

ANALYTICAL DOCUMENT

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

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This publication was produced as part of the project “Institutional Support for Organizational Development” implemented by the Legal Resources Centre from Moldova and funded by Sweden. The views expressed in it are those of the LRCM and do not necessarily reflect the position of the Embassy of Sweden.

Chișinău, 2021

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Executive summary

The Legal Resources Centre from Moldova (LRCM) has analyzed the justice sector of the Republic of Moldova in light of statistics to compare justice in the Republic of Moldova with that of other countries with similar economic development and to identify potential areas of policy intervention in this field.

This analysis benchmarks the justice sector of the Republic of Moldova against justice sectors from 11 countries and the average and median values for the member-states of the Council of Europe (CoE). The analysis examines public funds allocated for the justice sector; judges' and prosecutors' salaries; the number of judges, prosecutors, and lawyers; the sufficiency of the personnel that assist judges and prosecutors; the time it takes judges to examine cases; as well as judges' and prosecutors' workloads. The analysis draws on a report published by the European Commission for the Efficiency of Justice of the Council of Europe (CEPEJ) in 2020, which presented statistics for the year 2018. The LRCM compared the data from that report with the official statistics for the Republic of Moldova in 2020.

In 2018, Moldova allocated the justice sector EUR 13.2 per resident. From this perspective, Moldova was among the lowest ranking CoE member-states, next to Armenia, Azerbaijan and Georgia. In 2020, Moldova allocated EUR 16.4 per resident—statistically, almost twice as much as in 2016—outranking the three countries mentioned above. That said, the *per capita* allocation for the justice sector in 2020 was still 3.9 times smaller than the CoE median. In 2020, the budget for the justice sector—that is, for courts of law, the state-guaranteed legal aid, and the prosecution system—accounted for 1.64% of all public expenses in the state budget. From this perspective, the only countries that have outranked Moldova are Russia, Ukraine and Germany.

The bulk of the budget increases for justice over the past years was due to salary increases for judges and prosecutors and to an increase in the number of assistant personnel for them. Yet, important as these increases were, Moldova still pays its judges the lowest salaries. The data from the report seem to indicate the need to increase the salaries of novice judges by 20-25% and of the Supreme Court judges by 10-15%.

Moldova is well above the CoE median when it comes to the actual *per capita* number of judges. The country has 17.2 sitting judges per 100,000 population, while the CoE

median is 16. Filling judge vacancies could increase this ratio considerably, almost up to the CoE average.

The ratio of prosecutors to the population in the Republic of Moldova is twice the CoE median. Here, Moldova stands among the countries with the biggest *per capita* number of prosecutors. Prosecutors (720 positions) outnumber judges (504 positions) by 43% in Moldova. In advanced democracies, judges always outnumber prosecutors.

The *per capita* number of practicing lawyers in Moldova is half the CoE average. Apparently, this is because the population has a limited capacity to pay for their services and the judiciary pays little attention to their pleas.

As part of this analysis, we compared the ratio of the personnel that assists judges and prosecutors to the country's population. In 2020, there were 66.8 personnel assisting judges (both the personnel that directly assisted judges and the administrative and technical personnel) per 100,000 population. This rate is higher than both the median and the average of the CoE.

The CEPEJ report contains information about the number of cases assigned to judges and the number of cases handled by prosecutors. In 2018, Moldovan courts registered 4.1 civil, commercial, administrative, and criminal cases per 100 population. The corresponding CoE median was also 4.1. In 2020, due to the pandemic, the number of cases assigned to judges decreased, reaching a rate of 3.5 cases per 100 population. Considering the sufficient number of judges, the increased number of the personnel assisting them, and the fact that the number of cases assigned to judges does not exceed the CoE median, judges' complaints about the excessive workload may be explained either by an inefficient management of the judiciary or by an excessive bureaucracy of judicial procedures.

This paper also examines the duration of court proceedings. In Moldova, it takes 324 days on average for a case to go through all three levels of the court system, which is 205 days fewer than the CoE median. This confirms that court proceedings in Moldova are much faster than in the CoE member-states. Moldova is one of the countries that administer justice most swiftly, ranking fourth after Bulgaria, Azerbaijan, and Russia. But this comes at the cost of a low quality of justice, as confirmed by numerous cases lost by Moldova at the European Court of Human Rights.

Methodology

This paper presents the results of the statistical analysis carried out by the LRCM to benchmark the justice sector of the Republic of Moldova against the justice sectors of other countries. Our goal was to see where the justice sector of the Republic of Moldova stands in comparison with the justice sectors of similar countries and, potentially, to highlight policy interventions required in this field.

This paper draws on a report on the assessment of judicial systems released by the European Commission for the Efficiency of Justice (CEPEJ) in 2020. The CEPEJ report contains data for 2018 about judicial systems from 45 countries, mostly members of the Council of Europe. The LRCM used the main statistical data from the CEPEJ report and compared them with the statistics for the Republic of Moldova.

In addition, the LRCM collected statistics concerning the Republic of Moldova in 2020 and compared them with the data for 2018 from the CEPEJ report. We did this to highlight the changes that occurred in the Republic of Moldova from 2018 through 2020. The data concerning the Republic of Moldova in 2020 was collected from the reports published by the Courts Administration Agency and from other official sources that reflected the situation as of 31 December 2020.

This paper looks only into the CEPEJ report data that we considered to be the most relevant for the justice sector from the Republic of Moldova. It covers public funds allocated for justice; judges' and prosecutors' salaries; the number of judges, prosecutors, and lawyers; the sufficiency of the personnel that assist judges and prosecutors; the time it takes judges to examine cases; as well as the number of cases handled 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), and a developed Western European country (Germany). The comparison with the Baltic countries, Romania, and Bulgaria aimed at obtaining a better picture of the situation in the region. In addition, the analysis makes a comparison with the average and median for all 45 countries reviewed in the CEPEJ report. The situation in Germany and the average and median for the countries covered by the CEPEJ report were used to get a better understanding of the situation in all 45 countries reviewed by the CEPEJ.

The CoE average is the quotient of the sum of the data offered by all countries for a certain indicator and the total number of the countries. The CoE median is the value separating the data offered by the 45 countries reviewed by the CEPEJ in two equal groups so that 50% of the countries are above this value and 50% are below it. In our opinion, considering the significant differences between various European judicial systems, the median is more relevant as a benchmark than the average because it excludes extreme situations existing in some countries.

To perform the calculations for the Republic of Moldova, we used the population of 2.68 million—the figure used by the National Statistics Office on 1 January 2019 and the CEPEJ in its report. The data concerning the budget and salaries in 2020 is presented in euros at the average FX rate of the National Bank of Moldova for 2020, which was MDL 19.74 for EUR 1.

This paper was prepared during the period of January through August 2021. Ecaterina POPȘOI and Victoria MEREUȚĂ, legal officers at the LRCM, ensured the fusion of data for the study. Vladislav GRIBINCEA, the LRCM's CEO, was responsible for data analysis.

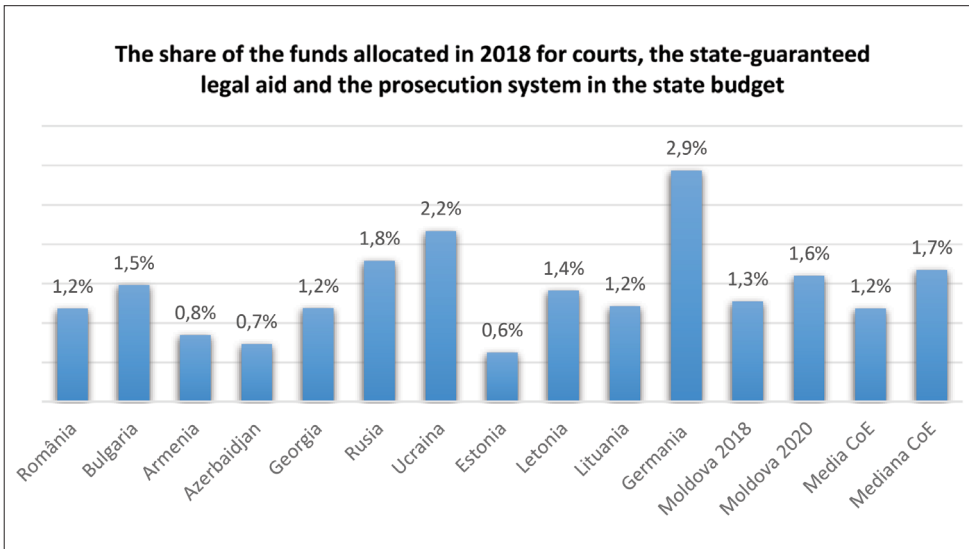
In 2019, the LRCM prepared a similar paper concerning the CEPEJ report published in 2018.¹ That report presented statistics for the year 2016.

¹ The analysis is available in Romanian at https://crjm.org/wp-content/uploads/2019/10/Justi%C8%9Bia-din-Republica-Moldova-%C3%AEn-cifre-%E2%80%93-o-privire-comparativ%C4%83_final-web.pdf

I. The budget allocated for justice

In 2018, Moldova allocated EUR 35,485,691—which is 1.3% of the public spending for that year—for courts of law, the state-guaranteed legal aid, and the prosecution system. This percentage is much bigger than the average for the 45 member-states reviewed by the CEPEJ (1.2%) and yet 0.4% smaller than the median for them (which was 1.7% in 2018). In 2020, Moldova allocated EUR 44,099,204—which is 1.64% of the public spending for 2020—for courts of law, the prosecution system, and the state-guaranteed legal aid. This percentage increased significantly from 1.3% in 2018 to 1.64% in 2020, pushing Moldova above the CoE average and very close to the CoE median.

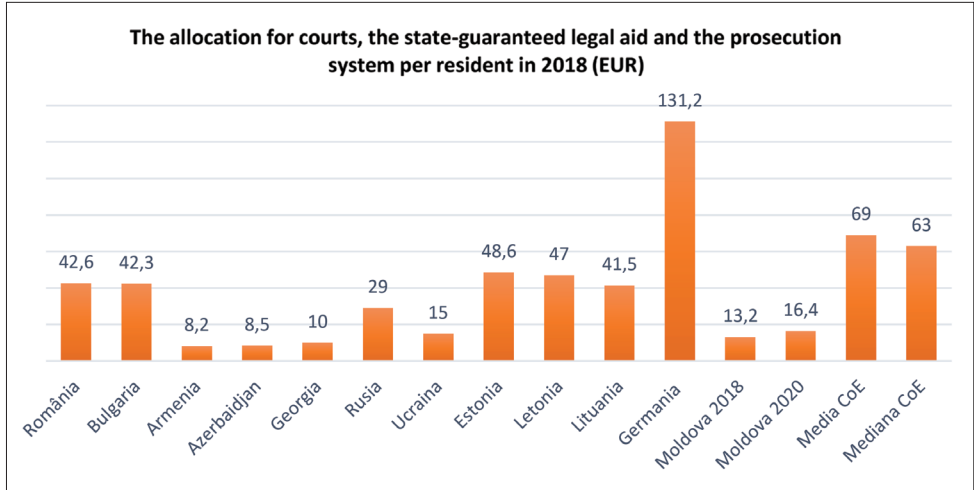
Table 1.



The fact that the Republic of Moldova allocates much of its budget to justice does not mean that the allocated funds are sufficient. Given Moldova's modest budget, the effectively allocated sums are much more important than their share in the state budget. In 2020, Moldova allocated the justice sector EUR 16.4 per resident, which is more than what Armenia, Azerbaijan, Georgia or Ukraine allocated for this purpose in 2018. However, this is still much less than what Russia, Bulgaria, Romania or the Baltic

countries allocated in 2018. On the other hand, this *per capita* allocation increased by 24% in Moldova, from EUR 13.2 in 2018 to EUR 16.4 in 2020.

Table 2.



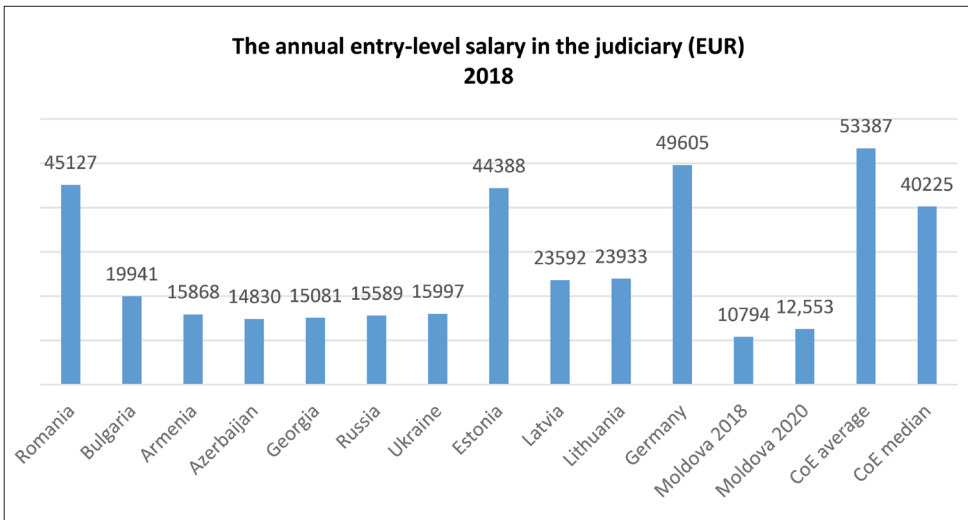
In 2018, the average *per capita* allocation for justice in the 45 countries reviewed by the CEPEJ was EUR 69 and the median was EUR 63. These figures are almost four times larger than what Moldova allocated to justice in 2020. Of course, one must admit that, considering the economic realities of Moldova, this comparison may not serve as a sound argument for significantly increasing the funds allocated to justice. In fact, the *per capita* spending for the justice sector in Moldova in 2020 was bigger than in Armenia, Azerbaijan, Georgia or Ukraine in 2018. Analyzing the data from the first two tables, one can conclude that the justice sector (especially the courts and the prosecution) should make more efficient use of the financial resources it already has at its disposal.

II. Judges' salaries

Between 2015 and 2018, judges' salaries increased significantly, mainly due to the increase of the national average salary and the change in the pay rules for the judiciary. In December 2018, a new remuneration system for the budget sector became effective, and it did not tie judges' salaries to the growth of the average national salary anymore. As a result of the new salary calculation method, remuneration for judges increased a little in December 2018. In 2019 and 2020, judges' salaries did not change.

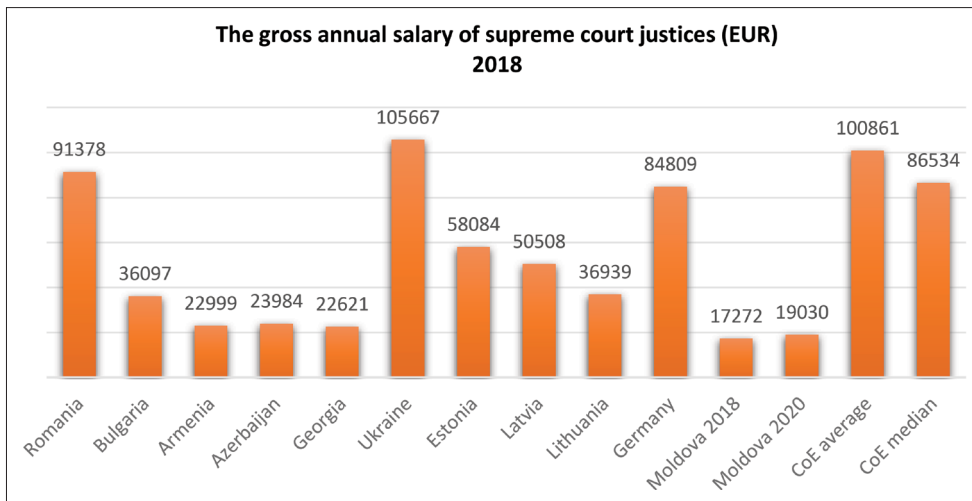
In 2020, the gross annual entry-level salary (before taxation) in the Moldovan judiciary was EUR 12,553. Even if it increased by almost 20% from 2018, it still was the smallest salary paid to novice judges in comparison with the 45 countries reviewed in the CEPEJ report. This clearly confirms the need for increasing the salaries of novice judges. In Armenia, Azerbaijan, Georgia, Russia, and Ukraine, remuneration for novice judges in 2018 was almost the same—EUR 15,000–16,000 annually. To raise the remuneration of novice judges in Moldova to this level, their salaries should be increased by 20–25%.

Table 3.



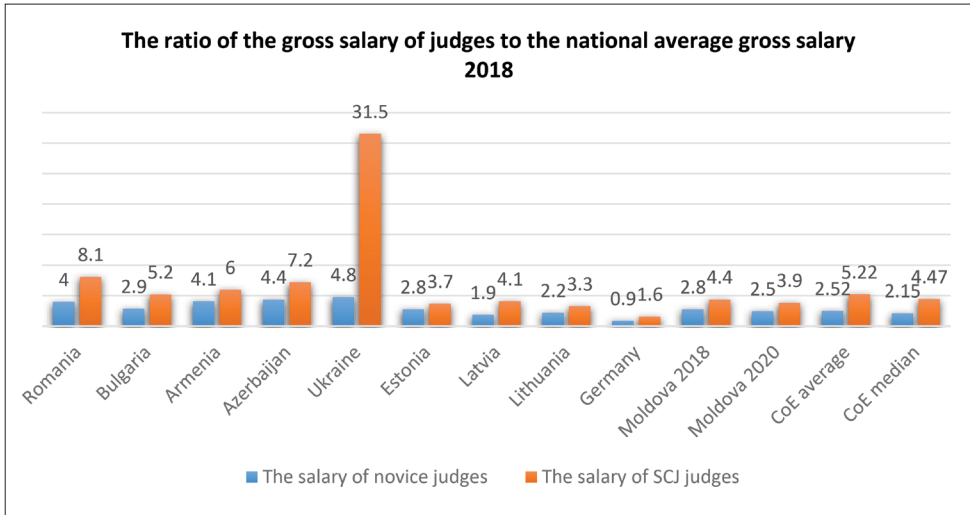
In 2020, the average gross annual salary of a justice from the Supreme Court of Justice (SCJ) in Moldova was EUR 19,030. The salary of SCJ justices has also increased from 2018, but only by approximately 10%. And yet, it remained the smallest salary paid to supreme court justices in comparison with the 45 reviewed countries. It is at least by EUR 3,600 smaller than the salaries of supreme court justices in Armenia, Azerbaijan, or Georgia.

Table 4.



The most informative way of appraising judges' salaries is establishing their ratio to the national average salary. In 2018, in the 45 countries reviewed by the CEPEJ, the average entry-level salary in the judiciary was 2.52 times the national average salary, and the median entry-level salary was 2.15 times the national average salary. The average salary of supreme court justices was 5.22 times, and their median salary, 4.47 times the national average salary. Remuneration for judges in Moldova in 2018 was rather close to these figures. The salary of novice judges was 2.8 times the national average salary, which was significantly more than the CoE median, and the salary of SCJ justices was 4.4 times the national average salary, a little below the CoE median. In 2020, the ratio of judges' salaries to the average national salary decreased and became 2.5 for novice judges and 3.9 for SCJ justices. This decrease was due to the freezing of salaries in the public sector and the growth of the national average salary. These figures do not clearly confirm the need for increasing the salaries of judges. However, in countries where the national average salary is comparable to that of Moldova, such as Armenia, Azerbaijan, Georgia, or Ukraine, judges' salaries are much bigger than the national average salary. Thus, in 2018, the salary of novice judges in Armenia was 4.1 times bigger than the average salary, in Azerbaijan, 4.4 times, and in Ukraine, 4.8 times.

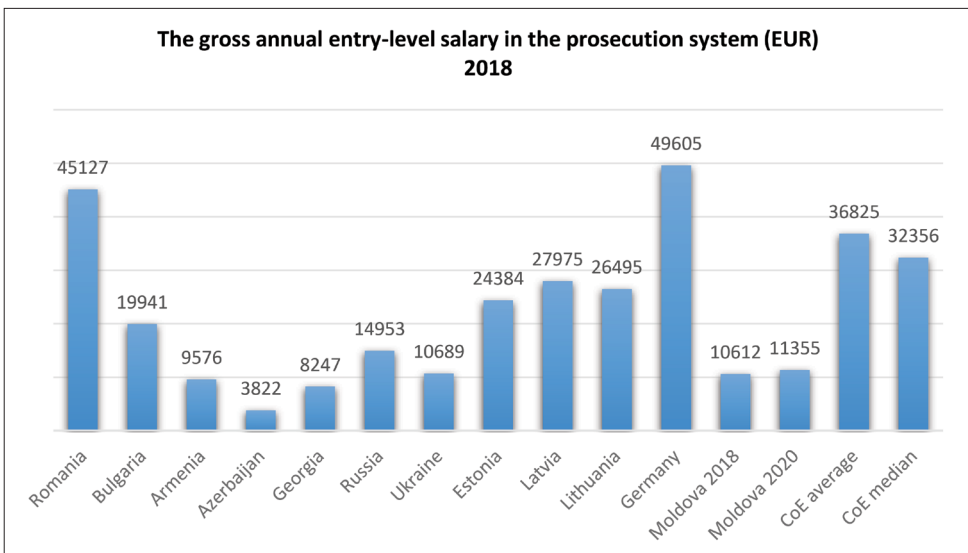
Table 5.



III. Prosecutors' salaries

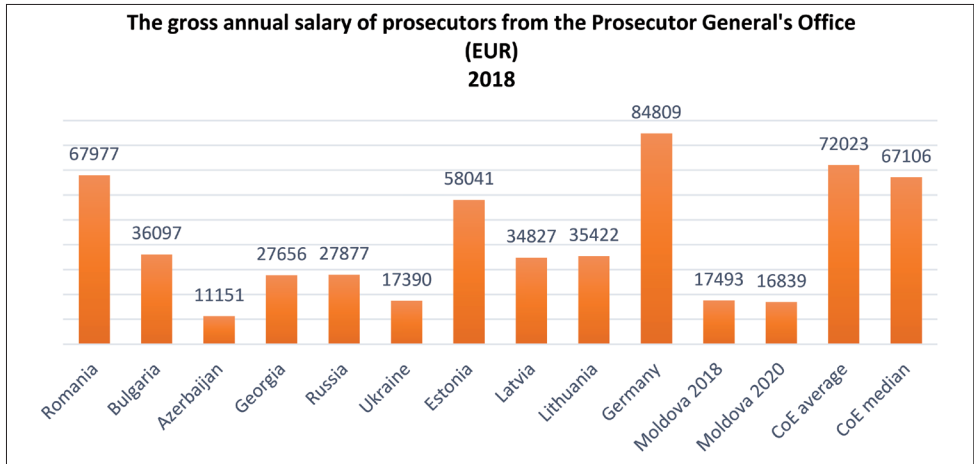
Starting with 2016, following legal amendments, the gross annual salary of Moldovan prosecutors increased significantly. Thus, in 2018, the annual entry-level salary in the prosecution system was EUR 10,612 and the salary of a prosecutor from the Prosecutor General's Office was EUR 17,493, almost twice as big as in 2016. In 2020, the entry-level salary in the prosecution system was a little bigger than in 2018—EUR 11,355—and the salary of prosecutors from the Prosecutor General's Office was a little smaller—EUR 16,839.

Table 6.



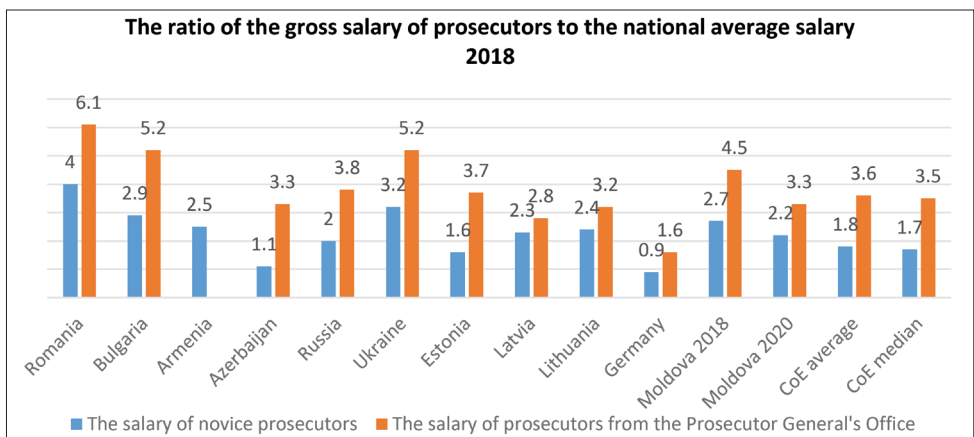
The entry-level salary in the prosecution system in the Republic of Moldova in 2020 was bigger than in Armenia, Azerbaijan, Georgia, or Ukraine in 2018. In 2020, despite a decrease from 2018, the salary of prosecutors from the Prosecutor General's Office was still bigger than in 2018 in Azerbaijan and almost the same as in Ukraine. However, the salaries of prosecutors from the prosecutor generals' offices of Georgia and Russia were much bigger in 2018 than those of their peers from Moldova in 2020.

Table 7.



When it comes to the ratio of prosecutors’ salary to the national average salary, in 2018, Moldovan prosecutors were paid more than the median for the 45 reviewed member-states. The median entry-level salary for European prosecution systems was 1.7 times the national average salary, whereas the salary of a Moldovan prosecutor was 2.7 times the national average salary. In 2020, the ratio of prosecutors’ salary to the national average salary in Moldova decreased in comparison with 2018, reaching 2.2 for novice prosecutors and 3.3 for prosecutors from the General Prosecutor’s Office. That said, the average entry-level salary in the prosecution was still significantly bigger than the CoE median (1.7), whereas the remuneration of prosecutors from the Prosecutor General’s Office was a little smaller than the CoE median (3.5). The data from Table 8 does not indicate a need for increasing prosecutors’ salaries. Thus, in 2018, in Armenia, Azerbaijan, Russia, and the Baltic countries, the ratios of the salaries of novice prosecutors and prosecutors from prosecutor generals’ offices to the national average salary were comparable with the corresponding ratios in Moldova.

Table 8.

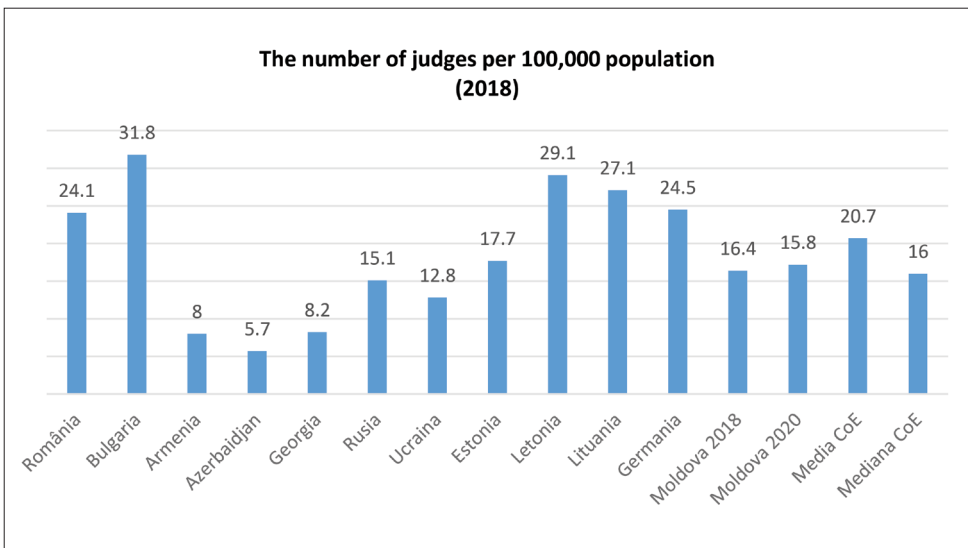


IV. Court personnel

According to the SCM's activity report for 2020, as of 31 December 2020, the judiciary effectively comprised 424 sitting judges. Overall, the judiciary had 504 judge positions, but some were vacant, and many judges were suspended from office for various reasons. In late 2020, Moldova had 15.8 judges per 100,000 population. This figure is almost equal to the CoE median (16), but considerably smaller than the CoE average (20.7).

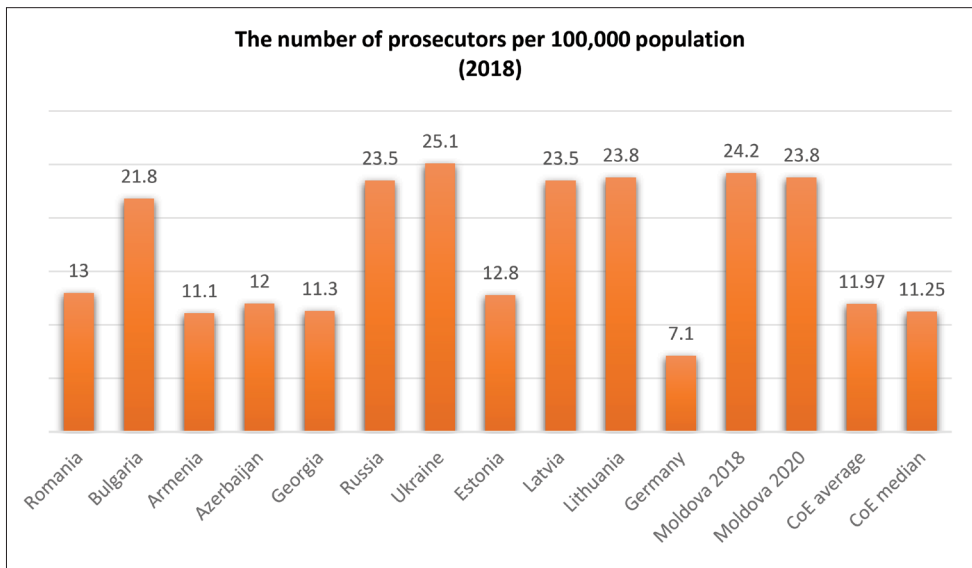
At first sight, these figures suggest the need for increasing the number of judges in the country. But before deciding on any increase of the number of judges, one should consider the number of judge vacancies and suspended judges, which was not factored into this indicator, as well as the number of cases assigned to judges in relation to the CoE average. If all 504 judge positions were filled, the number of judges per 100,000 population would be 18.8, which is much more than the CoE median and much closer to the CoE average. This number would be bigger than the number of judges per resident in Armenia, Azerbaijan, Georgia, Russia, Ukraine, or Estonia. In addition, as shown further in the analysis, Moldovan judges do not handle more cases than the CoE median.

Table 9.



Even though the number of prosecutor positions in Moldova (720) has decreased a little in comparison with early 2016, it is still 43% bigger than the number of judge positions (504). In advanced democracies, judges outnumber prosecutors. In 2020, Moldova had 23.8 prosecutors per 100,000 population, which is twice the CoE average (11.97). From this perspective, Moldova is second only to Ukraine. These figures could serve as the basis for starting discussions about the need to decrease the number of prosecutors in Moldova.

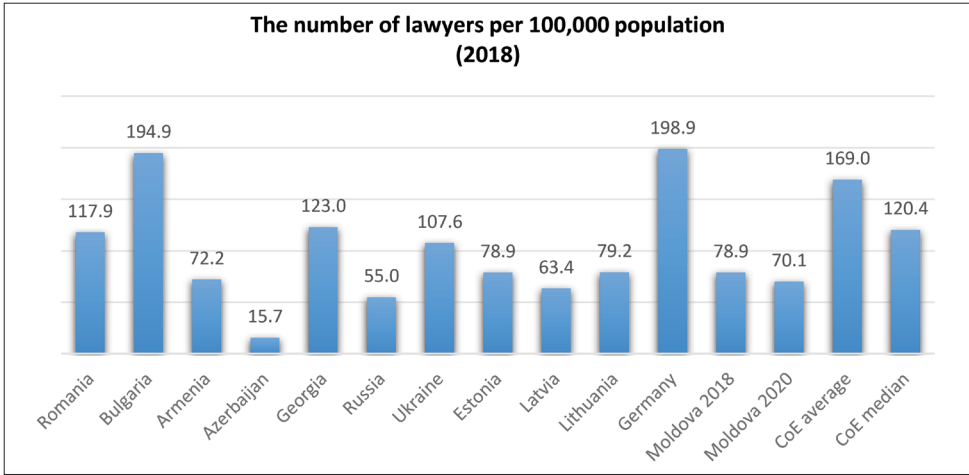
Table 10.



According to the Bar Union's data, in early 2020, Moldova had 1,878 practicing lawyers, which is equivalent to 70.1 lawyers per 100,000 population. The number of lawyers in Moldova is 2.4 times smaller than the CoE average (169). A small ratio of lawyers to population is a phenomenon specific to post-Soviet countries, where lawyers had a very limited role.

The small number of practicing lawyers in Moldova may be explained by the population's low capacity to pay their fees, ambiguous criteria for entry into the profession, and little importance judges and prosecutors attach to their pleas. Indeed, in late 2020, more than 700 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 (apart from Georgia, where this ratio is almost twice as big as in Moldova).

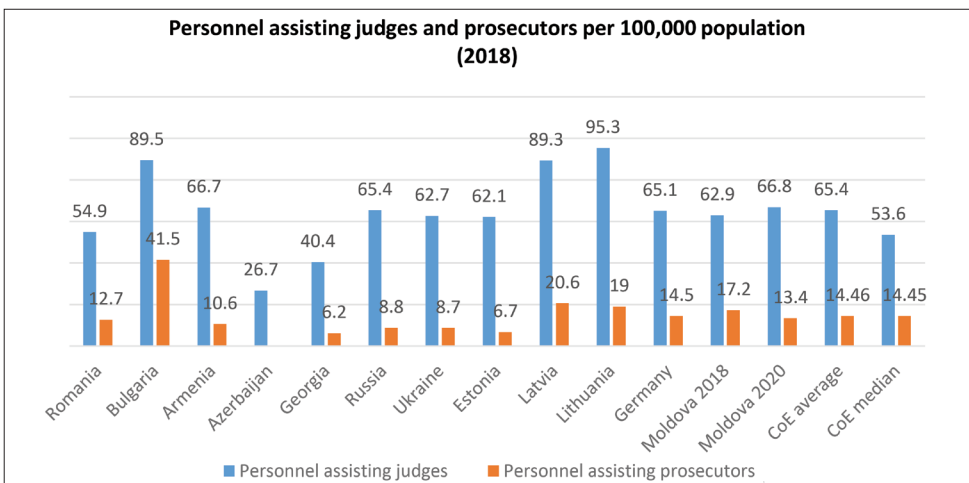
Table 11.



As for the personnel assisting judges, statistics confirm that their number (1,792) increased in 2020 compared with 2018, reaching the ratio of 66.7 per 100,000 population. This is higher than the CoE median and average and higher than in seven of the 11 countries Moldova is benchmarked against in this analysis.

The number of the personnel assisting prosecutors in Moldova increased considerably after the adoption of the new Law on the Prosecution Authority in 2016. By the end of 2020, there were 360 personnel assisting prosecutors, which is equivalent to a ratio of 13.4 per 100,000 population and is a little below the CoE median and higher than in any of the former USSR member-states, apart from Latvia and Lithuania. Moreover, the total number of the personnel assisting prosecutors should be 464, but 104 positions were vacant at the end of 2020. These figures indicate that the personnel allocated to assist prosecutors is not sufficient.

Table 12.

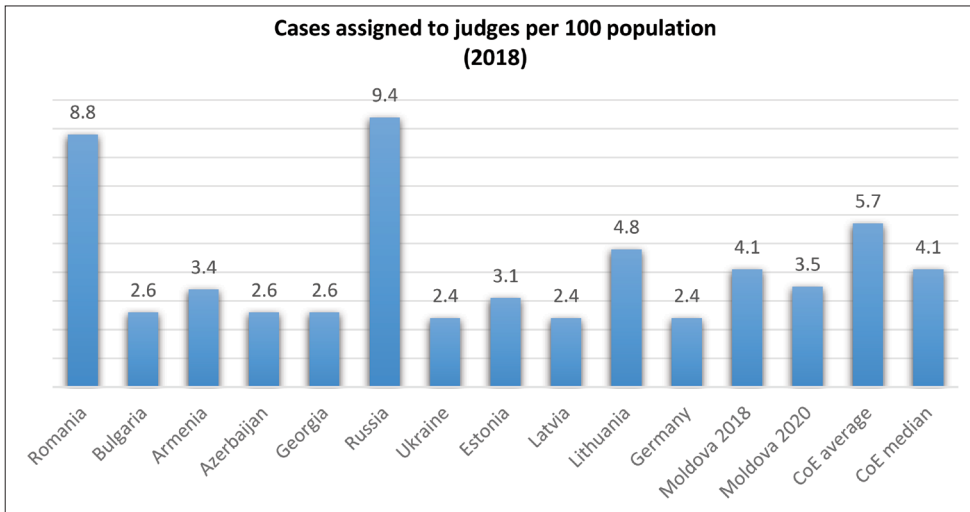


V. Cases handled by judges and prosecutors

In 2018, Moldovan courts received and disposed of 4.1 civil, commercial, administrative, and criminal cases per 100 population. This indicator was equal to the CoE median. The number of civil, commercial, administrative, and criminal cases filed with courts per 100 population in Moldova is bigger than in Georgia, Ukraine or Estonia and smaller than in Lithuania, Romania, or Russia.

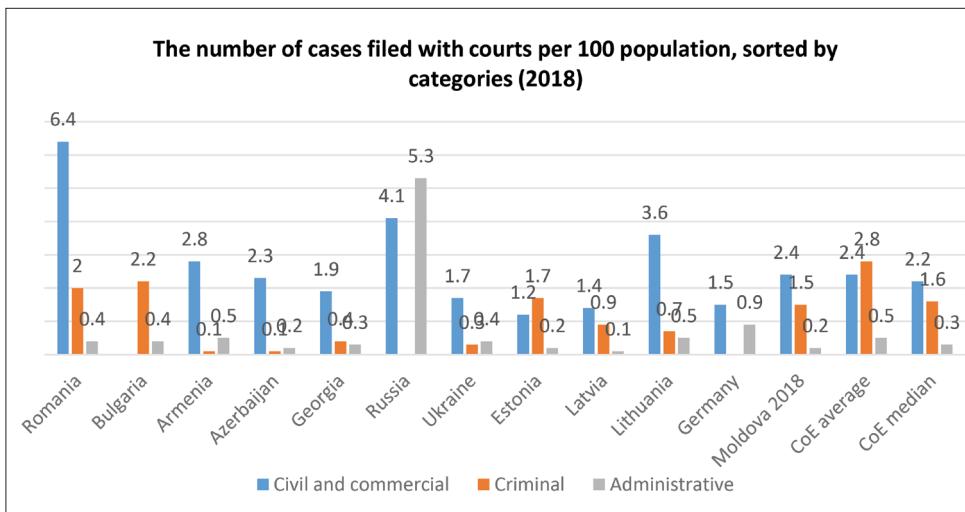
In 2020, the number of cases filed with courts decreased, most likely because of the pandemic. For this reason, the data concerning cases filed in 2020 may not serve as reference.

Table 13.



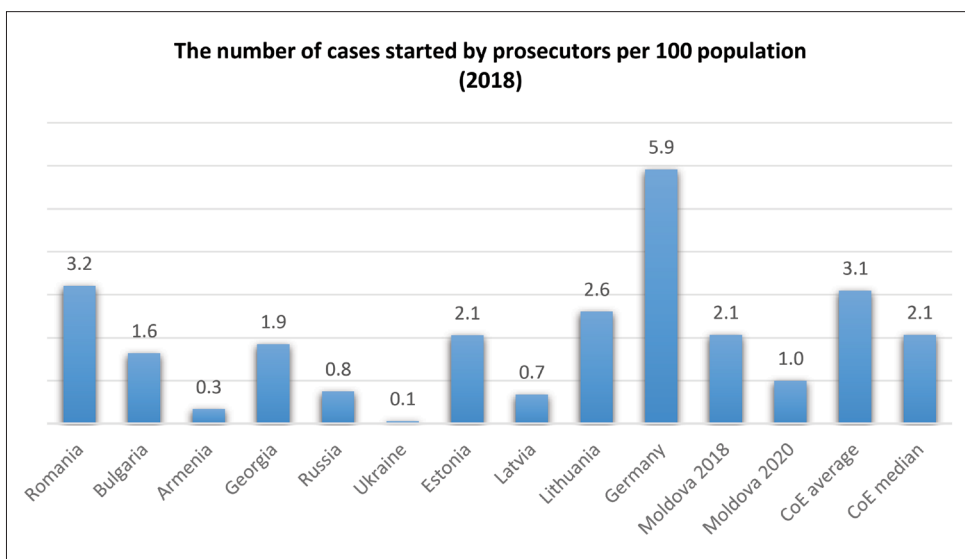
The following table presents the number of cases assigned to judges, sorted by category. This data confirms that, in 2018, the *per capita* number of civil, criminal, and administrative cases filed with courts in Moldova was the same as the CoE median. It is worth noting, however, that the ratio of criminal and contravention cases filed with courts to the country's population was very big in 2018. Only Estonia, Romania, and Bulgaria outranked Moldova in this respect.

Table 14.



In 2018, Moldovan authorities started 2.1 criminal and contravention cases per 100 population, which is equal to the CoE median. The number of started criminal cases must be treated with caution because it includes contravention cases started by prosecutors. In other countries, prosecutors may start more contravention cases. In addition, in Moldova, prosecutors dismiss many criminal complaints. Indeed, the ratio of started criminal cases to the population in Bulgaria, Armenia, Georgia, Russia, Ukraine, Estonia, or Latvia is smaller than in Moldova.

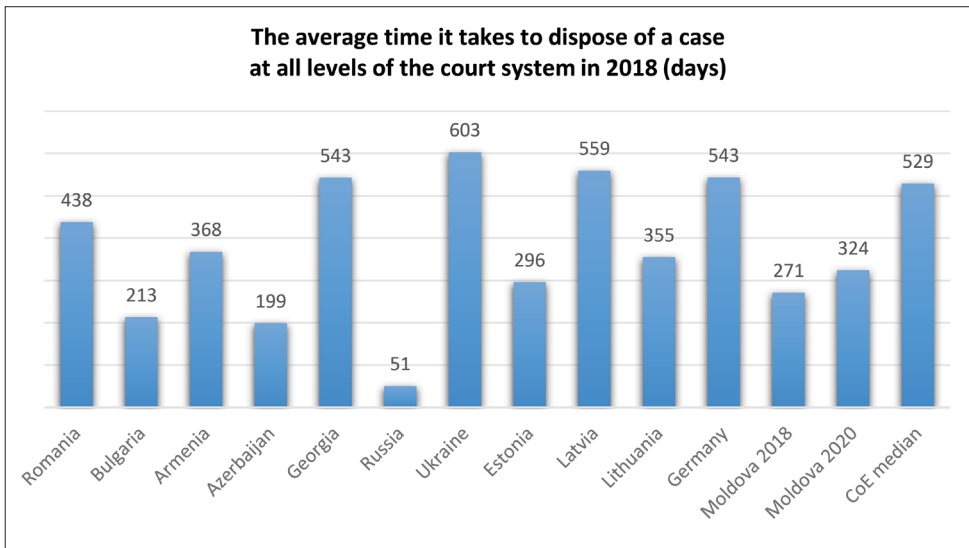
Table 15.



VI. The duration of court proceedings

Although judges and prosecutors often say that court proceedings are excessively long, official figures contradict this statement. According to data for 2020, Moldovan courts disposed of cases of all categories in trial, appellate, and cassation proceedings within just 324 days, which is 39% faster than the CoE median (529). Only judges from Azerbaijan and Estonia examine cases faster. (The data for Russia is not representative, as it is not complete, and the data for Bulgaria cover only two categories of cases—administrative and criminal.) The swiftness of court proceedings usually comes at a price—the poor quality of court judgments.

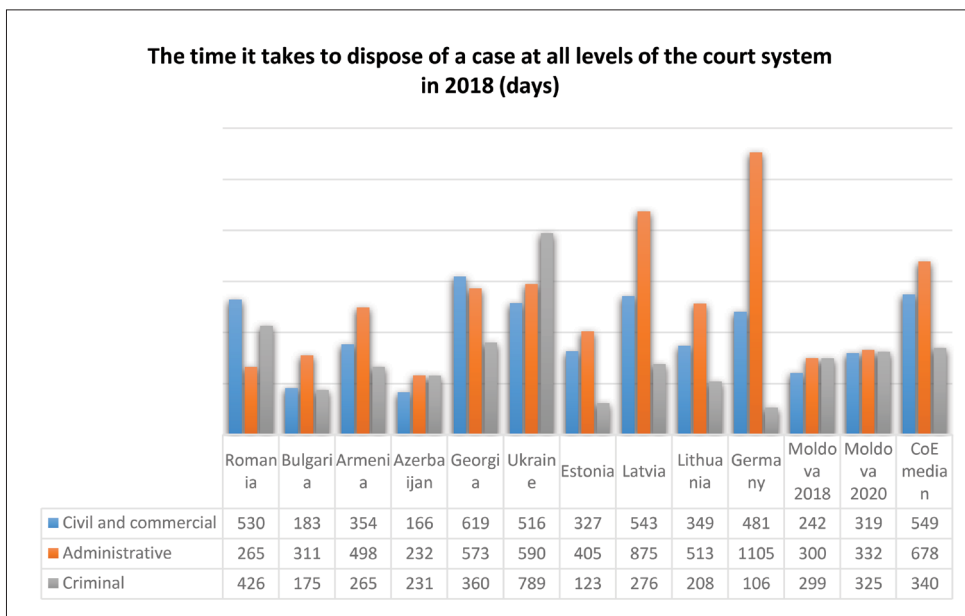
Table 16.



The following table details the duration of court proceedings for civil, administrative, and criminal cases at all three levels of the court system. The data from the table confirms that, in the CoE member-states, courts examine civil and administrative cases at a much slower pace than criminal cases.

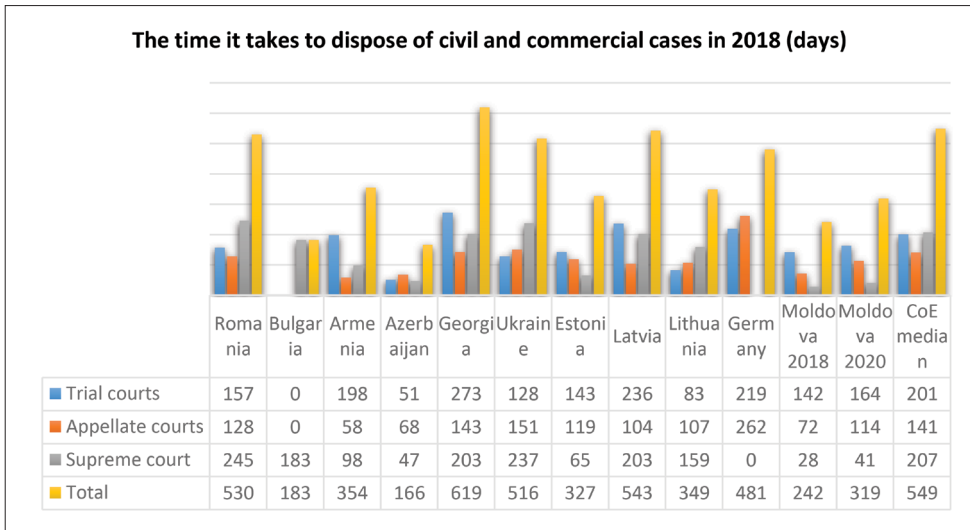
As shown in the following table, in 2018, only in Azerbaijan, the examination of civil and commercial cases was faster (166 days) than in Moldova (242 days). (The data for Bulgaria and Russia is incomplete.) On the other hand, the examination of criminal and contravention cases was lengthier in Moldova than in most of the 11 countries. Still, Moldovan courts examined them faster (299 days) than the CoE median (340 days). As for administrative cases, only in Romania and Azerbaijan, courts examined them faster (265 and, respectively, 232 days) than in Moldova (300 days).

Table 17.



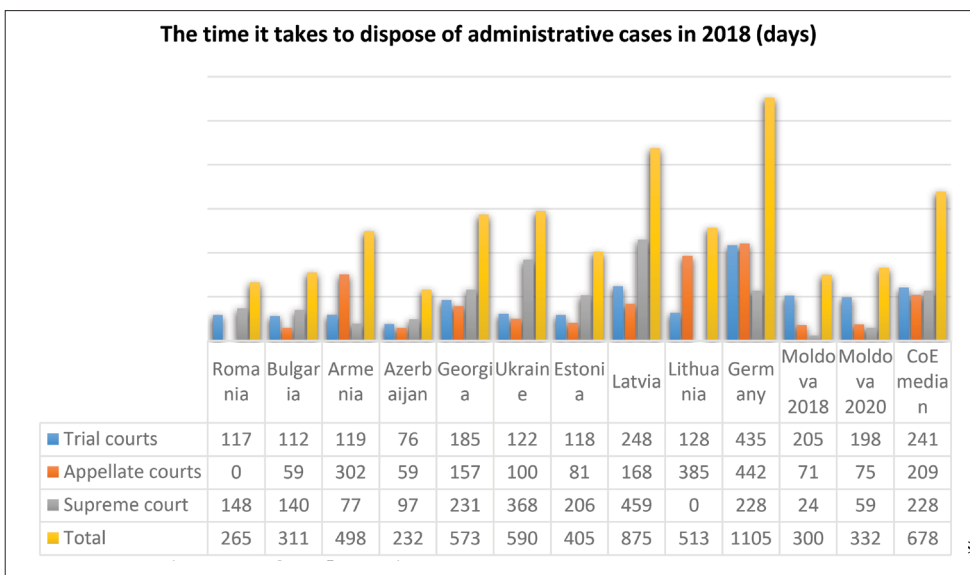
The figures for 2020 confirm that the duration of court proceedings in Moldova increased by one or two months, most likely because of the pandemic. However, even with this increase, in 2020, Moldovan courts examined civil and administrative cases much faster, and criminal and contravention cases a little faster, than the CoE median.

Table 18.



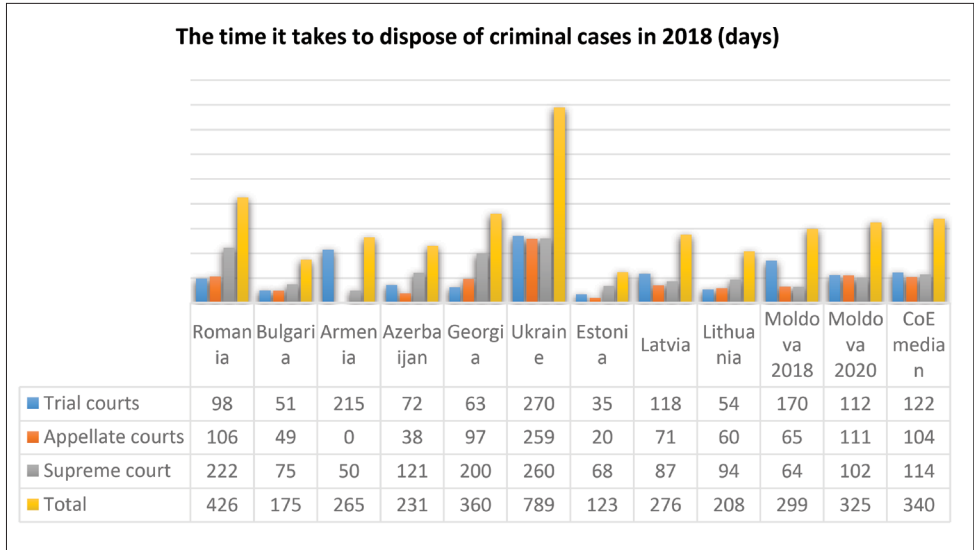
The steady trend in civil and commercial cases is also visible in administrative cases. Only in Romania, Azerbaijan, and Russia, courts examine administrative cases faster than in Moldova. (However, the data for Romania and Russia are not representative because they are incomplete.) In addition, nothing compares to the SCJ of the Republic of Moldova in terms of the swiftness with which it examines cassation appeals in civil or administrative cases. On average, the SCJ examines them within 60 days, four times faster than the CoE median.

Table 19.




Traditionally, criminal cases are given priority in all countries. However, this is not the case in Moldova, where courts examine criminal cases just as fast as other cases. Even so, in 2020, Moldovan courts examined criminal cases a little faster (325 days) than the CoE median (340 days).

Table 20.



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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