Marina Matić Bošković, LLM[1] **Scientific review paper**

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REFORM OF JUSTICE SECTOR IN MOLDOVA – HOW MUCH THEY CAN LEARN FROM SERBIAN EXPERIENCE

Abstract

The author strives to present situation in justice sector in Moldova and efforts of the authorities to implement Justice Sector Reform Strategy. The first wave of reforms related to the legislative amendments and institutional setup are mostly implemented. The Supreme Council of Magistracy is established and should absorb its competences related to the administration of justice system, budget independence, performance evaluation of judges, disciplinary procedure against judges, election and promotion, etc. However Moldova is facing with the challenge of application of newly established framework in practice. Additional challenge for Moldova presents lack of clear path toward European integration. Having that in mind, author referred to the experience from Serbia in the judicial reform process, challenges in establishment of balance between independence and accountability of judiciary, optimization of court network and efficiency of court system. Serbian experience could be useful for Moldova and assist decision makers in avoiding mistakes.

***Key words**: justice sector reform, judicial independence, judicial councils, court network, efficiency of justice system, Eastern Partnership.*

1. Introduction

Moldova is part of Eastern Partnership as a joint initiative of the EU and six eastern European partner countries (Armenia, Azerbaijan, Belarus, Georgia and Ukraine) that aims to bring these countries closer to the EU. On 27 June 2014, Moldova and the EU signed the Association Agreement, including a Deep and Comprehensive Free Trade Area.

The Association Agreements offer advanced integration with the EU and provide a blueprint for partner countries to develop good

[1] Research associate, Institute of Comparative Law Belgrade; mail: maticmarina77@ yahoo.com

governance, improve justice and strengthen the rule of law, while offering possibilities for integration ranging from political association and enhanced cooperation in foreign and security policy to close economic integration through a deep and comprehensive free trade area.

Cooperation on justice, freedom and security is a key area of the Eastern Partnership. The reform of the judiciary is priority in a number of eastern partner countries and ongoing reforms are intended to ensure the independence and efficiency of the justice system and to contribute to preventing and combating corruption.

The Moldovan judiciary has been shaped by a difficult history, developing from a Soviet tradition in which the judiciary was subordinated to the executive. Following independence in 1991, and the adoption of a new Constitution in 1994, Moldova undertook a program of judicial reform, with a series of new laws governing the judiciary and the court system enacted between 1994 and 1996. During this period, Moldova joined the Council of Europe and became party to the European Convention on Human Rights,[2] as well as a number of the principal UN human rights treaties.[3]

Since 2009, two successive coalition governments have each made reform of the justice system one of their highest priorities. The Strategy, developed through consultative working group, was adopted by Parliament in November 2011 and entered into force in January 2012. An Action Plan for its implementation through to 2016 was adopted by the Parliament in February 2012 and published in June 2012. The Justice Sector Reform Strategy for 2012-2016 includes proposals for reform of the judiciary, prosecution service and police, as well as reform of the Criminal Procedure Code, and measures to ensure access to justice. An ambitious program of legislative reform of the judiciary has been undertaken in 2012.

[2] Moldova joined the Council of Europe on 13 July 1995 and ratified the European Convention on Human Rights on 12 September 1997.

[3] Moldova acceded to the International Covenant on Economic Social and Cultural Rights (in 1993); the International Covenant on Civil and Political Rights (in 1993); the International Convention on the Elimination of All Forms of Racial Discrimination (in 1993); the Convention on the Rights of the Child (in 1993); the Convention on the Elimination of All Forms of Discrimination against Women (in 1994); and the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (in 1995). More recently, Moldova has ratified the first and second Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2004); the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2007); ratified the first Optional Protocol to the ICCPR (2008) and acceded to the Second Optional Protocol to the ICCPR on the Abolition of the Death Penalty (2006); acceded to the Optional Protocol to the Convention on the Elimination of Discrimination Against Women (2006); ratified the Optional Protocol to the Convention Against Torture (2006) and the Convention on the Rights of Persons with Disabilities (2010); and signed the International Convention for the Protection of All Persons from Enforced Disappearances.

2. Justice sector in Moldova according to international reports

Although the constitution provides for an independent judiciary, judicial and law enforcement officials have a reputation for politicization and corruption, as assessed by several sources, including Freedom in the World 2014,[4] the Human Rights Report 2013[5] and Implementation of the European Neighbourhood Policy in the Republic of Moldova Progress in 2014[6]. This perception is supported by the Global Corruption Barometer 2013, which reports that more than three-quarters (80%) of surveyed citizens perceive the judiciary to be corrupt and one third (34%) reporting paying a bribe to judiciary, placing it among the most corrupt institutions included in the Moldova survey[7].

According to the Global Competitiveness Report 2014-2015[8], companies in Moldova do not perceive the legal framework for settling disputes or for challenging regulations to be sufficiently efficient. In addition, the Investment Climate Statement 2015[9] reports that the judiciary is considered have low level of efficiency and citizen trust.

According to the WB Doing Business 2015[10] the Moldova stands at 42 in the ranking of 189 economies on the ease of enforcing contracts. On average the enforcement of contract takes 567 days, costs 28.6% of the value of the claim and requires 31 procedures.

The Global Competitiveness Report 2014-2015[11]: Business executives give the independence of the judiciary from influences of members of government, citizens or company a score of 2 on a 7-point scale (1 being 'heavily influenced' and 7 'entirely independent').

When the performance of the justice sector is discussed as well as perception of corruption it is necessary to assess available resources within the system. According to the CEPEJ data from 2014[12] Moldova has the twice lower number of judges per 100.000 inhabitants than the European median.[13] The level of remuneration of judges in Moldova is below[14] the available European benchmarks (2.1 - 3.9 x the average

[4] *https://freedomhouse.org/report/freedom-world/2014/moldova,* November 11, 2015.
[5] *http://www.state.gov/j/drl/rls/hrrpt/2013humanrightsreport/index.htm?year=2013&dlid=220247%20-%20wrapper#wrapper,* November 10, 2015.
[6] *http://eeas.europa.eu/enp/pdf/2015/repulic-of-moldova-enp-report-2015_en.pdf*
[7] *http://www.transparency.org/gcb2013/country/?country=moldova,* November 9, 2015.
[8] *http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2014-15.pdf*
[9] *http://www.state.gov/documents/organization/241877.pdf*
[10] *http://www.doingbusiness.org/~/media/GIAWB/Doing%20Business/Documents/Profiles/Country/ALB.pdf*
[11] *http://www3.weforum.org/docs/WEF_GlobalCompetitivenessReport_2014-15.pdf*
[12] *http://www.coe.int/t/dghl/cooperation/cepej/cooperation/Eastern_partnership/ENG_Efficient%20Judicial%20Systems%202014%20FINAL.pdf*
[13] In Moldova there are 12.6 judges per 100.000 inhabitants in comparison to 21.3 as European median.
[14] It is from 1.5-2.2.

gross national salary). Moldova has between 1 and 2 courts per 100.000 inhabitants, what is in line with the European median.

3. Moldova Justice Sector Reform Strategy 2012-2016

The Justice Sector Reform Strategy is comprehensive document, covering not only justice sector but also anti-corruption, human rights and penitentiary system. Both the Strategy and Action Plan address justice sector reform in the context of seven key pillars:

I. The judiciary;
II. Criminal justice;
III. Access to justice and enforcement of courts' decisions;
IV. Integrity of the players in the justice system;
V. The role of justice in economic development;
VI. Observance of human rights in the field of justice; and
VII. Well-coordinated, managed, and responsible justice system.

Under these headings key elements relate to the inefficiency of the system to deliver impartial, accountable, and transparent justice for all, bound by inadequacies in procedural codes, the weakness of self-regulation or administration by the various professional bodies, and widespread corruption or system manipulation. The situation is compounded by politicisation of the system and reform impeded by competing objectives of the legislative, executive and judicial branches of Government, each of which controls a part of the system, and by the unstable political environment. The result is an astonishingly low level of trust in the justice system by the population, calculated recently at less than 2% for the judiciary[15].

Draft strategy was assessed by Council of Europe experts as „an ambitious plan to strengthen the rule of law and observance of human rights in Republic of Moldova".[16]

In May 2011 the President of Moldova set up a National Council for Law Enforcement Bodies Reform, which includes high level public officials from all law institutions of Moldova, and representatives of scientific and civil society. The Council is to supervise coordination between these various agencies to achieve consensus on the nature of the reforms and the manner and timetable of their implementation. Overall responsibility for implementation of the Strategy rests with the Ministry

[15] Institute for Public Policies of Moldova surveys, *http://www.justice.gov.md/file/proiectul_strategiei/SJSR_Gov_Version_En_DemSp_Translation_05%2009_.pdf*

[16] *http://www.coe.md/images/stories/Articles/JP-Dem/demsp_expertise_on_jsr_strategy_2011-2015_by_t.tomashvili_en.pdf*

of Justice, but actual reform will be dependent upon the actions by several institutions, many of which are not accountable to Government.

The Strategy envisaged introduction of optimization of judicial map, performance evaluation of judges, disciplinary responsibility for judges, criteria for election and promotion, transfer of administration of justice competences to the Superior Council of Magistracy, introduction of random allocation of cases, introduction of court managers and judges assistants, uniformity of court practice, improvement of reasoning, etc. It is also envisaged in the Strategy to establish an integrated case management system, compatible across the judicial process that will enable performance based monitoring and evaluation.

However after 3 years of implementation of the Strategy Moldova is facing with challenges to accomplish defined activities and goals.

3.1. Challenges

3.1.1. Independence vs. Accountability

Many of the legislative changes raised difficult issues of the challenges of upholding judicial independence while ensuring accountability. There was uncertainty among members of the judicial and legal communities as to how this complex package of legislation would work in practice, in part because regulations providing for the detail of several new procedures and standards had yet to be developed.

Performance evaluation of judges is a new system that was introduced in 2012 to help raise the professionalism of judges.

The judges' performance evaluation system was introduced by Law no. 154 of July 5, 2012 on the selection, performance evaluation and career of judges, in force from December 14, 2012. In 2013 the Superior Council of Magistracy (SCM) adopted the Regulation on the organization of activity of the Judges' Performance Evaluation Board6 and the Regulation on the criteria, indicators and procedure of evaluation of judges' performance. The performance evaluation of judges aims at determining the level of judges' professional knowledge and skills, as well as the ability to apply the required theoretical knowledge and skills in the practice of the profession of judge, at determining the weaknesses and strengths of judges' work, at stimulating the tendency to upgrade professional skills and at increasing the efficiency of judges' activity at the individual and court level.

The Judges' Performance Evaluation Board was established as a collegial body with sporadic activity, and not as a permanent body, or at least in such a way that some of its members would work on a permanent

basis. The membership of the Evaluation Board is not remunerated. The members of the Board who are civil society representatives receive for each attended meeting an allowance equivalent to one twentieth (1/20) of the salary of a judge of the Supreme Court of Justice. The members of the Evaluation Board who are judges remain in their position of judge and do not receive remuneration for their work in the Board, but only benefit from a reduction of the workload for the judge's position. Initially, it was decided that the judges, members of the Evaluation Board, would be assigned cases in the amount of 75% of the workload of an ordinary judge, and subsequently the workload was reduced to 50% to allow the members of the Evaluation Board who are judges to cope with the workload as members of the Board. The activity of the Evaluation Board is ensured by SCM Secretariat's assistance. During 2013 and the first half of 2014 the secretarial activity for the Evaluation Board was performed by one person.

The Board started its activity in March 2013. Pursuant to the law, it is to evaluate all judges within two years from the entry into force of Law no. 154 that is until December 14, 2014.

The heavy workload, especially caused by the overly narrow two-year term provided by Law no.154 for the first cycle of ordinary assessment of all judges, negatively influences the performance of the Evaluation Board itself. The analysis conducted by the OSCE/ODIHR in 2014 on the system of performance evaluation of judges concludes that the activity of the Board is to be improved as regards the justification of its decisions, which are usually briefly justified and do not explain the way the score and the rating for each judge is estimated, thus creating the impression of a subjective and sometimes inconsistent system. In particular, it is recommended to specify the reasons for granting a particular rating in every decision of the Board and indicate specific recommendations to improve the performance of the evaluated judge, which the latter could actually use. As long as the decisions of the Evaluation Board will contain no specific recommendations for the judge and no justification for the granted rating, there is a risk that the assessment process will turn into a formal mathematical exercise, with no value for the judges' activity. It is also advisable to improve the way interviews with evaluated judges are organized. So far, the interviews organized by the Board were quite brief, lasting between 15-30 minutes, more formal than focused on the essence of evaluation. The Evaluation Board should use the interview to clarify especially the qualitative indicators of assessment, as well as the quantitative indicators which are not sufficiently clear, for instance, the percentage of judgments quashed for reasons not imputable to judges. The OSCE analysis also concluded that the performance evaluation system is not clear enough for judges and recommended to the Evaluation Board

to develop guidelines on the application of the Regulation on the criteria, indicators and procedure of evaluation of judges' performance.

Following the 2012 legislative amendments, SCM has introduced clear criteria for the evaluation of the activity of judges and selection of candidates who wish to become judges or judges who want to be promoted. However, SCM does not feel obliged to follow the score awarded by the Selection Board. In several decisions, SCM did not indicate the reason or criteria that served as the basis for the appointment or promotion of judges, despite the fact that other candidates were proposed for appointment or promotion than candidates who accumulated the highest score. Such practice erodes the trust of judges in the SCM.

At the level of legal framework, the judges' performance evaluation system has also some shortcomings.[17] A new law on the disciplinary liability of judges was adopted recently[18]. The law includes a series of positive innovations, as well as some issues that may create difficulties in the implementation process. The European Commission for Democracy through Law (Venice Commission) provided the opinion on draft law.[19]

The law grants limited competences to Judicial Inspection, which could negatively affect the quality of checks as well. The procedure of examining a disciplinary case by the Disciplinary Board involves problems concerning impartiality of its members, due to the fact that the disciplinary case is presented, pursuant to the law, by one of the members of the Disciplinary Board, reporter on the case. In the current regulation it appears that the member of the Disciplinary Board is both prosecutor and judge, which is contrary to the right to a fair trial. The judges' access to justice on disciplinary cases may raise signs of incompatibility with Art. 6 of the ECHR.

Self-governance of the judiciary is essential in ensuring its independence. The Superior Council of Magistracy is the main governing

[17] We want to emphasize the matter from the law concerning the possibility for the SCM to initiate the dismissal process, as a result of judge's failing the performance evaluation. Dismissal of a judge should not be possible after the judge's first performance evaluation failure. The judge should be given at least one chance to improve his activity. The provision regarding the possibility of dismissal only after failing two extraordinary assessments, following the failure of an ordinary evaluation, is consistent with international standards on judge's independence, whereas the dismissal after the first failure is not. Thus, Art.23 of Law no.154 is to be amended, to bring it in line with international standards. Similar recommendations have been made by the OSCE/ODIHR. See the Opinion on Law of the Republic of Moldova on the selection, performance evaluation and career of judges, drafted by OSCE Office for Democratic Institutions and Human Rights (ODIHR), June 13, 2014, available at *http://www.osce.org/ro/odihr/120210?download=true,* November 6, 2015.

[18] Law no.178 of July 25, 2014 on the disciplinary liability of judges .

[19] The joint opinion of the Venice Commission and OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR) no. 755/2014 was published on March 24, 2014. On July 21, 2014 the Government adopted Decision no.610 on assuming the responsibility for the draft law on disciplinary liability of judges. The President promulgated the law on August 11, 2014. Law no. 178 of July 25, 2014 was published in the Official Gazette on August 15, 2014 and will enter into force on January 1, 2015.

body of the judiciary, with responsibility for judicial appointments, evaluation of judicial performance, promotions, inspection and disciplinary matters. The composition of the SCM was also changed by the 2012 amendments, to ensure a majority of judges in its membership.

Budgetary competences were divided among the Ministry of Justice, which coordinates the budgetary preparation process through its Department of Judicial Administration (DJA); the SCM, which examines, confirms and proposes a draft budget of the courts; and the Parliament. Article 22 of the Law on the Organisation of the Judiciary provides that financial resources for the courts must be approved by the Parliament, on the proposal of the SCM, and included in the state budget. Until 2013, draft budgets of district courts were elaborated by the chairpersons of courts and sent to the Department of Judicial Administration of the Ministry of Justice (DJA), the fact that dissatisfied SCM. Since 2014, DJA is no longer involved in the management of court budgets, and this task has been totally taken over by the SCM.

The SCM has until now been perceived as a relatively weak institution, partly because it has lacked staff and resources. However it is approved to significantly increase staff of the SCM Secretariat which should help to improve performances of the SCM.

3.1.2. Optimization of judicial network

The courts with a small number of judges are expensive to be maintained and do not provide an appropriate environment for judges' professional growth. Out of 44 courts from the Republic of Moldova, 29 courts have less than seven judges. The workload of judges from different courts varies several times. For example, in 2012, the annual number of cases per judge ranged between 24 and 1,145.[20]

The modification of the judicial map appears among the objectives of Moldovan Government since 2009. In 2011 the Parliament and the Government have taken several steps in this regard, but for now these measures were not been implemented.

The Legal Resources Centre from Moldova (LRCM) in collaboration with Supreme Council of Magistracy and the Ministry of Justice prepared the Study on optimization of the judicial map in the Republic Moldova. The study does not recommend to reduce or increase the judge's positions, but to reallocate the existing 504 positions. It recommends to rethink the judicial map by merging and abolishing several courts and courts of appeal, to enhance the quality of the delivery

[20] Legal Resource Centre from Moldova, Achievements and faults in reforming the justice sector of the Republic of Moldova: 2012 - July 2014 *http://crjm.org/en/category/publications/justitie/,* November 9, 2015.

of justice and administer efficiently public funds.

It seems that the Government has not decided yet how it will optimize the judicial map. However, in the summer of 2014 it has initiated the abolishment of a court of appeal. By Law no.177 of July 25, 2014, adopted following the assumption of responsibility by the Government, the Bender Court of Appeal was abolished and the localities placed under its jurisdiction were transferred into the jurisdiction of the Chisinau Court of Appeal. The information note to the draft law states as the main argument the low workload of this court in comparison to other courts of appeal. Even though formally the main reason invoked was the low workload, other reasons related to the judges from the Bender Court of Appeal were also discussed behind the scenes. Even if the abolishment of the Bender Court of Appeal is justified in terms of the workload, the law regarding its abolishment has a number of shortcomings. The law provides for the transfer of localities from the jurisdiction of the Bender Court of Appeal into the jurisdiction of the Chisinau Court of Appeal, but doesn't stipulate the transfer of judges and court staff of the abolished court to the Chisinau Court of Appeal, leaving the process to the discretion of the SCM. This omission may create the impression that, in fact, the abolishment of the Bender Court of Appeal aims at excluding the judges of this court from the system, and not at increasing the efficiency of the judicial map. Another problematic issue is related to the moment of termination of activity of the Bender Court of Appeal, which pursuant to the law is the date of publication of the law. The cessation of activity of a court is an extremely complex process which cannot be completed in an instant or a day without major problems. The sudden transfer of case files will require the re-examination of cases from the very beginning in the Chisinau Court of Appeal. On the other hand, it will introduce a state of uncertainty and chaos among the parties involved in these cases, inconveniences which can only reduce the popularity of the justice sector reform and the trust in judges and politicians.

3.1.3. Efficiency of court system

By Law no. 153 of July 5, 2012, the competences of the SCM were strengthened in terms of administration of the judicial system. One of major changes is that the SCM was granted the competence to determine the number of judges per court. Until 2013, the number of judges was established in the Annex to Law no. 514 of July 6, 1995 on judicial organization.

In order to execute Art.21 para.(4) of Law no. 514 on judicial organization, the SCM has developed and approved the Regulation on the

criteria for determining the number of judges in courts[21], among which are: the workload per judge for the last three years; the annual average workload per judge in the country; the complexity of cases; the number of judges per capita; the number of inhabitants per court district; the number of cases specific to the respective court and district etc. Thus, by its Decision no.307/12 of April 2, 2013, the SCM ruled to redistribute the number of judges.

With regard to judges' workload, the SCM adopted several decisions by which the Integrated Case Management System (ICMS) was changed and set a reduced workload for the number of cases registered in courts.[22]

A number of significant changes were introduced in the courts administration system by Law no. 153 on amending and supplementing certain legislative acts of July 5, 2012, in force from August 31, 2012.

The introduction of positions of judicial assistants and heads of court secretariats is useful for the judicial system, as it should help to relieve judges and to better administer courts. However, achieving these objectives in practice could be problematic due to the manner in which the positions of judicial assistant and head of court secretariat are regulated.

Efficiency is also increased through the revision of the appeal system and distribution of competences between courts along the horizontal axis, as well as simplify and unify the system of remedy. Until 2012, the appeal system in Moldova was quite complicated. It included many exceptions under which certain criminal and civil cases were examined on their merits by the courts of appeal. As a result, the work of the courts of appeal was stalled. According to amendments introduced in the Civil Procedure Code and Criminal Procedure Code in 2012, all cases are examined on their merits by the district courts. However, instead of narrowing the competence of the SCJ in civil cases, the 2012 legislative amendments have expanded its competence.

4. Relevant Serbian experience

Listed challenges of Moldova authorities in reforming of justice sector are similar to challenges that other countries in transition are facing with. Moreover, many of the problems of the judiciary that persist in Moldova are derived from the past and are similar to those in other

[21] The Regulation on the criteria for determining the number of judges in courts, approved by the SCM Decision no.175/7 of February 26, 2013. The Regulation on the criteria and procedure of transfer of judges in case of redistribution of judges' positions, reorganization or abolishment of courts was approved by the CSM Decision no. 644/31 of October 16, 2012.

[22] a) court presidents - 50% , b) court vice-presidents - 75%, c) presidents of courts and courts of appeal from municipalities of Chisinau and Balti - 25%, d) judges who are members of the Judges' Performance Evaluation Board to an extent of up to 50%, e) judges who are members of the Disciplinary Board, Board for Selection and Career of Judges and of the Evaluation Board -75%.

countries of the former Soviet Union or that countries in Eastern Europe had few decades ago.

Judicial independence is one of the utmost goals of the justice reform efforts in transitional countries.[23] As a solution for achieving judicial independence in Central and Eastern Europe institutional reforms were recommended and establishment of judicial council model. The Judicial council model was recognized as tool for enhancing judicial independence and protection of judiciary from political influence.

However the promoted model of court administration and guarantee of independence has not lived up to that promise and did not deliver the values it was expected to. Moreover, in number of countries, including Serbia, the situation has been made worse following the establishment of a judicial council. The new institution has slowed down reform activities in Serbia.

Members of judiciary have presumption that the more senior members of the profession have more experience and they should thus be better administrators. The institutional design of the judicial councils is such as to bring the more senior members of the judiciary to the fore; either directly, making some senior judges *ex lege* members of the JC (chief justice, presidents of other supreme court etc.), or indirectly, by election. However, in transitional societies there always is an inherent discrepancy between experience and values. Those with experience will typically adhere to the old system and other values.

Having that in mind Councils in Serbia implemented controversial re-election of all judges and prosecutors and violated all principles of fair trial. In parallel they were not able to plan and absorb other competences related to the administration of justice: assessment of the workload per court, equal distribution of case, legislative activities, preparation of judiciary for other reform activities like introduction of prosecutorial investigation, etc.

Judiciary in Moldova should learn from Serbian experience and include mechanism to ensure that the best representatives of profession should be selected to the Councils.

Related to the optimisation of judicial network Moldova authorities and judiciary should be careful in decision making process and should conduct proper assessment. Serbia significantly change its judicial network during last five years – in 2010 Serbia decrease number of basic courts from 138 to 34 which is considerable reduction; and in 2014

[23] The United Nations created the office of Special Rapporteur on the Independence of Judges and Lawyers in 1994. The Council of Europe has been pushing for judicial independence and judicial reform throughout the Continent. The European Union included judicial independence among its core requirements for the accession countries. Both organisations, the European Union as well as the Council of Europe, then jointly encouraged legal and judicial reforms in Central and Eastern Europe (hereinafter the CEE).

increase number of basic court from 24 to 66. Changing of court network requires a lot of preparation and work, moving of cases, allocation of judges and judicial staff, moving of furniture, equipment, network, etc. Both changes of network were justified with need for equal distribution of workload, better organization of work, better efficiency and decreasing of costs. However those goals were not achieved.

In relation to the efficiency of court system the Moldova authorities should not forget need for quality of justice system. As early as in 1994, the Council of Europe stressed the importance of the efficiency of judges. In fact, speeding up judicial procedures and reducing workloads became a one of indicators in the EU Accession Reports. Eventually, the quality of justice was added as a separate value.[24]

Serbia introduced several case management system and expectations were high. However, introduction of e-justices and sophisticated case management system influence on the decrease of burden in the judicial administration, though it will not increase disposition time, clearance rate, cost efficiency and productivity.

The most important lessons learned in Serbia is that any reform activity in justice sector would require strong leadership and ownership over the reform process by Ministry of Justice and Judiciary (Supreme Court of Cassation and High Judicial Council) as well as good coordination mechanism supported by expert body and provided funds for financing.

Mr Marina Matić Bošković
Istraživač saradnik, Institut za uporedno pravo Beograd

REFORMA PRAVOSUĐA U MOLDAVIJI – KOLIKO MOGU NAUČITI IZ ISKUSTVA SRBIJE

Rezime

Autor nastoji da predstavi situaciju u pravosudnom sektoru u Moldaviji i napore institucija da sprovedu Strategiju reforme pravosuđa. Prva grupa mera koja se odnosi se na izmene zakona i uspostavljanje institucija u većem delu je sprovedena. Vrhovni savet sudstva je osnovan

[24] See ENCJ, Councils for the Judiciary Report 2010-2011, para. 1.7; CCJE, Opinion no.10 (2007), para. 10.

i trebalo bi da u punoj meri primenjuje nadležnosti koje se odnose na upravljanje pravosudnim sistemom, budžetsku nezavisnost, vrednovanje rada sudija, disciplinski postupak, izbor i napredovanje, itd. Međutim, Moldavija se suočava sa izazovima u primeni sprovdenih reformi. Dodatni izazov za Moldaviju predstavlja nedostatak jasne odluke da evropske integraciju predstavljaju put države. Imajući na umu navedene izazove, autor se osvrće na iskustva iz reforme pravosuđa u Srbiji, izazove u uspostavljanju ravnoteže između nezavisnosti i odgovornosti pravosuđa, racionalizacije sudske mreže i efikasnosti sudskog sistema. Iskustva Srbije mogu biti korisna Modlaviji i pomoći donosiocima odluka da ne ponove greške drugih država.

Ključne reči: reforma pravosuđa, nezavisnost pravosuđa, pravosudni saveti, sudska mreža, efiksanost pravosudnog sistema, Istočno partnerstvo.