

# **(Access to) Justice during Covid-19 pandemic**

## **Moldova perspective**

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## Main aspects discussed

**CIVIL JUSTICE**

**CRIMINAL AND CONTRAVENTION JUSTICE**

**CONFIDENTIALITY ASPECTS**

**COURTS AND ELECTRONIC COMMUNICATIONS**

**E-SIGNATURE**

**OTHER**

# THE PERIOD OF STATE OF EMERGENCY COVID 19 / MOLDOVA

**The period of state of emergency in the state: between 17 March – 15 May 2020.**

**The period of state of emergency in public health: between 16 May – 30 June 2020**

## Main measures during the state of emergency (until 15 May 2020):

**Suspension and/or postponement of all civil proceedings**, except several situations (i.e. urgent cases, examination without parties' presence);

**Suspension of the (procedural) period of limitation related to justice.** The relevant provision was formulated not very clear and creates uncertainties as regards its application.

Special period of **72 hours** on challenging the decisions of the Commission for the state of emergency.

**Encouragement of electronic communications** with the court.

**No specific measures for insolvency proceedings**, but a draft document is still under consideration.

## Main measures during the state of emergency (until 15 May 2020):

**Suspension and/or postponement of all criminal proceedings**, except several situations (i.e. urgent cases). However, the practice is not quite uniform.

**Use of the teleconference in cases related to arrest and other criminal cases.** The measure is excepted to be continued in the next period under a pending draft law.

**Confidentiality and legal assistance issue should be considered** while lawyers participating in hearings using teleconference are not in the same place with the client, but in a court room.

**In contravention matters** related to breach of the rules on preventing spread of Covid-19 high penalties were introduced and the period of **appeal of the police's decisions in the court was reduced to 24 / 48 hours.**

## Main measures during the state of emergency (until 15 May 2020):

**Enforcement proceedings shall continue**, with several exceptions which were suspended (i.e. housing disputes, calculation of penalties)

**Lawyers were obliged to work**, subject to disciplinary sanction in form of disbarment. The special measure on imposing the sanction is criticized by the lawyers.

**Moratorium of state's control and search** (under contravention procedure) of companies' premises was introduced, with several exceptions.

The role of **e-communications and e-signatures** increases and it is given more attention through legal solutions in various fields.

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