



“To integrate in the European Union, the Republic of Moldova should cleanse its justice sector first.”



Monica Macovei,
co-president of the EU-Republic of Moldova
Parliamentary Cooperation
Committee

THE REFORM IN BRIEF

Moldovan Judges' Salaries are the Lowest in Europe

According to a report of the European Commission for the Efficiency of Justice published in March, Moldovan judges have the lowest salaries in Europe. The study states that Moldovan judges receive an annual salary of over EUR 3,000. Ranked among the last, our country is outclassed by the Ukraine (EUR 6,120) and Albania (EUR 7,350). The country with the highest annual salaries for judges in Europe is Scotland (EUR 150,106), followed by Ireland (EUR 147,961).

European Penitentiary in Goian



This is how the library at the Goian penitentiary looks like

On May 7, 2013, a penitentiary for juveniles was inaugurated in Goian village, Ciorescu, Chisinau. Juveniles from Penitentiary 2, Lipcani, were transferred here. According to the Penitentiaries Department (DIP), the correctional system for juveniles in the new penitentiary will be changed to replace the detention with a child-oriented environment with educational, therapeutic and career guidance activities. The penitentiary has computer rooms, a library, training rooms, a gym, and a workshop—all designed in line with European standards. Ana Druta, chief of the Public and Media Relations and Secretariat Directorate of the DIP, informed us that the repair of the premises cost MDL 1.7. The money came from the state budget, national and foreign donors and the staff of the DIP, who donated their one-day salaries. The penitentiary now has a capacity of 60 persons.

Court Hearings Audio Recording is Mandatory



A trial held at Balti Court of Appeal, where “SRS Femida” Audio Recording System is used.

According to the Regulations on digital audio recording of court sessions, the participants in proceedings have the right to a copy of the recorded court session. The copy is offered by a court clerk at the written or verbal request of the participant, for a fee established by the Government.

(Note: the fee is MDL 20)



Photo: Curtea de Apel Balti

According to the Department of Judicial Administration (DJA), currently, most courts in the country have the technical capacity to audio record hearings, either with SRS Femida (computers and microphones connected to a special recording software) or with voice recorders. Although, all the 53 courts of the country must record hearings, in reality some of them do not do this.

Cantemir Court has voice recorders but does not record hearings. Court president Tudor Berdila explains this by the fact that case parties (defendants and plaintiffs) do not request to have proceedings recorded. “At the beginning of the session we ask the participants whether they would like

to be recorded and they refuse. Maybe people in Chisinau request recording hearings but our people don't,” Tudor Berdila says. He adds that after the modern audio recording system SRS Femida is installed, all court sessions will be recorded.

Balti Court of Appeals has used the audio recording system SRS Femida for over two years. Court vice president Eduard Ababei says that recording hearings has many advantages. “If previously, minutes would leave out some details, now there are no such errors because it is possible to play the recording whenever necessary.” Moreover, the audio recording greatly influences the conduct of case participants, both parties and judges,” Mr. E. Ababei says.

Recording is Mandatory

“Almost all courts in the country are fitted out with audio recording devices. Courts that do not have Femida system must use voice recorders. This is mandatory for all courts. Some courts do not have sufficiently large courtrooms to install a modern recording system. However, even those courts must use voice recorders to ensure the transparency of court sessions,” says Constantin Bragoi, director of the DJA. He explained that court presidents risk punishment if it is proven that their courts do not record proceedings despite having the necessary systems. The director of the DJA also said that so far, no court president was punished for such deviations.

The Web Site of the SCM—a Genuine Challenge for Citizens

To increase the transparency of the Moldovan judicial system, in 2009 the Superior Council of Magistracy (SCM) launched its Web site www.csm.md. Four years later, the site still does not offer sufficient information for those who want to learn more about this entity and the whole judicial system of Moldova. Representatives of the SCM explain that their Web site has little capacity to load documents and that it has no funds to maintain it.

The report “Transparency and Efficiency of the Superior Council of Magistracy of Moldova: 2010-2012,” developed by the Legal Resource Center, mentions that many sections in the Web site of the SCM are empty or contain outdated information. “There are no resumes of the SCM members, the chief of secretariat, secretariat staff, and members in the judicial divisions and in the Judicial Inspectorate. As for the functionality of the site, it is a real challenge for someone who knows little about the SCM to find information. The site has a search option but it is not easy to notice. Moreover, it allows searching only by keywords, lacking other search criteria,” the report mentions.

SCM Decisions are Difficult to Find

The Web site of the SCM has no informa-

tion on public or media relations. There are also problems with publication of decisions on the Web site. SCM decisions are published in chronological order, which virtually makes it impossible to access a decision by title. The only available criterion for finding a decision is the date it was adopted. Although the Law on the SCM obliges this entity to publish all decisions on its Web site, some were never published. According to the report, “the failure to publish materials of SCM meetings hinders the work of the mass media, which has repeatedly expressed its dissatisfaction in this respect, and of the civil society that monitors the SCM.”

SCM Does not Budget for Maintaining its Web Site

Ioana Chironet, chief of the regular staff of the SCM, admits that the Web site of the entity does not offer sufficient information but explains that it is technically impossible to load many documents due to the current programming structure of the site. According to Ms. Chironet, the entity did not budget for the site maintenance and has not the necessary permanent technical staff. On the other hand, the person responsible for public and media relations does not manage to do this work.

Recommendations on Making the Web Site More Friendly for Citizens

The Legal Resource Center recommended a number of actions to improve the Web site of the SCM. Some of them are:

- **Publishing** additional materials that will be examined in court sittings, in addition to the schedule of meetings;
- **Publishing** minutes of meetings;
- **Streamlining** meetings on the Web site and archiving the recorded footages for later access;
- **Publishing** explanatory notes, checking documents and annual activity reports of the Judicial Inspectorate;
- **Publishing** all judges' declarations on income and property and declarations on conflict of interests for the period of 2009 through 2012;
- **Creating** a separate section dedicated to statistics on the work of the judiciary.

Year	SCM decisions that have not been published
2010	89 or 14.7% of the total of 607 decisions
2011	56 out of 713 (7.9%)
2012	25 out of 848 (3%)

In the beginning of this year,

56%

of the actions planned in the 2011-2016 Justice Sector Reform Strategy have been implemented; 13% have not been implemented and the rest were in the works.

Source: Annual Report on the Implementation of the Justice Sector Reform Strategy, www.justice.gov.md



This page has been edited by the Association of Independent Press (API). Reporter – Lilia Zaharia