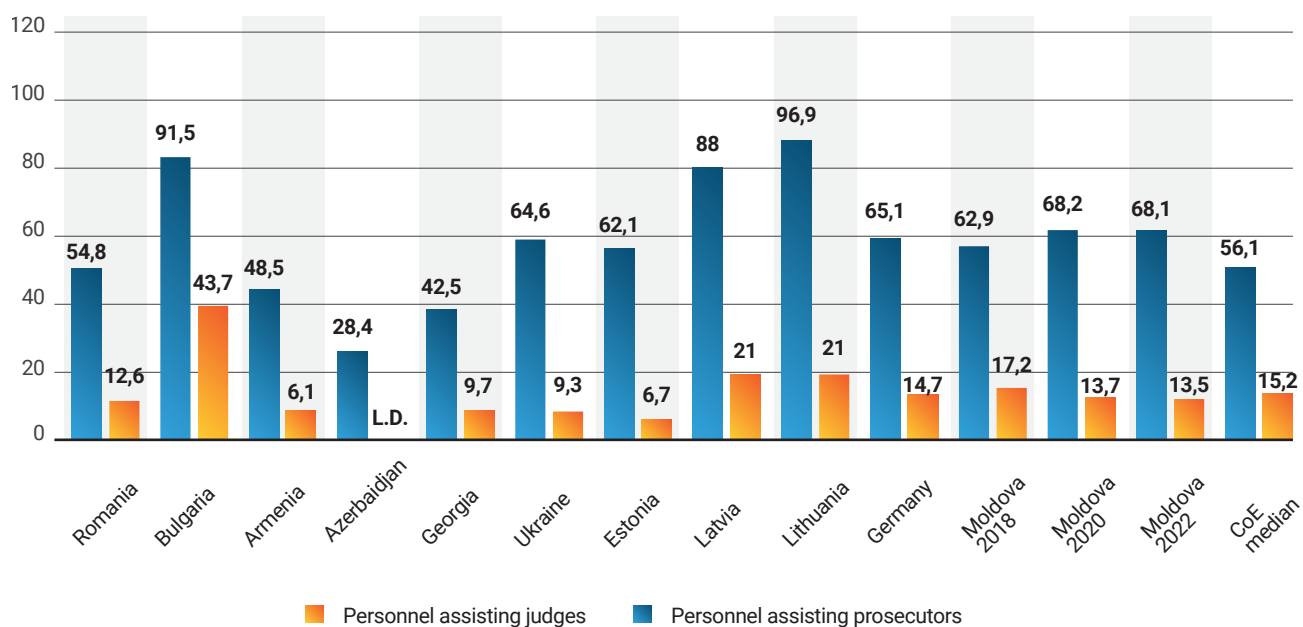
According to the 2022 CEPEJ Report, there were 79.4 lawyers per 100,000 inhabitants in the Republic of Moldova, which is only 58.4% of the CoE median (136). According to the data of the Union of Lawyers, in early 2022, there were 2,043 lawyers with the right to practice in Moldova, which represents 77.7 lawyers per 100,000 inhabitants.

The small number of lawyers compared to the country's population is a characteristic phenomenon of the post-Soviet space, where the role of the lawyer was limited. In Moldova, the low number of lawyers can be explained by the low power of the population to pay their fees, unclear criteria for admission into the profession, as well as by the low importance given by judges and prosecutors to the lawyers' arguments.

Table no. 15: Number of lawyers per 100,000 inhabitants in the year 2020

Regarding the personnel assisting judges (not considering vacant positions), the data confirm that, in 2020, it increased slightly compared to 2018, constituting 68.2 units per 100,000 inhabitants. In 2021 the ratio was 68.1. It exceeds the CoE median, as well as seven of the figures from 10 foreign countries included in this analysis.

The number of personnel assisting prosecutors in the Republic of Moldova increased considerably after the adoption of the new Law on the Prosecutor's Office in 2016. At the end of 2020, there were 13.7 persons assisting prosecutors per 100,000 inhabitants, fewer than the CoE median (15.2), but more than any former USSR country except Latvia and Lithuania. The data in the following table present the personnel who are effectively in office, without considering vacant positions or persons suspended from office. It should be noted that the total number of personnel that should assist prosecutors is 464, but 104 positions were vacant at the end of 2020. According to the Activity Report of the General Prosecutor's Office, at the end of 2021, 109 of these positions were vacant. If all 464 positions had been effectively filled, there would be 17.7 assistant prosecutors per 100,000 inhabitants in Moldova, well above the CoE median.

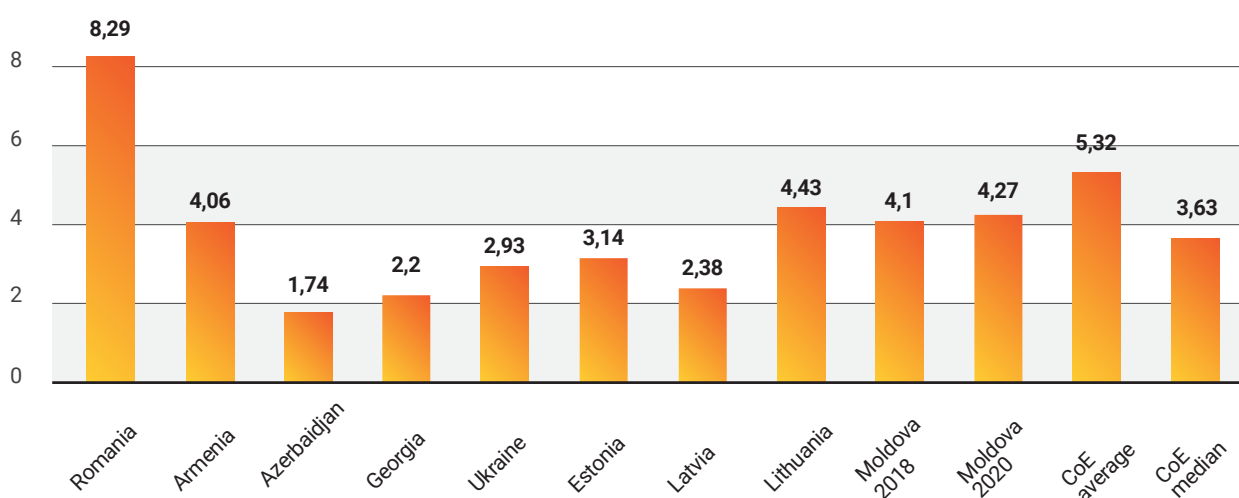
Table no. 16: Personnel assisting judges and prosecutors per 100,000 inhabitants in the year 2020

The data from the previous table confirms that it is not necessary to increase the number of personnel that assists judges and prosecutors in the Republic of Moldova. More efforts could go into increasing its professionalism and rethinking the structure of court personnel, to make it as efficient as possible.

V. CASES EXAMINED BY JUDGES AND PROSECUTORS

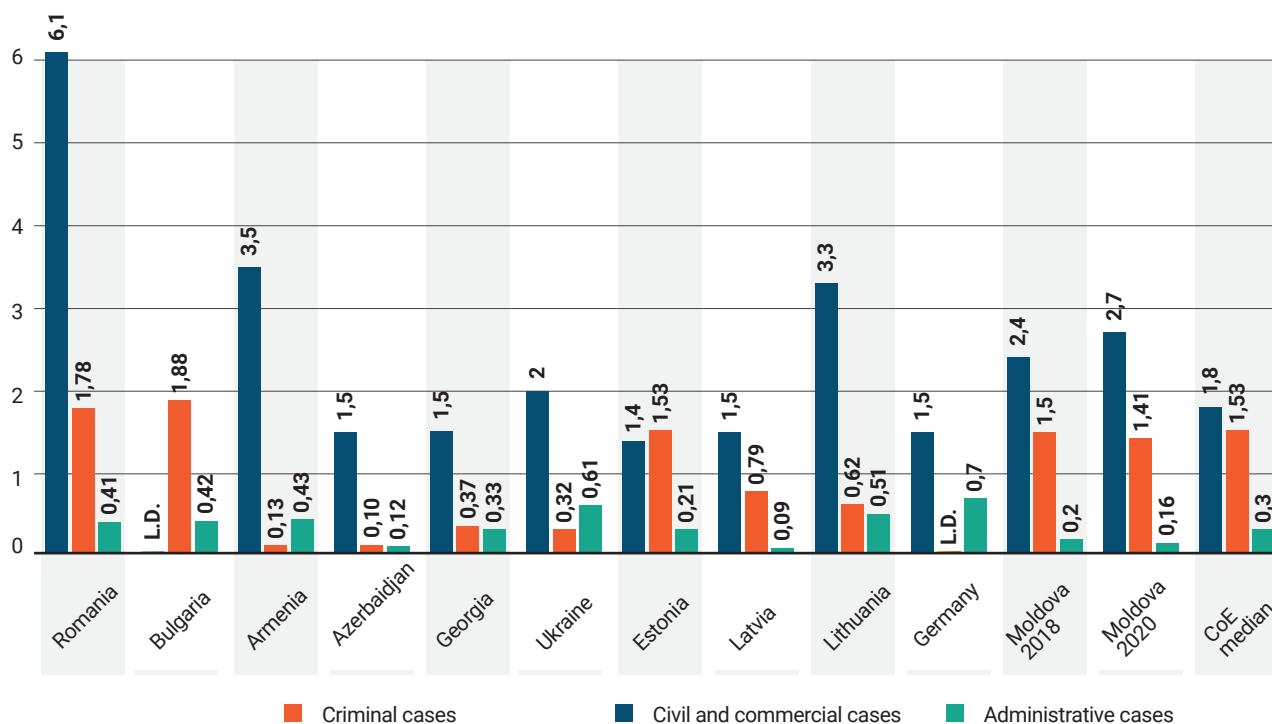
In 2020, the courts of the Republic of Moldova received and solved 4.27 civil, commercial, administrative, and criminal cases per 100 inhabitants (0.17 more than in 2018), which is by 0.64 or 17.6% more than the CoE median for the year 2020. This indicator is, however, lower than the CoE average. The number of civil, commercial, administrative, and criminal cases per 100 inhabitants received by the judicial system of the Republic of Moldova is comparable to the number of cases received by the judges in Armenia and Lithuania, higher than in Azerbaijan, Georgia, Ukraine, Estonia, or Latvia and twice as less than in Romania. Although 2020 we were still dealing with the pandemic, there was a slight increase in the number of newly registered cases compared to 2018.

Table no. 17: Cases assigned to judges per 100 inhabitants in the year 2020

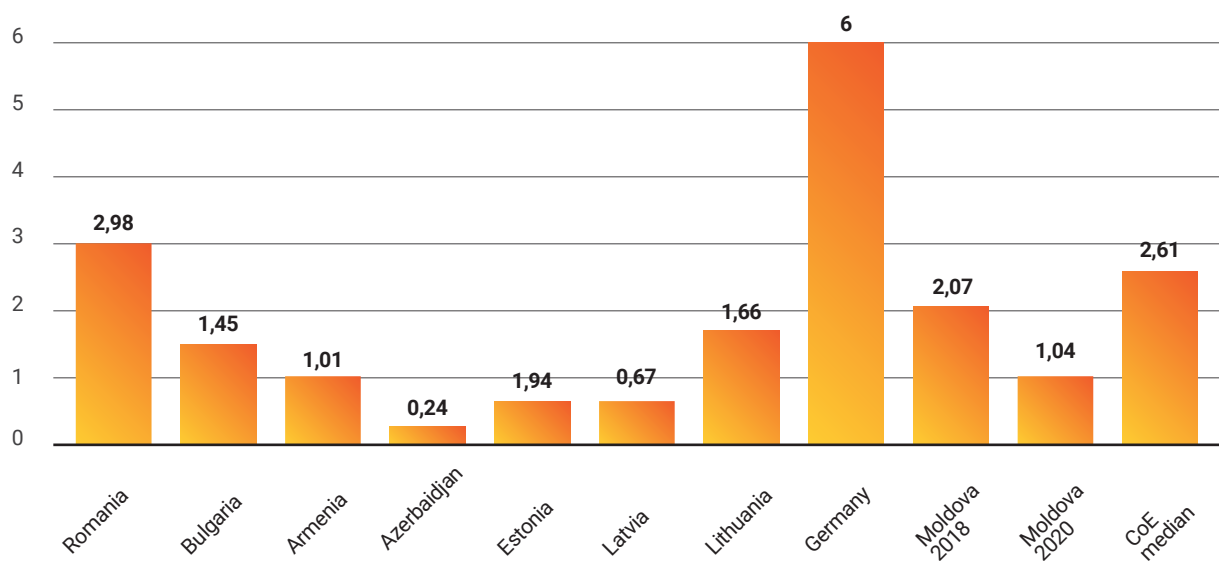


The following table presents information on the number of cases examined by judges, by category. These data show that, in 2020, in the Republic of Moldova, more civil and commercial cases were filed per capita than the CoE median (2.7 compared to 1.8). The number of new criminal cases in 2020 in the Republic of Moldova is comparable to the CoE median (1.41 compared to 1.53). The number of new administrative cases in 2020 in the Republic of Moldova was about twice lower than the CoE median (0.16 compared to 0.3).

It is worth noting that the number of civil and commercial cases received by the courts in 2020, compared to the country's population, was quite high, Republic of Moldova being surpassed in this regard only by Romania, Armenia, and Lithuania. Regarding the number of new criminal cases in 2020, per 100 inhabitants, it is comparable to the number of cases in Romania, Bulgaria, and Estonia, but much higher than the number of new criminal cases in Armenia, Azerbaijan, Georgia, and Ukraine.

Table no. 18: Types of cases received the courts in the year 2020 per 100 inhabitants

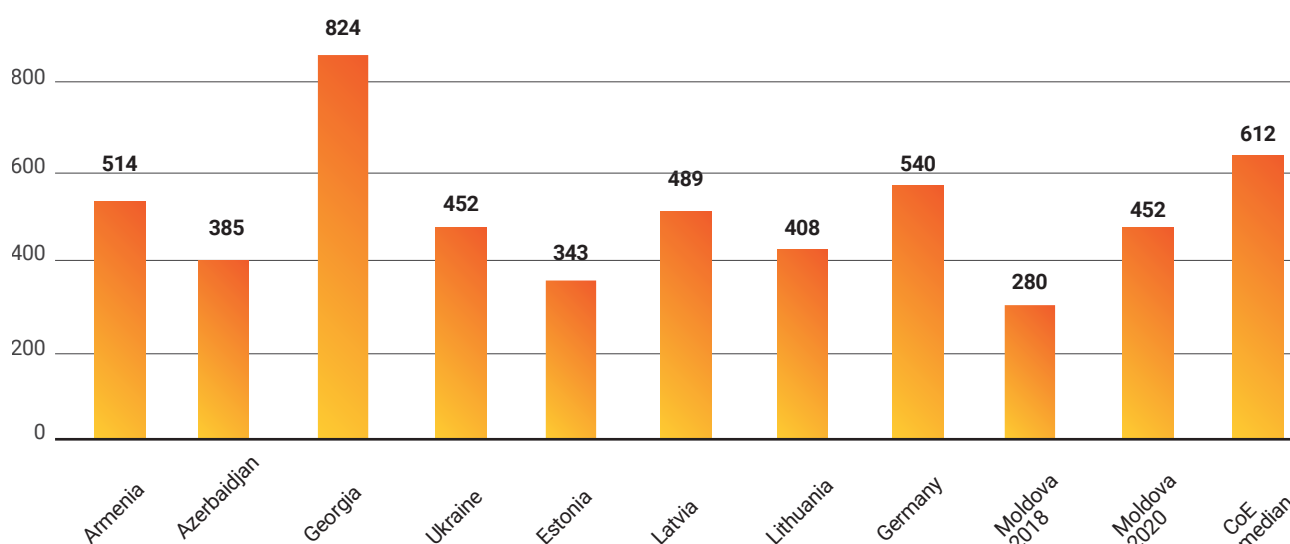
In 2020, Moldovan prosecutors initiated 1.04 criminal and contravention cases per 100 inhabitants, which is about 2.5 times fewer than the CoE median and about two times fewer than the number of the same type of new cases initiated in 2018. The number of criminal cases initiated must be treated carefully, as it also includes the number of contraventions initiated by prosecutors. In other countries, prosecutors have broader powers and initiate more contraventions. On the other hand, in the Republic of Moldova, many criminal complaints are rejected by prosecutors. According to statistical data, in 2020, only Azerbaijan and Latvia initiated fewer criminal and contravention cases than Moldova.

Table no. 19: The number of cases initiated by prosecutors in the year 2020 per 100 inhabitants

VI. LENGTH OF COURT PROCEEDINGS

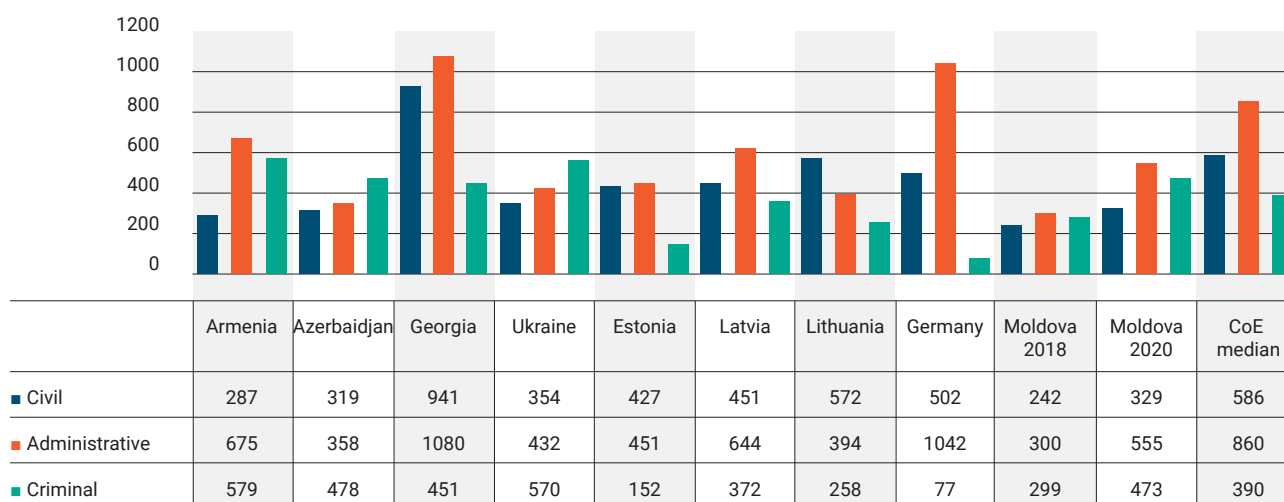
Although litigants often claim that the courts of the Republic of Moldova take too long to examine cases, the official data do not support this claim. According to data from 2020, Moldovan courts resolved all categories of cases, at the first instance, appeal, and the Supreme Court in just 452 days, which is 35.4% faster than the CoE median (612 days). Only judges from Azerbaijan and Estonia examine cases faster than judges from the Republic of Moldova (the data for Romania, Bulgaria, Lithuania, and Germany are incomplete. Therefore, it was not considered). As a rule, the speediness of court case examination comes at a price – the reduced quality of court decisions. Compared to the average time for examination of cases in Moldova in 2018, in 2020 there is a considerable increase of about 60% (from 280 to 452 days), which could be explained by the pandemic. Surprisingly, no other countries recorded such increases.

Table no. 20: Average duration of case examination in all levels of court in the year 2020 (days)

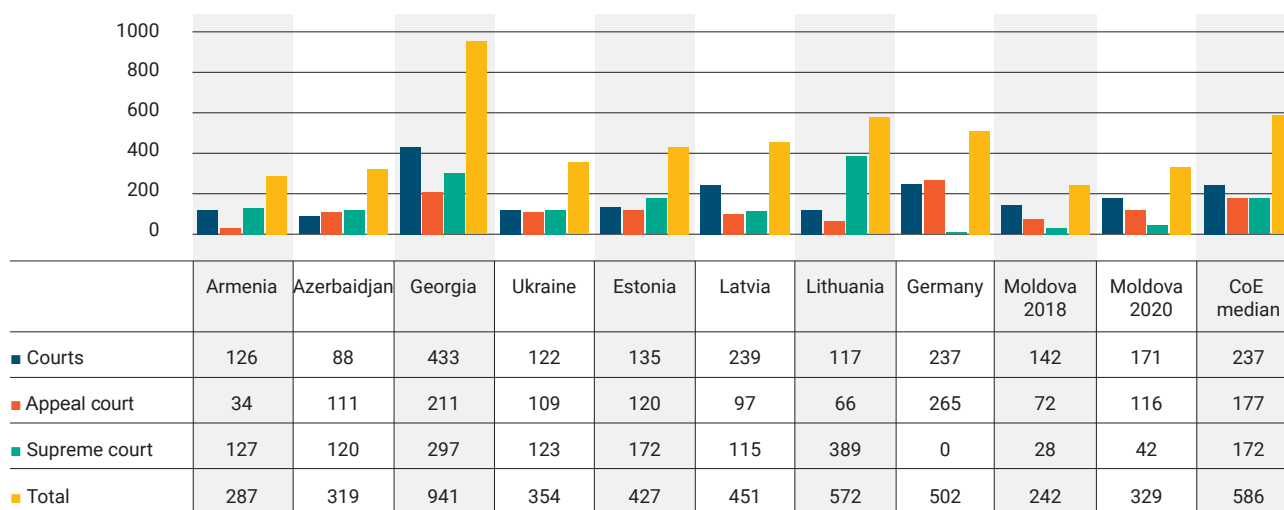


The following table shows the duration of the examination of civil, administrative, and criminal cases in all three levels of court. The data in this table confirm that in the CoE countries, civil, and administrative cases are examined much slower than criminal cases.

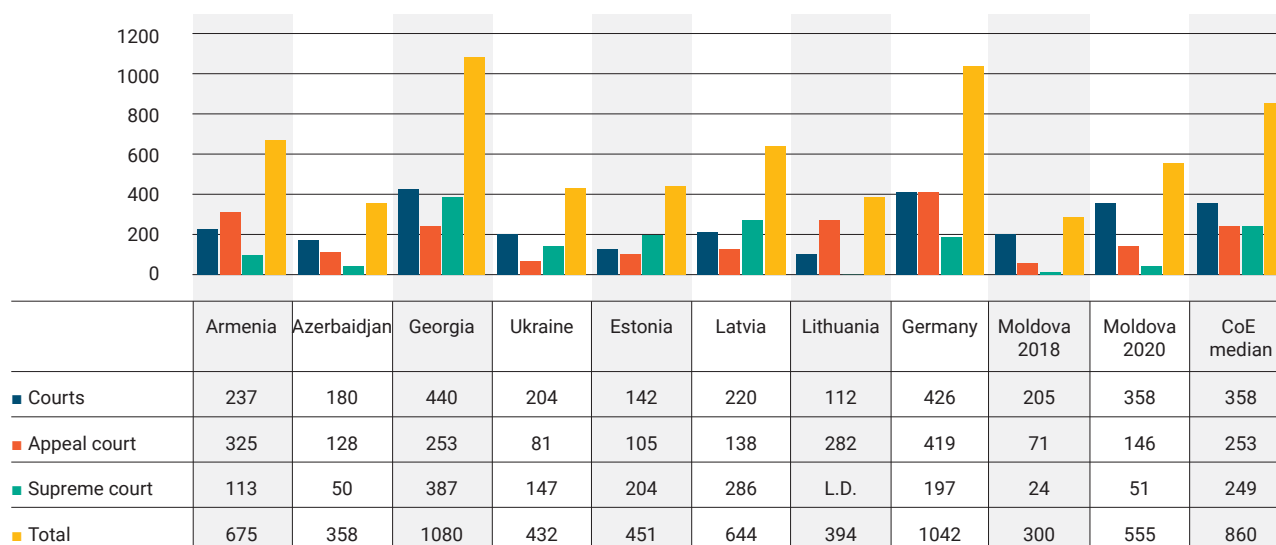
As the next figure shows, in 2020, only Azerbaijan cases solved civil and commercial cases substantially faster (in 287 days) than the Republic of Moldova (in 329 days). Overall, the disposal time for civil cases and administrative cases in Moldova in 2020 was 78% 55% respectively shorter than the CoE median. However, the Republic of Moldova examined contravention and criminal cases slower than the CoE median (473 days compared to 390 days) in 2020. This data shows that, in 2020, in CoE countries criminal and contravention cases were examined 21.3% faster than in the Republic of Moldova.

Table no. 21: Length of case examination in all three levels of court in the year 2020 (days)

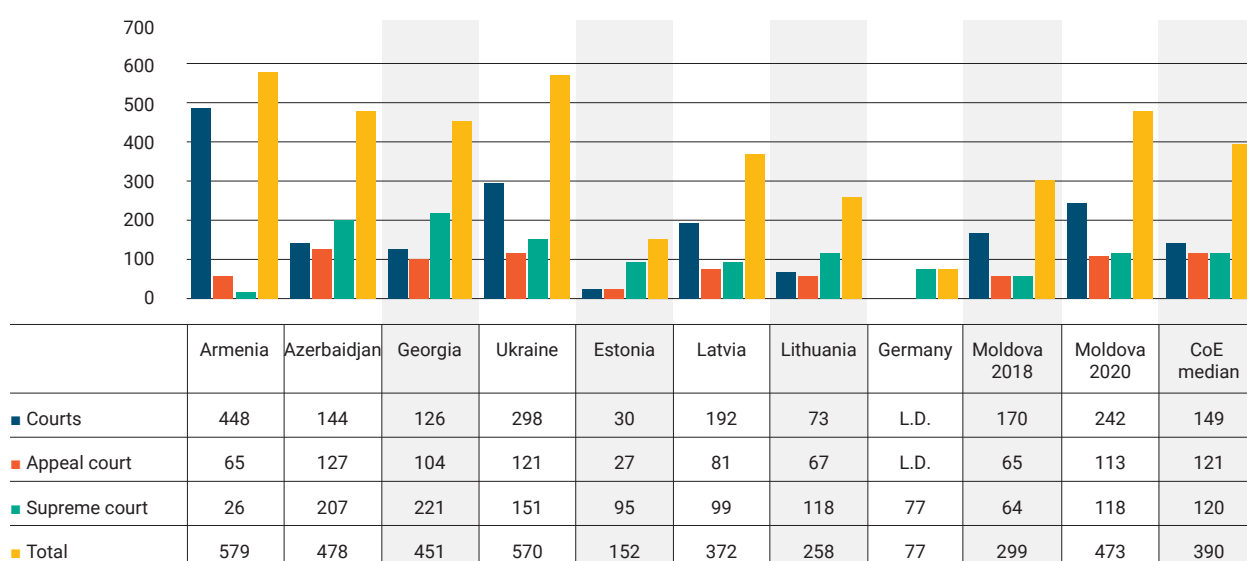
The data for the year 2020 shows that the duration of the examination of civil and commercial cases in the Republic of Moldova increased, compared to 2018, by almost 3 months, most likely due to the pandemic. However, even with this increase, in 2020, the Republic of Moldova examined civil and commercial cases much faster (329 days) than the CoE median (586 days).

Table no. 22: Length of civil and commercial cases examination in the year 2020 (days)

The average time that takes to examine administrative cases in 2020, compared to 2018, in the Republic of Moldova also increased (555 days compared to 300 days). However, just as in civil and commercial cases, even accounting for this increase, in 2020, administrative cases in the Republic of Moldova were examined much faster than the CoE median (860 days).

Table no. 23: Length of administrative cases examination in the year 2020 (days)


Traditionally, criminal cases are examined with increased speed in all countries. However, this was not the case of the Republic of Moldova, where criminal cases are examined slower (473 days) than civil and commercial cases (329 days). Moreover, in the Republic of Moldova, criminal cases were examined about three months slower than the CoE median (390 days) in 2020.

Table no. 24: Length of criminal cases examination in the year 2020 (days)


In 2020, only 19 of the 33 judges worked at the Supreme Court of Justice of the Republic of Moldova. Despite this fact, the SCJ continued in 2020 to examine cases at a very high speed. On average, civil cases were examined by the SCJ in 42 days, administrative cases – in 51 days, and criminal cases – in 118 days.

The median CoE for examining these types of cases is 172 days, 249 days, and 120 days, respectively. These figures confirm that in 2020 the SCJ of the Republic of Moldova examined civil cases four times faster than the CoE median, and administrative cases – five times faster. In fact, among the analysed countries, Moldova scored first at speed of examination of civil cases and second in how speedy administrative cases were examined, the SCJ of Azerbaijan being ahead in this regard by only one day. In examining criminal cases, the SCJ moved at a similar speed to that of the CoE median.



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LEGAL RESOURCES CENTRE FROM MOLDOVA



33 A. Sciusev Street,
Chisinau, MD-2001,
Republic of Moldova



+373 22 84 36 01
+373 22 84 36 02



contact@crjm.org
www.crjm.org



crjm.org



crjmoldiva

