

"The Effects of Remote Work on the Judicial Workplace and the Administration of Justice"

Answers of the Association of Judges of the Republic of Moldova

Questions:

1) Remote work of judges in your country

a. Were judges permitted to work remotely in your country prior to and/or during the COVID-19 pandemic? If yes, please give examples (for example, studying cases at home; discussing cases with colleagues via videoconference applications or the telephone instead of personal meetings; holding hearings online via videoconferencing applications; etc.). Was technical equipment made available to the judges to enable them to work remotely?

Before the Covid-19 pandemic in the Republic of Moldova, criminal procedural legislation did not regulate the possibility of remote court hearings. Likewise, the activity of remote judges was neither regulated then nor is it now. Consequently, during the pandemic, the judicial system had to adapt to new circumstances, focusing on health protection for participants in trials, judges, and court staff.

Thus, the authorities, namely the Commission for Exceptional Situations of the Republic of Moldova, issued several provisions that regulated the manner of examination of the aforementioned categories of files. For example, in criminal matters, the examination of urgent cases was also ordered with persons against whom preventive measures depriving of liberty were applied. Likewise, the possibility of hearing persons in state custody via video conference was established.

b. What is the status of remote work by judges in your country now? Do many judges still work remotely in your country, and to what extent? (for example, all or just a certain percentage of judges? Only in certain fields of law or for certain types of cases? Only in lower courts or higher courts? etc.)

Regarding remote work, at the moment it is not present in the Republic of Moldova. However, I mention the fact that changes were made to the Code of Criminal Procedure that regulate the possibility of examining criminal cases with the hearing of the defendants via teleconference from the place where, as the case may be, the preventive measure or prison sentence is carried out.

2) Effect on judicial work

a. Did remote work change judicial work in general for better or worse – or both – in your country? Please give examples.

There is no consensus within the judicial system of the Republic of Moldova regarding this aspect. However, the pandemic period allowed for legislative interventions, enabling persons in state custody to be heard by teleconference. This eases the workload for judges and staff within the country's penitentiary institutions, which are facing staff shortages.

b. Does the remote work of judges have an impact on the judicial workplace in your country? Negative, positive or both? Please give examples.

I think that the remote work of judges on certain categories of files is beneficial. For example, in the case of criminal cases when the accused persons are in the custody of the state.

c. From your point of view, what future effects of remote work on the judicial workplace – negative, positive or both – can be expected?

In the future remote work certainly has its advantages, however some categories of files and disputes require physical presence.

3) Effects on the administration of justice

a. What are the pros and cons of remote work on the administration of justice?

The advantages of remote work manifest in reduced expenses for justice administration. The disadvantages are that many judicial officers in the Republic of Moldova still lack access to communication tools like email or teleconferencing.

b. Does remote work have a positive or negative impact on the administration of justice in general in your country? Please give examples that include, but are not limited to, the quality of the administration of justice.

There are different opinions and at the moment we do not have an extensive study that would objectively answer this question.

c. Are you aware of the public's perceptions of remote work by judges? Please give examples of positive or negative perceptions.

As mentioned in the previous question, we don't have a study in the Republic of Moldova that would provide insights into this.

d. What are the positive and/or negative effects of holding remote hearings/conferences?

I consider it welcome that certain categories of criminal cases should be carried out by teleconference, given the fact that the participants in court processes are sometimes impossible for them to appear. Or the Republic of Moldova has many citizens who have gone to work abroad and have difficulties in appearing at court hearings.

4) Remote work and judicial independence

Do you see any positive or negative effects of remote work on judicial independence? If yes, please give examples.

From our experience, we haven't observed any impact on a judge's independence.

5) Limits on remote work for judges

a. Does your country place any limits on the remote work of judges (for example, limits on remote hearings in criminal cases)? If yes, please give examples.

In the Republic of Moldova, no specific limits on remote work were imposed during the Covid-19 period.

b. Are there any proposals to change rules or statutes in your country either to permit more, or to limit, remote work by judges?

There are currently no proposals to change rules or statutes regarding remote work by judges in the Republic of Moldova.

c. Should there be any changes of rules or statutes in your country either to permit more, or to limit, remote work for judges?

Proposal for 2024 topic: Please submit your proposals for possible topics to be treated in 2024 together with the answers to this questionnaire.

We suggest addressing the issue of ensuring human rights and the independence of the judicial system. Particularly, examining how in several countries, the methods used to undermine the independence of the judiciary are becoming more subtle.