



**LRCM**  
Rights and justice for all

**Survey:**

# **Perception of Judges, Prosecutors and Lawyers on Justice and Corruption**



**CHIȘINĂU,  
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## Summary

The survey is aimed at finding out the opinion of judges, prosecutors, and lawyers on the state of justice, initiatives to reform it and the phenomenon of corruption. It was conducted in April-June 2023 by the Centre of Sociological, Politological and Psychological Analysis and Investigations “CIVIS”, and commissioned by the Legal Resources Centre from Moldova (LRCM).

Judges, prosecutors and lawyers were asked about the independence of judges and prosecutors, the self-administration of these professions, the quality of justice, legislative initiatives to improve the justice system, as well as the phenomenon of corruption in the country and in the justice sector. Questions were also asked about the gender dimension in the judiciary, the prosecution office and the Bar.

The questionnaire has been developed by the LRCM in consultation with the Superior Council of Magistracy (SCM), the Superior Council of Prosecutors (SCP) and the Moldovan Bar Association (BA). The questions have been formulated in such a way as to identify areas for intervention at the level of self-administration of the justice system, at the level of legislation, public policy, and law enforcement practices. Responses were compared with those from [a similar survey conducted in 2020](#). Some responses were also compared with [a similar survey conducted in 2015](#).

604 people participated in the survey, representing 20.8% of all judges, prosecutors and lawyers effectively working in the Republic of Moldova<sup>1</sup>. The questionnaires were completed by 128 judges (34%), 253 prosecutors (43%) and 223 lawyers (11%).

The survey was carried out through self-completion of the electronic questionnaire by respondents (70% of interviews) and telephone interviews (30% of interviews), with confidentiality of responses ensured.

### Block I. Independence, efficiency, and quality of justice

When asked to what extent they agree with the statement that in 2023 the judges are independent, 91% of judges, 76% of prosecutors and only 52% of lawyers agreed. In 2020, 84% of judges and 22% of lawyers shared the same view. These figures confirm that the number of experts who believe that judges are independent has increased over the last 2.5 years, with the number of lawyers sharing this view increasing the most - by 2.4 times. When asked whether they agree with the statement that in 2023 the prosecutors are independent, 56% of judges and 67% of prosecutors answered affirmatively. Only 33% of lawyers agreed with this statement. In 2020 this question was asked only to prosecutors and 61% of prosecutors agreed then. The increase in the perception of independence of judges (significantly) and prosecutors (moderately) also correlates with responses to other questions below.

In 2023, 92% of judges, 78% of prosecutors and 51% of lawyers agreed with the statement that judges' decisions are taken without outside influence. In 2020, 83% of judges, 65% of prosecutors and

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<sup>1</sup> According to official data, at the beginning of 2023, 375 judges, 592 prosecutors and 1,986 lawyers were working in Moldova.

only 26% of lawyers agreed with this statement. When asked in 2023 to what extent they were sure that judges would adopt the legal decision in their case or the case of their relatives, 91% of judges, 81% of prosecutors and 62% of lawyers said yes. These figures are much higher than in 2020, when 85% of judges, 72% of prosecutors and only 47% of lawyers answered yes. When asked who influences judges, most frequently judges answered that it was politicians (27%) and the press (23%). Prosecutors and lawyers also placed those two categories at the top of the ranking, but a large number of prosecutors and lawyers added that judges are also influenced by the SCM and other judges.

62% of judges, 78% of prosecutors and only 33% of lawyers agreed with the statement that prosecutors' decisions are adopted without outside influence. In 2020, 49% of judges, 75% of prosecutors and 25% of lawyers agreed with this statement. When asked in 2023 to what extent they are sure that prosecutors will adopt the legal decision in their case or the case of their relatives, 79% of judges, 87% of prosecutors and only 47% of lawyers answered affirmatively. These figures are higher than in 2020, when 61% of judges, 79% of prosecutors and only 33% of lawyers answered yes. When asked who influences prosecutors, the highest number of respondents also mentioned politicians and the press, adding the General Prosecutor's Office, other prosecutors and the National Anticorruption Centre (NAC) to the top.

According to the Public Opinion Barometer, in 2023 public trust in the judiciary was at the same low level as in 2011, when the justice reform started. 82% of judges and prosecutors believe this is due to politicians' attacks on justice. This view is shared by 53% of lawyers. 89% of judges and 88% of prosecutors believe that the low level of trust is also due to the unjustified image created by the media, a view also shared by 51% of lawyers. 54% of judges, 67% of prosecutors and 87% of lawyers believe that low trust is also due to illegal decisions taken by some judges and prosecutors. Only 14% of judges and 28% of prosecutors believe that low trust is due to the behavior of the majority of judges and prosecutors. In contrast, 73% of lawyers agreed to this question. These figures suggest that judges and prosecutors believe that low trust in justice is mainly due to factors beyond their control, while the vast majority of lawyers believe that low trust is due to the illegalities admitted by judges and prosecutors and the failure to apply proper sanctions for such misconduct.

The quality of acts issued by the Moldovan judiciary has often been criticised by the European Court of Human Rights (ECtHR). When asked whether the quality of acts issued by judges is good, 97% of judges, 88% of prosecutors and 53% of lawyers agreed. 75% of judges, 93% of prosecutors and only 29% of lawyers agreed with the statement that the quality of acts issued by prosecutors is good. As regards the documents issued by lawyers, 66% of judges, 63% of prosecutors and 82% of lawyers said that they were of good quality. These data confirm that the vast majority of judges and prosecutors are of the opinion that the documents issued by them are of good quality. Lawyers are much more reserved on this point, but about half of them are satisfied with the quality of documents issued by judges and only three out of 10 lawyers are satisfied with the quality of documents issued by prosecutors.

As to whether the European Convention on Human Rights (ECHR) is respected in the Moldovan justice system, 91% of judges, 87% of prosecutors and only 38% of lawyers answered in the affirmative. In 2020, 67% of judges, 69% of prosecutors and 34% of lawyers answered yes to this question. In the opinion of judges, this is because the law needs to be changed (66%), a view shared by 74% of prosecutors and only 38% of lawyers. 71% of judges said it was also because changing practice is difficult, a view shared by 79% of prosecutors and 51% of lawyers. Lawyers, on the other hand, believe that this phenomenon is due to the many illegal decisions issued (87%) and the failure to apply sanctions for

violations found by the ECtHR (88%). Only 21% of judges and 45% of prosecutors believe that the phenomenon is due to illegal decisions issued by their peers. Similarly, only 17% of judges and 30% of prosecutors believe that the phenomenon is due to the non-application of sanctions. These figures suggest that judges and prosecutors believe that non-compliance with the ECHR can hardly be blamed on them, as objective factors are at play. The vast majority of lawyers, however, believe that non-compliance with the ECHR is mainly due to the behaviour of judges and prosecutors, and less to factors invoked by the judges and prosecutors.

When asked to what extent they agree with the statement that the practice of the Supreme Court of Justice (SCJ) is uniform, 48% of judges, 47% of prosecutors and only 21% of lawyers answered affirmatively. In 2020, 32% of judges, 31% of prosecutors and only 24% of lawyers agreed with this statement. In 2015, 62% of judges, 47% of prosecutors and 35% of lawyers agreed that the practice of the SCJ was uniform. These data confirm that in 2023, the number of specialists who consider the SCJ's practice to be uniform has decreased considerably compared to 2015. Also, in 2023 only one in five lawyers considered the SCJ's practice to be uniform, two times lower than the number of judges and prosecutors.

For the first time in the survey, a question on the uniformity of practice of the courts of appeals was included. Only 26% of judges, 29% of prosecutors and 14% of lawyers agreed that it is uniform. These figures are almost twice as low as the number of people saying that the practice of the SCJ is uniform. Thus, only one in four judges and prosecutors and one in seven lawyers answered in the affirmative. These figures confirm the very low confidence in the work of the courts of appeals, both among judges, prosecutors and lawyers.

When asked whether the current remuneration of judges is sufficient to ensure their independence and impartiality, only 6% of judges, 15% of prosecutors and 62% of lawyers answered affirmatively. In 2020, 39% of judges, 53% of prosecutors and 58% of lawyers agreed with that statement. When asked whether the current remuneration of prosecutors is sufficient, only 14% of judges and 11% of prosecutors answered in the affirmative. 65% of lawyers agreed with this statement. In 2020, 49% of judges, 40% of prosecutors and 60% of lawyers agreed with this statement. These figures confirm a sharp drop in the number of judges and prosecutors who believe that judges' and prosecutors' salaries are sufficient. Indeed, [according to an analysis by the LRCM](#), the Republic of Moldova pays its judges the worst among Council of Europe member states and its prosecutors among the worst.

For the first time the survey included questions about the remuneration of staff assisting judges and prosecutors. All three professions gave similar answers to this question. More than 80% of judges, prosecutors and lawyers disagreed with the statement that the salary of court clerks and assistants to judges and prosecutors is sufficient. These responses confirm once again the acute need for a substantial increase in the remuneration of court clerks and assistants of judges and prosecutors.

The survey also contains questions on the random distribution of cases in the courts. 91% of judges, 79% of prosecutors and 72% of lawyers believe that cases are distributed randomly and without manipulation in the courts. In 2020, 87% of judges, 72% of prosecutors and 60% of lawyers were of the same opinion. These figures confirm that the vast majority of judges, prosecutors and lawyers are of the opinion that the random distribution of cases in the courts takes place without manipulation.

## **Block II. Self-Administration of judges, prosecutors and lawyers**

### **a. Judges**

As some professions may not be aware about self-administration in other professions, the questions in this chapter have been asked only for the profession concerned. Judges were asked about the SCM, prosecutors about the SCP, and lawyers about the BA. Also, the questions about the National Institute of Justice (NIJ) were concerning the training for the respondent's profession.

Regarding the work of the SCM, 50% of judges believe in 2023 that the SCM effectively defends the independence of judges. In 2020, only 31% of judges felt the same. Only 53% of judges consider the SCM's decisions to be well reasoned, which is 8% more than in 2020. In 2023, 57% of judges considered the SCM's work to be transparent, which is 4% less than in 2020. Regarding the SCM's effective communication with judges, only 39% of judges supported this statement in 2023, with no significant change compared to 2020. When asked for the first time whether they consider the SCM to act independently, without being politically controlled, only 47% of judges were of this opinion. These figures suggest that the SCM still has a lot of work to gain more trust of judges.

When asked in 2023 about the procedure for appointing judges, as in 2020, 69% of judges said it was based on merit. 61% of judges said that the promotion of judges is based on merit, 13% more than in 2020. Asked for the first time whether the appointment of court leadership is based on merit, only 59% of judges agreed with this statement.

Regarding the system of disciplinary liability of judges, in 2023, 56% of judges said it was adequate, which is 25% more than in 2020. Judges complained the most about the participation in the disciplinary procedure of the person who lodged the complaint, the large number of disciplinary offences and their vague formulation.

Asked in 2023 whether they agreed with the statement that the admission system to the NIJ is based on merit, 72% of judges answered in the affirmative, 19% more than in 2020. Regarding the graduation grades/capacity exam at the NIJ, 76% of judges agreed that they are based on merit, 20% more than in 2020. 77% of judges agree that initial training at the NIJ meets the real needs of future judges, 7% more than in 2020. Regarding the in-service training at the NIJ, 78% of judges agree that it meets their needs, 2% more than in 2020. These figures suggest a considerable increase in judges' confidence in the work of the NIJ.

### **b. Prosecutors**

Regarding the work of the SCP, 51% of prosecutors in 2023 believe that the SCP effectively defends their independence, 4% more than in 2020. 66% of prosecutors in 2023 believe that the decisions of the SCP are well reasoned, in 2020 the same opinion was shared by 77% of prosecutors. In 2023, 60% of prosecutors considered the work of the SCP was transparent, which is 17% less than in 2020. Regarding the SCP's effective communication with prosecutors, 50% of prosecutors in 2023 supported this statement, down by 2% compared to 2020. When asked for the first time whether they considered the SCP to act independently, without being politically controlled, only 37% of prosecutors were of this opinion. These figures suggest that the SCP also still has a lot of work to do in order to gain more trust of prosecutors.

When asked in 2023 about the procedure for appointing prosecutors to office, 52% of prosecutors said that it is based on merit, which is 19% less than in 2020. In 2023, 50% of prosecutors said that the promotion of prosecutors is based on merit, 7% less than in 2020. When asked for the first time whether the appointment of chief prosecutors is based on merit, only 53% of prosecutors agreed with this statement.

As for the system of disciplining prosecutors, in 2023, 48% of prosecutors said it was adequate, which is 22% more than in 2020. Prosecutors also complained the most about the large number of disciplinary offences and the vague wording of disciplinary offences.

When asked in 2023 whether they agreed with the statement that the admission system to the NIJ is based on merit, 61% of prosecutors answered in the affirmative, 16% more than in 2020. Regarding the NIJ's graduation marks/capacity exam, 64% of prosecutors agreed with this statement, 17% more than in 2020. Regarding initial training at the NIJ and whether it meets the real needs of future prosecutors, 73% of prosecutors agree with this statement, 5% more than in 2020. Regarding in-service training at the NIJ, 76% of prosecutors agree that it meets their needs, 8% more than in 2020. These figures suggest that prosecutors also have more confidence in the work of the NIJ than in 2020.

### c. Lawyers

80% of lawyers agreed with the statement that the work of the Bar Council over the last four years has been good. 90% of lawyers are satisfied with the work of the current President of the BA and 88% of lawyers are satisfied with the work of the Deans. 82% of lawyers agreed with the statement that the Lawyers' Ethics and Disciplinary Committee has adopted good decisions in the last four years. Also 65% of lawyers agreed with the statement that the work of the Commission for the licensing of the legal profession was correct.

89% of lawyers said that training organised by the BA was important to them, 7% more than in 2020. The survey also contains lawyers' preferred training topics. In 2023, lawyers prefer to be trained mainly on recent legislative changes, administrative disputes, succession, ECtHR procedure and practice, nullity in civil and criminal proceedings, insolvency, and evolution of court practice.

## **Block III. Justice Reform**

Both judges, prosecutors and lawyers were asked to what extent they agree with the external evaluation announced by the authorities, also known as vetting. More judges support the reform (40%) than do not support it (35%), and 25% of judges have a neutral attitude towards it. Among prosecutors, 39% disagree with external evaluation, 27% support it and 35% are neutral. The vast majority of lawyers support the reform. 71% of lawyers confirmed that they supported it and only 18% of lawyers said they did not support it. A similar question was asked in the 2020 survey. The number of supporters of this reform increased from 2020 to 2023: from 21% to 40% among judges, from 25% to 27% among prosecutors, and from 64% to 71% among lawyers.

Judges and prosecutors were also asked whether they would agree to be subject to external evaluation. 64% of judges and 62% of prosecutors said yes, 10% of judges and 11% of prosecutors said

they would resign, and 23% of judges and 26% of prosecutors said they did not yet know how they would proceed.

The Law on reforming the SCJ and transforming it into a court of cassation was recently adopted. 42% of judges, 39% of prosecutors and 51% of lawyers support this reform. Only 31% of judges, 22% of prosecutors and 28% of lawyers do not support it. In 2023, 28% of judges and 40% of prosecutors have a neutral attitude towards this initiative. The number of supporters of this reform has increased considerably among judges and lawyers compared to 2020. In 2020, only 29% of judges and 41% of lawyers supported the reform. The number of prosecutors supporting it fell from 49% in 2020 to 39% in 2023.

When asked in 2023 about the initiative to create anti-corruption courts, 36% of judges were in favour of this reform and 37% did not support it. 35% of prosecutors and 42% of lawyers support this reform, while 34% of prosecutors and 40% of lawyers don't. These figures confirm that the experts' opinions on this reform are evenly divided.

All the survey participants were asked about the law providing for the merger of small courts. From 2020 to 2023, supporters of this reform, adopted in 2017, dropped among judges from 49% to 43%. Support among prosecutors remained almost the same at 32%, and support among lawyers rose from 38% to 50%. When asked whether the same reform should be applied to territorial prosecutors' offices, 79% of judges and 65% of lawyers said yes. Only 50% of prosecutors support the merger of small territorial prosecutors' offices.

When asked in 2023 about measures that could simplify court proceedings, 93% of judges, 90% of prosecutors and 63% of lawyers opted for simplifying the way minutes of criminal and contravention hearings are kept. 88% of judges, 96% of prosecutors and 79% of lawyers supported hearing witnesses abroad via teleconference, while 85% of judges, 72% of prosecutors and 62% of lawyers opted for summoning all participants by e-mail. 89% of judges, 92% of prosecutors and 67% of lawyers support the introduction of tougher measures to discipline parties, while 65% of judges, 82% of prosecutors and 58% of lawyers support the introduction of criminal liability of the accused and the victim for false statements. When asked about decriminalising lenient drunk driving, 63% of judges, 70% of prosecutors and 65% of lawyers said yes. The need to uniform the practice of the courts of appeal and the SCJ is most supported, with more than 90% of the judges, prosecutors and lawyers questioned agreeing. These figures confirm that both judges, prosecutors and lawyers are in favour of simplifying the court procedures, making more use of IT solutions in justice and uniforming court practice.

Participants in the 2023 survey were also asked about measures that could be taken to improve the work of prosecutors. The introduction of a system of random distribution of cases in the prosecution office is supported by 94% of judges, 75% of prosecutors and 88% of lawyers. The introduction of an electronic case management system in the prosecution office is supported by 93% of judges, 76% of prosecutors and 91% of lawyers. Specialisation of prosecutors is supported by 92% of judges, 77% of prosecutors and 84% of lawyers. Reducing the number of prosecutors in the General Prosecutor's Office is supported by 87% of judges, 79% of prosecutors and 86% of lawyers. Having the prosecutor in charge of prosecution plead the case in the trial court is supported by 88% of judges, 79% of prosecutors and 90% of lawyers, while giving the prosecutor greater procedural independence is supported by 95% of judges, 86% of prosecutors and 83% of lawyers. As it follows from these data, 3/4 of prosecutors support the introduction of a system of random distribution of cases and an electronic case management system

in the prosecution office. The majority of prosecutors also opt for greater procedural independence and a reduction in the number of prosecutors in the General Prosecutor's Office. Support for these reforms is even higher among lawyers and judges.

At the suggestion of the SCP, the survey was completed with a question whether granting magistrate status to prosecutors would improve their work. 48% of judges, 83% of prosecutors and only 19% of lawyers support such an initiative.

#### **Block IV. Gender Equality**

53% of judges, 55% of prosecutors and 39% of lawyers believe that the level of gender equality in the judiciary and prosecution service has improved over the last five years. In 2020, 56% of judges and 53% of prosecutors agreed with this statement. When asked about which categories of people are needed more in the courts and prosecution service, both judges, prosecutors and lawyers answered that more young people are needed. Prosecutors also mentioned that more men are needed.

93% of judges, 89% of prosecutors and 81% of lawyers agree in 2023 that the systems of training, selection and promotion of judges and prosecutors ensure gender equality. These figures are significantly up compared to 2020, when only 68% of judges and 69% of prosecutors agreed with this statement (lawyers were not asked about this aspect in 2020).

#### **Block V. Corruption Phenomenon**

When asked in 2023 about their perception of the level of corruption in the country, 12% of judges, 7% of prosecutors and 3% of lawyers said that there is no corruption in Moldova. In 2020, 12% of judges, 9% of prosecutors and 6% of lawyers agreed with this statement. In 2023, 33% of judges, 43% of prosecutors and 64% of lawyers agreed that there is a lot of corruption in Moldova, while in 2020, 28% of judges, 43% of prosecutors and 75% of lawyers agreed with this statement. These figures confirm that 1/3 of judges, 4 out of 10 prosecutors and 2/3 of lawyers believe in 2023 that there is a lot of corruption in Moldova. When asked about the stratification of corruption, 61% of judges, 57% of prosecutors and 71% of lawyers said in 2023 that corruption is widespread at all levels, not just at the level of management or executives. These figures confirm that corruption is still a very serious problem in the Republic of Moldova.

When asked in 2023 how much corruption exists in public institutions, 46% of judges, 63% of prosecutors and 59% of lawyers believed that there is much and very much corruption in Parliament. 43% of judges, 62% of prosecutors and 61% of lawyers think there is much and very much corruption in the Government. 22% of judges, 35% of prosecutors and 24% of lawyers believe that there is much and very much corruption in the Presidency. 40% of judges, 42% of prosecutors and 61% of lawyers believe that there is much and very much corruption in the NAC. In the police there is much and very much corruption according to 44% of judges, 41% of prosecutors and 78% of lawyers. Surprisingly, all three professions said that the level of corruption in their professions is lower than in the Presidency, the least corrupt institution according to the Public Opinion Barometer. The survey figures confirm that the legal professions recognise the existence of corruption in the country and in the justice system, but prefer to believe that corruption is more widespread in other professions than in their own.



When asked which courts are the most corrupt, all three professions pointed to the courts of appeal (predominantly), followed by the SCJ. Of the self-governing bodies of judges, all three professions identified the SCM as the institution with the highest level of corruption, followed by the NIJ. Comparing the data with that of 2020, we found that the perception that corruption decreased at the NIJ has doubled among both judges and lawyers.

When asked about the most corrupt prosecutor's office, representatives of all three professions pointed to the Anticorruption Prosecutor's Office, followed by the Prosecutor's Office for Combating Organised Crime and Special Cases (PCCOCS). It should be noted, however, that compared to 2020, in 2023 twice as few judges and three times as few lawyers claimed that the Anticorruption Prosecutor's Office was the most corrupt prosecutor's office. The same trend was observed in respect of the PCCOCS.

Of the prosecutors' self-administration bodies, judges and lawyers pointed to the SCP, followed by the NIJ and the Prosecutors' Selection Board as the most corrupt. Compared to 2020, prosecutors' perception of corruption at the NIJ decreased from 35% to 15%, but perceptions of corruption in the SCP increased considerably, from 9% to 25%.

According to lawyers and prosecutors, in the legal profession the most corruption exists in the Commission for the Licensing of the Legal Profession. Judges mentioned ordinary lawyers as the most corrupt category. In 2020, the same two categories were in the top.

When asked about the causes of corruption, all three professions pointed to low salaries (82% of judges, 95% of prosecutors and 69% of lawyers), not holding corrupt people accountable (76% of judges, 77% of prosecutors and 89% of lawyers), lack of transparency of governing and self-governing bodies (67% of judges, 70% of prosecutors and 78% of lawyers) and shortcomings in the selection and career promotion system (71% of judges, 80% of prosecutors and 88% of lawyers). 24% of judges, 43% of prosecutors and 67% of lawyers agreed that corruption is an indispensable part of the justice system.

## Methodology

The survey was conducted by the Centre of Sociological, Politological and Psychological Analysis and Investigations "CIVIS", commissioned by the Legal Resources Centre from Moldova (LRCM) with the support of the State Bureau of International Narcotics and Law Enforcement Affairs of the United States Embassy in Moldova.

**The objective of the study:** to identify the perceptions and practices of judges, prosecutors, and lawyers regarding the state of justice, self-administration of judges, prosecutors and lawyers, justice reform and the phenomenon of corruption in the country and in the judiciary.

**Type of survey:** nationally representative survey of target groups.

**Data collection method:** self-completion of the online questionnaire via an individualised link (70% of questionnaires) combined with telephone interviewing (30%, mainly in the case of lawyers).

**Geographical coverage:** national, excluding Transnistria.

**Target group:** judges, prosecutors and lawyers.

**Research instrument:** Structured questionnaire with closed questions. Interview language - Romanian. The questions were developed by the LRCM and the questionnaires were consulted in advance with the Superior Council of Magistracy, the Superior Council of Prosecutors and the Moldovan Bar Association.

**Average interview duration:**

- 33 minutes for judges
- 30 minutes for prosecutors
- 38 minutes for lawyers

**Sample size:**

- 128 judges (34% of the total number of sitting judges)
- 253 prosecutors (43% of the total number of sitting prosecutors)
- 223 lawyers (11% of the total number of active lawyers)

**Sample design:** exhaustive sampling method was used - every judge, prosecutor and lawyer was invited to participate in the survey. Invitations were sent to the institutions where judges and prosecutors work. In the case of lawyers, the request to complete the questionnaire was sent to the lawyers' electronic network, and the help of the Bar Association and the Deans was sought.

**Data collection period:** 18 April - 15 June 2023.

**Difficulties encountered:** low willingness of judges to participate in the survey (mainly from Chisinau) and of lawyers.

**Data comparison:** data were compared between professions, as well as with responses to similar questions provided in similar surveys conducted in [2015](#) and [2020](#).