



EUROPEAN COMMISSION FOR THE EFFICIENCY OF JUSTICE
(CEPEJ)

SCHEME FOR EVALUATING JUDICIAL SYSTEMS 2007

Country: Armenia

National correspondent

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Job title:

Organisation:

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Phone Number :

1. Demographic and economic data

1. 1. General information

1. 1. 1. Inhabitants and economic information

1) Number of inhabitants

3222900

2) Total of annual State public expenditure / where appropriate, public expenditure at regional or federal entity level (in €)

	Amount
State level	1183965910
Regional / entity level	

3) Per capita GDP (in €)

1587

4) Average gross annual salary (in €)

1476

5) Exchange rate from national currency (non-Euro zone) to € on 1 January 2007

478.73 AMD=1 EUR

Please indicate the sources for the questions 1 to 4

National Statistical Service of the Republic of Armenia.

1. 2. Budgetary data concerning judicial system

1. 2. 2. Budget (courts, public prosecution, legal aid, fees)

6) Total annual approved budget allocated to all courts (in €)

4189496

7) Please specify

Payments provided by State budget 2006 for the Court of Cassation, Court of Appeal in civil matters, Court of Appeal in criminal matters, Court of Commerce and for 17 first instance courts of the Republic of Armenia, "maintenance of bodies of the Judiciary", by programmes "State order of training for judges" and "Reconstruction of administrative establishments"

8) Does the approved budget of the courts include the following items? Please give for each item (or some of them) a specification of the amount concerned

Annual public budget allocated to (gross) salaries	<input checked="" type="checkbox"/> Yes	2745119
Annual public budget allocated to computerisation (equipment, investments, maintenance)	<input type="checkbox"/> Yes	
Annual public budget allocated to justice expenses	<input checked="" type="checkbox"/> Yes	355679
Annual public budget allocated to court buildings (maintenance, operation costs)	<input checked="" type="checkbox"/> Yes	250009
Annual public budget allocated to investments in new (court) buildings	<input type="checkbox"/> Yes	
Annual public budget allocated to training and education	<input checked="" type="checkbox"/> Yes	146926
Other (please specify):	<input checked="" type="checkbox"/> Yes	18919

9) Has the annual public budget of the courts changed (increased or decreased) over the last five years?

- Yes
 No

If yes, please specify (i.e. provide an indication of the increase or decrease of the budget over the last five years)

Budgetary funds provided to the RA courts in 2006 have been increased approximately by 60.1% in comparison with the year of 2003.

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

- for criminal cases?
 for other than criminal cases?

If yes, are there exceptions? Please specify:

In civil cases a state due is required. Nevertheless there are exceptions, for exemple in labour restoration disputes claimants are remitted from the payment of state due (tax).

11) If yes, please specify the annual income of court fees (or taxes) received by the State (in €)

000

12) Total annual approved budget allocated to the whole justice system (in €)

8851162

13) Total annual approved public budget allocated to legal aid (in €)

129925

14) If possible, please specify

	the annual public budget allocated to legal aid in criminal cases	the annual public budget allocated to legal aid in other court cases
Amount	NA	NA

15) Is the public budget allocated to legal aid included in the court budget ?

Yes

No

16) Total annual approved public budget allocated to the public prosecution system (in €)

4193973

17) Is the budget allocated to the public prosecution included in the court budget?

Yes

No

18) Authorities formally responsible for the budget allocated to the courts:

	Preparation of the total court budget	Adoption of the total court budget	Management and allocation of the budget among the individual courts	Evaluation of the use of the budget at a national level
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other ministry	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Parliament	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Supreme Court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judicial Council	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Courts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inspection body	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

19) If other Ministry and/or inspection body and/or other, please specify (in regards to question 18):

Judicial Department of the Republic of Armenia.
The Council of Courts Presidents.
The Ministry of Finance and Economy of RA.

You can indicate below:

- **any useful comments for interpreting the data mentioned above**
- **the characteristics of your budgetary system and the main reforms that have been implemented over the last two years**
- **if available an organisation scheme with a description of the competencies of the different authorities responsible for the budget process**

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

Please indicate the sources for the questions 6, 7, 13 et 16

State budget for the year 2006. (questions 6,7,13)

The decision of RA government N 2162-Ü from 15.12.2005. (question 16)

2. Access to justice

2. 1. Legal aid

2. 1. 1. Principles

20) Does legal aid concerns:

	Criminal cases	Other than criminal cases
Representation in court	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal advice	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>

21) If other, please specify (in regards to question 20):

22) Does legal aid foresee the covering or the exoneration of court fees?

Yes

No

If yes, please specify:

The institute of Public defenders.

23) Can legal aid be granted for the fees that are related to the execution of judicial decisions?

Yes

No

If yes, please specify:

24) Number of cases granted with legal aid provided by (national, regional, local) public authorities:

	Number
Total	
Criminal cases	
Other than criminal cases	

25) In a criminal case, can any individual who does not have sufficient financial means be assisted by

a free of charge (or financed by public budget) lawyer?

- Yes
- No

26) Does your country have an income and asset test for granting legal aid:

	No	Yes	Amount
for criminal cases?	No		
for other than criminal cases?	No		

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

- Yes
- No

28) If yes, is the decision for granting or refusing legal aid taken by:

- the court?
- an authority external to the court?
- a mixed decision-making authority (court and external)?

29) Is there a private system of legal expense insurance enabling individuals to finance court proceedings?

- Yes
- No

Please specify:

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

	yes	no
criminal cases?		

	<input type="checkbox"/>	<input type="checkbox"/>
other than criminal cases?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your legal aid system and the main reforms that have been implemented over the last two years

In civil cases the Court solves court expenses between participants of the case by the uphold claims proportionally, and in case of agreement between parties, according to such agreement.

Please indicate the sources for the questions 24 and 26

The information on question 26 is given by the judicial department of RA.

2. 2. Users of the courts and victims

2. 2. 1. Rights of the users and victims

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

- | | | |
|--|---|---|
| legal texts (e.g. codes, laws, regulations, etc.)? | <input checked="" type="checkbox"/> yes | www.parliament.am,
www.arlis.am,
www.moj.am |
| case-law of the higher court/s? | <input checked="" type="checkbox"/> yes | www.court.am |
| other documents (for example forms)? | <input type="checkbox"/> yes | |

32) Is there an obligation to provide information to the parties concerning the foreseeable timeframe of the proceeding?

- Yes
 No

If yes, please specify:

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

- Yes
 No

If yes, please specify:

34) Are there special favourable arrangements to be applied, during judicial proceedings, to the following categories of vulnerable persons:

	Information mechanism	Hearing modalities	Procedural rights	Other
Victims of rape	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of terrorism	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children/Witnesses/Victims	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Victims of domestic violence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ethnic minorities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disabled persons	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Juvenile offenders	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

35) Does your country have a compensation procedure for victims of crimes?

- Yes
 No

36) If yes, does this compensation procedure consist in:

- a public fund?
 a court decision?
 private fund?

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

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

37) Are there studies to evaluate the recovery rate of the compensation awarded by courts to victims?

- Yes
 No

If yes, please specify:

38) Is there a specific role for the public prosecutor with respect to the (protection of the position and assistance of) victims?

- Yes
 No

If yes, please specify:

39) Do victims of crimes have the right to contest a decision of the public prosecution to discontinue a case?

- Yes
 No

If yes, please specify:

According to the Article 263 of RA Criminal Procedure Code within 7 days from the date of receipt of the copy of the termination decree, it can be appealed against to the higher prosecutor, by the suspect, the accused, the lawyer, as well as the injured person, his representative, the civil defendant and claimant or their representatives as well as by the representatives of the physical persons or legal entities whose statement was the basis for the institution of persecution.

The prosecutor within 7 days from the date of receipt of the complaint, takes a decision to refuse or satisfy the complaint. A copy of the taken decision has to be sent immediately to the claimant. The prosecutor's refusal to satisfy the appeal can be appealed against in court within 7 days.

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

40) Is there a system for compensating users in the following circumstances:

- excessive length of proceedings?
- non execution of court decisions?
- wrongful arrest?
- wrongful condemnation?

If yes, please specify (fund, daily tariff):

Means of compensation are provided by the RA State Budget in accordance with Articles 1063-1064 and other Articles of the Chapter 60 of the RA Civil Code.

41) Does your country have surveys aimed at users or legal professionals (judges, lawyers, officials, etc.) to measure their trust and/or satisfaction with the services delivered by the judiciary system?

- (Satisfaction) surveys aimed at judges
- (Satisfaction) surveys aimed at court staff
- (Satisfaction) surveys aimed at public prosecutors
- (Satisfaction) surveys aimed at lawyers
- (Satisfaction) surveys aimed at citizens (visitors of the court)
- (Satisfaction) surveys aimed at other clients of the courts

If possible, please specify their titles, how to find these surveys, etc:

42) If yes, please specify:

	Yes (surveys at a regular interval: for example annual)	Yes (incidental surveys)
Surveys at national level	<input type="checkbox"/>	<input type="checkbox"/>
Surveys at court level	<input type="checkbox"/>	<input type="checkbox"/>

43) Is there a national or local procedure for making complaints about the performance (for example the length of proceedings) or the functioning (for example the treatment of a case by a judge) of the judicial system?

- Yes
 No

44) If yes, please specify:

	Time limit to respond (Yes)	Time limit for dealing with the complaint (Yes)
Court concerned	<input type="checkbox"/>	<input type="checkbox"/>
Higher court	<input type="checkbox"/>	<input type="checkbox"/>
Ministry of Justice	<input type="checkbox"/>	<input type="checkbox"/>
High Council of the Judiciary	<input type="checkbox"/>	<input type="checkbox"/>
Other external organisations (e.g. Ombudsman)	<input type="checkbox"/>	<input type="checkbox"/>

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

3. Organisation of the court system

3. 1. Functioning

3. 1. 1. Courts

45) Number of courts considered as legal entities (administrative structures) and geographic locations (please, complete the table)

	Total number
First instance courts of general jurisdiction (legal entities)	17
Specialised first instance courts (legal entities)	1
All the courts (geographic locations)	21

46) Please specify the different areas of specialisation (and, if possible, the number of courts concerned):

Courts in the Republic of Armenia are not legal entities and they function in all regions of RA and in all communities of Yerevan city.

There are Court of cassation-1, which consists from two chambers: 1) civil and economic, 2) criminal, Court of Appeal on civil cases – 1, Court of Appeal on criminal cases – 1, first instance courts of general jurisdiction - 17. There is also a specialized court (Court of Commerce -1) which investigate economic and bankruptcy cases. Starting from 1 January 2008 a new judicial system was established in the Republic of Armenia (see the answer to the question 170).

47) Is there a change in the structure of the courts foreseen (for example a reduction of the number of courts (geographic locations) or a change in the powers of courts)?

Yes

No

If yes, please specify:

See the answer on the question 170.

48) Number of first instance courts competent for a case concerning:

	Number
a debt collection for small claims	17
a dismissal	17
a robbery	17

Please specify what is meant by small claims in your country (answer only if the definition has changed compared to the previous evaluation round):

According to the Judicial Code small claim is the claim which does not exceed 5000 time of minimal salary.

Please indicate the sources for the question 45

The RA Law on Court Structure.

3. 1. 2. Judges, courts staff

49) Number of professional judges sitting in courts (present the information in full time equivalent and for permanent posts)

179

50) Number of professional judges sitting in courts on an occasional basis and who are paid as such:

	Number
gross figure	
if possible, in full time equivalent	

51) Please specify (answer only if the information has changed compared to the previous evaluation round):

All judges are professional and working on permanent basis.

52) Number of non-professional judges (including lay judges and excluding jurees) who are not remunerated but who can possibly receive a simple defrayal of costs. Please specify (answer only if the information has changed compared to the previous evaluation round):

53) Does your judicial system include trial by jury with the participation of citizens?

Yes

No

If yes, for which type of case(s)?

54) If possible, indicate the number of citizens who were involved in such juries for the year of reference?

55) Number of non-judge staff who are working in courts (present the information in full time equivalent and for permanent posts)

965 EMPLOYEES

56) If possible, could you distribute this staff according to the 4 following categories:

non-judge staff (Rechtspfleger), with judicial or quasi-judicial tasks having autonomous competence and whose decisions could be subject to appeal Yes

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

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

technical staff Yes

Please indicate the sources for the questions 49, 50, 52, 53 and 55

The RA Law on Court Structure, RA law on Status of judge.

3. 1. 3. Prosecutors

57) Number of public prosecutors (present the information in full time equivalent and for permanent posts)

419

58) Do any other persons have similar duties as public prosecutors?

Yes

No

If yes, please specify:

Q57

The number of prosecutors has been reduced in comparison with the year 2004 because it has been envisaged by the program of judicial reforms of RA. According to that program new independent body has been established. Prosecutors are not responsible more to commit the investigation. They are responsible now for the control of police, national security service and other investigators activity. Also they defend the case in the court. Part of prosecutors became the investigators of the above-mentioned bodies, part of them retired on a pension and now the number of prosecutors even less than in the year 2006.

59) Number of staff (non prosecutors) attached to the public prosecution service (present the information in full time equivalent and for permanent posts)

272

Please indicate the sources for the questions 57 and 59

The salary scale of the administration of the prosecutor office was approved by the order of General Prosecutor N 48 from 24.07.2007.

3. 1. 4. Budget and New technologies

60) Who is entrusted with the individual court budget?

	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"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court President	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Court administrative director	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Head of the court clerk office	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

61) You can indicate below:

- any useful comments for interpreting the data mentioned above
- if available an organization scheme with a description of the competencies of the different authorities responsible for the budget process in the court

Head of Administration of the Court presents a budgetary application for Judicial Department. After that the application is analysed by the appropriate organization department of the Judicial Department and in the case of agreement with the application presents it to the Ministry of Finance and Economy. In the framework of the approved budgetary means the courts, with the aid of appropriate accounts of the Exchequer Division, realize the costs conditioned by the necessity of maintenance of court activity.

62) For direct assistance to the judge/court clerk, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	- 10 % of courts
Word processing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic data base of jurisprudence	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Electronic files	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
E-mail	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Internet connection	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

63) For administration and management, what are the computer facilities used within the courts?

	100% of courts	+50% of courts	-50% of courts	-10% of courts

Case registration system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Court management information system	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Financial information system	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

64) For the communication between the court and the parties, what are the computer facilities used within the courts?

	100% of courts	+ 50% of courts	-50% of courts	-10% of courts
Electronic web forms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Special Website	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other electronic communication facilities	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

65) Is there a centralised institution which is responsible for collecting statistical data regarding the functioning of the courts and judiciary (answer only if this information has changed compared with the previous evaluation round)?

- Yes
 No

If yes, please specify the name and the address of this institution:

In 2006 the function of collection of statistical data was realized by th Ministry of Justice. 0010, V. sargsyan 3, Yeravan, Armenia

At present Judicial Department realize that function. 0010, V.Sargsyan 5, Yerevan,Armenia

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your judicial system and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 62, 63 and 64

The infromation on questions concerned was given by Judicial Department.

3. 2. Monitoring and evaluation

3. 2. 1. Monitoring and Evaluation

66) Are the courts required to prepare an annual activity report?

- Yes
 No

67) Do you have a regular monitoring system of court activities concerning the:

- number of incoming cases?
- number of decisions?
- number of postponed cases?
- length of proceedings (timeframes)?
- other?

Please specify:

It is made within the framework of the judicial statistics.

68) Do you have a regular system to evaluate the performance of each court?

- Yes
- No

Please specify:

69) Concerning court activities, have you defined performance indicators?

- Yes
- No

70) Please select the 4 main performance and quality indicators that are used for a proper functioning of courts.

- Incoming cases
- Length of proceedings (timeframes)
- Closed cases
- Pending cases and backlogs
- Productivity of judges and court staff

- Percentage of cases that are treated by a single sitting judge
- The enforcement of penal decisions
- Satisfaction of employees of the courts
- Satisfaction of clients (regarding the services delivered by the courts)
- Judicial and organisational quality of the courts
- The costs of the judicial procedures
- Other

Please specify:

71) Are there performance targets defined for individual judges?

- Yes
- No

72) Are there performance targets defined at the level of the courts?

- Yes
- No

73) Please specify who is responsible for setting the targets:

- executive power (for example the Ministry of Justice)
- legislative power
- judicial power (for example a High Judicial Council or a Higher Court)
- other

Please specify

74) Please specify the main targets applied:

75) Which authority is responsible for the evaluation of the performances of the courts:

- the High Council of judiciary
- the Ministry of Justice
- an Inspection authority
- the Supreme Court
- an external audit body
- other?

Other, please specify:

Council of the Court Presidents.

76) Are there quality standards (organisational quality and/or judicial quality policy) formulated for the courts (existence of a quality system for the judiciary)?

- Yes
- No

If yes, please specify:

Correct implementation of material and judicial norms by the judge and sustainability of judicial acts.

77) Do you have specialised court staff which is entrusted with quality policy and/or quality systems for the judiciary?

- Yes
- No

78) Is there a system enabling to measure the backlogs and to detect the cases which are not processed within a reasonable timeframe for:

- civil cases?
- criminal cases?
- administrative cases?

79) Do you have a way of analysing waiting time during court procedures?

- Yes
- No

If yes, please specify:

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

80) Is there a system to evaluate the functioning of courts on the basis of an evaluation plan (timetable for visits) agreed a priori?

- Yes
- No

Please specify (including an indication of the frequency of the evaluation):

81) Is there a system for monitoring and evaluating the functioning of the prosecution services?

- Yes
- No

If yes, please specify:

You can indicate below:

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

Please indicate the sources for the the question 70,71, 72 and 76

Judicial Department of the Republic of Armenia.

4. Fair trial

4. 1. Principles

4. 1. 1. General principles

82) What is the percentage of judgements in first instance criminal cases in which the suspect is not attending in person or not represented by a legal professional (i.e. lawyer) during a court session (in absentia judgements) ?

000000000000

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

- Yes
 No

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

84) Please give the following data concerning the number of cases regarding Article 6 of the European Convention on Human Rights (on duration and non-execution), for the year of reference

	Cases declared inadmissible by the Court	Friendly settlements	Judgements establishing a violation	Judgements establishing a non violation
Civil proceedings - Article 6§1 (duration)				
Civil proceedings - Article 6§1 (non-execution)				
Criminal proceedings - Article 6§1 (duration)				

Please indicate the sources for the questions 82 and 84

4. 2. Timeframes of proceedings

4. 2. 1. General information

85) Are there specific procedures for urgent matters as regards:

- civil cases?
 criminal cases?
 administrative cases?

If yes, please specify:

86) Are there simplified procedures for:

- civil cases (small claims)?
- criminal cases (petty offences)?
- administrative cases?

If yes, please specify (for example if you have introduced a new law on simplified procedures):

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

- Yes
- No

If yes, please specify:

4. 2. 2. Penal, civil and administrative law cases

88) Total number of cases in the first instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 January 2006	Incoming cases	Decisions	Pending cases on 31 December 2006
Total of civil, commercial and administrative law cases (1-7)	10171	39218	43611	5788

1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases	3699	7225	9198	1726
7 Other				
Total criminal cases (8+9)	519	3421	3396	544
8 Criminal cases (severe criminal offences)				
9 Misdemeanour cases (minor offences)				

89) * The cases mentioned in categories 3 to 5 (enforcement, land registry, business register) are excluded from this total and should be presented separately in the table. The cases mentioned in category 6 (administrative law cases) are also excluded from this total for the countries which have specialised administrative courts or units in the courts of general jurisdiction.

**** if applicable**

Note: for the criminal law cases there may be a problem of classification of cases between severe criminal law cases and misdemeanour cases. Some countries might have other ways of addressing misdemeanour offences (for example via administrative law procedure). Please indicate if possible what case categories are included under "severe criminal cases" and the cases included under "misdemeanour cases (minor offences)".

Explanation

90) Total number of cases in the second instance (appeal) courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	653	5474	3549	1678
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	57	653	663	47
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

91) Total number of cases in the highest instance courts (litigious and non-litigious); (please complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions on the merits	Pending cases on 31 Dec. '06
Total of civil, commercial and administrative law cases (1-7)	25	1805	1785	45
1 Civil (and commercial) litigious cases*				
2 Civil (and commercial) non-litigious cases*				
3 Enforcement cases				
4 Land registry cases**				
5 Business register cases**				
6 Administrative law cases				
7 Other				
Total criminal cases (8+9)	11	352	344	19
8 Criminal cases (Severe criminal offences)				
9 Misdemeanour cases (minor offences)				

92) Number of divorce cases, employment dismissal cases, robbery cases and intentional homicide cases received and treated by first instance courts (complete the table)

	Pending cases on 1 Jan. '06	Incoming cases	Decisions	Pending cases on 31 Jan. '06
Divorce cases	202	1429	1491	140
Employment dismissal cases	28	207	70	165
Robbery cases	13	73	70	16
Intentional homicide case	20	84	76	28

93) Average length of proceedings (from the date of lodging of court proceedings)

	% of decisions subject to appeal	% pending cases more than 3 years	1st instance	2nd instance	Total procedure
Divorce cases					
Employment dismissal cases					
Robbery cases					
Intentional homicide					

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

95) How is the length of proceedings calculated for the four case categories? (please give a description of the calculation method)

96) Please describe the role and powers of the prosecutor in the criminal procedure (multiple options are possible):

to conduct or supervise police investigation?

to conduct investigation?

- when necessary, to demand investigation measures from the judge?
- to charge?
- to present the case in the court?
- to propose a sentence to the judge?
- to appeal?
- to supervise the enforcement procedure?
- to end the case by dropping it without the need for a judicial decision?
- to end the case by imposing or negotiating a penalty without a judicial decision?
- other significant powers?

Please specify:

Instigate criminal charges, bring actions in court to defend the interests of the state and oversee the lawfulness of discharge of the penalties and other means of compulsion.

97) Does the prosecutor also have a role in civil and/or administrative cases?

- Yes
- No

If yes, please specify:

Article 103 of the Constitution of the Republic of Armenia defines the competences of the office of the Prosecutor General. In particular in conformity with the procedure and cases defined by law the Office of the Prosecutor General shall:

- 1) instigate criminal charges and prosecute
- 2) oversee the lawfulness of preliminary inquiries and investigations
- 3) present the case for the prosecution in court
- 4) bring actions in court to defend the interests of the state
- 5) appeal the judgments, verdicts and decisions of the courts
- 6) oversee the lawfulness of discharge of penalties and other means of compulsion.

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

	Received by the public prosecutor	Discontinued by the public prosecutor because the offender could not be identified	Discontinued by the public prosecutor due to the lack of an established offence or a specific legal situation	Discontinued by the public prosecutor for reason of opportunity	Concluded by a penalty, imposed or negotiated by the public prosecutor	Charged by the public prosecutor before the courts
Total number of 1st instance criminal cases	2857	1693	698	1267		2857

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system concerning timeframes of proceedings and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 92 to 94 and question 98

The answer of the question 92 was provided by Judicial Department of RA.

The answer of the question 98 was provided by the Office of the Prosecutor General.

5. Career of judges and prosecutors

5. 1. Appointment and training

5. 1. 1. Recrutement, nomination and promotion

99) How are judges recruited?

- Through a competitive exam (for instance after a law degree)?
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

According to the article 13 of the law of the Republic of Armenia "On the Council of Justice" in the lists of recruitment of judges can be included those RA citizens who are at least 25 years old, have at least 3 years of professional working experience in the legal field and can work as judge.

100) Are judges initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of judges only?
- an authority composed of non-judges only?
- an authority composed of judges and non-judges?

101) Is the same authority competent for the promotion of judges?

- Yes
- No

If no, please specify which authority is competent for promoting judges:

The Council of Justice compose a list for the promotion of judges and present it to the President of the Republic of Armenia.

102) Which procedures and criteria are used for promoting judges? (please specify).

103) How are prosecutors recruited?

- Through a competitive exam? (for example after a law degree)
- A specific recruitment procedure for legal professionals with long working experience in the legal field (for example lawyers)?
- A combination of both
- Other

If other, please specify:

104) Are prosecutors initially/at the beginning of their carrier recruited and nominated by:

- an authority composed of prosecutors only?
- an authority composed of non-prosecutors only?
- an authority composed of prosecutors and non-prosecutors?

105) Is the same authority formally responsible for the promotion of prosecutors?

- Yes
- No

If no, please specify which authority is competent for promoting prosecutors.

106) Which procedures and criteria are used for promoting prosecutors (please specify)

According to the part 1 of the article 45 of the Law of the Republic of Armenia on the Prosecution the incentives

may be applied to prosecutors for the proper performance of official duties, work success, or other achievements. Such incentives which are an expression of gratitude, awarding a monetary prize or a souvenir, granting an additional paid leave for 10 days, awarding the "Honorary Employee of the Prosecution" degree and an appropriate medal, awarding the next rank earlier may be applied by the General Prosecutor.

107) Is the mandate given for an undetermined period for judges ?

- Yes
 No

Are there exceptions? Please specify:

The judges officiate until their age of 65.

108) Is the mandate given for an undetermined period for prosecutors?

- Yes
 No

Are there exceptions? Please specify:

In accordance with article 103 of the RA Constitution the Prosecutor General shall be appointed by the National Assembly upon the recommendation of the President of the Republic for a six-year term.

**109) If no, what is the length of the mandate?
 Is it renewable?**

for judges

yes, please
 specify the
 length

for prosecutors

yes, please
 specify the
 length

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of the selection and nomination procedure of judges and prosecutors and the main reforms that have been implemented over the last two years

The President of the Republic appoints the Prosecutor General, his deputies as well as the heads of territorial subdivisions of the General Prosecutor's Office. The other prosecutors are appointed by the General Prosecutor. (2006)

At present, the prosecutors are appointed by the Prosecutor General.

The deputies of the Prosecutor General shall be appointed by the President of the Republic upon recommendation of the Prosecutor General.

The Prosecutor General shall be appointed by the National Assembly upon the recommendation of the President of the Republic.

5. 1. 2. Training

110) Nature of the training of judges.**Is it compulsory?**

- Initial training
- General in-service training
- In-service training for specialised judicial functions (e.g. judge for economic or administrative issues)
- In-service training for management functions of the court (e.g. court president, court managers)
- In-service training for the use of computer facilities in the court

111) Frequency of the training of judges:

	Annual	Regular	Occasional
Initial training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for specialised judicial functions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for management functions of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

112) Nature of the training of prosecutors.**Is it compulsory?**

- Initial training
- General in-service training
- Specialised in-service training (e.g. specialised public prosecutor)
- In-service training for management functions of the prosecution services (e.g. head prosecutor and/or managers)
- In-service training for the use of computer facilities in the public prosecution service

113) Frequency of the training of prosecutors:

	Annual	Regular	Occasional
Initial training	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General in-service training	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Specialised in-service training	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
In-service training for management functions of the prosecution services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
In-service training for the use of computer facilities in the public prosecution service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

You can indicate below:

- any useful comments for interpreting the data mentioned above
- comments regarding the attention given to the curricula to the European Convention on Human Rights and the case law of the Court
- the characteristics of your training system for judges and prosecutors and the main reforms that have been implemented over the last two years

According to the Law of the Republic of Armenia on the Prosecution, adopted on 22 February 2007, the Prosecutorial School State Non-Commercial Organization has been established. The Prosecutorial School shall:

- 1) Carry out the professional training of persons included in the list of prosecutor candidates
- 2) Carry out the annual and additional training of prosecutors and
- 3) Train public servants working in the Prosecution staff.

5. 2. Practice of the profession

5. 2. 1. Salaries

114) Salaries of judges and prosecutors (complete the table)

	Gross annual salary (euro)	Net annual salary (euro)
First instance professional judge at the beginning of his/her career	7617,9	5500,8
Judge of the Supreme Court or the Highest Appellate Court	11594,0	6601,2
Public prosecutor at the beginning of his/her career		
Public prosecutor of the Supreme Court or the Highest Appellate Instance		

115) Do judges and public prosecutors have additional benefits?

	Judges	Prosecutors
Reduced taxation	<input type="checkbox"/>	<input type="checkbox"/>
Special pension	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Housing	<input type="checkbox"/>	<input type="checkbox"/>
Other financial benefit	<input type="checkbox"/>	<input checked="" type="checkbox"/>

116) If other financial benefit, please specify:

RA Law on the Prosecution define supplements for the rank. According to the point 12 of the Article 55 of the law for the rank of a State Counselor of Justice, a maximum supplement shall be established in the amount of 100% of the official pay rate of the Prosecutor General. For other ranks, a maximum supplement shall be established on the basis of the following percentages of the official pay rate of the Prosecutor General:

- 1) For a First Category State Counselor of Justice—85%
- 2) For a Second Category State Counselor of Justice—80%
- 3) For a Third Category State Counselor of Justice—75%

- 4) For a First Category Counselor of Justice—65%
- 5) For a Second Category Counselor of Justice—60%
- 6) For a Third Category Counselor of Justice—55%
- 7) For a First Category Counselor—50%
- 8) For a Second Category Counselor—45% and
- 9) For a Third Category Counselor—40%.

117) Can judges combine their work with any of the following other professions?

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

118) If other function, please specify:

119) Can prosecutors combine their work with any of the following other professions?

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

120) If other function, please specify:

121) Do judges receive bonus based on the fulfilment of quantitative objectives relating to the delivering of judgments?

- Yes
- No

If yes, please specify:

Please indicate the source for the question 114

The information was provided by the Judicial Department.

Q114-

net monthly salary of a judge at the beginning of the career = 458,4€

net monthly salary of a judge at the supreme court = 550,1€

5. 2. 2. Disciplinary procedures

122) Which authority is authorized to initiate disciplinary proceedings against judges and/or prosecutors? Please specify:

Disciplinary proceedings against judges may be applied by the Minister of justice, the president of the court of Cassation and by disciplinary committee of the Council of Justice.

In accordance with article 47 of the Law on the Prosecution the Prosecutor General may apply the disciplinary sanctions in relation to prosecutors appointed by him. The following disciplinary sanctions can be applied:

- 1) Warning
- 2) Reprimand
- 3) Severe reprimand
- 4) Lowering the rank by one degree
- 5) Lowering the position or
- 6) Dismissal from office.

The Prosecutor General may apply the disciplinary sanctions as warning and reprimand in relation to the deputies of the Prosecutor General.

The disciplinary sanctions as severe reprimand, lowering the rank by one degree and dismissal from office may be applied in relation to the deputies of the Prosecutor General by the President of the Republic upon a proposal from the Prosecutor General.

The disciplinary sanctions as warning and reprimand may also be applied in relation to a prosecutor by a higher-ranking prosecutor.

The lowering the rank by one degree disciplinary sanction may be applied in relation to the Prosecutor General by the President of the Republic.

The disciplinary sanctions as severe reprimand, lowering the rank by one degree, lowering the position and dismissal from office may be applied in relation to prosecutors, other than the Prosecutor General and his deputies, only on the basis of an appropriate opinion issued by the Ethics Committee.

123) Which authority has the disciplinary power on judges and prosecutors? Please specify:

124) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of disciplinary proceedings initiated

	Judges	Prosecutors
Total number (1+2+3+4)		3
1. Breach of professional ethics	21	-
2. Criminal offence		-

3. Professional inadequacy		3
4. Other		-

125) Types of disciplinary proceedings and sanctions against judges and prosecutors: number of sanctions pronounced

	Judges	Prosecutors
Total number (total 1 to 9)		13
1. Reprimand		6
2. Suspension		-
3. Withdrawal of cases		-
4. Fine		-
5. Temporary reduction of salary		-
6. Degradation of post		-
7. Transfer to another geographical (court) location		-
8. Dismissal		-
9. Other		7

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning disciplinary procedures for judges and prosecutors and the main reforms that have been implemented over the last two years

6. Lawyers

6. 1. Statute of the profession

6. 1. 1. Profession

126) Total number of lawyers practising in your country

788

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

- Yes
 No

128) Number of legal advisors?

129) Do lawyers have a monopoly of representation:

- Civil cases*
 Criminal cases - Defendant*
 Criminal cases - Victim*
 Administrative cases*

* If appropriate, please specify if it concerns first instance and appeal. And in case there is no monopoly, please specify the organisations or persons which may represent a client before a court (for example a NGO, family member, trade union, etc) and for which types of cases.

In civil and administrative cases a representation can be made by each person who reached 18 years, and is entitled to represent a client before court in order prescribed by the Law.

130) Is the lawyer profession organised through:

- a national Bar?
 a regional Bar?
 a local Bar?

Please specify:

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

Please indicate the source for the question 126

The information was provided by the Chamber of lawyers.

6. 1. 2. Training

131) Is there a specific initial training and/or examination to enter the profession of lawyer?

- Yes
- No

132) Is there a mandatory general system for lawyers requiring continuing professional training?

- Yes
- No

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

- Yes
- No

If yes, please specify:

6. 1. 3. Fees

134) Can users establish easily what the lawyers' fees will be?

- Yes
- No

135) Are lawyers fees:

- regulated by law?
- regulated by the Bar association?
- freely negotiated?

6. 2. Evaluation**6. 2. 1. Complaints and sanctions****136) Have quality standards been formulated for lawyers?**

- Yes
- No

137) If yes, who is responsible for formulating these quality standards:

- the Bar association?
- the legislature?
- other?

Please specify (including a description of the quality criteria used):

138) Is it possible to complain about :

- the performance of lawyers?
- the amount of fees?

Please specify:

A person who obtains the service of a lawyer may complain his/her unlawful actions to the Chamber of the lawyers, which may challenge executive proceedings and use disciplinary sanctions, as well as fines against him/her.

139) Which authority is responsible for disciplinary procedures:

- the judge?
- the Ministry of Justice?
- a professional authority or other?

Please specify:

The Chamber of Lawyers is responsible for disciplinary procedures.

140) Disciplinary proceedings and sanctions against lawyers:

Disciplinary proceedings initiated

	Breach of professional ethics	Professional inadequacy	Criminal offence	Other
Annual number				

141) Disciplinary proceedings and sanctions against lawyers:

Sanctions pronounced

	Reprimand	Suspension	Removal	Fine	Other
Annual number					

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning the organisation of the Bar and the main reforms that have been implemented over the last two years

7. Alternative Dispute Resolution

7. 1. Mediation and other forms of ADR

7. 1. 1. Mediation

142) If appropriate, please specify, by type of cases, the organisation of judicial mediation:

	Possibility of private mediation or court annexed mediation	Private mediator	Public authority	Judge	Prosecutor
Civil and commercial cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Family law cases (ex. Divorce)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Administrative cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment dismissals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Criminal cases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

143) Is there a possibility to receive legal aid for mediation procedures?

Yes

No

If yes, please specify:

144) Can you provide information about the number of accredited mediators?

Yes

No

If yes, please provide the number of mediators:

145) Can you provide information about the total number of judicial mediation procedures concerning:

civil cases?

yes,
number:

family cases?

yes,
number:

administrative cases?

yes,
number:

employment dismissals?

yes,
number:

criminal cases?

yes,
number:

Please indicate the source for the question 145

There are no mediation procedures (courts) in Armenia.

7. 1. 2. Other forms of alternative dispute resolution

146) Can you give information concerning other forms of alternative dispute resolution (e.g. Arbitration, conciliation)? Please specify:

At present 3 courts of arbitration function in the RA.

1. Court of arbitration under the union of banks,
2. Court of arbitration under the Chamber of Commerce and Industry,
3. Court of arbitration under the union of "defender of law" of NGO.

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your system concerning ADR and the main reforms that have been implemented over the last two years

In 2006, questions related with arbitration have been regulated by the Law of RA from 5 May 1998 on courts of arbitration and arbitration procedure. That Law has lost his force in 25 December 2006 by entering into force of the Law of RA on Commercial arbitration.

8. Enforcement of court decisions

8. 1. Execution of decisions in civil matters

8. 1. 1. Functioning

147) Number of enforcement agents

249

148) Are enforcement agents:

- judges?
- bailiff practising as private profession ruled by public authorities?
- bailiff working in a public institution?
- other enforcement agents?

Please specify their status:

Enforcement agents are public servants, which act in the structure of the Ministry of Justice of the Republic of Armenia.

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

- Yes
- No

150) Is the profession of enforcement agent organised by?

- a national body?
- a regional body?
- a local body?

151) Can users establish easily what the fees of the enforcement agents will be?

- Yes
- No

152) Are enforcement fees:

regulated by law?

freely negotiated?

Please indicate the source for the question 147

Decision of RA Government.

8. 1. 2. Supervision

153) Is there a body entrusted with the supervision and the control of the enforcement agents?

Yes

No

154) Which authority is responsible for the supervision and the control of enforcement agents:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

155) Have quality standards been formulated for enforcement agents?

Yes

No

If yes, who is responsible for formulating these quality standards and what are the quality criteria used?

The Service of compulsory enforcement of judicial acts.

Criteria - higher education, knowledge of Armenian language, military service, professional skills, state of health.

156) Do you have a specific mechanism for executing court decisions rendered against public authorities, including for monitoring the execution?

- Yes
 No

If yes, please specify:

Please indicate the sources for the questions 155 and 156

The source for the question 155 is the Law of the Republic of Armenia on the Service of compulsory enforcement of judicial acts.

8. 1. 3. Complaints and sanctions

157) What are the main complaints of users concerning the enforcement procedure? (please indicate a maximum of 3)

- no execution at all?
 non execution of court decisions against public authorities?
 lack of information?
 excessive length?
 unlawful practices?
 insufficient supervision?
 excessive cost?
 other?

Please specify:

162) Sanctions pronounced against enforcement agents:

Reprimand	<input checked="" type="checkbox"/> yes, number:	282
Suspension	<input checked="" type="checkbox"/> yes, number:	3
Dismissal	<input checked="" type="checkbox"/> yes, number:	48
Fine	<input type="checkbox"/> yes, number:	
Other	<input type="checkbox"/> yes, number:	

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in civil matters and the main reforms that have been implemented over the last two years

Please indicate the sources for the questions 157 and 160

The information on question 157 was provided by the Service of compulsory enforcement of judicial acts. The question 160 is regulated by the Law of the Republic of Armenia on "Service of compulsory enforcement of judicial acts".

8. 2. Execution of decisions in criminal matters**8. 2. 1. Functioning****163) Is there a judge who is in charge of the enforcement of judgments?** Yes No

If yes, please specify his/her functions and activities (e.g. Initiative or control functions). If no, please specify which authority is entrusted with the enforcement of judgements (e.g. prosecutor).

The judicial decisions are carried out by the Service of compulsory enforcement of judicial acts.

164) As regards fines decided by a criminal court, are there studies to evaluate the effective recovery rate? Yes No

If yes, please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above
- the characteristics of your enforcement system of decisions in criminal matters and the main reforms that have been implemented over the last two years

9. Notaries

9. 1. Statute

9. 1. 1. Functioning

165) Do you have notaries in your country? If no, go to question 170.

- Yes
 No

166) Is the status of notaries:

- | | | |
|---|---|----|
| a private one (without control from public authorities)? | <input type="checkbox"/> yes,
number: | |
| a status of private worker ruled by the public authorities? | <input checked="" type="checkbox"/> yes,
number: | 71 |
| a public one? | <input type="checkbox"/> yes,
number: | |
| other? | <input type="checkbox"/> yes,
number and
specify: | |

167) Do notaries have duties:

- within the framework of civil procedure?
 in the field of legal advice?
 to authenticate legal deeds?
 other?

Please specify:

Please indicate the source for the question 166

The RA Law on Notary Office.

9. 1. 2. Supervision

168) Is there an authority entrusted with the supervision and the control of the notaries?

Yes

No

169) Which authority is responsible for the supervision and the control of the notaries:

a professional body?

the judge?

the Ministry of Justice?

the prosecutor?

other?

Please specify:

You can indicate below:

- any useful comments for interpreting the data mentioned above

- the characteristics of your system of notaries and the main reforms that have been implemented over the last two years

10. Functioning of justice

10. 1. Foreseen reforms

10. 1. 1. Reforms

170) Can you provide information on the current debate in your country regarding the functioning of justice? Are there reforms foreseen? (for example changes in legislation, changes in the structure of the judiciary, innovation programmes, etc). If yes, please specify.

The list of legal acts, which has been adopted or amended in 2006 in result of amendments in the RA Constitution (adopted on 27 November 2005) and its timetable have been approved by the RA Government Decision.

Judicial Code has been adopted on 21 February 2007. According to the Code starting from 1 January 2008 a new Judicial system has been established in the Republic of Armenia.

In accordance with article 3 of the Code the highest instance, except the questions of constitutional justice, is the Court of Cassation of RA. First instance court and court of Appeal also function in the Republic of Armenia.

The first instance courts are:

1. Courts of general jurisdiction,
2. Specialized courts.

Specialized courts are:

1. Criminal Courts,
2. Civil Courts,
3. Administrative Court.

Courts of Appeal are:

- Criminal Court of Appeal,
Civil Court of Appeal.

The Judicial Code generally regulates the relations such as: establishment of courts, formation, determination of jurisdiction, assurance to apply the legislation identically, status of judges, as well as preparation of candidacies of judges, their nominations, disciplinary liability of judges, formation and implementation of activities of the Council of Justice.

According to the Code an administrative court was established, which is called to solve disputes, which have been arisen between State and citizens and legal entities. Also courts of general jurisdiction, civil and criminal courts were created.

The Judicial Code prescribes provisions, which are called to decrease risks of corruption, to exclude all possible interferences or attempts, which may prevent the independence of judges, to establish additional conditions with the aim to ensure full independence of judges.

In this regard it is intended to raise the salary of judges.

It is also envisaged by the Code to create a judicial school which will be in charge with issues on training of personnel of judicial system and organization of their continual retraining.

The activities ordered to ensure compulsory execution of judicial acts have been improved. Accordingly it has been adopted a new Law on Provision of Services for Compulsory Execution of Judicial Acts, as well as necessary amendments have been done in the Law on Compulsory Execution of Judicial Acts in order to create sufficient legislative bases to ensure in time and efficient execution of judicial acts.

Practical measures have been taken in order to ensure technical saturation of institutions of criminal executive and judicial acts' compulsory executive services and in order to modernize their activities.

It is important to mention that the requirements of this Decision are duly implemented and some laws have already been adopted.

It is foreseen to have judicial self-governing bodies in order to solve the issues within judicial power more efficiently and independent.

The RA Law "On Judicial service", which entered into force on 5 October 2006 is a legal basis for improvement of judicial activities. The Law provides for the terms and conditions for starting judicial service, the rights and obligations of judicial servants, their social guaranties. The Law is ordered to make the efficiency of courts' activities and responsibilities of judicial servants in the relations with citizens and legal entities more increased, as well as to improve the conditions for payment of judicial servants.