

## 1. Evaluation of the judicial systems (2016-2018 cycle)



Azerbaijan

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**Reference data 2016 (01/01/2016 - 31/12/2016)**

**Start/end date of the data collection campaign : 01/06/2017 - 31/12/2017**

### **Objective :**

The CEPEJ decided, at its 28th plenary meeting, to launch the seventh evaluation cycle 2016 – 2018, focused on 2016 data. The CEPEJ wishes to use the methodology developed in the previous cycles to get, with the support of its national correspondents' network, a general evaluation of the judicial systems in the 47 member states of the Council of Europe as well as two observer states (Israel and Morocco). This will enable policy makers and judicial practitioners to take account of such unique information when carrying out their activities.

The present questionnaire was adapted by the Working group on evaluation of judicial systems (CEPEJ-GT-EVAL) in view of the previous evaluation cycles and considering the comments submitted by CEPEJ members, observers, experts and national correspondents. The aim of this exercise is to increase awareness of judicial systems in the participating states, to compare the functioning of judicial systems in their various aspects, as well as to have a better knowledge of the trends of the judicial organisation in order to help improve the efficiency of justice. The evaluation questionnaire and the analysis of the results becomes a genuine tool in favour of public policies on justice, for the sake of the European citizens.

### **Instruction :**

The ways to use the application and to answer the questions are guided by two main documents:

- User manual
- Explanatory note

While the explanatory note gives definitions and explanations on the CEPEJ evaluation questionnaire and the methodology needed for replying, the User manual is a tool to help you navigate through this application. You can download the Explanatory note as a whole on the CEPEJ website. The specific explanations are also accessible for each question within this application under the tab "Explanatory note". This will serve as immediate consultation tool when answering questions. The user manual is accessible in the "Documentation" tab of the application.

In case you have any questions related to these documents or on the use of the application, please do not hesitate to contact the Secretariat.

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## **1.General information**

### **1.1.Demographic and economic data**

#### **1.1.1.Inhabitants and economic general information**



**001. Number of inhabitants (if possible on 1 January of the reference year +1)**

[ 9705600 ]

Comments

## 002. Total of annual public expenditure at state level and where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State or federal level	8723449903 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Regional / federal entity level (total for all regions / federal entities)	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments The decrease in the financial data is due to two devaluations of the national currency occurred in February and December 2015 of a total of 97.6%. In that respect the State expenditure is affected. However, in local currency, the decrease is only of 19%.

## 003. Per capita GDP (in €) in current prices for the reference year

[ 3338 ]

Comments In 2015 year two devaluations of the national currency occurred in February and December 2015 leading to significant increase.

The Central Bank depreciated manat drastically for the second time in 2015 and turned to the floating exchange rate. The new official exchange rate of manat against USD was set at AZN 1.55; EUR was set at AZN 1.68 on December 21, 2015, which meant 47.6 % depreciation. For the 2015 the total cumulative devaluation was 97.6%.

## 004. Average gross annual salary (in €) for the reference year

[ 3217 ]

NA

Comments The decrease in the financial data is due to two devaluations of the national currency occurred in February and December 2015 of a total of 97.6%. In that respect the average gross annual salary is affected and in fact it is an increase if we look at the average gross annual salary in local currency (12%).

## 005. Exchange rate of national currency (non-Euro zone) in € on 1 January of the reference year +1

[ 1.8644 ]

Allow decimals : 5

NAP

Comments In 2015 year two devaluations of the national currency occurred in February and December 2015 lead to significant increase. The Central Bank depreciated manat drastically for the second time in 2015 and turned to the floating exchange rate. The new official exchange rate of manat against USD was set at AZN 1.55; EUR was set at AZN 1.68 on December 21, 2015, which meant 47.6 % depreciation. For the 2015 the total cumulative devaluation was 97.6%.

## A1. Please indicate the sources for answering questions 1 to 5

Sources: State Statistical Committee Database;  
Law on state budget for 2016;  
Letter of the Central Bank of the Republic of Azerbaijan.



## 1.1.2. Budgetary data concerning judicial system

006. Annual (approved and implemented) public budget allocated to the functioning of all courts, in € (without the budget of the public prosecution services and without the budget of legal aid). If you cannot separate the budget allocated to the courts from the budgets of public prosecution services and/or legal aid, please go to question 7. If you are able to answer this question 6, please answer NAP to the question 7.

	Approved budget (in €)	Implemented budget (in €)
<b>TOTAL - Annual public budget allocated to the functioning of all courts (1 + 2 + 3 + 4 + 5 + 6 + 7)</b>	43281253 <input type="checkbox"/> NA <input type="checkbox"/> NAP	41989083 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Annual public budget allocated to (gross) salaries</b>	19626382 <input type="checkbox"/> NA <input type="checkbox"/> NAP	18423131 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Annual public budget allocated to computerisation (equipment, investments, maintenance)</b>	5413699 <input type="checkbox"/> NA <input type="checkbox"/> NAP	5404838 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Annual public budget allocated to justice expenses (expertise, interpretation, etc), without legal aid. NB: this does not concern the taxes and fees to be paid by the parties.</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Annual public budget allocated to court buildings (maintenance, operating costs)</b>	642581 <input type="checkbox"/> NA <input type="checkbox"/> NAP	562523 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>5. Annual public budget allocated to investments in new (court) buildings</b>	16648819 <input type="checkbox"/> NA <input type="checkbox"/> NAP	16648819 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>6. Annual public budget allocated to training</b>	949772 <input type="checkbox"/> NA <input type="checkbox"/> NAP	949772 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>7. Other (please specify)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - Please indicate any useful comment to explain the figures provided. If the annual public budget allocated to the functioning of all courts actually implemented is different from the approved annual public budget allocated to the functioning of all courts, please indicate the main differences: The observed decreases in the total budget allocated to courts as well as in the different budgetary components are due to two devaluations of the national currency occurred in February and December 2015 of a total of 97.6%. However, in local currency, the decrease in the total budget - approved and implemented - is less important (respectively 17% and 19%). The training budget was decreased because in 2014 we implemented very intensive reforms on E-court application and therefore allocated more budget for IT trainings. For 2016 it was no need for such high number of IT trainings. Relating to the 4 and 5 items we invested in 2014 more budgets in bringing the court buildings in accordance with e-court requirements, in 2016 we did not need such amount of investments.

007. (Modified question) If you cannot answer question 6 because you cannot isolate the budget allocated to courts from the budget allocated to public prosecution services and/or legal aid, please fill only the appropriate line in the table according to your system:

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to all courts and the public prosecution services together</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Total annual public budget allocated to all courts and legal aid together</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Total annual public budget allocated to all courts, public prosecution services and legal aid together</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments: No comment

**008. Are litigants in general required to pay a court tax or fee to start a proceeding at a court of general jurisdiction:**

	Litigants required to pay a court tax or fee to start a proceeding at a court of general jurisdiction ?
<b>for criminal cases</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>for other than criminal cases</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If there are exceptions to the rule to pay a court tax or fee, could you please provide comments on those exceptions?

**008-1. Please briefly present the methodology of calculation of court taxes or fees:**

- The amount of court fees on disputes is:  
20 AZN (manat), if the claim price is up to 500 AZN (manat);  
30 AZN (manat), if the claim price is more than 500 AZN (manat)

**008-2. The amount of court fees to commence an action for 3000€ debt recovery:**

[ 16 ]  
 NA  
 NAP

Comments No comment

**009. Annual income of court taxes or fees received by the State (in €)**

[ 4359230 ]  
 NA  
 NAP

Comments Even if in Euro, this data appears stable for the period 2014-2016, in local currency we can observe a considerable increase. It should be recalled that there were two devaluations of the national currency in February and December 2015 of a total of 97.6%.

## 012. Annual approved public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual approved public budget allocated to legal aid (12.1 + 12.2)</b>	708872 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.1 for cases brought to court</b>	708872 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments The observed decrease in the budget allocated to legal aid (approved and implemented) is due to two devaluations of the national currency occurred in February and December 2015 of a total of 97.6%. In fact, in local currency, the budget increased in a considerable way for the period 2014-2016.

## 012-1. Annual implemented public budget allocated to legal aid, in €.

	TOTAL	Criminal cases	Other than criminal cases
<b>TOTAL - Annual implemented public budget allocated to legal aid (12-1.1 + 12-1.2)</b>	617312 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.1 for cases brought to court</b>	617312 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>12-1.2 for non-litigious cases or cases not brought to court (legal consultation, ADR, etc.)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If the public budget actually implemented regarding legal aid is different from the annual approved public budget allocated to legal aid, please indicate the main differences: The observed decrease in the budget allocated to legal aid (approved and implemented) is due to two devaluations of the national currency occurred in February and December 2015 of a total of 97.6%. In fact, in local currency, the budget increased in a considerable way for the period 2014-2016.

## 013. Total annual (approved and implemented) public budget allocated to the public prosecution services, in €.

	Approved budget (in €)	Implemented budget (in €)
<b>Total annual public budget allocated to the public prosecution services, in €</b>	31373637 [ ] NA [ ] NAP	30829483 [ ] NA [ ] NAP

Please indicate any useful comment to explain the figures provided. Moreover, if the annual public budget allocated to the public prosecution services actually implemented is different from the approved annual public budget allocated to the public prosecution services, please indicate the main differences: The observed decrease in the budget allocated to public prosecution services (approved and implemented) is due to two devaluations of the national currency occurred in February and December 2015 of a total of 97.6%. In fact, in local currency, the budget increased for the period 2014-2016.

## 014. Authorities formally responsible for the budgets allocated to the courts (multiple options possible):

	Preparation of the total court budget	Adoption/approval of the total court budget	Management and allocation of the budget among the courts	Evaluation of the use of the budget at a national level courts
Ministry of Justice	( X ) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP
Other ministry	( X ) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP
Parliament	( ) Yes ( X ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP
Supreme Court	( X ) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( X ) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP
High Judicial Council	( X ) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP
Courts	( X ) Yes ( ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP
Inspection body	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP
Other	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP	( ) Yes ( X ) No <input type="checkbox"/> NAP

Comments - If any other Ministry and/or inspection body and/or other, please specify: No comment

## A2. Please indicate the sources for answering questions 6 to 14:

Sources: Law "On state budget for 2016";  
Law "On state fees" dated 2001;  
Letter of the Ministry of Finance;  
Letter of the General Prosecutor Office.

### 1.1.3. Budgetary data concerning the whole justice system

015-1. Annual (approved and implemented) public budget allocated to the whole justice system, in € (this global budget includes the court system as defined under question 6 and also the prison system, the judicial protection of juveniles, the operation of the Ministry of Justice, etc.).

Approved budget (in €)	Implemented budget (in €)
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<b>Total annual public budget allocated to the whole justice system in €</b>	230961605 [ ] NA [ ] NAP	229033721 [ ] NA [ ] NAP
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Please indicate any useful comment to explain the figures provided above and specify if a large portion of the budget allocated to the whole justice system comes from an international organisation. Moreover, if the annual public budget allocated to the whole justice system actually implemented is different from the approved annual public budget allocated to the whole justice system, please indicate the main differences: The observed decrease in the budget allocated to the whole justice system (approved and implemented) is due to two devaluations of the national currency occurred in February and December 2015 of a total of 97.6%. In fact, in local currency, the budget increased considerably for the period 2014-2016. The Government allocated more budget in 2016 in comparison to 2014 to justice system.

**015-2. (Modified question) Please indicate the budgetary elements that are included in the whole justice system by specifying on the one hand the elements of the judicial system budget (please check the consistency with questions 6, 12 and 13). (Note: NAP means that the element does not exist in your system):**

	Included
<b>Court (see question 6)</b>	( X ) Yes ( ) No [ ] NAP
<b>Legal aid (see question 12)</b>	( X ) Yes ( ) No [ ] NAP
<b>Public prosecution services (see question 13)</b>	( X ) Yes ( ) No [ ] NAP

Comments:

**015-3. (Modified question) On the other hand, please specify the other budgetary elements included in the whole justice system budget. (Note: NAP means that the element does not exist in your system):**

	Included
<b>Prison system</b>	( X ) Yes ( ) No [ ] NAP
<b>Probation services</b>	( ) Yes ( ) No [ X ] NAP
<b>Council of the judiciary</b>	( X ) Yes ( ) No [ ] NAP
<b>Constitutional court</b>	( X ) Yes ( ) No [ ] NAP

Judicial management body	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
State advocacy	( ) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Enforcement services	<input checked="" type="checkbox"/> Yes ( ) No <input type="checkbox"/> NAP
Notariat	<input checked="" type="checkbox"/> Yes ( ) No <input type="checkbox"/> NAP
Forensic services	<input checked="" type="checkbox"/> Yes ( ) No <input type="checkbox"/> NAP
Judicial protection of juveniles	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
Functioning of the Ministry of Justice	<input checked="" type="checkbox"/> Yes ( ) No <input type="checkbox"/> NAP
Refugees and asylum seekers services	( ) Yes ( ) No <input checked="" type="checkbox"/> NAP
Immigration Service	( ) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Some police services (e.g. : transfer, investigation, prisoners' security)	( ) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP
Other	( ) Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NAP

Comments - If "other", please specify:

### A3. Please indicate the sources for answering questions 15-1, 15-2 and 15-3:

Sources: Law "On state budget for 2016"

## 2. Access to justice and all courts

### 2.1. Legal Aid

#### 2.1.1. Scope of legal aid

016. Does legal aid apply to:



	Criminal cases	Other than criminal cases
<b>Representation in court</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Legal advice</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**017. Does legal aid include the coverage of or the exemption from court fees?**

- Yes  
 No

Comments - If yes, please specify:

**018. Can legal aid be granted for the fees that are related to the enforcement of judicial decisions (e.g. fees of an enforcement agent)?**

- Yes  
 No

Comments - If yes, please specify:

**019. Can legal aid be granted for other costs (different from those mentioned in questions 16 to 18, e.g. fees of technical advisors or experts, costs of other legal professionals (notaries), travel costs etc.)?**

	Criminal cases	Other than criminal cases
<b>Legal aid granted for other costs</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If yes, please specify:

**2.1.2. Quantitative information on legal aid**

**020. (Modified question) Please indicate the number of cases for which legal aid has been granted:**

	Cases brought to court	Cases not brought to court / non-litigious cases
<b>TOTAL</b>	29202 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>In criminal cases</b>	26827 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>In other than criminal cases</b>	2375 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
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Comments - Please specify when appropriate:

**021. In criminal cases, can individuals who do not have sufficient financial means be assisted by a free of charge (or financed by a public budget) lawyer?**

	Assisted by a free of charge lawyer
<b>Accused individuals</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Victims</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments - If yes, please specify:

**022. If yes, are individuals free to choose their lawyer within the framework of the legal aid system?**

Yes

No

Comments

**023. (Modified question) Does your country have an income and assets evaluation for granting (full or partial) legal aid to the applicant? The answer NAP means that there is no income and/or assets evaluation system for granting legal aid.**

	Annual income value (for one person), (in €)	Annual assets value (for one person), (in €)
<b>Full legal aid for criminal cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Full legal aid for other than criminal cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Partial legal aid for criminal cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Partial legal aid for other than criminal cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If yes, please indicate if any other criteria are taken into account for the granting of legal aid and any comment that could explain the figures provided above: In criminal cases, the courts ensure access to lawyers to all accused persons who are under arrest at the preliminary stage.

**024. In other than criminal cases, is it possible to refuse legal aid for lack of merit of the case (for example for frivolous action or no chance of success)?**

Yes

No

Comments - If yes, please explain the exact criteria for denying legal aid:

**025. In other than criminal cases, is the decision to grant or refuse legal aid taken by (one option only):**

the court

an authority external to the court

a mixed authority (court and external bodies)

Comments

**026. Is there a private system of legal expense insurance enabling individuals (this does not concern companies or other legal persons) to finance court proceedings?**

Yes

No

Comments - If appropriate, please inform about the current development of such insurances in your country; is it a growing phenomenon?

**027. Can judicial decisions direct how legal costs, paid by the parties during the procedure, will be shared:**

	Judicial decisions direct how legal costs will be shared
in criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
in other than criminal cases	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**B1. Please indicate the sources for answering questions 20 and 23 :**

Sources: Law "On Advocates and Advocate Activities" No.783-IG dated 28.12.1999;  
Civil Procedure Code;  
Criminal Procedure Code.

## 2.2.Users of the courts and victims

### 2.2.1.Rights of the users and victims

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

Yes, please indicate the internet adresse(es)	No
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legal texts (e.g. codes, laws, regulations, etc.)	<input checked="" type="checkbox"/> e-qanun.az	<input type="checkbox"/>
case-law of the higher court/s	<input checked="" type="checkbox"/> courts.gov.az	<input type="checkbox"/>
other documents (e.g. downloadable forms, online registration)	<input checked="" type="checkbox"/> justice.gov.az; jlc.gov.az	<input type="checkbox"/>

Comments - Please specify what documents and information the addresses for “other documents” include:

**029. (Modified question) Is there an obligation to provide information to the parties concerning the foreseeable timeframes of proceedings?**

Yes, always

No

Yes, only in some specific situations

Comments - If yes, only in some specific situations, please specify:

**030. Is there a public and free-of-charge specific information system to inform and to help victims of crime?**

Yes

No

Comments - If yes, please specify:

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

	Information mechanism	Special arrangements in hearings	Other specific arrangements
Victims of sexual violence/rape	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims of terrorism	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Minors (witnesses or victims)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Victims of domestic violence	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ethnic minorities	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Disabled persons	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Juvenile offenders	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other (e.g. victims of human trafficking, forced marriage, sexual mutilation)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If “other vulnerable person” and/or “other special arrangements”, please specify:

**031-1. Is it possible for minors to be a party to a judicial proceeding:**

Yes

No

Comments - If yes, please specify which procedures can be concerned (civil, criminal, administrative / normal or accelerated procedure) and at which conditions (can children benefit from legal aid, be represented by a lawyer, etc.):

**032. Does your country allocate compensation for victims of crime?**

Yes, please specify for which kind of offences:all criminal offences

No

Comments

**032-1. (New question) Is a court decision necessary in the framework of the compensation procedure?**

Yes

No

Comments

**033. If yes, does this compensation come from:**

a public fund

damages and interests to be paid by the person responsible

a private fund

Comments

**034. Are there studies that evaluate the recovery rate of the damages awarded by courts to victims?**

Yes

No

Comments - If yes, please illustrate with available data concerning the recovery rate, the title of the studies, the frequency of the studies and the coordinating body:

**035. Do public prosecutors have a specific role with respect to the victims (protection and assistance)?**

Yes

No

Comments - If yes, please specify:

**036. Do victims of crime have the right to dispute a public prosecutor's decision to discontinue a case? Please verify the consistency of your answer with that of question 105 regarding the possibility for a public prosecutor "to discontinue a case without needing a decision by a judge". (The answer NAP means that the public prosecutor cannot decide to discontinue a case on his/her own. A decision by a judge is needed.)**

Yes

( ) No

[ ] NAP

Comments - If necessary, please specify:

## 2.2.2. Confidence of citizens in their justice system

**037. (Modified question) Is there a system for compensating users in the following circumstances:**

	Number of requests for compensation	Number of condemnations	Total amount (in €)
<b>Total</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Excessive length of proceedings</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Non-execution of court decisions</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful arrest</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Wrongful conviction</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other</b>	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Where appropriate, please give details on the compensation procedure and the calculation method for the amount of the compensation (e.g. the amount per day for unjustified detentions or convictions):

**038. (Modified question) Did your country implement surveys aimed at legal professionals and court users to measure their trust in justice and their satisfaction with the services delivered by the judicial system? If yes, how frequently and up to what level?**

	National level	Court level
<b>1. (Satisfaction) surveys aimed at judges</b>	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>2. (Satisfaction) surveys aimed at court staff</b>	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>3. (Satisfaction) surveys aimed at public prosecutors</b>	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
<b>4. (Satisfaction) surveys aimed at lawyers</b>	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

5. (Satisfaction) surveys aimed at the parties	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
6. (Satisfaction) surveys aimed at other court users (e.g. jurors, witnesses, experts, interpreters, representatives of governmental agencies)	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
7. (Satisfaction) surveys aimed at victims	<input checked="" type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc
8. Other not mentioned	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc	<input type="checkbox"/> Annual <input type="checkbox"/> Other regular <input type="checkbox"/> Ad hoc

Comments - Please, indicate the references and links to the satisfaction surveys you mentioned above:

**040. Is there a national or local procedure for making complaints about the functioning of the judicial system? (for example the handling of a case by a judge or the duration of a proceeding)**

Yes

No

Comments

**041. (Modified question) If yes, please specify certain aspects of this procedure:**

	Authority responsible for dealing with the complaint	Time limit for dealing with the complaint
Court concerned	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Higher court	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Ministry of Justice	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Council of the Judiciary	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Other external bodies (e.g. Ombudsman)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**041-1. (Modified question) Please specify further certain aspects of this procedure:**

	Number of complaints	Compensations amount granted to users
Court concerned	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Higher court	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
Ministry of Justice	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

<b>Council of the Judiciary</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other external bodies (e.g. Ombudsman)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP	<input checked="" type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If possible, please give information concerning the efficiency of this complaint procedure and any useful comment:

### 3. Organisation of the court system

#### 3.1. Courts

##### 3.1.1. Number of courts

#### 042. Number of courts considered as legal entities (administrative structures) and geographic locations

	Number of courts
42.1 First instance courts of general jurisdiction (legal entities)	86 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.2 First instance specialised courts (legal entities)	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP
42.3 All the courts (geographic locations) (this includes 1st instance courts of general jurisdiction, first instance specialised courts, all second instance courts and courts of appeal and all supreme courts)	112 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

#### 043. Number (legal entities) of first instance specialised courts (or specific judicial order)

	Number of courts
Total (must be the same as the data given under question 42.2)	18 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Commercial courts (excluded insolvency courts)	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Insolvency courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Labour courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
Family courts	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP



<b>Rent and tenancies courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Enforcement of criminal sanctions courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Fight against terrorism, organised crime and corruption</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Internet related disputes</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Administrative courts</b>	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Insurance and / or social welfare courts</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>Military courts</b>	6 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>Other specialised 1st instance courts</b>	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - If "other specialised 1st instance courts", please specify: There are 7 commercial-administrative courts.

There are 5 grave crimes courts as other specialised 1st instance courts.

At the moment, taking into account the financial difficulties, it is not planned to split the 7 commercial-administrative courts.

**044. Is there a foreseen change in the structure of courts [for example a reduction of the number of courts (geographic locations) or a change in the powers of courts]?**

Yes

No

Comments - If yes, please specify:

**045. Number of first instance courts (geographic locations) competent for a case concerning:**

	Number of courts
<b>a debt collection for small claims</b>	86 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>a dismissal</b>	86 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>a robbery</b>	5 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments

**045-1. (New question) Is your definition for small claims the same as the one in the Explanatory note?**

( ) Yes

( X ) No, please give your definition for small claims: .....

Comments There is no definition for small claims in legislation

### 045-2. (New question) Please indicate the value in € of a small claim:

[ 0 ]

Comments There is no definition for small claims in legislation

### C. Please indicate the sources for answering questions 42, 43 and 45:

Sources: Judicial-Legal Council; Law "On courts and judges" dated 1997.

## 3.2. Court staff

### 3.2.1. Judges and non-judge staff

046. Number of professional judges sitting in courts (if possible on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
<b>Total number of professional judges (1 + 2 + 3)</b>	509 [ ] NA [ ] NAP	447 [ ] NA [ ] NAP	62 [ ] NA [ ] NAP
<b>1. Number of first instance professional judges</b>	344 [ ] NA [ ] NAP	303 [ ] NA [ ] NAP	41 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) professional judges</b>	127 [ ] NA [ ] NAP	112 [ ] NA [ ] NAP	15 [ ] NA [ ] NAP
<b>3. Number of supreme court professional judges</b>	38 [ ] NA [ ] NAP	32 [ ] NA [ ] NAP	6 [ ] NA [ ] NAP

Comment - Please provide any useful comment for interpreting the data above:

047. Number of court presidents (professional judges). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts

	Total	Males	Females
<b>Total number of court presidents (1 + 2 + 3)</b>	102 [ ] NA [ ] NAP	98 [ ] NA [ ] NAP	4 [ ] NA [ ] NAP

<b>1. Number of first instance court presidents</b>	95 [ ] NA [ ] NAP	92 [ ] NA [ ] NAP	3 [ ] NA [ ] NAP
<b>2. Number of second instance (court of appeal) court presidents</b>	6 [ ] NA [ ] NAP	5 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP
<b>3. Number of supreme court presidents</b>	1 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP	0 [ ] NA [ ] NAP

Comments

**048. Number of professional judges sitting in courts on an occasional basis and who are paid as such (if possible on 31 December of the reference year):**

	Figure
<b>Gross figure</b>	[ ] NA [ X ] NAP
<b>In full-time equivalent</b>	[ ] NA [ X ] NAP

Comments - If necessary, please provide comments to explain the answer provided:

**048-1. (New question) Do these professional judges sitting in courts on an occasional basis deal with a significant part of cases?**

- ( ) Yes, please give specifications on the types of cases and an estimate in percentage. ....  
 ( X ) No

Comments

**049. (Modified question) Number of non-professional judges who are not remunerated but who can possibly receive a simple defrayal of costs (if possible on 31 December of the reference year) (e.g. lay judges and “juges consulaires”, but not arbitrators and persons sitting in a jury):**

	Figure
<b>Gross figure</b>	[ ] NA [ X ] NAP
<b>In full time equivalent</b>	[ ] NA [ X ] NAP

Comments

**049-1. If such non-professional judges exist in first instance in your country, please specify for which types of cases:**

Yes	No	Echevinage
-----	----	------------

in criminal law cases	( )	( X )	( )
- severe criminal cases	( )	( X )	( )
- misdemeanour and/or minor criminal cases	( )	( X )	( )
in family law cases	( )	( X )	( )
in civil cases	( )	( X )	( )
in labour law cases	( )	( X )	( )
in social law cases	( )	( X )	( )
in commercial law cases	( )	( X )	( )
in insolvency cases	( )	( X )	( )
other	( )	( X )	( )

Comments - If "other", please specify:

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

( ) Yes

( X ) No

Comments

**050-1. (New question) If yes, for which type of case(s)? (Please, for severe criminal cases and misdemeanour cases refer to the CEPEJ definitions)**

[ ] Severe criminal cases

[ ] Misdemeanour cases

[ ] Other cases

Comments

**051. Number of citizens who were involved in such juries for the year of reference:**

[ ]

[ ] NA

[ X ] NAP

Comments

**052. Number of non-judge staff who are working in courts (on 31 December of the reference year) (this data should not include the staff working for public prosecutors; see question 60) (please give the information in full-time equivalent and for permanent posts actually filled)**

Total	Males	Females
-------	-------	---------

<b>Total non-judge staff working in courts (1 + 2 + 3 + 4 + 5)</b>	2610 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Rechtspfleger (or similar bodies) with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2. Non-judge staff whose task is to assist the judges such as registrars (case file preparation, assistance during the hearing, court recording, helping to draft the decisions)</b>	1084 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Staff in charge of different administrative tasks and of the management of the courts (human resources management, material and equipment management, including computer systems, financial and budgetary management, training management)</b>	1107 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>4. Technical staff</b>	419 [ ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>5. Other non-judge staff</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments - If "other non-judge staff", please specify: The increase in the number of staff in charge of different administrative tasks and of the management of the courts is due to the increase in the number of staff responsible for application of E-court system.

**053. (Modified question) If there are Rechtspfleger (or similar bodies) in your judicial system, please specify in which fields do they have a role:**

- legal aid
- family cases
- payment orders
- registry cases (land and/or business registry cases)
- enforcement of civil cases
- enforcement of criminal cases
- other cases not mentioned (please describe in comment)
- non-litigious cases

Comments - Please briefly describe their status and duties:

**054. Have the courts outsourced certain services, which fall within their powers, to private providers?**

- Yes
- No

Comments

**054-1. (New question) If yes, please specify which services have been outsourced:**

- IT services
- Training of staff
- Security
- Archives
- Cleaning
- Other types of services (please specify): .....

Comments

**C1. Please indicate the sources for answering questions 46, 47, 48, 49 and 52**

Sources: Judicial-Legal Council;  
Ministry of Justice.

**3.3. Public prosecution**

**3.3.1. Public prosecutors and staff**

**055. Number of public prosecutors (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled for all types of courts - general jurisdiction and specialised courts.**

	Total	Males	Females
<b>Total number of prosecutors (1 + 2 + 3)</b>	1092 [ ] NA [ ] NAP	1038 [ ] NA [ ] NAP	54 [ ] NA [ ] NAP
<b>1. Number of prosecutors at first instance level</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Number of prosecutors at second instance (court of appeal) level</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Number of prosecutors at supreme court level</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Please indicate any useful comment for interpreting the data above:

**056. Number of heads of prosecution offices (on 31 December of the reference year). Please give the information in full-time equivalent and for permanent posts actually filled, for all types of courts – ordinary and specialised jurisdictions.**

Total	Males	Females
-------	-------	---------

<b>Total number of heads of prosecution offices (1 + 2 + 3)</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>1. Number of heads of prosecution offices at first instance level</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>2. Number of heads of prosecution offices at second instance (court of appeal) level</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>3. Number of heads of prosecution offices at supreme court level</b>	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP	[ X ] NA [ ] NAP

Please provide any useful comment for interpreting the data above:

**057. Do other persons have similar duties to public prosecutors?**

- ( ) Yes, please specify their number (in full-time equivalent): .....
- ( X ) No

Comments - If yes, please specify their title and functions:

**059. If yes, is their number included in the number of public prosecutors that you have indicated under question 55?**

- ( ) Yes
- ( X ) No

Comments

**059-1. Do prosecution offices have specially trained prosecutors in domestic violence and sexual violence etc.?**

- ( X ) Yes
- ( ) No

Comments

**060. Number of staff (non-public prosecutors) attached to the public prosecution service (on 31 December of the reference year) (without the number of non-judge staff, see question 52) (in full-time equivalent and for permanent posts actually filled).**

	<b>Total</b>	<b>Males</b>	<b>Females</b>
<b>Number of staff (non-public prosecutors) attached to the public prosecution service</b>	[ X ] NA	[ X ] NA	[ X ] NA

Comments

**C2. Please indicate the sources for answering questions 55, 56 and 60**

Sources: General Prosecutor Office

### 3.4. Management of the court budget

#### 3.4.1. Court budget

061. Who is entrusted with responsibilities related to the budget within the court?

	Preparation of the budget	Arbitration and allocation of the budget	Day to day management of the budget	Evaluation and control of the use of the budget
Management Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Court President	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Court administrative director	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Head of the court clerk office	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If "other", please specify:

### 3.6. Performance and evaluation

#### 3.6.1. National policies applied in courts and public prosecution services

066. Are quality standards determined for the judicial system (are there quality systems for the judiciary and/or judicial quality policies)?

Yes

No

Comments - If yes, please specify:

067. Do you have specialised court staff that is entrusted with these quality standards?

Yes

No

Comments

068. Is there a national system to evaluate the overall (smooth) functioning of courts on the basis of an evaluation plan agreed beforehand?

Yes

No

Comments

068-1. (New question) If yes, please specify the frequency of this evaluation:

Annual

Less frequent

More frequent



Comments - If "less frequent" or "more frequent", please specify:

**069. Is there a system for monitoring and evaluating the performance of the public prosecution service?**

Yes

No

Comments - If yes, please give further details:

**3.6.2. Performance and evaluation of courts**

**070. Do you have, within the courts, a regular monitoring system of court activities concerning:**

number of incoming cases

number of decisions delivered

number of postponed cases

length of proceedings (timeframes)

age of cases

other (please specify): .....

Comments

**071. Do you monitor backlogs and cases that are not processed within a reasonable timeframe for:**

civil law cases

criminal law cases

administrative law cases

Comments We connected the administrative courts to AZEMIS e-court system and now, we are able to e-monitoring backlogs in these courts.

**072. Do you have an evaluation process to monitor waiting time during court procedures?**

Yes

No

Comments - If yes, please specify:

**073. Do you have a system to evaluate regularly the activity (in terms of performance and output) of each court?**

Yes

No

Comments

**073-0. (New question) If yes, please specify the frequency:**

Annual

Less frequent

More frequent

Comments - If "less frequent" or "more frequent", please specify:

**073-1. Is this evaluation of the court activity used for the later allocation of means to this court?**

Yes

No

Comments

**074. Are there performance targets defined at the level of the court?**

Yes

No

Comments

**075. (Modified question) Please specify the main targets applied to the courts:**

to increase efficiency / to shorten the length of proceedings

to improve quality

to improve cost efficiency / productivity

Other (please specify): .....

Comments

**076. Who is responsible for setting the targets for the courts?**

Executive power (for example the Ministry of Justice)

Legislative power

Judicial power (for example High Judicial Council, Higher Court)

President of the court

Other (please specify): Association of Judges

Comments

**077. Concerning court activities, have you defined performance and quality indicators (if no, please skip to question 79)**

Yes

No

Comments

**078. If yes, please select the main performance and quality indicators that have been defined:**

incoming cases

length of proceedings (timeframes)

closed cases

pending cases and backlogs

productivity of judges and court staff

percentage of cases that are processed by a single sitting judge

enforcement of penal decisions

- satisfaction of court staff
- satisfaction of users (regarding the services delivered by the courts)
- judicial quality and organisational quality of the courts
- costs of the judicial procedures
- number of appeals
- other (please specify): .....

**079. Who is responsible for evaluating the performance of the courts (multiple options possible) :**

- High Council of judiciary
- Ministry of Justice
- Inspection authority
- Supreme Court
- External audit body
- Other (please specify): .....

Comments

**3.6.3. Court activity and administration**

**080. Is there a centralised institution that is responsible for collecting statistical data regarding the functioning of the courts and judiciary?**

- Yes (please indicate the name and the address of this institution): .....
- No

Comments

**080-1. Does this institution publish statistics on the functioning of each court:**

- Yes, on internet
- No, only internally (in an intranet website)
- No

Comments

**081. Are individual courts required to prepare an activity report (that includes, for example, data on the number of cases processed or pending cases, the number of judges and administrative staff, targets and assessment of the activity)?**

- Yes
- No

Comments - If yes, please describe the content of the report and its audience (i.e. to whom the report is intended):

**081-1. If yes, please specify in which form this report is released:**

- Internet
- Intranet (internal) website
- Paper distribution

Comments

**081-2. (New question) If yes, please, indicate the periodicity at which the report is released:**

- Annual
- Less frequent
- More frequent

Comments

**082. (Modified question) Is there a process or structure of dialogue between the public prosecutor service and courts as regards the way cases are presented before courts (for example the organisation, number and planning of hearings, on-call service for urgent cases, selection of simplified procedures of prosecution...)?**

- Yes
- No

Comments - If yes, please specify:

**082-1. (Modified question) Is there a process or structure of dialogue between lawyers and courts as regards the way cases are presented before courts in other than criminal matter (e.g. organisation, number and planning of hearings, on-call service for urgent cases)?**

- Yes
- No

Comments - If yes, please specify:

### 3.6.4. Performance and evaluation of judges

**083. Are there quantitative performance targets (for instance a number of cases to be addressed in a month) defined for each judge?**

- Yes
- No

Comments

**083-1. Who is responsible for setting the targets for each judge?**

- Executive power (for example the Ministry of Justice)
- Legislative power
- Judicial power (for example the High Judicial Council, Supreme Court)
- President of the court
- Other (please specify): .....

Comments

### New node

## 4. Fair trial

### 4.1. Principles

#### 4.1.1. Principles of fair trial

084. Percentage of first instance criminal in absentia judgments (cases in which the suspect is not attending the hearing in person nor represented by a lawyer)?

[            ]

[ X ] NA

[   ] NAP

Comments

085. Is there a procedure to effectively challenge a judge if a party considers that the judge is not impartial?

( X ) Yes, number of successful challenges in a year 0

(   ) No

Comments - Please could you briefly specify:

086. Is there in your country a monitoring system for the violations related to Article 6 of the European Convention on Human Rights?

	Monitoring system
For civil procedures (non-enforcement)	(   ) Yes ( X ) No [   ] NAP
For civil procedures (timeframe)	(   ) Yes ( X ) No [   ] NAP
For criminal procedures (timeframe)	(   ) Yes ( X ) No [   ] NAP

Comments - Please, specify what are the terms and conditions of this monitoring system (information related to violations at the State/courts level; implementation of internal systems to remedy the established violation; implementation of internal systems to prevent other violations (that are similar) and if possible to measure an evolution of the established violations:

**D1. Please indicate the sources for answering questions in this chapter.**

Sources: NA

### 4.2. Timeframe of proceedings

#### 4.2.1. General information

**087. Are there specific procedures for urgent matters as regards:**

- civil cases
- criminal cases
- administrative cases
- There is no specific procedure

Comments - If yes, please specify:

**088. Are there simplified procedures for:**

- civil cases (small disputes)
- criminal cases (misdemeanour cases)
- administrative cases
- There is no simplified procedure

Comments - If yes, please specify:

**088-1. (Modified question) For these simplified procedures, may judges deliver an oral judgement with a written order and dispense with a full reasoned judgement?**

- civil cases
- criminal cases
- administrative cases

Comments - If yes, please specify:

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

- Yes
- No

Comments - If yes, please specify:

**4.2.2. Case flow management – first instance**



**091. (Modified question) First instance courts: number of other than criminal law cases.**

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	23613 <input type="checkbox"/> NA <input type="checkbox"/> NAP	446878 <input type="checkbox"/> NA <input type="checkbox"/> NAP	436713 <input type="checkbox"/> NA <input type="checkbox"/> NAP	33778 <input type="checkbox"/> NA <input type="checkbox"/> NAP	430 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	20748 [ ] NA [ ] NAP	430242 [ ] NA [ ] NAP	421562 [ ] NA [ ] NAP	29428 [ ] NA [ ] NAP	393 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.1. Non litigious land registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.2 Non-litigious business registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.2.3. Other registry cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>2.3. Other non-litigious cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>3. Administrative law cases</b>	2865 [ ] NA [ ] NAP	16636 [ ] NA [ ] NAP	15151 [ ] NA [ ] NAP	4350 [ ] NA [ ] NAP	37 [ ] NA [ ] NAP
<b>4. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments The number of incoming and resolved civil and commercial litigious cases increased in a meaningful way between 2014 and 2016 due to a significant increase in credit contract disputes. The total of incoming and resolved other than criminal law cases is affected. There is no specific explanation concerning the increase in the number of pending administrative law cases on 31 December 2016.

**092. If courts deal with “civil (and commercial) non-litigious cases”, please indicate the case categories included:**

. No comment

093. Please indicate the case categories included in the category "other cases":

. No comment
--------------

094. (Modified question) First instance courts: number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the first instance court
<b>Total of criminal law cases (1+2)</b>	2421 [ ] NA [ ] NAP	13570 [ ] NA [ ] NAP	13408 [ ] NA [ ] NAP	2583 [ ] NA [ ] NAP	100 [ ] NA [ ] NAP
<b>1. Severe criminal cases</b>	542 [ ] NA [ ] NAP	2049 [ ] NA [ ] NAP	1988 [ ] NA [ ] NAP	603 [ ] NA [ ] NAP	36 [ ] NA [ ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	1879 [ ] NA [ ] NAP	11521 [ ] NA [ ] NAP	11420 [ ] NA [ ] NAP	1980 [ ] NA [ ] NAP	64 [ ] NA [ ] NAP

Comments - If you cannot make a distinction between misdemeanour criminal cases and severe criminal cases (according to the CEPEJ definitions), please indicate the categories of cases reported in the category "serious offences" and cases reported in the category "minor offences": No comment

4.2.3. Case flow management – second instance



097. (Modified question) Second instance courts (appeal): Number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the second instance court (Please insert NA for category 2)
<b>Total of other than criminal law cases (1+2+3+4)</b>	3674 [ ] NA [ ] NAP	27275 [ ] NA [ ] NAP	26002 [ ] NA [ ] NAP	4947 [ ] NA [ ] NAP	91 [ ] NA [ ] NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	3064 [ ] NA [ ] NAP	23028 [ ] NA [ ] NAP	21817 [ ] NA [ ] NAP	4275 [ ] NA [ ] NAP	78 [ ] NA [ ] NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP



<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2.1. Non litigious land registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2.2 Non-litigious business registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2.3. Other registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>3. Administrative law cases</b>	610 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4247 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4185 <input type="checkbox"/> NA <input type="checkbox"/> NAP	672 <input type="checkbox"/> NA <input type="checkbox"/> NAP	13 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>4. Other cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments No particular explanation could be provided in respect of the increases in the numbers of civil and commercial litigious cases and administrative law cases, affecting the total.

**098. (Modified question) Second instance courts (appeal): number of criminal law cases.**

	<b>Pending cases on 1 Jan. ref. year</b>	<b>Incoming cases</b>	<b>Resolved cases</b>	<b>Pending cases on 31 Dec. ref. year</b>	<b>Pending cases older than 2 years from the date the case came to the second instance court</b>
<b>Total of criminal law cases (1+2)</b>	548 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4500 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4359 <input type="checkbox"/> NA <input type="checkbox"/> NAP	689 <input type="checkbox"/> NA <input type="checkbox"/> NAP	22 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Severe criminal cases</b>	233 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1391 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1292 <input type="checkbox"/> NA <input type="checkbox"/> NAP	332 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	315 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3109 <input type="checkbox"/> NA <input type="checkbox"/> NAP	3067 <input type="checkbox"/> NA <input type="checkbox"/> NAP	357 <input type="checkbox"/> NA <input type="checkbox"/> NAP	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments No particular explanation could be provided in respect of the increase in the total number of criminal law cases pending on 31



#### 4.2.4. Case flow management – Supreme Court

099. (Modified question) Highest instance courts (Supreme Court): number of “other than criminal law” cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court (Please insert NA for category 2))
<b>Total of other than criminal law cases (1+2+3+4)</b>	1012 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9688 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8810 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1890 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>1. Civil (and commercial) litigious cases (including litigious enforcement cases and if possible without administrative law cases, see category 3)</b>	650 <input type="checkbox"/> NA <input type="checkbox"/> NAP	7592 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6908 <input type="checkbox"/> NA <input type="checkbox"/> NAP	1334 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2. Non litigious cases (2.1+2.2+2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.1. General civil (and commercial) non-litigious cases, e.g. uncontested payment orders, request for a change of name, non-litigious enforcement cases etc. (if possible without administrative law cases, see category 3; without registry cases and other cases, see categories 2.2 and 2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2. Registry cases (2.2.1+2.2.2+2.2.3)</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2.1. Non litigious land registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2.2 Non-litigious business registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.2.3. Other registry cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>2.3. Other non-litigious cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

<b>3. Administrative law cases</b>	362 [ ] NA [ ] NAP	2096 [ ] NA [ ] NAP	1902 [ ] NA [ ] NAP	556 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>4. Other cases</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP

Comments No particular explanation could be provided in respect of the increases in the numbers of civil and commercial litigious cases and administrative law cases, affecting the total.

### 099-1. At the level of the Highest court (Supreme Court), is there a procedure of manifest inadmissibility?

( ) Yes, please indicate the number of cases closed by this procedure: .....

( X ) No

Comments No comment

### 100. (Modified question) Highest instance courts (Supreme Court): number of criminal law cases.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec. ref. year	Pending cases older than 2 years from the date the case came to the Supreme court
<b>Total of criminal law cases (1+2)</b>	394 [ ] NA [ ] NAP	2166 [ ] NA [ ] NAP	2005 [ ] NA [ ] NAP	555 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>1. Severe criminal cases</b>	258 [ ] NA [ ] NAP	970 [ ] NA [ ] NAP	1023 [ ] NA [ ] NAP	205 [ ] NA [ ] NAP	[ ] NA [ X ] NAP
<b>2. Misdemeanour and / or minor criminal cases</b>	136 [ ] NA [ ] NAP	1196 [ ] NA [ ] NAP	982 [ ] NA [ ] NAP	350 [ ] NA [ ] NAP	[ ] NA [ X ] NAP

Comments No particular explanation could be provided in respect of the increase in the total number of criminal law cases pending on 31 December 2016.

### 4.2.5. Case flow management – specific cases

101. (Modified question) Number of litigious divorce cases, employment dismissal cases, insolvency, robbery cases, intentional homicide cases, cases relating to asylum seekers and cases relating to the right of entry and stay for aliens received and processed by first instance courts.

	Pending cases on 1 Jan. ref. year	Incoming cases	Resolved cases	Pending cases on 31 Dec ref. year
<b>Litigious divorce cases</b>	3598 [ ] NA [ ] NAP	18343 [ ] NA [ ] NAP	17503 [ ] NA [ ] NAP	4438 [ ] NA [ ] NAP
<b>Employment dismissal cases</b>	72 [ ] NA [ ] NAP	893 [ ] NA [ ] NAP	884 [ ] NA [ ] NAP	81 [ ] NA [ ] NAP
<b>Insolvency</b>	4 [ ] NA [ ] NAP	30 [ ] NA [ ] NAP	23 [ ] NA [ ] NAP	11 [ ] NA [ ] NAP

<b>Robbery case</b>	36 [ ] NA [ ] NAP	126 [ ] NA [ ] NAP	119 [ ] NA [ ] NAP	43 [ ] NA [ ] NAP
<b>Intentional homicide</b>	88 [ ] NA [ ] NAP	257 [ ] NA [ ] NAP	261 [ ] NA [ ] NAP	84 [ ] NA [ ] NAP
<b>Cases relating to asylum seekers (refugee status under the 1951 Geneva Convention)</b>	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP	[ ] NA [ X ] NAP
<b>Cases relating to the right of entry and stay for aliens</b>	4 [ ] NA [ ] NAP	7 [ ] NA [ ] NAP	10 [ ] NA [ ] NAP	1 [ ] NA [ ] NAP

Comments No particular explanation could be provided in respect of the increases in the number of cases pertaining to the different categories. When analysing the observed variations, the small numbers should be taken into account.

**101-1. (New question) Could you briefly describe the system in your country dealing with judicial remedies relating to asylum seekers (refugee status under the 1951 Geneva Convention) and the right of entry and stay for aliens:**

. No comment

**102. Average length of proceedings, in days (from the date the application for judicial review is lodged). The average length of proceedings has to be calculated from the date the application for judicial review is lodged to the date the judgment is made, without taking into account the enforcement procedure.**

	% of decisions subject to appeal	Average length in 1st instance (in days)	Average length in 2nd instance (in days)	Average length in 3rd instance (in days)	Average total length of the total procedure (in days)	% of cases pending for more than 3 years for all instances
<b>Litigious divorce case</b>	[ ] NA [ X ] NAP	120 [ ] NA [ ] NAP	90 [ ] NA [ ] NAP	60 [ ] NA [ ] NAP	270 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Employment dismissal case</b>	[ ] NA [ X ] NAP	30 [ ] NA [ ] NAP	90 [ ] NA [ ] NAP	60 [ ] NA [ ] NAP	180 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Insolvency</b>	[ ] NA [ X ] NAP	90 [ ] NA [ ] NAP	90 [ ] NA [ ] NAP	60 [ ] NA [ ] NAP	240 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Robbery case</b>	[ ] NA [ X ] NAP	95 [ ] NA [ ] NAP	55 [ ] NA [ ] NAP	35 [ ] NA [ ] NAP	185 [ ] NA [ ] NAP	[ X ] NA [ ] NAP
<b>Intentional homicide</b>	[ ] NA [ X ] NAP	120 [ ] NA [ ] NAP	70 [ ] NA [ ] NAP	45 [ ] NA [ ] NAP	235 [ ] NA [ ] NAP	[ X ] NA [ ] NAP

Comments As concerns the increases in the average length in first instance for litigious divorce cases and insolvency cases, no particular

reason is to be pointed out.

**103. Where appropriate, please indicate the specific procedure as regards divorce cases (litigious and non-litigious):**

. No comment

**104. How is the length of proceedings calculated for the five case categories of question 102? Please give a description of the calculation method.**

. According to the Civil Procedural and Criminal Procedural codes it is provided timeframes for considering and finalizing the cases in all instances. For example for most of civil cases 3 months, in appeal court three months, Supreme Court two months. For criminal cases the judges discussed and approved average calculated timeframes for this type of cases.

**4.2.6. Case flow management – public prosecution**



**105. Role and powers of the public prosecutor in the criminal procedure (multiple options possible):**

- [ X ] to conduct or supervise police investigation
- [ X ] to conduct investigations
- [ ] when necessary, to request investigation measures from the judge
- [ X ] to charge
- [ X ] to present the case in court
- [ X ] to propose a sentence to the judge
- [ X ] to appeal
- [ ] to supervise the enforcement procedure
- [ X ] to discontinue a case without needing a decision by a judge (ensure consistency with question 36!)
- [ ] to end the case by imposing or negotiating a penalty or measure without requiring a judicial decision
- [ ] other significant powers (please specify): .....

Comments No comment

**106. (Modified question) Does the public prosecutor also have a role in:**

- [ X ] civil cases
- [ X ] administrative cases
- [ ] insolvency cases

Comments - If yes, please specify:

**107. Cases processed by the public prosecutor - Total number of first instance criminal cases:**

	Received during the reference year	Discontinued during the reference year (see Q108 below)	Concluded by a penalty or a measure imposed or negotiated by the public prosecutor	Cases brought to court
<b>Total number of first instance cases processed by the public prosecutor</b>	8063 [ X ] NA [ ] NAP	8063 [ ] NA [ ] NAP	[ ] NA [ X ] NAP	12094 [ ] NA [ ] NAP

Comments

**107-1. (Modified question) If the guilty plea procedures exist, how many cases were brought to court by the prosecutor through this procedure?**

	Number of guilty plea procedures
<b>Total</b>	[ ] NA [ X ] NAP
<b>Before the court case</b>	[ ] NA [ X ] NAP
<b>During the court case</b>	[ ] NA [ X ] NAP

Comments

**108. Total cases which were discontinued by the public prosecutor:**

	Number of cases
<b>Total cases which were discontinued by the public prosecutor (1+2+3)</b>	8063 [ ] NA [ ] NAP
<b>1. Discontinued by the public prosecutor because the offender could not be identified</b>	4973 [ ] NA [ ] NAP
<b>2. Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation</b>	2156 [ ] NA [ ] NAP
<b>3. Discontinued by the public prosecutor for reasons of opportunity</b>	934 [ ] NA [ ] NAP

Comments No particular explanation could be provided in respect of the increases in the number of cases discontinued by the public prosecutor because the offender could not be identified and the number of cases discontinued for reasons of opportunity.

**109. Do the figures include traffic offence cases?**

( ) Yes

( X ) No

Comments

**D2. Please indicate the sources for answering questions 91, 94, 97, 98, 99, 100, 101, 102, 107, 107-1 and 108.**

Sources: Letter of the General Prosecutor Office.

## **5. Career of judges and public prosecutors**

### **5.1. Recruitment and promotion**

#### **5.1.1. Recruitment and promotion of judges**

##### **110. (Modified question) How are judges recruited?**

- mainly through a competitive exam (open competition)
- mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)
- a combination of both (competitive exam and working experience)
- other (please specify): .....

Comments According to the legislation of Azerbaijan judges recruitment procedures are consisted of 6 stages:

1. Test exam
2. Written exam
3. Oral exam
- After the one year training in the Justice Academy and practice in courts: 4. Written exam
5. Oral exam
6. Interview with members of the Judicial-legal Council

##### **110-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting judges?**

- Yes
- No

Comments - If yes, please specify:

##### **111. Authority(ies) responsible for recruitment. Are judges initially/at the beginning of their career recruited and nominated by:**

- an authority made up of judges only
- an authority made up of non-judges only
- an authority made up of judges and non-judges

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of judges. If there are several authorities, please describe their respective roles:

##### **112. Is the same authority (Q111) competent for the promotion of judges?**

- Yes

No

Comments

**112-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting judges?**

Yes

No

Comments - If yes, please specify:

**113. What is the procedure for judges to be promoted? (multiple answers possible)**

Competitive test / Exam

Other procedure (interview or other)

No special procedure

Comments - Please specify how the promotion of judges is organised (especially if there is no competition or examination):

**113-1. Please indicate the criteria used for the promotion of a judge? (multiple answers possible)**

Years of experience

Professional skills (and/or qualitative performance)

Performance (quantitative)

Assessment results

Subjective criteria (e.g. integrity, reputation)

Other

No criteria

Comments - Please specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

**114. (Modified question) Is there a system of qualitative individual assessment of the judges' work?**

Yes

No

Comments

**114. If yes, please specify the frequency of this assessment:**

Annual

Less frequent

More frequent

**5.1.2. Status, recruitment and promotion of prosecutors**

**115. What is the status of prosecution services?**

statutory independent

under the authority of the Minister of justice or another central authority



other (please specify): .....

Comments - When appropriate, please specify the objective guarantees of this independence (transfer, appointment...).

**115-1. Does the law or another regulation prevent specific instructions to prosecute or not, addressed to a prosecutor in a court.**

Yes

No

Comments - If yes, please specify:

**116. How are public prosecutors recruited?**

mainly through a competitive exam (open competition)

mainly through a recruitment procedure for experienced legal professionals (for example experienced lawyers)

a combination of both (competitive exam and working experience)

other (please specify): .....

Comments

**117. Authority(ies) responsible for recruitment. Are public prosecutors initially/at the beginning of their career recruited by:**

an authority composed of public prosecutors only

an authority composed of non-public prosecutors only

an authority composed of public prosecutors and non-public prosecutors

Comments - Please indicate the name of the authority(ies) involved in the whole procedure of recruitment and nomination of public prosecutors. If there are several authorities, please describe their respective roles:

**117-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for recruiting prosecutors?**

Yes

No

Comments - If yes, please specify:

**118. Is the same authority (Q.117) formally responsible for the promotion of public prosecutors?**

Yes

No, please specify which authority is competent for promoting public prosecutors .....

Comments

**119. What is the procedure for prosecutors to be promoted? (multiple answers possible)**

Competitive test / exam

Other procedure (interview or other)

No special procedure

Comments - Please, specify the procedure (especially if it is a procedure different from a competitive test or an exam):

**119-1. Are there specific provisions for facilitating gender equality within the framework of the procedure for promoting prosecutors?**

- Yes
- No

Comments - If yes, please specify:

**119-2. Please indicate the criteria used for the promotion of a prosecutor:**

- Years of experience
- Professional skills (and/or qualitative performance)
- Performance (quantitative)
- Assessment results
- Subjective criteria (e.g. integrity, reputation)
- Other
- No criteria

Comments - Please, specify any useful comment regarding the criteria (especially if you have checked the box "performance" or "other"):

**120. Is there a system of qualitative individual assessment of the public prosecutors' work?**

- Yes
- No

Comments NA

**5.1.3.Mandate and retirement of judges and prosecutors**



**121. Are judges appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

- Yes, please indicate the compulsory retirement age:66
- No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify: According to the changes in the Law on courts and judges dated 30 December 2014 the judges period of appointment is defined for judges of first instance and appeal courts 66, the Supreme Court judges 68. At the same time the probational period was decreased from 5 years to three years.

**121-1. Can a judge be transferred (to another court) without his/her consent:**

- For disciplinary reasons
- For organisational reasons
- For other reasons (please specify modalities and safeguards): .....
- No

Comments If the court was merged with other court or was closed as an entity the judge is to be transferred to other court based on her/his wish.

**122. Is there a probation period for judges (e.g. before being appointed "for life")? If yes, how long is this period?**

Yes, duration of the probation period (in years):3

No

NAP

Comments According to the changes in the Law on courts and judges dated 30 December 2014 the probational period was decreased from 5 years to 3 years.

**123. Are public prosecutors appointed to office for an undetermined period (i.e. "for life" = until the official age of retirement)?**

Yes, please indicate the compulsory retirement age:60

No

Comments - If yes, are there exceptions (e.g. dismissal as a disciplinary sanction)? Please specify:

**124. Is there a probation period for public prosecutors? If yes, how long is this period?**

Yes, duration of the probation period (in years):1

No

Comments

**125. If the mandate for judges is not for an undetermined period (see question 121), what is the length of the mandate (in years)? Is it renewable?**

Yes, what is the length of the mandate (in years)? .....

No

Comments

**126. If the mandate for public prosecutors is not for an undetermined period (see question 123), what is the length of the mandate (in years)? Is it renewable?**

Yes, what is the length of the mandate (in years)? .....

No, what is the length of the mandate (in years)? .....

Comments

**5.2. Training**

**5.2.1. Training of judges**



**127. Types of different trainings offered to judges**

	Compulsory	Optional	No training proposed
<b>Initial training (e.g. attend a judicial school, traineeship in the court)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>General in-service training</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>In-service training for management functions of the court (e.g. court president)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in courts</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments

## 128. Frequency of the in-service training of judges:

	Frequency of the judges training
<b>General in-service training</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for management functions of the court (e.g. court president)</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed
<b>In-service training for the use of computer facilities in courts</b>	[ X ] Regularly (for example every year) [ ] Occasional (as needed) [ ] No training proposed

Comments - Please indicate any information on the periodicity of the continuous training of judges:

## 5.2.2. Training of prosecutors

### 129. Types of different trainings offered to public prosecutors

	Compulsory	Optional	No training proposed
<b>Initial training</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>General in-service training</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training for specialised functions (e.g. public prosecutors specialised on organised crime)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training for management functions in the courts (e.g. Head of prosecution office, manager)</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No
<b>In-service training for the use of computer facilities in office</b>	( X ) Yes ( ) No	( ) Yes ( X ) No	( ) Yes ( X ) No

Comments No comment

**130. Frequency of the in-service training of public prosecutors :**

	Frequency of the in-service training
General in-service training	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for specialised functions (e.g. public prosecutor specialised on organised crime)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for management functions in office (e.g. Head of prosecution office, manager)	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed
In-service training for the use of computer facilities in office	<input checked="" type="checkbox"/> Regularly (for example every year) <input type="checkbox"/> Occasional (as needed) <input type="checkbox"/> No training proposed

Comments - Please indicate any information on the periodicity of the in-service training of prosecutors: No comment

**131. Do you have public training institutions for judges and / or prosecutors?**

	Initial training only	Continuous training only	Initial and continuous training
One institution for judges	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
One institution for prosecutors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
One single institution for both judges and prosecutors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Comments

**131-0. (Modified question) If yes, what is the budget of such institution(s)?**

	Budget of the institution for the reference year, in €
One institution for judges	824751 <input type="checkbox"/> NA <input type="checkbox"/> NAP
One institution for prosecutors	691256 <input type="checkbox"/> NA <input type="checkbox"/> NAP
One single institution for both judges and prosecutors	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments No comment

**131-1. If judges and/or prosecutors have no compulsory initial training in such institutions, please**

indicate briefly how these judges and/or prosecutors are trained?

. No comment

### 5.3.Practice of the profession

#### 5.3.1.Salaries and benefits of judges and prosecutors



132. Salaries of judges and public prosecutors on 31 December of the reference year:

	Gross annual salary, in €	Net annual salary, in €	Gross annual salary, in local currency	Net annual salary, in local currency
First instance professional judge at the beginning of his/her career	12930 <input type="checkbox"/> NA <input type="checkbox"/> NAP	10686 <input type="checkbox"/> NA <input type="checkbox"/> NAP	24108 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19923 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Judge of the Supreme Court or the Highest Appellate Court (please indicate the average salary of a judge at this level, and not the salary of the Court President)	19718 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15950 <input type="checkbox"/> NA <input type="checkbox"/> NAP	36763 <input type="checkbox"/> NA <input type="checkbox"/> NAP	29738 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor at the beginning of his/her career	3283 <input type="checkbox"/> NA <input type="checkbox"/> NAP	2626 <input type="checkbox"/> NA <input type="checkbox"/> NAP	6120 <input type="checkbox"/> NA <input type="checkbox"/> NAP	4896 <input type="checkbox"/> NA <input type="checkbox"/> NAP
Public prosecutor of the Supreme Court or the Highest Appellate Instance (please indicate the average salary of a public prosecutor at this level, and not the salary of the Attorney General).	10684 <input type="checkbox"/> NA <input type="checkbox"/> NAP	8547 <input type="checkbox"/> NA <input type="checkbox"/> NAP	19920 <input type="checkbox"/> NA <input type="checkbox"/> NAP	15936 <input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments No comment

133. Do judges and public prosecutors have additional benefits?

	Judges	Public prosecutors
Reduced taxation	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Special pension	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Housing	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other financial benefit	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments No comment

134. If “other financial benefit”, please specify:

--

NAP

135. Can judges combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Research and publication	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Other function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. No comment

137. Can public prosecutors combine their work with any of the following other functions/activities?

	With remuneration	Without remuneration
Teaching	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Research and publication	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Arbitrator	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Consultant	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Cultural function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Political function	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Other function	( ) Yes ( X ) No	( ) Yes ( X ) No
----------------	---------------------	---------------------

Comments - If rules exist in your country (e.g. authorisation needed to perform these activities), please specify. If “other function”, please specify. No comment

**139. Productivity bonuses: do judges receive bonuses based on the fulfilment of quantitative objectives in relation to the delivery of judgments (e.g. number of judgments delivered over a given period of time) or cases examination?**

- ( ) Yes
- ( X ) No

Comments - If yes, please specify the conditions and possibly the amounts: No comment

**5.4. Disciplinary procedures**

**5.4.1. Authorities responsible for disciplinary procedures and sanctions**

**140. Who is authorised to initiate disciplinary proceedings against judges (multiple options possible)?**

- [ ] Court users
- [ ] Relevant Court or hierarchical superior
- [ ] High Court / Supreme Court
- [ X ] High Judicial Council
- [ ] Disciplinary court or body
- [ ] Ombudsman
- [ ] Parliament
- [ X ] Executive power (please specify): see comments
- [ ] Other (please specify): .....
- [ ] This is not possible

Comments

**141. Who is authorised to initiate disciplinary proceedings against public prosecutors: (multiple options possible):**

- [ ] Citizens
- [ ] Head of the organisational unit or hierarchical superior public prosecutor
- [ X ] Prosecutor General / State public prosecutor
- [ ] Public prosecutorial Council (and Judicial Council)
- [ ] Disciplinary court or body
- [ ] Ombudsman
- [ ] Professional body
- [ ] Executive power (please specify): .....
- [ ] Other (please specify): .....



This is not possible

Comments

#### 142. Which authority has disciplinary power over judges? (multiple options possible)

- Court
- Higher Court / Supreme Court
- Judicial Council
- Disciplinary court or body
- Ombudsman
- Parliament
- Executive power (please specify): .....
- Other (please specify): .....

Comments

#### 143. Which authority has disciplinary power over public prosecutors? (multiple options possible):

- Supreme Court
- Head of the organisational unit or hierarchical superior public prosecutor
- Prosecutor General /State public prosecutor
- Public prosecutorial Council (and Judicial Council)
- Disciplinary court or body
- Ombudsman
- Professional body
- Executive power (please specify): .....
- Other (please specify): .....

Comments

### 5.4.2. Number of disciplinary procedures and sanctions

144. Number of disciplinary proceedings initiated during the reference year against judges and public prosecutors. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)

	Judges	Prosecutors
<b>Total number (1+2+3+4)</b>	17 <input type="checkbox"/> NA <input type="checkbox"/> NAP	58 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Breach of professional ethics</b>	10 <input type="checkbox"/> NA <input type="checkbox"/> NAP	27 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Professional inadequacy</b>	7 <input type="checkbox"/> NA <input type="checkbox"/> NAP	31 <input type="checkbox"/> NA <input type="checkbox"/> NAP

<b>3. Criminal offence</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Other</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify: No comment

### 145. Number of sanctions pronounced during the reference year against judges and public prosecutors:

	Judges	Prosecutors
<b>Total number (total 1 to 9)</b>	12 <input type="checkbox"/> NA <input type="checkbox"/> NAP	58 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Reprimand</b>	8 <input type="checkbox"/> NA <input type="checkbox"/> NAP	44 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Suspension</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Withdrawal from cases</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>4. Fine</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>5. Temporary reduction of salary</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>6. Position downgrade</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	3 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>7. Transfer to another geographical (court) location</b>	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP
<b>8. Resignation</b>	2 <input type="checkbox"/> NA <input type="checkbox"/> NAP	9 <input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>9. Other</b>	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP	<input type="checkbox"/> NA <input checked="" type="checkbox"/> NAP

Comments - If "other", please specify. If a significant difference exists between the number of disciplinary proceedings and the number of sanctions, please indicate the reasons. No comment

### E3. Please indicate the sources for answering questions 144 and 145:

Sources: Letter of the Judicial-Legal Council;  
Letter of the General Prosecutor Office.

## 6.Lawyers

### 6.1.Profession of lawyer

#### 6.1.1.Status of the profession of lawyers

146. Total number of lawyers practising in your country:

[ 920 ]

[ ] NA

[ ] NAP

Comments

147. Does this figure include “legal advisors” who cannot represent their clients in court (for example, some solicitors or in-house counsellors)?

Yes ( )

No ( X )

Comments

148. Number of legal advisors who cannot represent their clients in court:

[ ]

[ ] NA

[ X ] NAP

Comments

149. (Modified question) Do lawyers have a monopoly on legal representation in (multiple options are possible):

	First instance	Second instance	Highest instance court (Supreme Court)
Civil cases	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Dismissal cases	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Criminal cases - Defendant	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Criminal cases - Victim	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP
Administrative cases	( ) Yes ( X ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP

<b>There is no monopoly</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
-----------------------------	--------------------------------	--------------------------------	--------------------------------

Comments - Please, indicate any useful clarifications regarding the content of lawyers' monopoly:

**149-0. (New question) If there is no monopoly, please specify the organisations or persons that may represent a client before a court:**

	First instance	Second instance	Highest instance court (Supreme Court)
<b>Civil society organisation</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Family member</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Self-representation</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Trade union</b>	( X ) Yes ( ) No [ ] NAP	( X ) Yes ( ) No [ ] NAP	( ) Yes ( X ) No [ ] NAP
<b>Other</b>	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP	( ) Yes ( ) No [ X ] NAP

Comments - If "other", please specify. In addition, please specify for the categories mentioned, the types of cases concerned by this/these representation(s):

**149-1. In addition to the functions of legal representation and legal advice, can a lawyer exercise other activities?**

- [ ] Notarial activity
- [ ] Arbitration / mediation
- [ ] Proxy / representation
- [ ] Property manager
- [ ] Real estate agent
- [ ] Other law activities (please specify): .....

Comments No

**149-2. What are the statuses for exercising the legal profession in court?**

- [ X ] Self-employed lawyer
- [ X ] Staff lawyer
- [ X ] In-house lawyer

Comments

**150. Is the lawyer profession organised through:**

a national bar association

a regional bar association

a local bar association

Comments

**151. Is there a specific initial training and/or exam to enter the profession of lawyer?**

Yes

No

Comments - If not, please indicate if there are other specific requirements as regards diplomas or university degrees:

**152. Is there a mandatory general system for lawyers requiring in-service professional training?**

Yes

No

Comments

**153. Is the specialisation in some legal fields linked to specific training, levels of qualification, specific diploma or specific authorisations?**

Yes

No

Comments - If yes, please specify:

**F1. Please indicate the sources for answering questions 146 and 148:**

Sources: Letter Azerbaijan Bar Association;  
Law "On Advocates and Advocate Activities" No.783-IG dated 28.12.1999;  
Civil Procedure Code;  
Criminal Procedure Code.

**6.1.2. Practicing the profession**

**154. Can court users establish easily what the lawyers' fees will be (i.e. a prior information on the foreseeable amount of fees)?**

Yes

No

Comments

**155. Are lawyers' fees freely negotiated?**

Yes

No

Comments

**156. Do laws or bar association standards provide any rules on lawyers' fees (including those freely negotiated)?**

- Yes laws provide rules
- Yes standards of the bar association provide rules
- No neither laws nor bar association standards provide rules

Comments

**6.1.3. Quality standards and disciplinary procedures**

**157. Have quality standards been determined for lawyers?**

- Yes
- No

Comments - If yes, what are the quality criteria used?

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

- the bar association
- the Parliament
- other (please specify): .....

Comments

**159. Is it possible to file a complaint about:**

- the performance of lawyers
- the amount of fees

Comments - Please specify:

**160. Which authority is responsible for disciplinary procedures?**

- the judge
- the Ministry of Justice
- a professional authority
- other (please specify): .....

Comments

**161. Disciplinary proceedings initiated against lawyers. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings
<b>Total number of disciplinary proceedings initiated (1 + 2 + 3 + 4)</b>	113 [ ] NA [ ] NAP
<b>1. Breach of professional ethics</b>	34 [ ] NA [ ] NAP

2. Professional inadequacy	78 [ ] NA [ ] NAP
3. Criminal offence	1 [ ] NA [ ] NAP
4. Other	[ ] NA [ X ] NAP

Comments - If "other", please specify:

## 162. Sanctions pronounced against lawyers.

	Number of sanctions
<b>Total number of sanctions (1 + 2 + 3 + 4 + 5)</b>	9 [ ] NA [ ] NAP
1. Reprimand	7 [ ] NA [ ] NAP
2. Suspension	2 [ ] NA [ ] NAP
3. Withdrawal from cases	[ ] NA [ X ] NAP
4. Fine	[ ] NA [ X ] NAP
5. Other	0 [ ] NA [ ] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of sanctions exists, please indicate the reasons.

## 7. Alternative dispute resolutions

### 7.1. Mediation

#### 7.1.1. Details on mediation procedures and other ADR

163. Does the judicial system provide for judicial mediation procedures? If this is not the case you will go directly to question 168.

( ) Yes

( X ) No

Comments

163-1. In some fields, does the judicial system provide for mandatory mediation procedures?

[ ] Before going to court

Ordered by a judge in the course of a judicial proceeding

Comments - If there are mandatory mediation procedures, please specify which fields are concerned:

**164. Please specify, by type of cases, the organisation of judicial mediation:**

	<b>Court annexed mediation</b>	<b>Private mediator</b>	<b>Public authority (other than the court)</b>	<b>Judge</b>	<b>Public prosecutor</b>
<b>Civil and commercial cases</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Family law cases (ex. divorce)</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Administrative cases</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Employment dismissals</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Criminal cases</b>	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

Comments

**165. Is there a possibility to receive legal aid for judicial mediation procedures?**

Yes

No

Comments - If yes, please specify:

**166. Number of accredited or registered mediators who practice judicial mediation:**

[            ]

NA

NAP

Comments

**167. Number of judicial mediation procedures.**

	<b>Number of judicial mediation procedures</b>
<b>Total number of mediation cases (total 1 + 2 + 3 + 4 + 5)</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>1. Civil and commercial cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>2. Family cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP
<b>3. Administrative cases</b>	<input type="checkbox"/> NA <input type="checkbox"/> NAP



4. Employment dismissal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP
5. Criminal cases	<input type="checkbox"/> NA <input type="checkbox"/> NAP

Comments - Please indicate the source:

**168. Does the legal system provide for the following alternative dispute resolutions (ADR):**

- mediation other than judicial mediation
- arbitration
- conciliation
- other ADR (please specify): .....

Comments NO

**G1. Please indicate the source for answering question 166:**

Source: No comment
--------------------

**8.Enforcement of court decisions**

**8.1.Execution of decisions in civil matters**

**8.1.1.Functioning**

**169. Do you have enforcement agents in your judicial system?**

- Yes
- No

Comments No comment

**170. Number of enforcement agents**

- 566 ]
- NA
- NAP

Comments No comment

**171. Are enforcement agents (multiple options are possible):**

- judges
- bailiffs practising as private professionals under the authority (control) of public authorities
- bailiffs working in a public institution
- other



Comments - Please specify their status and powers: No comment

### 171-1. Do enforcement agents have the monopoly in exercising their profession?

Yes

No

Comments - Please indicate any useful clarifications regarding the content of the enforcement agents' monopoly or on the opposite regarding the competition they have to deal with: No comment

### 171-2. Can the enforcement agent carry out the following civil enforcement proceedings:

	Option
Seizure of movable tangible properties	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of immovable properties	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure from a third party of the debtor claims regarding a sum of money	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of remunerations	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Seizure of motorised vehicles	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Eviction measures	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Enforced sale by public tender of seized properties	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP
Other	<input type="checkbox"/> Yes with monopole <input checked="" type="checkbox"/> Yes without monopole <input type="checkbox"/> No <input type="checkbox"/> NAP

Comments No comment

### 171-3. Apart of the enforcement of court decisions, what are the other activities that can be carried out by enforcement agents?

Service of judicial and extrajudicial documents

- Debt recovery
- Voluntary sale of moveable or immoveable property at public auction
- Seizure of goods
- Recording and reporting of evidence
- Court hearings service
- Provision of legal advice
- Bankruptcy procedures
- Performing tasks assigned by judges
- Representing parties in courts
- Drawing up private deeds and documents
- Building manager
- Other

Comments No comment

**172. Is there a specific initial training or exam to become an enforcement agent?**

- Yes
- No

Comments No comment

**172-1. Is there a system of mandatory general continuous training for enforcement agents?**

- Yes
- No

Comments No comment

**173. Is the profession of enforcement agents organised by (the answer NAP means that the profession is not organised):**

- a national body
- a regional body
- a local body
- NAP

Comments No comment

**174. Are enforcement fees easily established and transparent for the court users?**

- Yes
- No

Comments No comment

**175. Are enforcement fees freely negotiated?**

- Yes
- No

Comments No comment

**176. Do laws provide any rules on enforcement fees (including those freely negotiated)?**

Yes

No

Comments No comment

**H0. Please indicate the sources for answering question 170**

Source: No comment

**8.1.2. Efficiency of enforcement services**



**177. Is there a body entrusted with supervising and monitoring the enforcement agents' activity?**

Yes

No

Comments

**178. Which authority is responsible for supervising and monitoring enforcement agents?**

a professional body

the judge

the Ministry of Justice

the public prosecutor

other (please specify): .....

Comments No comment

**179. Have quality standards been determined for enforcement agents?**

Yes

No

Comments - If yes, what are the quality criteria used? No comment

**180. If yes, who is responsible for establishing these quality standards?**

a professional body

the judge

the Ministry of Justice

other (please specify): .....

Comments No comment

**181. Is there a specific mechanism for executing court decisions rendered against public authorities, including supervising such execution?**

( ) Yes

( X ) No

Comments - If yes, please specify: No comment

**182. Is there a system for monitoring how the enforcement procedure is conducted by the enforcement agent?**

( X ) Yes

( ) No

Comments - If yes, please specify: No comment

**183. What are the main complaints made by users concerning the enforcement procedure? Please indicate a maximum of 3.**

[ ] no execution at all

[ X ] non execution of court decisions against public authorities

[ ] lack of information

[ X ] excessive length

[ ] unlawful practices

[ X ] insufficient supervision

[ ] excessive cost

[ ] other (please specify): .....

Comments No comment

**184. Has your country prepared or established concrete measures to change the situation concerning the enforcement of court decisions – in particular as regards decisions against public authorities?**

( X ) Yes

( ) No

Comments - If yes, please specify: No comment

**185. Is there a system measuring the length of enforcement procedures:**

	Existence of the system
for civil cases	( X ) Yes ( ) No
for administrative cases	( X ) Yes ( ) No

Comments No comment

**186. As regards a decision on debt collection, please estimate the average timeframe to notify the decision to the parties who live in the city where the court sits (one option only):**

( X ) between 1 and 5 days

( ) between 6 and 10 days

( ) between 11 and 30 days

( ) more (please specify): .....

Comments No comment

**187. Number of disciplinary proceedings initiated against enforcement agents. (If a disciplinary proceeding is undertaken because of several reasons, please count the proceedings only once and for the main reason.)**

	Number of disciplinary proceedings initiated
<b>Total number of initiated disciplinary proceedings (1+2+3+4)</b>	25 [ ] NA [ ] NAP
<b>1. For breach of professional ethics</b>	13 [ ] NA [ ] NAP
<b>2. For professional inadequacy</b>	12 [ ] NA [ ] NAP
<b>3. For criminal offence</b>	0 [ ] NA [ ] NAP
<b>4. Other</b>	0 [ ] NA [ ] NAP

Comments - If "other", please specify: No comment

**188. Number of sanctions pronounced against enforcement agents:**

	Number of sanctions pronounced
<b>Total number of sanctions (1+2+3+4+5)</b>	25 [ ] NA [ ] NAP
<b>1. Reprimand</b>	14 [ ] NA [ ] NAP
<b>2. Suspension</b>	5 [ ] NA [ ] NAP
<b>3. Withdrawal from cases</b>	[ ] NA [X] NAP
<b>4. Fine</b>	[ ] NA [X] NAP
<b>5. Other</b>	6 [ ] NA [ ] NAP

Comments - If "other", please specify. If a significant difference between the number of disciplinary proceedings and the number of

sanctions exists, please indicate the reasons: There are "other" sanctions pronounced against enforcement agents: 4 on position downgrade and 2 on exclusion from the judiciary bodies.

## H1. Please indicate the sources for answering questions 186, 187 and 188:

Source: Letter of the Head Department of Enforcement under the Ministry of Justice.

## 8.2. Execution of decisions in criminal matters

### 8.2.1. Functioning of execution in criminal matters

189. Which authority is in charge of the enforcement of judgments in criminal matters? (multiple options possible)

- Judge
- Public prosecutor
- Prison and Probation Services
- Other authority (please specify):baillifs

Comments - Please specify his/her functions and duties (e.g. initiative or monitoring functions). Baillifs are responsible for enforcement of decisions relating to the penalties without deprivation of liberty.

190. Are the effective recovery rates of fines decided by a criminal court evaluated by studies?

- Yes
- No

Comments No comment

191. If yes, what is the recovery rate?

- 80-100%
- 50-79%
- less than 50%

Comments - Please indicate the source for answering this question:

## 9. Notaries

### 9.1. Profession of notary

#### 9.1.1. Number and status of notaries

192. Number and type of notaries in your country. If you do not have notaries skip to question 197.

Number of notaries

<b>TOTAL</b>	170 [ ] NA [ ] NAP
<b>Private professionals (without control from public authorities)</b>	[ ] NA [ X ] NAP
<b>Private professionals under the authority (control) of public authorities</b>	113 [ ] NA [ ] NAP
<b>Public agents</b>	57 [ ] NA [ ] NAP
<b>Other</b>	[ ] NA [ X ] NAP

Comments - If "other", please specify the status: No comment

**192-1. What are the access conditions to the profession of notary:**

- diploma
- payment of a fee (e.g. purchasing office)
- co-opting of peers
- other

Comments No comment

**192-2. (Modified question) What is the duration of appointment of a notary?**

- Limited duration, please indicate it in years:60
- Unlimited duration

Comments During their career, notaries are evaluated every 5 years.

**194. Do notaries have duties (multiple options possible):**

- within the framework of civil procedure
- in the field of legal advice
- to certify the authenticity of legal deeds and certificates
- in the field of mediation
- other (please specify): .....

Comments No comment

**194-1. Do notaries have the monopoly when exercising their profession:**

- in civil procedure
- in the field of legal advice
- to authenticate deeds/certificates
- in the field of mediation
- other

Comments - Please indicate any useful clarifications regarding the content of the notaries' monopoly or on the opposite regarding the



competition they have to deal with: No comment

**194-2. As well as these activities, what are the other ones that can be carried out by notaries?**

- Real estate transaction
- Settlement of estates
- Legality control of gambling activities
- Authentication of documents
- Translations
- Signatures
- Other

Comments No comment

**195. Is there an authority entrusted with supervising and monitoring the notaries' work?**

- Yes
- No

Comments No comment

**196. If yes, which authority is responsible for supervising and monitoring notaries?**

- a professional body
- the judge
- the Ministry of Justice
- the public prosecutor
- the Ministry of Interior
- other (please specify): .....

Comments No comment

**196-1. Is there a system of general continuous training mandatory for all notaries?**

- Yes
- No

Comments No comment

**I1. Please indicate the sources for answering question 192:**

Sources: Letter of the Ministry of Justice.

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**10.Court interpreters**

**10.1.Details on profession of court interpreter**

### 10.1.1. Status of court interpreters

#### **197. Is the title of court interpreters protected?**

Yes

No

Comments

#### **198. Is the function of court interpreters regulated by legal norms?**

Yes

No

Comments In accordance with Article 65 of the Civil Procedural Code:

65.1 Interpreter shall be a person appointed by court in cases specified by this Code and having knowledge of languages at a level sufficient for making interpretations.

65.2 Interpreter may be appointed among persons proposed by participants.

65.3 Other participants of process shall not have the right to undertake interpretation despite of knowledge of required languages.

65.4 Interpreter shall be obliged to appear before court and shall perform interpretations in full, in due manner and time.

65.5 Interpreter shall have the right to ask questions from participating persons with the purpose of clarifying interpretation.

65.6 Interpreter shall bear criminal liability for deliberately false interpretation.

#### **199. Number of accredited or registered court interpreters:**

[            ]

NA

NAP

Comments No comment

#### **200. Are there binding provisions regarding the quality of court interpretation within judicial proceedings?**

Yes

No

Comments - If yes, please specify: No comment

#### **201. Are the courts responsible for selecting court interpreters?**

Yes, for recruitment and/or appointment for a specific term of office

Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

No, please specify which authority selects court interpreters .....

Comments No comment

#### **J1. Please indicate the sources for answering question 199**

Sources: No comment

## 11.Judicial experts

### 11.1.Profession of judicial expert

#### 11.1.1.Status of judicial experts

#### 202. In your system, what type of experts can be requested to participate in judicial procedures (multiple choice possible):

"expert witnesses", who are requested by the parties to bring their expertise to support their argumentation,

"technical experts" who put their scientific and technical knowledge on issues of fact at the court's disposal,

"legal experts" who might be consulted by the judge on specific legal issues or requested to support the judge in preparing the judicial work (but do not take part in the decision).

Other (please specify): .....

Comments No comment

#### 202-1. Are there lists or databases of technical experts registered?

Yes

No

Comments - Please, indicate any useful comment regarding these lists of experts if they do exist (e.g. : who decide of the registration on the list ? Is the registration limited in time ? does the expert take the oath ? how is his/her skill evaluated ? by whom ?) No comment

#### 203. Is the title of judicial experts protected?

Yes

No

Comments - If appropriate, please explain the meaning of this protection: No comment

#### 203-1. Does the expert have an obligation of training?

	Obligation of training
<b>Initial training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Continuous training</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Comments No comment

#### 203-2. If yes, does this training concern:

the proceeding

the profession of expert

other

Comments No comment

#### 204. Is the function of judicial experts regulated by legal norms?

Yes

No

Comments In accordance with Article 63 of the Civil Procedural Code:

63.1 Expert shall be a person with special knowledge, appointed by court for the purpose of issue of an opinion required under the provisions of this Code.

63.2 Person appointed to carry out examination shall upon call appear before court and provide an impartial opinion on requested matters. Expert shall have the right to refuse to provide an opinion if s/he has not got knowledge, required for carrying out of his/her responsibilities.

63.3 Where it is required to submit an opinion, expert shall have the right to familiarise him/herself with the materials of the case, participate in court sessions, ask questions, request court to provide additional materials.

63.4 Expert shall bear criminal liability for false opinion.

**204-1. On the occasion of a mission entrusted to him/her, does the expert have to report any potential conflicts of interest?**

Yes

No

Comments No comment

**205. Number of accredited or registered judicial / technical experts:**

[            ]

[ ] NA

[ X ] NAP

Comments No comment

**205-1. Who sets the expert remuneration?**

- No comment

**206. Are there binding provisions regarding the exercise of the function of judicial expert within judicial proceedings?**

Yes

No

Comments - If yes, please specify, in particular the given time to provide a technical report to the judge: No comment

**207. Are the courts responsible for selecting judicial experts?**

[ ] Yes, for recruitment and/or appointment for a specific term of office

[ ] Yes, for recruitment and/or appointment on an ad hoc basis, according to the specific needs of given proceedings

[ X ] No, please specify which authority selects judicial experts .....

Comments No comment

**207-1. Does the judge control the progress of investigations?**

( ) Yes

( X ) No

Comments No comment

## K1. Please indicate the sources for answering question 205

Sources: No comment

## 12.Reforms in judiciary

### 12.1.Foreseen reforms

#### 12.1.1.Reforms

**208. Can you provide information on the current debate in your country regarding the functioning of justice? Are there foreseen reforms? Please inform whether these reforms are under preparation or have only been envisaged at this stage. Have innovative projects been implemented? If possible, please observe the following categories:**

1. (Comprehensive) reform plans The main direction of reforms is the establishment of e-management system in courts, developing the BI in e-governance of court system, e-evaluation of court performance and etc.

2. Budget No comment

3. Courts and public prosecution services (e.g. powers and organisation, structural changes - e.g. reduction of the number of courts -, management and working methods, information technologies, backlogs and efficiency, court fees, renovations and construction of new buildings) The World Bank is providing support to Azerbaijan through its financing and knowledge services, with a focus on improving access to justice, especially for the most vulnerable on the following important objectives:

- strengthening e-justice services and reducing corruption (for example, through e-notarial services, e-bailiffs, SMS-based services, ICT-enabled case management);

- improving access to justice through legal aid and alternative dispute resolution systems.

A key component of the World Bank project is financing the construction of "Smart Courts", which integrate ICT innovations in modern and accessible courthouse design which has activated publicly accessible web-links for the three "Smart Courts" currently under construction: Sumgait Court Complex, Baku City Narimanov District Court, and Baku City Surakhani District Court.

3.1. Access to justice and legal aid Elimination "representative at the court" institute in accordance with the Law on Amendments to the Civil Procedure Code adopted by President Decree dated 7 November, 2017 and entry into force since 1 January, 2018. While considering civil, commercial or administrative cases in the court, representatives of individuals can only be their close relatives or advocates, and representatives of legal entities - their legal representatives, employees and advocates. Azerbaijan Bar Association will take appropriate measures to increase the number of advocates to ensure more efficiently the right of the citizens to receive the highest quality legal aid.

4. High Judicial Council Within the European Union Project it is planning to support the Judicial Legal Council in identifying the criterias for evaluation of judges.

5. Legal professionals (judges, public prosecutors, lawyers, notaries, enforcement agents, etc.): organisation, education and training, etc. It is planning to establish the monopoly for lawyers

6. Reforms regarding civil, criminal and administrative laws, international conventions and cooperation activities It is planning to decriminalise some offences.

7. Enforcement of court decisions The Electron Enforcement Management Functionality (EMF) for Bailiffs Offices (main features of EMF has been built on top of CMS) started to be implemented and roll-out in other offices.

8. Mediation and other ADR In 2018, we plan within the JUDICIAL SERVICES AND SMART INFRASTRUCTURE PROJECT to implement a pilot project on mediation at the first instance courts on the following cases: (commerce, lease and loan for use contracts, family disputes, consumers' disputes, banking and insurance disputes, education issues, environmental issues, labor disputes and etc.). CEPEJ Guidelines will be taken into account within the pilot project for a better implementation of the existing Recommendations.

9. Fight against crime No comment

9.1. Prison system In accordance with the President Decree "On the development of judicial bodies" dated 7 November, 2017, the new Probation Service under the Ministry of Justice was established and initiated the preparation and approval of the list of electronic surveillance (control) means and implementation rules to be applied to a convicted person or (pre-trial) detainee; and also started ensuring electronic surveillance (control) over the execution of the sentence during the punishment in the form of personal restraint (the restriction of liberty).

9.2 Child friendly justice It is planning to develop the juvenile justice, expand the number of courts with specialized judges, adopt the National strategy on juvenile justice

9.3. Violence against partners No comment

10. New information and communication technologies - The Unified Judicial Portal was modernized in 2016 and became available to the public under the domain name <http://courts.gov.az/en/>. With around 229,000 visitors during the whole year of 2016 the Portal is closely integrated with CMS through the e-Search function which provides the public more transparency of the court processes and real time information about case loadings in the courts and specific case information.

- In 2016, 15 courts are e-courts (Case Management System are applied). Roll-out to 47 additional courts and bailiffs offices are planned.

- Enforcement Management Functionality (EMF) for Bailiffs Offices (main features of EMF has been built on top of CMS) started to be implemented.

- In accordance with the Law on Amendments to the Civil Procedure Code No. 330-VQD dated 30 September, 2016 "application (claims, complaints and other documents) on economic disputes through the "E-Court" information system; electron court notification by email or SMS; unlimited video and audio court recordings".

11. Other No comment