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Version finale

**Answer to the
REVISED SCHEME
FOR
EVALUATING JUDICIAL SYSTEMS
2004 Data**

**Réponse à la
GRILLE REVISEE
POUR
L'ÉVALUATION DES SYSTÈMES JUDICIAIRES
Données 2004**

ARMENIA/ARMENIE

FINAL VERSION

Strasbourg, 20 June 2006

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**EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)**

REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

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and
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Contents

I. Demographic and economic data p. 3

I. A. General information p. 3

I. B. Budgetary data concerning judicial system p. 3

II. Access to Justice and to all courts p. 5

II. A. Legal aid p. 5

II.B. Users of the courts and victims p. 6

II.B.1. Rights of the users and victims p. 6

II.B.2. Confidence of citizens in their justice system p. 8

III. Organisation of the court system p. 9

III.A. Functioning p. 9

III.B. Monitoring and evaluation p. 13

IV. Fair trial p. 15

IV.A. Fundamental principles p. 15

IV.B. Timeframes of proceedings p. 16

IV.B.1. General p. 16

IV.B.2. Civil and administrative cases p. 17

IV.B.3. Criminal cases p. 18

V. Career of judges and prosecutors p. 20

V.A. Appointment and training p. 20

V.B. Practice of the profession p. 22

V.C. Disciplinary procedures p. 23

VI. Lawyers p. 24

VII. Alternative Dispute Resolution p. 27

VIII. Enforcement of court decisions p. 29

VIII.A. Execution of decisions in civil matters p. 29

VII.B. Enforcement of decisions in criminal matters p. 31

IX. Notaries p. 32

REVISED SCHEME FOR EVALUATING JUDICIAL SYSTEMS

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I. Demographic and economic data

I. A. General information

1. Number of inhabitants 3.210.000

Source National statistical service of the Republic of Armenia

2. Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level

State level: € 454.210.840 million

Regional / entity level €

Source: The law on the State budget of the Republic of Armenia for 2004

3. Per capita GDP € 850

Source: National Statistics Service of RA

4. Average gross annual salary € 756

Source: Guide of the RA National statistic service (year 2004)

I. B. Budgetary data concerning judicial system

5. Total annual budget allocated to all courts € 2.109.239

Source: The law on the State budget of the Republic of Armenia for 2004

6. Within this budget, can you isolate the following budgets and specify, if appropriate, their amount: There is not such isolation in the Budget.

	Yes	Amount
§ Salaries?	v	€ 1.690.163
§ IT? €		
§ Justice expenses borne by the State? €		

Source: The law on the State budget of the Republic of Armenia for 2004

7. Annual public budget spent on legal aid approximately € 14.500

Source: *The law on the State budget of the Republic of Armenia for 2004*

8. If possible, please specify: It is not isolated by the Budget.

§ the annual public budget spent on legal aid in criminal cases €

§ the annual public budget spent on legal aid in other court cases €

Source

9. Annual public budget spent on prosecution system - It is provided for by the budget.

Source

10. Bodies formally responsible for budgets allocated to the courts:

	Preparation of the budget (Yes/No)	Adoption of the budget (Yes/No)	Management and allocation of the budget among courts (Yes/No)	Evaluation of the use of the budget (Yes/No)
Ministry of Justice				
Other ministry. Please specify		RA Government	RA Ministry of Finance and Economy, RA Government	
Parliament		Yes		
Supreme Court				
Judicial Council				
Courts	Yes		Yes	
Inspection body. Please specify.				
Other. Please specify	Yes		Yes	Yes

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your budgetary system

Financing of the judicial system is implemented according to well-grounded in detail articles of expenses and in accordance with normative acts approved by the Government. Government of the Republic of Armenia has an authorization for budget governing. Some authorization has the RA Ministry of Finance and Economy. Allocation of budgetary means between courts is implemented by the law "On Court Formation", according to which any court is financing by the separate line.

II. Access to Justice and to all courts

II. A. Legal aid

11. Does legal aid concern:

Criminal cases	Other than criminal cases
Representation in court (Yes/No)	
Legal advice (Yes/No) Yes	Civil cases concerning maintenance obligations
Other (Yes/No). Please specify	

12. Number of legal aid cases:

§ total

§ criminal cases

§ other than criminal cases

Source

13. In a criminal case, can any individual who does not have sufficient financial means be assisted by a free of charge (or financed by public budget) lawyer?

Yes No

14. Does your country have an income and asset test for granting legal aid:

No Yes/Amount

§ for criminal cases?

§ for other than criminal cases?

Source

15. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action)?

Yes No

16. If yes, is the decision taken by:

Yes

§ the court?

§ a body external to the court?

§ a mixed decision-making body (court and external)?

The head of the Office of human offender.

17. In general are litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:

Yes

No

§ for criminal cases?

§ for other than criminal cases?

If yes, are there exceptions? Please specify: Only for civil cases. There are also exceptions concerning the compensation of damages in the cases on:

a) salary and payments equivalent to it; b) maintenance; c) injury or other health damage; d) loss of bread-winner; e) material damages of crime.

18. Is there a private system of legal expense insurance for individuals in order to finance legal proceedings to court?

No

Yes **Please specify:**

19. Do judicial decisions have an impact on who bears the legal costs which are paid by the parties during the procedure in:

	Yes	No
§ criminal cases?	<input checked="" type="checkbox"/>	
§ other than criminal cases?	<input checked="" type="checkbox"/>	

You can indicate below:

- ***any useful comments for interpreting the data mentioned above***
- ***the characteristics of your legal aid system***

By the civil cases the Court solves court expenses between participants of the case by the uphold claims proportionally, and in case of agreement between parties, according to such agreement. During the deliver of a judgment on criminal matters the court solves the question who and in which manner will bear expenses.

II. B. Users of the courts and victims

II. B. 1. Rights of the users and victims

20. Are there official internet sites/portals (e.g. Ministry of Justice, etc.) for the following, which the general public may have free of charge access to:

	Yes	No
§ legal texts (e.g. codes, laws, regulations, etc.)?	<input checked="" type="checkbox"/>	
Internet address(es): www.justice.am , www.parliament.am		
§ case-law of the higher court/s?	<input checked="" type="checkbox"/>	
Internet address(es): www.armenian-judiciary.am		
§ other documents (for examples legal forms)?	<input checked="" type="checkbox"/>	
Internet address(es): www.economic-court.am		

21. Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

Yes No

If yes, please specify:

22. Is there a public and free-of-charge specific information system to inform and to help victims of crimes?

Yes No

23. Are there special arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

Information mechanism	Hearing modalities	Procedural rights	Other (Yes/No).
-----------------------	--------------------	-------------------	-----------------

	(Yes/No)	(Yes/No)	(Yes/No)	Please specify
Victims of rape		<input checked="" type="checkbox"/>		
Victims of terrorism		<input checked="" type="checkbox"/>		
Child/Witness/Victim		<input checked="" type="checkbox"/>		
Victims of domestic violence		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Ethnic minorities		<input checked="" type="checkbox"/>		
Disabled persons		<input checked="" type="checkbox"/>		
Juvenile offenders		<input checked="" type="checkbox"/>		
Other		<input checked="" type="checkbox"/>		

24. Does your country have compensation procedure for victims of crimes?

Yes No

25. If yes, does this compensation procedure consist in:

Yes

§ a public fund?

§ a court order?

§ private fund?

26. If yes, which kind of cases does this procedure concern?

To the cases on all kinds of offence, when it cause damage to an individual.

27. For victims, are there studies to evaluate the recovery rate of the compensation awarded by courts?

No

Yes **Please specify:** It is foreseen the implementation of such estimation form.

II. B.2. Confidence of citizens in their justice system

28. Is there a system for compensating users in the following circumstances:

Yes

No

§ excessive length of proceedings?

§ wrongful arrest?

§ wrongful condemnation?

If yes, please specify (fund, daily tariff): Means for compensation are provided by the RA State Budget in accordance with the Articles 1063-1064 and other Articles of the Chapter 60 of the RA Civil Code.

29. Does your country have surveys on users or legal professionals (judges, lawyers, officials, etc.) to measure public trust and satisfaction with the services delivered by the judiciary system?

Yes

No

If possible, please specify their titles, how to find these surveys, etc: "Judicial reforms program" DPK/AMERICA experts' conclusion.

30. If yes, please specify:

	Trough systematic surveys (Yes/No)	Through ad hoc surveys (Yes/No)
Surveys at national level		
Surveys at court level		Yes

31. Is there a national or local procedure for making complaints about the performance of the judicial system?

Yes No

32. If yes, please specify:

	Time limit to respond (Yes/No)	Time limit for dealing with the complaint (Yes/No)
Court concerned		
Higher court		
Ministry of Justice		
High Council of Justice		
Other external organisations (e.g. Ombudsman)		

Can you give information elements concerning the efficiency of this complaint procedure?

III. Organisation of the court system

III. A. Functioning

33. Total number of courts (administrative structure): 21

§ first instance courts of general jurisdiction: 17

Source: The RA Law on Court Structure

§ specialized first instance courts: 1

Source: The RA Law on Court Structure

Please specify the different areas of specialization (and, if possible, the number of courts concerned): Court of Appeal on civil cases – 1, Court of Appeal on criminal and military cases – 1, Supreme Court -1. The specialized court is the court investigating economic and bankruptcy cases (1 Economic Court), as well as 2 Courts of Appeal. The Supreme Court consists from two chambers: civil and economic, criminal and military.

34. Total number of courts (geographic locations): 21

Source: The RA Law on Court Structure

35. Number of first instance courts competent for a case concerning:

§ a debt collection for small claims: 17 + 1 Economic Court

Please specify what is meant by small claims in your country: Responsibility of investigation on civil cases is differenced on cases which are subject to Economic Court and cases, which are subject to First Instance Court. There is not any note on such claims in the legislation.

§ a dismissal - 17

§ a robbery - 17

36. Number of professional judges sitting in courts: 179, All judges are professional and working on permanent basis. *(present the information in full time equivalent and for permanent posts)* full time equivalent for Supreme Court judges is -€448,40, Judges of Court of Appeal and Economic Court – €444.03, First instance court judges -€ 403.66.

Source: The RA Law on Court Structure, RA law on "RA Legislative, Executive and Judicial authorites' officials full time equivalent"

37. Number of professional judges sitting in courts on an occasional basis and who are paid as such: No judge is sitting in courts on an occasional basis; each judge (they are 172) is working on a professional basis.

§ gross figure

§ if possible, in full time equivalent

Source

Please specify:

38. Number of non-professional judges (including lay judges) who are not remunerated but who can possibly receive a simple defrayal of costs There are not such judges.

Source

Please specify:

39. Does your judicial system include trial by jury with the participation of citizens?

No

Yes **For which type of case(s)?**

If possible, number of citizens who were involved in such juries for the year 2004?

40. Number of non-judge staff who are working in courts 965,5
(present the information in full time equivalent and for permanent posts)

Each judge has one assistant; each judge of the first instance court has also one secretary of court sessions; for three judges of the review court is provided for one secretary; each of the chamber of two Supreme Courts has two secretary of the court session.

Source

41. If possible, could you distribute this staff according to the 3 following categories:

§ non-judge staff whose task is to assist the judges (case file preparation, assistance during the hearing, keeping the minutes of the meetings, helping to prepare the decisions) such as registrars: 179

§ staff in charge of different administrative tasks as well as of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management): 451

§ technical staff: 335,5

42. In courts, do you have non-judge staff entrusted with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal (such as German and Austrian Rechtspfleger):

No

Yes Number of staff : 327

43. Number of public prosecutors 605

(present the information in full time equivalent and for permanent posts)

Source

44. Do you have persons who have similar duties as public prosecutors?

No

Yes **Please specify:**

45. Is the status of prosecutors:

Yes

§ independent within the judiciary?

§ independent from the judiciary ?

§ under the authority of the Ministry of Justice?

46. Number of staff (non prosecutors) attached to the public prosecution service: 273

(present the information in full time equivalent and for permanent posts)

Source

47. Who is entrusted with the individual court budget?

	Preparation of the budget (Yes/No)	Arbitration and allocation (Yes/No)	Day to day management of the budget (Yes/No)	Evaluation and control of the use of the budget (Yes/No)
Management Board				
Court President				

Court administrative director				
Head of the court clerk office				
Other. Please specify				

48. In general, do the courts in your country have computer facilities?

Yes No

49. What are the computer facilities used within the courts?

Functions	Facilities	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Direct assistance to the judge/court clerk	Word processing		Yes		
	Electronic data base of jurisprudence		Yes		
	Electronic files		Yes		
	E-mail			Yes	
	Internet connection			Yes	
Administration and management	Case registration system			Yes	
	Court management information system			Yes	
	Financial information system				Yes
Communication between the court and the parties	Electronic forms				Yes
	Special Website				Yes
	Other electronic communication facilities				Yes

Source Supreme Court of RA

50. Is there a centralized institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary?

No

Yes Please specify the name and the address of this institution: Council of Court Principals, Ministry of Justice (Address: Yerevan, Ministry of Justice, 3 V. Sargsyan)

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system

III. B. Monitoring and evaluation

51. Are the courts required to prepare an annual activity report?

Yes No

52. Do you have a regular monitoring system of court activities concerning the:

	<u>Yes</u>	No
§ number of incoming cases?	<input checked="" type="checkbox"/>	
§ number of decisions?	<input checked="" type="checkbox"/>	
§ number of postponed cases?	<input checked="" type="checkbox"/>	
§ length of proceedings?	<input checked="" type="checkbox"/>	
§ other?	<input checked="" type="checkbox"/>	

Please specify: It is made within the framework of the judicial statistics.

53. Do you have a regular evaluation system of the performance of the court?

No

Yes **Please specify:**

54. Concerning court activities, have you defined:

§ performance indicators? Yes No

Please specify the 4 main indicators for a proper functioning of justice:

1. Independent judicial system, 2. Independent and impartial judges, 3. Budgetary necessary means for courts activity. 4. Professional judicial staff.

§ targets? Yes No

Please specify who is responsible for setting the targets:

	Yes
- executive power?	
- legislative power?	
- judicial power?	<input checked="" type="checkbox"/>
- other? Please specify:	

Please specify the main objectives applied:

Source

55. Which authority is responsible for the evaluation of the performances of the courts:

	Yes
§ the High Council of judiciary?	
§ the Ministry of justice?	
§ an Inspection body?	
§ the Supreme Court?	

§ an external audit body?

§ other? Please specify: Council of the Court Principals

56. Does the evaluation system include quality standards concerning judicial decisions?

No

Yes **Please specify:** Correct implementation of material and judicial norms by the judge and sustainability of judicial acts.

Source

57. Is there a system enabling to measure the backlogs and to detect the cases which are not processed within an acceptable timeframe for:

	Yes	No
§ civil cases?	<input checked="" type="checkbox"/>	
§ criminal cases?	<input checked="" type="checkbox"/>	
§ administrative cases?	<input checked="" type="checkbox"/>	

58. Do you have a way of analysing queuing time during court procedures?

No

Yes **Please specify:** For elucidation of issues, which are required specific knowledge the court may assign expertise due to mediation of Party or by its own intention.

59. Do you monitor and evaluate the performance of the prosecution services?

No

Yes **Please specify:**

You can indicate below:

- ***any useful comments for interpreting the data mentioned above***
- ***the characteristics of your court monitoring and evaluation system***

IV. Fair trial

IV. A. Fundamental principles

60. Is there in your judicial system:

§ a right for an interpreter for all those within your jurisdiction who cannot understand or speak the language used in court?

Yes No

§ the right to have reasons given for all prisons sentences?

Yes No

§ for all cases, an effective remedy to a superior jurisdiction?

Yes No

61. Which is the percentage of judgments in first instance criminal cases in which the suspect is not actually present or represented? There are not such judgments

Source: Judicial statistics

62. Is there a procedure to effectively challenge a judge if a party consider he/she is not impartial?

No

Yes **If possible, number of successful challenges (in a year):**

63. Please give the following data 2003 and 2004 concerning the number of cases regarding the violation of Article 6 of the European Convention of Human Rights:

No violation is registered.

		Cases communicated by the Court		Cases declared inadmissible by the Court		Friendly settlements		Judgements establishing a violation		Judgements establishing a non violation	
		2003	2004	2003	2004	2003	2004	2003	2004	2003	2004
Criminal proceedings	Article 6§1 (equity)										
	Article 6§1 (duration)										
	Article 6§2										
	Article 6§3a										
	Article 6§3b										
	Article 6§3c										
	Article 6§3d										
	Article 6§3e										
Civil proceedings	Article 6§1 (equity)										
	Article 6§1 (duration)										
	Article 6§1 (non execution only)										

Source

IV.B. Timeframes of proceedings

IV. B. 1. General

64. Are there specific procedures for urgent matters in:

§ civil cases? Yes No

§ criminal cases?

§ administrative cases?

65. Are there simplified procedures for:

	Yes	No
§ civil cases (small claims)?	<input checked="" type="checkbox"/>	
§ criminal cases (petty offences)?		
§ administrative cases?	<input checked="" type="checkbox"/>	

66. Is it possible for a second instance court to send back a case to a first instance court for a new examination?

Yes No

67. Do courts and lawyers have the possibility to conclude agreements on modalities for processing cases (presentation of files, binding timeframes for lawyers to submit their conclusions and dates of hearings)?

No The judges and lawyers are not entitled to conclude agreements; these issues are regulated by the judicial norms without any agreements.

Yes Please specify:

IV. B. 2. Civil and administrative cases

68. Total number of civil cases in courts (litigious and not litigious): 101703

Please specify the main types of cases: In 2004 total number of civil cases- 101703, from which 39467 proceed from administrative legal relations.

Source

69. Litigious administrative and civil cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Civil cases	Administrative cases	Divorce	Employment dismissal
Total number	Incoming cases	101703	41117	2143	463
(1st instance)	Decisions on the merits	84851	37675	1520	354
	Percentage of decisions subject to appeal in a higher court	4.6%	0.3%	1%	37.3%
	Pending cases by 1 January 2005	5927	1249	320	26
	Percentage of pending cases	-	-	-	-

	of more than 3 years				
Average length (from date of lodging of court proceedings*)	1st instance decisions	36	20	55	40
	2nd instance decisions	35	-	40	35
	Total procedure				

* If you cannot calculate the average length from the date of lodging of court proceedings, how do you calculate length of proceedings?

Where appropriate, please specify the specific procedure as regards divorce:

Source

IV. B. 3. Criminal cases

70. Please describe the role and powers of the prosecutor in the criminal procedure:

	Yes	No
§ to conduct or supervise police investigation?	<input checked="" type="checkbox"/>	
§ to conduct investigation?	<input checked="" type="checkbox"/>	
§ when necessary, to demand investigation measures from the judge?	<input checked="" type="checkbox"/>	
§ to charge?	<input checked="" type="checkbox"/>	
§ to present the case in the court?	<input checked="" type="checkbox"/>	
§ to propose a sentence to the judge?		<input checked="" type="checkbox"/>
§ to appeal?	<input checked="" type="checkbox"/>	
§ to supervise enforcement procedure?	<input checked="" type="checkbox"/>	
§ to end the case by dropping it without the need for a judicial decision?	<input checked="" type="checkbox"/>	
§ to end the case by imposing or negotiating a penalty without a judicial decision?		<input checked="" type="checkbox"/>
§ other significant powers?		

Please specify:

71. Does the prosecutor also have a role in civil and/or administrative cases?

No

Yes **Please specify:**

72. Functions of the public prosecutor in relation to criminal cases– please complete this table:

		Total number of 1st instance criminal cases
Received by the public prosecutor		3481
Discontinued by the public prosecutor	In general	1485
	Because the offender could not be identified	1345
	Due to the lack of an	

established offence or a specific legal situation	394 7 (amnesty)
Concluded by a penalty, imposed or negotiated by the public prosecutor	
Charged by the public prosecutor before the courts	

Source

73. Criminal cases in courts – please complete this table concerning the number of cases/length of proceedings/pending cases and specify definitions of incoming cases, starting and ending point of length and pending cases:

		Criminal cases	Robbery cases	Intentional homicides
Total number (1st instance)	Incoming cases	4651	1016	143
	Judicial decisions	3780	895	89
	Convicted persons	4881	1242	106
	Acquitted persons	6	2	-
	Percentage of decisions subject to appeal in a higher court	33.3%	22%	73%
	Pending cases by 1 January 2005	547	-	32
	Percentage of pending cases of more than 3 years	-	-	-
Average length*(from the date of official charging)	1st instance decision			
	2nd instance decision			
	Total procedure			

* If you cannot calculate the average length from the date of official charging, how do you calculate length of proceedings?

Source

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning timeframes of proceedings

V. Career of judges and prosecutors

V. A. Appointment and training

74. Are judges initially/at the beginning of their carrier recruited and nominated by:

	Yes
§ a body composed of members of the judiciary?	
§ a body composed of members external to the judiciary?	
§ a body composed of members of the judiciary and external to the judiciary?	v

- The RA President nominates judges.

75. Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

Yes
§ a body composed of members of the prosecution system?
§ a body composed of members external to the prosecution system?
§ a body composed of members of the prosecution system and external to the prosecution system?

The RA President nominates General Prosecutor and his deputies, as well as heads of territorial subdivisions of the General Prosecutor's Office. The other prosecutors are nominated by the General Prosecutor

76. Is the mandate given for an undetermined period for:

	Yes	No
§ judges?		v
§ prosecutors?		v

Are there exceptions ? Please specify: The judges are officiate until their age of 65.

If no, what is the length of the mandate: Is it renewable?

	Yes	No
§ of judges?		v
§ of prosecutors?		v

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors

The judges are assigned by the RA President upon suggestion of the Minister of Justice and upon positive conclusion of the Council of Justice. RA General Prosecutor shell assign Prosecutors in accordance with RA Constitution.

77. Nature of the training of judges:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory			
	Highly recommended			
	Optional			
General in-service training	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional		Occasional	
In-service training for specialised functions (e.g. judge for economic or administrative issues)	Compulsory		Annual	
	Highly recommended	Yes	Regular	Yes
	Optional		Occasional	
In-service training for specific functions (e.g. head of court)	Compulsory		Annual	
	Highly recommended		Regular	
	Optional	Yes	Occasional	Yes

78. Nature of the training of prosecutors:

	Compulsion (Yes/No)		Frequency (Yes/No)	
Initial training	Compulsory	Yes		
	Highly recommended			
	Optional			
General in-service training	Compulsory	Yes	Annual	Yes
	Highly recommended		Regular	
	Optional		Occasional	
Specialised in-service training	Compulsory	Yes	Annual	Yes
	Highly recommended		Regular	
	Optional		Occasional	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your training system for judges and prosecutors

Training and professional quality increasing is compulsory for prosecutor office staff.

V. B. Practice of the profession

79. Gross annual salary of a first instance professional judge at the beginning of his/her career € 4887.6

Source: The RA Law

80. Gross annual salary of a judge of the Supreme Court or of the highest appellate court € 5865.6

Source State budget

81. Gross annual salary of a public prosecutor at the beginning of his/her career approximately €2022.2

Source

82. Gross annual salary of a public prosecutor of the Supreme Court or of the highest appellate court €

There is not public prosecutor in the Supreme Court

Source

83. Do judges and public prosecutors have additional benefits?

	Judges (Yes/No)	Public prosecutors (Yes/No)
Reduced taxation	No	No
Special pension	No	
Housing	If they are working in the place other than the place of their residence	If they are working in the place other than the place of their residence
Other financial benefit (If yes, please specify)	No	No

84. Can judges or prosecutors combine their work with any of the following other professions?

	Judges			Prosecutors		
	Yes with remuneration	Yes without remuneration	No	Yes with remuneration	Yes without remuneration	No
Teaching	√			√		
Research and publication	√			√		
Arbitrator			√			√
Consultant			√			√
Cultural function		√			√	

Other function to specify	v	v
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85. Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

No

Yes **Please specify:**

V. C. Disciplinary procedures

86. Types of disciplinary proceedings and sanctions against judges and prosecutors:

		Judges	Prosecutors
Reasons for disciplinary procedures	Total number		7
	Breach of professional ethics (Yes/No) If yes, please specify the number	v	
	Professional inadequacy (Yes/No) If yes, please specify the number	v	3
	Criminal offence (Yes/No) If yes, please specify the number		
	Other (Yes/No) If yes, please specify		4
	Types of sanctions	Total number	
Types of sanctions	Reprimand (Yes/No) If yes, please specify the number		7
	Suspension (Yes/No) If yes, please specify the number		
	Dismissal (Yes/No) If yes, please specify the number		7
	Fine (Yes/No) If yes, please specify the number		
	Other (Yes/No) If yes, please specify		

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system concerning disciplinary procedures for judges and prosecutors

VI. Lawyers

87. Number of lawyers practicing in your country: 469

Source

88. Does this figure include legal advisors (solicitors or in-house counsellor) who cannot represent their clients in court?

Yes No

89. Do lawyers have a monopoly of representation:

Monopoly (Yes/No)		If no, possible representation by (Yes/No)
Civil cases*	No	Member of family
		Trade Union
		NGO
		Other: Each person of reached 18 years, who is entitled to do it in order prescribed by the Law
Criminal cases*	<u>Defendant</u>	Member of family
		Trade Union
		NGO
		Other
	Victim	Member of family
		Trade Union
		NGO
		Other
Administrative cases*	Member of family	
	Trade Union	
	NGO	
	Other	

* If appropriate, please specify if it concerns first instance and appeal.

90. Is the lawyer profession organised through?

Yes

§ a national bar?
§ a regional bar?
§ a local bar?

Please specify:

There is one Unified Chamber of the Lawyers of the Republic of Armenia

91. Is there a specific initial training or examination to enter the profession of lawyer?

Yes No

92. Is there a mandatory general system for lawyers requiring continuing professional development?

Yes No

93. Is the specialisation in some legal fields tied with a specific level of training/ qualification/ specific diploma or specific authorisations?

No

Yes **Please specify:**

All lawyers are entitled to submit and defend the rights of persons in all cases (criminal, administrative etc)

94. Can users establish easily what the lawyers' fees will be?

Yes No

95. Are lawyers fees:

Yes

§ regulated by law?

§ regulated by Bar association?

§ freely negotiated?

96. Have quality standards been formulated for lawyers?

Yes No

97. If yes, who is responsible for formulating these quality standards:

Yes

§ the bar association?

§ the legislature?

§ other? Please specify:

98. Is it possible to complain about :

§ the performance of lawyers? No

Yes **Please specify:**

A person who obtains the service of a lawyer may complain his/her unlawful actions to the Chamber of the lawyers, which may challenge executive proceedings and use

disciplinary sanctions, as well as fines against him/her.

§ the amount of fees? Yes No

99. Disciplinary proceedings and sanctions against lawyers:

	Yes /No (If yes, please specify the annual number)	
Reasons for disciplinary proceedings	Breach of professional ethics	Yes
	Professional inadequacy	Yes
	Criminal offence	
	Other	
Type of sanctions	Reprimand	Yes
	Suspension	
	Removal	
	Fine	Yes
	Other	severe reprimand

100. Who is the authority responsible for the disciplinary procedures:

The responsible body is the Chamber of Lawyers

Yes

§ a professional body? Please specify:

§ the judge?

§ the Ministry of justice?

§ other? Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system concerning the organisation of the Bar

VII. Alternative Dispute Resolution

101. If appropriate, please specify, by type of cases, the organisation of the judicial mediation:

Compulsion (Yes/No)	Body providing mediation
---------------------	--------------------------

			(Yes/No)	
Civil cases	Compulsory stage prior to court proceedings	No	Private mediator	No
			Public or authorised by court body	No
			Court	No
	Compulsory stage in court proceedings	Yes	Judge	Yes
	Ordered by judge in certain cases	No	Prosecutor	No
Family cases	Compulsory stage prior to court proceedings	No	Private mediator	No
			Public or authorised by court body	No
			Court	No
	Compulsory stage in court proceedings	Yes	Judge	Yes
	Ordered by judge in certain cases	No	Prosecutor	No
Administrative cases	Compulsory stage prior to court proceedings	Yes	Private mediator	No
			Public or authorised by court body	No
			Court	No
	Compulsory stage in court proceedings	Yes	Judge	Yes
	Ordered by judge in certain cases	No	Prosecutor	No
Employment dismissals	Compulsory stage prior to court proceedings	No	Private mediator	No
			Public or authorised by court body	No
			Court	No
	Compulsory stage in court proceedings	Yes	Judge	Yes
	Ordered by judge in certain cases	No	Prosecutor	No
Criminal cases	Compulsory stage prior to court proceedings	Yes	Private mediator	No
			Public or authorised by court body	No
			Court	No
	Compulsory stage in court proceedings	Yes	Judge	Yes
	Ordered by judge in certain cases	Yes	Prosecutor	Yes

102. Can you provide information about accredited mediators?

The criminal cases are held the preliminary investigation stage before court investigation. Administrative cases should be appealed by higher order before appeal to court.

103. Can you provide information about the total number of mediation procedure concerning:
§ civil cases?
§ family cases?
§ administrative cases?
§ employment dismissals?
§ criminal cases?

Source

104. Can you give information concerning other alternative dispute resolution (e.g. Arbitration)? Please specify: Mediation Courts

Mediation Court attached to the Trade-Industrial Chamber, Mediation Court attached to the Banks Union, Ad hoc Mediation Court.

You can indicate below:

- any useful comments for interpreting the data mentioned above**
- the characteristics of your system concerning ADR**

VIII. Enforcement of court decisions

VIII. A. Execution of decisions in civil matters

105. Are enforcement agents:

Yes

§ judges?

§ bailiff practising as private profession ruled by public authorities?

§ bailiff working in a public institution?

§ other enforcement agents?

Please specify their status:

106. Number of enforcement agents: 225

Source Decision of the RA Government.

107. Is there a specific initial training or examination to enter the profession of enforcement agent?

Yes No

108. Is the profession of enforcement agent organised by?

Yes

§ a national body?

§ a regional body?

§ a local body?

109. Can users establish easily what the fees of the enforcement agents will be?

Yes No

110. Are enforcement fees:

Yes

§ regulated by law?

§ freely negotiated?

111. Is there a body entrusted with the supervision and the control of the enforcement agents?

No

Yes **Which authority is responsible for the supervision and the control of enforcement agents:**

Yes

§ a professional body?

§ the judge?

§ the Ministry of justice?

§ the prosecutor?

§ other?

Please specify:

112. Have quality standards been formulated for enforcement agents?

No

Yes **Who is responsible for formulating these quality standards?**

Ministry of Justice

Source

113. What are the main complaints of users concerning the enforcement procedure:

Yes No

§ no execution at all?

§ lack of information?

§ excessive length?

§ unlawful practices?

§ insufficient supervision?

§ excessive cost?

§ other?

Source

114. Does your country prepared or has established concrete measures to change the situation concerning the enforcement of court decisions?

No

Yes **Please specify:**

115. Is there a system measuring the timeframes of the enforcement of decisions :

Yes

No

§ for civil cases?

§ for administrative cases?

116. As regards a decision on debts collection, can you estimate the average timeframe to notify the decision to the parties which live in the city where the court seats:

Yes
 v
 § between 1 and 5 days
 § between 6 and 10 days
 § between 11 and 30 days
 § more: please specify

Source RA Criminal Procedure Code

117. Disciplinary proceedings and sanctions against enforcement agents:

Yes / No (If yes, please specify the total number)		
Disciplinary proceedings	Breach of professional ethics	
	Professional inadequacy	Yes
	Criminal offence	Yes
	Other	
Sanctions	Reprimand	Yes
	Suspension	
	Dismissal	Yes
	Fine	
	Other	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters

VIII. B. Enforcement of decisions in criminal matters

118. Is there a judge who has in charge the enforcement of judgments?

Yes **Please specify his/her functions and activities (e.g. Initiative or control functions):**

No **v Please specify which authority is entrusted with the enforcement of judgments (e.g prosecutor):**

Institutions entered into penitentiary service system of the Ministry of Justice.

119. As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate?

No

Yes **Please specify:**

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your enforcement system of decisions in criminal matters

IX. Notaries

120. Is the status of notaries:

Number

Yes

§ a private one?

§ a status of private worker ruled by the public authorities?

§ a public one?

§ other?

Please specify:

Source: The RA Law on Notary Office

121. Do notaries have duties:

§ within the framework of civil procedure?

Yes

No

§ in the field of legal advice?

§ to authenticate legal deeds?

§ other?

If yes, please specify:

122. Is there a body entrusted with the supervision and the control of the notaries?

No

Yes **Which authority is responsible for the supervision and the control of the notaries:**

Yes

§ a professional body?

§ the judge?

§ the Ministry of justice?

§ the prosecutor?

§ other? Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above***
- the characteristics of your system of notaries***

123. Please indicate main orientations for reform and concrete measures which could improve the quality and the efficiency of your judicial system:

Perfection of the legislation based on Constitutional reforms, strengthening of Courts impartiality, improvement of effectiveness of the prosecutor and other enforcement bodies' activity, regular retraining of judges, prosecutors, heads of police, employees of penitentiary service and judicial acts enforcement service.